



PLANNING COMMISSION AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Wednesday, August 21, 2024 @ 6:00 PM

The public is invited to attend these meetings in person.
Attend by Phone: 1-844-992-4726 Meeting Access Code: 2481 840 1859

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 July 17th, 2024 Meeting**

6. **Unfinished Business**

A. **Hold Public Hearing for Proposed Ordinance Regulating Garage Requirements for Residential Housing Units**

7. **New Business**

A. **Consider Conditional Use Permit Amendment at 703 Oak Street to Construct an Outdoor Playground at the Current Childcare Facility**

B. **Hold Public Hearing for Proposed Ordinance Prohibiting Outdoor Storage for Crypto Mining and Similar Uses**

C. **Review and Provide Direction for Building Design Standards**

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

Wednesday, July 17, 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, Peterson, Stenglein, and Gorham. Commissioner Grunenwald was noted as absent. Also noted as present was Community Development Director Kramvik.

#3 Pledge of Allegiance

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

#4 Approval of Agenda

MOVED AND SECONDED BY COMMISSIONERS NORWOOD AND STENGLEIN, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

#5 Approval of Minutes

MOVED AND SECONDED BY COMMISSIONERS STENGLEIN AND DUVAL, DULY CARRIED, TO APPROVE THE MINUTES FROM THE JUNE 20, 2024 MEETING.

#6 Unfinished Business

None

#7 New Business

7a. Consider Interim Use Permit for a Short-Term Rental at 1123 15th Ave NE

Community Development Director Kramvik gave the details of the application for an Interim Use Permit to operate a short-term rental at 1123 15th Ave NE. He read through the house rules, which will include a change from eleven (11) to nine (9) occupants due to the sizes of rooms.

Commissioners discussed and asked questions to Community Development Director Kramvik.

The Chair opened the public hearing at 6:05 pm.

The Chair recognized Mike Fish, MN Real Estate and Property Management, who is managing this property for the property owner. He gave a full explanation of the property and requirements of the tenants using the property.

The Chair recognized Marty Johnson, 1104 15th Ave NE, who asked questions regarding the approval process and how many have been denied. He made comments regarding the sale of the home and completing this application prior to being approved. It appears that the purchaser assumed it would be approved before the sale was final.

The Chair recognized Cheryl Caitland, 1208 15th Ave NE, who had concerns regarding the previous owners with parties, bright outdoor lighting, and excessive noise. She was assured that the City would do what they could to regulate problems and concerns can be called in to the PD or City staff.

The Chair recognized Virginia Kopp, 1119 15th Ave NE, who indicated there have been issues with cars blocking her driveway and on-street parking. Her other concern is the large dock area in the lake for multiple watercrafts that block other property owner's lakeshore space.

The Chair recognized Mike Fish, who responded to some of the questions asked. He said he will be sure to provide contact information and the complete house rules to all neighboring properties.

Discussion took place.

The Chair closed the public hearing at 6.33 pm.

MOVED AND SECONDED BY COMMISSIONERS FRANCIS AND PETERSON, DULY CARRIED, TO RECOMMEND APPROVAL OF ONE SHORT-TERM RENTAL AT 1123 15TH AVE NE AS PRESENTED WITH THE FOLLOWING CONDITIONS ADDED 1) NO PARKING ON THE STREET 2) NO AMPLIFIED SOUND 3) FOLLOW ALL WATERCRAFT REGULATIONS AND DOCK SIZE ADMINISTERED BY THE DNR AND FOLLOW ALL CITY SHORELAND ORDINANCE REQUIREMENTS.

Community Development Director Kramvik indicated this will be on the August 5, 2024 City Council agenda for approval or denial.

7b. Consider Conditional Use Permit for a Childcare Center Expansion at 418 8th Ave NE

Community Development Director Kramvik stated this application is to amend the conditional use permit by expanding the fenced play area that was originally approved. It was discovered by Mn DOH that the size was not satisfactory for the number of children attending the center. The request is also to add another classroom within the year.

The Chair opened the public hearing at 6:48 pm.

The Chair recognized Erin Karnowski, 2410 Oak St., who said the fenced area needs expansion for the play area and will be expanding an existing room into another classroom.

The Chair closed the public hearing at 6:50 pm.

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND NORWOOD, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT TO EXPAND THE SIZE OF THE CURRENT FENCED AREA AND TO ALLOW FOR THE EXPANSION OF ANY ADDITIONAL CLASSROOMS WITH THE CONDITIONS PRESENTED.

Community Development Director Kramvik stated this topic will be on the August 5, 2024 City Council meeting agenda for final approval or denial.

7c. Review Comprehensive Plan Implementation Strategy Progress

Community Development Director Kramvik went through the items provided in the packet relating to the implementation of the Comprehensive Plan.

Commission discussion took place.

#8 Public Forum

The Chair opened the public forum at 7:23 pm.

The Chair recognized Sarah Thiesse, 11687 Oakridge Rd., who requested staff consider an ordinance that will not permit crypto mining as an option in outdoor storage. She indicated it would eliminate a lot of noise issues, and another company could apply for the same thing.

The Chair closed the public forum at 7:25 pm.

Community Development Director Kramvik indicated this topic is on the itinerary for future discussion.

#9 Staff Reports

Community Development Director Kramvik made the following updates:

- City Council denied the Interim Use Permit for 1918 Thiesse Drive. There is a workshop being scheduled with BPU and the EDA to discuss future options for this site.
- City Council held the first reading of an ordinance to prohibit camping in the City.
- City Council passed an expansion of the current River to Rail Incentive Program to include 6th Street South to Buffalo Hills Lane and Washington Street.
- BLADEC authorized a façade improvement grant.

#10 Commission Member Report

Commissioner Gorham questioned the camping ordinance, and it was clarified by Community Development Director Kramvik the purpose of the ordinance.

#11 Adjournment

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND STENGLEIN, DULY CARRIED, TO ADJORN AT 7:30 PM.

Don Gorham, Planning Commission Chair

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: August 21st, 2024

RE: Hold Public Hearing for 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 and 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 typically 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 June 20th Planning Commission meeting, the Commission reviewed the proposed ordinance related to garage requirements for one-to-four-unit residential structures and recommended no additional changes. As proposed, two-to-four-unit buildings would have no garage requirement while single-family homes would be required to either have a 12x20 garage or 10x12 shed. The Commission directed staff to bring the proposed ordinance back to conduct the public hearing.

Staff has indicated in the past that the garage requirement helps stop the conversion of historic single-family homes into multi-family buildings. However, the off-street parking requirement would still be active and a requirement for conversions. Small and fully developed parcels would be difficult to convert as two-bedroom units require two off-street parking spaces. Each additional bedroom requires a ½ parking space. In addition, a vehicle cannot be prevented from moving by another unit's parked vehicle.

STAFF RECOMMENDATION

Hold a public hearing for the proposed ordinance and recommend approval.

**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: Purpose

1. It is recognized that, like many Cities, Brainerd's housing stock and price dynamics can create an affordability challenge, causing unstable housing for some residents.
2. Construction costs continue to increase for residential housing units which makes it difficult to ensure an adequate supply of quality and affordable housing units for current and future residents.
3. This ordinance's intent is to allow the market to dictate garage construction by removing the garage requirement for one-to-four-unit residential buildings. The amendment will reduce construction costs and therefore encourage future affordable housing development.

SECTION TWO: 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 THREE: 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 FOUR: 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 – _____

NOTICE OF HEARING

Notice is hereby given that the City of Brainerd Planning Commission will be conducting a public hearing to consider a proposed ordinance amending Section 515-4-2 (Building Design Standards) of the Brainerd Zoning Code relating to accessory structure requirements. The proposed ordinance would remove the requirement for a garage for new single family, duplex, triplex, and fourplex structures. As proposed, single-family homes would have the option of constructing a garage or a one-hundred-twenty (120) square foot accessory structure shed.

A Public Hearing will be conducted by the Planning Commission at 6:00 p.m. Wednesday, August 21, 2024, in City Hall Council Chambers, 501 Laurel Street, Brainerd.

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

Dated this 31st day of July 2024

Publication Date: August 3, 2024



James L. Kramvik
Community Development Director

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: August 21st, 2024

RE: Consider Conditional Use Permit for a Playground at the YMCA Day Care Facility at 703 Oak St.

INTRODUCTION

Brainerd Family YMCA applied for a Conditional Use Permit Amendment (CUP) to construct a 50' x 50' fenced in playground at the Commercial Day Care Facility at 703 Oak St. Brainerd, MN 56401. The applicant is proposing the installation of a permanent play structure (picture attached) in the playground area along with weatherproof outdoor storage boxes for all loose toys to be stored.

PUBLIC HEARING. Conditional Use Permit

CONTEXT

Parcel Number: 41241025

Zoning District: Town Center (TC) District

Property Area: 0.3692 Acres

Adjacent Uses: North: Parking Lot
East: Single Family Dwelling
East: Mortuary & Funeral Services
South: Single Family Dwelling
West: Dining Establishment

Adjacent Zoning: North: Town Center (TC) District
East: Town Center (TC) District
East: Town Center (TC) District
South: Traditional Neighborhood-2 (TN-2) District
West: Town Center (TC) District

AERIAL MAP



PLAY EQUIPMENT



FINDINGS OF FACT

1. 703 Oak St. Brainerd, MN 56401 is in Town Center (TC) 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 TC 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 public health, safety, and general welfare. 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 Town Center zoning district does not have lot size minimums or setback minimums. The requirements are 0' to 10' build to range on the front and side yard setbacks and the existing structure meets these stipulations as written in the code.*
 - 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 703 Oak St. 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. *The applicant is proposing a 5' tall white privacy fence around the entire 50' x 50' playground area with a 3' walk gate and an 8' double gate.*
 - D. Parking. There shall be off-street parking located separately from any outdoor play area and must comply with all applicable standards.
 - i. *The TC (Town Center) district is exempt from parking space minimums. The applicant has indicated the playground area will not interfere with drop off's, pick-ups or parking. The playground will be to the far back of the parking lot and new lines will be painted to guide parents and staff.*
 - 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 TC (Town Center) Zoning District.*

B. The proposed use meets the regulations and standards established in this Ordinance.

- i. *The TC Zoning District must meet the coverage and principal building standards as defined in [Zoning Code Section 515-2-11.C](#). The following standards are applied to the construction of a principal building on a GI lot:*

1. *The applicant does not propose an expansion to the building or parking lot. The proposed outdoor play area meets all setback requirements of the TC District.*
2. *Build to Range 0'-10'*
 - a. *The existing building has a 15'0" Setback from the property line at the front of the parcel. This is an existing nonconformity.*
3. *Side Yard Build to Range 0'-10'*
 - a. *There is a side yard setback of 0',0" on the Eastern Side and there is a 17'8" setback from the western side.*
4. *Rear Yard Setback (minimum) 0'*
 - a. *The building has a 36' setback from the rear property line.*

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 703 Oak will be conducted entirely inside the building except for the outdoor play area which will be screened by a 5-foot white privacy fence. This facility will not 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 proposed playground will be behind the building which will maintain the consistency with other front facades along Oak Street.*
 - 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 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 66 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 repurpose and enhance the property for a use that is needed within Brainerd.*
 - 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 the YMCA addresses 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.

As of this writing, no parties have contacted the Community Development Department for more information on the Conditional Use Permit application for the proposed playground area at the Commercial Day Care Facility.

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

STAFF RECOMMENDATIONS

The Community Development Department recommends approval of the Conditional Use Permit for an outdoor playground area at 703 Oak Street, Brainerd.



Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401

218-828-2307

www.ci.brainerd.mn.us

RECEIVED

JUL 29 2024

CITY OF BRAINERD
ADMINISTRATION

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

RESIDENTIAL

CONDITIONAL USE PERMIT	☐	(\$350.00)
REZONING	☐	(\$350.00)
VARIANCE	☐	(\$350.00)
ZONING TEXT AMENDMENT	☐	(\$250.00)

COMMERCIAL

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

← Held from
P223-0017

PROPERTY ADDRESS: 703 oak street Brainerd, MN 56401

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

Property Owner Name: Shane Riffle

Street Address: 602 oak street City: Brainerd State: MN Zip Code 56401

Phone Number: 218-829-4767 Fax: _____ E-mail: sriffle@blymca.org

Applicant Name: (If different than Property Owner) Maci Barrett

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

Phone Number: 218-851-0705 Fax: _____ E-mail: mbarrett@blymca.org

Description of Request: Looking to install a fenced in playground
onsite in the parking lot and/or grass corner of
703 oak street Brainerd, MN 56401. It would be a
50x50 fenced in area

Property Owner Signature

Shane Riffle

(Please print name)

Maci Barrett

Applicant Signature

Maci Barrett

(Please print name)

7-19-24

Date

7-19-24

Date



Imagery ©2024 Airbus, CNES / Airbus, Maxar Technologies, Map data ©2024 Google 20 ft

From: [Maci Barrett](#)
To: [Stephanie Bestul](#)
Subject: Re: 703 Oak Street CUP Permit Application
Date: Wednesday, August 7, 2024 4:03:39 PM
Attachments: [image001.png](#)
[image002.png](#)
[image001.png](#)

*** **Warning:** External sender, use extreme caution with attachments and links ***

We have done an unofficial parking assessment over the course of two weeks. For the location we would like the proposed playground to be, it will not interfere with pick up or drop off of the children on a daily basis.

The playground will be off to the side and will not hinder any parking or backing up in the parking lot area. We are also getting new lines painted in our parking lot to help guide parents and employees where needed for their allotted parking spaces.

There will still be a space near the back of the parking lot in which people may be able to drive thru the easement if needed

On Wed, Aug 7, 2024 at 11:35 AM Stephanie Bestul <sbestul@ci.brainerd.mn.us> wrote:

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Brainerd Family YMCA has submitted a request for a Conditional Use Permit to construct a 50' x 50' playground in a portion of the parking lot for the Commercial Day Care Facility at 703 Oak St. Brainerd, MN 56401. The property included in this application is described as:

*LOT 019 BLOCK 131
Town of Brainerd & First Addition to Brainerd
Parcel #: 41241025
Section 24, Township 45, Range 31*

The property is zoned Town Center (TC) District, and Zoning Ordinance Section 513-3 Appendix A Table of Uses

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, August 21, 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 7th day of August, 2024



James L. Kramvik
Community Development Director

Publication Date: August 10th, 2024

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: August 21st, 2024

RE: Hold Public Hearing for Proposed Ordinance Prohibiting Outdoor Storage for Crypto Mining and Similar Uses

INTRODUCTION

VCV Digital Infrastructure Minnesota, LLC applied for an Interim Use Permit for outdoor storage as a principal use to operate a crypto mining facility at 1918 Thiesse Dr. The proposed site plan included 26 containers that house data machines with attached cooling towers. The proposed containers were 40 feet in length and utilized immersion cooling technology. The City Council considered this Interim Use Permit at their July 1st meeting and unanimously recommended denial of the IUP based on the sound levels at the residential properties and the inconsistencies with the Brainerd Comprehensive Plan.

Due to the sound level concerns the City Council directed staff at the August 5th meeting to draft an ordinance that would prohibit outdoor storage for crypto mining facilities, data centers, AI centers, and similar uses.

STAFF RECOMMENDATION

Hold a public hearing for the proposed ordinance and recommend approval.

**ORDINANCE
NO. 15XX**

AN ORDINANCE AMENDING SECTION 515-3-30 OF THE ZONING CODE

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Purpose

1. It is recognized that the Brainerd City Council has voiced concerns and denied an Interim Use Permit for an outdoor storage crypto mining facility due to expected sound levels emanating from such facilities.
2. The purpose of this ordinance is to protect the health, safety, and welfare of the public by prohibiting outdoor storage for crypto mining facilities, data centers, AI centers, and similar uses.

SECTION TWO: Outdoor Storage - Section 515-3-30.B.7 is hereby amended as indicated, with the following added language underlined and deleted language struck out:

515-3-30 Outdoor Storage

B. General Provisions

~~7. Noises emanating from the use are in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations MPC 7030.~~

3. Outdoor Storage is permitted in Non-Residential Zoning Districts and shall conform to the following standards:

a. Noises emanating from the use are in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations MPC 7030.

b. The storage area is screened from view of neighboring uses, residential zoning districts, and public rights-of-way with a minimum 6' fence that provides less than 75 percent visibility.

i. Approved fence types include solid wood and vinyl fences, concrete wall fences, picket fences, and chain link fences with slats.

c. Storage area is fenced in a manner approved by the City.

d. All lighting shall be in compliance with Section 515-4-8 of this Ordinance.

e. The storage area does not take up parking space or loading space as required for conformity to this Ordinance and not in front yards.

f. The storage area shall not abut or be within one hundred (100) feet of property zoned for residential, rural, or business use, including land in a neighboring township or city. "Abutting" includes across a street. "Abutting" does not include properties that touch only corner to corner.

g. The storage area shall not abut or be within one hundred (100) feet of a school or a public park.

h. Storage shall not include material considered hazardous under Federal or State Environmental Law.

i. The ratio of accessory outdoor storage area to building footprint shall not exceed three and one-half to one (3.5:1).

SECTION THREE: Outdoor Storage - Section 515-3-30.B.4 is hereby added as indicated, with the following added language underlined:

4. Outdoor Storage is prohibited in all Zoning Districts for crypto mining facilities, data centers, AI centers, and similar uses.

SECTION FOUR: Outdoor Storage - Section 515-3-30.B.8-9 is hereby deleted in its entirety:

SECTION FIVE: 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 – _____

NOTICE OF HEARING

Notice is hereby given that the City of Brainerd Planning Commission will be conducting a public hearing to consider a proposed ordinance amending Section 515-3-30.B.7 (Outdoor Storage) of the Brainerd Zoning Code. The proposed ordinance would prohibit outdoor storage for crypto mining facilities, data centers, AI centers, and similar uses.

A Public Hearing will be conducted by the Planning Commission at 6:00 p.m. Wednesday, August 21, 2024, in City Hall Council Chambers, 501 Laurel Street, Brainerd.

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

Dated this 7th day of August 2024

Publication Date: August 10th, 2024



James L. Kramvik
Community Development Director

BRAINERD, MN
Chapter 515 ZONING

7. All licenses required for serving alcohol specified in city code Chapter XIII shall be obtained.

515-3-29 Outdoor Service, Sale, and Rental

A. Any outdoor services, sale and rental use must comply with the following minimum standards:

1. Outside services, sales and equipment rental connected with the principal use is limited to fifty (50) percent of the gross floor area of the principal use.
2. Outside sales areas are fenced and screened from view of neighboring properties and any public rights-of-way.
3. All lighting shall be hooded and downcast so that the light source shall not be visible from the public right-of-way or neighboring properties.
4. Any dedicated sales area shall be hard surfaced to control dust and drainage.
5. Additional standards in Town Center (TC) and Main Street (MS) Zoning Districts.
 - a. Outside services, sales, and equipment rental accessory to the principal use and limited in area to fifteen (15) percent of the gross floor area of the principal building or fifteen (15) percent of the tenant bay if it is a multiple tenant building. Outside service, sales and rental area must be located on private property and shall not intrude on the public sidewalk or boulevard.

515-3-30 Outdoor Storage

A. **Purpose and Intent.** This Section is intended to provide regulations for outdoor storage on properties in the City. The purpose of the regulations is to ensure that any outdoor storage is not a hazard to the public health and safety, does not impair scenic views, or constitute a nuisance.

B. **General Provisions.**

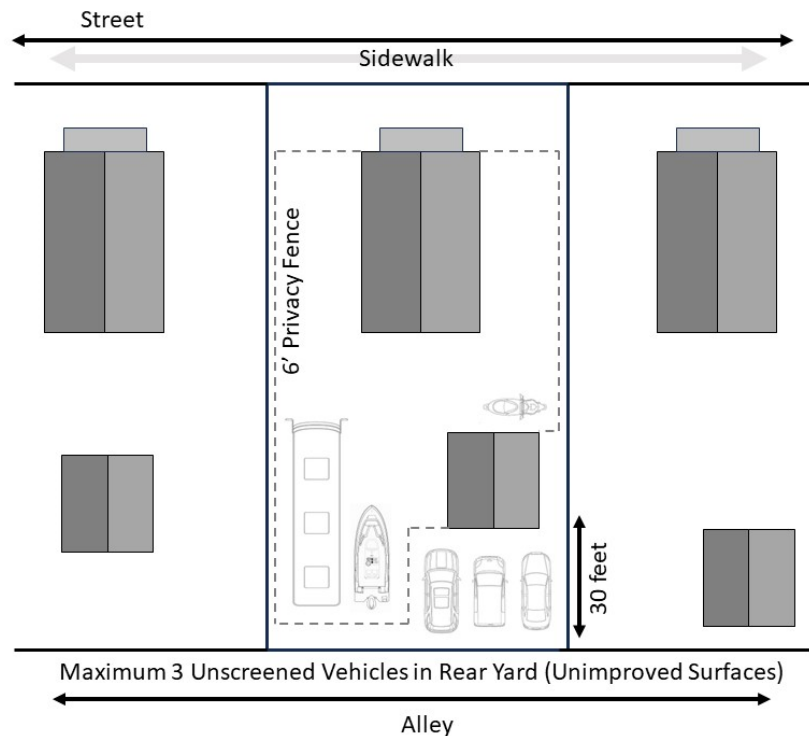
1. The City Council may order the owner of any property to cease or modify outdoor storage uses, including existing uses, provided it is found that the use constitutes a public nuisance, as described in the Brainerd City Code.
2. Outdoor Storage is as regulated by the Appendix A: Table of Uses. Outdoor storage is not permitted in any Residential Zoning District.
 - a. In all Residential Zoning Districts, all materials, equipment, and personal property shall be stored within a building or be fully screened so as not to be visible from abutting properties or right-of-way, except for the following:
 - i. Clothes lines.
 - ii. Recreational equipment (does not include recreational vehicles).
 - iii. Construction and landscaping materials or equipment currently being used on the premises (within a period of one (1) year).
 - iv. Agricultural equipment and materials currently being used on the premises (within a period of one (1) year).
 - v. Rear or side yard storage of firewood for the purpose of consumption only by the person or persons residing on the premises.
 - vi. Off-street parking of licensed and operable passenger automobiles and pick-up trucks (does not include racing cars or stock cars) may be stored in the front yard on a designated driveway or parking area on an improved surface according to Section 515-4-12.H.
 - a. Off-Street parking in the rear yard exceeding thirty (30) feet from the rear property line must be parked on an improved surface or screened by a six (6) foot privacy fence with ninety (90) percent opacity from

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neighboring properties and the right-of-way. No more than three (3) vehicles or recreational vehicles in any combination shall be left outside the fenced area on an unimproved surface in the rear yard as indicated in Figure 515-3-30.1.

- i. Rural Living One (RL-1) and Rural Living Two (RL-2) Zoning Districts are exempt from the above paragraph.

Figure 515-3-30.1



(Amended Ord. No. 1559 – 2023)

7. Noises emanating from the use are in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations MPC 7030.
8. Outdoor storage accessory to a principal use is permitted with the following additional minimum standards:
 - a. The storage area is landscaped and screened from view of neighboring uses, residential zoning districts, and public rights-of-way per Section 20 of this Ordinance.
 - b. Storage area is fenced in a manner approved by the City.
 - c. Storage area is paved or surfaced to control dust and erosion.
9. All lighting shall be in compliance with Section 18 of this Ordinance.
 - a. The storage area does not take up parking space or loading space as required for conformity to this Ordinance and not in front yards.
 - b. The storage area shall not abut property zoned for residential, rural, or business use, including land in a neighboring township or city. “Abutting” includes across a street. “Abutting” does not include properties that touch only corner to corner.
 - c. The storage area shall not abut a school or a public park.

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- d. The ratio of storage area to building footprint shall not exceed three and one-half to one (3.5:1).
- e. Storage shall not include material considered hazardous under Federal or State Environmental Law.

515-3-31 Outdoor Woodburning Furnaces, Placement and Operation

- A. The placement of any outdoor woodburning furnace must comply with the following minimum standards:
1. Outdoor wood burning furnaces shall be located 25 feet from all property lines.
 2. The outdoor wood burning furnace shall be located on a property in compliance with manufacturer's recommendations and/or testing and listing requirements for clearance for combustible materials.
 3. The outdoor wood burning furnace shall be located at least 100 feet from any building that is not served by an outdoor wood burning furnace.
 4. The chimney height of any new outdoor wood burning furnace shall extend at least two (2) feet above the peak of any building not served by an outdoor wood burning furnace within 300 feet.

515-3-32 Parking Lots

- A. Any parking lot not located on the same lot as the Principal Structure must comply with the following minimum standards:
1. The parking lot shall be adjacent to or across an alley from a Base Zoning District that permits or conditionally permits the principal use served by the parking lot.
 2. The parking lot parcel(s) shall be no wider than the boundary line of the primary parcel on which the associated use is located.
 3. Overnight parking will be limited to vehicles owned and operated by the business associated with the principal use.
 4. Alley improvements desired by the adjacent property owner shall be approved by the City of Brainerd and improved at the requesting party's expense.

515-3-33 Recreational Vehicle Storage and other Temporary Vehicles

- A. Recreational vehicles may not be used for the storage of items in conjunction with a residential, business, commercial or industrial enterprise.
1. Recreational vehicles may not be used as a residence, accessory dwelling unit, office, or business on any residential lot.
- B. Temporary trailers and facilities generated by public service agencies (bookmobiles, bloodmobile, construction trailers, etc.) are a permitted use by Administrative Permit, provided that:
1. The facilities are located in a manner that does not interfere with existing traffic patterns.
 2. The proposed temporary use is compatible with existing surrounding land uses.
 3. The request has a specific term for placement and removal, subject to approval by the Zoning Administrator.
- C. Temporary real estate sale/rental trailers or offices may be allowed by Interim Use Permit, provided that:
1. The temporary trailer/office is located on the site of an approved project or subdivision.
 2. The temporary trailer/office meets all required setbacks of the underlying zoning district.
 3. The temporary trailer/office provides adequate parking in accordance with Section [515-4-12] of this Ordinance.

R E S O L U T I O N
No. 30:24

RESOLUTION DENYING INTERIM USE PERMIT

WHEREAS, VCV Digital Infrastructure Minnesota, LLC applied for an interim use permit for outdoor storage as a principal use to operate a crypto-mining facility at 1918 Thiesse Dr (PID 41060508); and

WHEREAS, the property is zoned GI - General Industrial; and

WHEREAS, adjacent zoning is GI - General Industrial and RR 2.5 – Rural Residential 2.5 (Crow Wing County); and

WHEREAS, an interim use permit is required for outdoor storage as a principal use; and

WHEREAS, the Planning Commission recommended denial of the interim use permit by a 3-2 vote; and

WHEREAS, Zoning Code section 515-5-3.B.2 states that uses defined as Interim Uses which do not presently exist within a respective Zoning District shall be processed according to the standards and procedures for a Conditional Use Permit as established by Section 515-5-2 of this Ordinance; and

WHEREAS, Zoning Code section 515-5-2.B.6.a-g provides that the 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.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA:

1. Consistent with section 515-5-2, the Council approves the following findings:
 - a. "The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan." Only applications that "serve, in a general way the needs of the citizens" shall be considered.
 - i. *Economic Development Goal 3 - Policy 2 - Attract new businesses best suited for the community's assets, increasing local employment options and building the city's tax base.*
 1. *The project is expected to consume 25 megawatts of power.*
 2. *The project fails to materially increase local employment as only sixteen jobs are expected to be added.*
 3. *One job is expected to be created for every 1.5 megawatts of power usage, which is not an efficient use of the City's assets.*

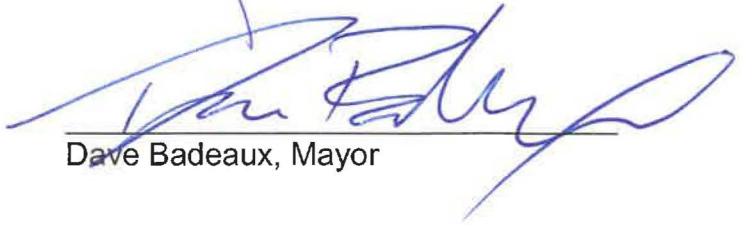
- ii. *Housing Goal 1 - Policy 5 - Ensure an adequate supply of quality and affordable housing units for current and future residents.*
 - 1. *Over one hundred homes could be powered for every one employee working at the facility. The high energy demand is potentially detrimental to the City's ability to prepare for future housing needs as the 2020 Crow Wing County Housing Study stated that 4,800 additional units must be created between 2018-2033 to meet the demands of the region.*
 - iii. *Facilities & Infrastructure – Goal 3 - Policy 5 - Steer city development to energy and resource conservation by promoting renewable energy sources, protecting our water supply, and leveraging the hydroelectric dam.*
- 2. According to Section 515-3-28.7 Noises emanating from the outdoor storage use are in compliance with and regulated by the State of Minnesota Pollution Control Standards.
 - a. The proposed outdoor crypto mining facility will operate 24 hours a day.
 - b. Under MPCA standards, residential property is deemed to be within Noise Area Classification 1. Within that classification, during nighttime hours (10:00 p.m. to 7:00 a.m.), the noise levels cannot exceed 55 dBA for 10 percent of the time or 50 dBA for 50 percent of the time.
 - c. VCV provided a sound study map showing that, at their property lines, parcels 75060520 and 75060522 will experience nighttime sound levels that exceed the 50 dBA standard.
 - d. While the homes on the parcels are not at the property lines, the expected sound levels will exceed state standards on the properties.
- 3. For the stated reasons, the application for an interim use permit for outdoor storage as a principal use to operate a crypto-mining facility at 1918 Thiesse Dr is denied.

Adopted this 15th day of July 2024.

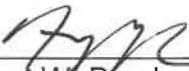


Kelly Bevens, Council President

Approved this 16th day of July 2024.



Dave Badeaux, Mayor

ATTEST: 

Nicholas W. Broyles, City Administrator

From: [Nick Broyles](#)
To: [James Kramvik](#)
Subject: FW: Agenda Item for 8-5 Council Meeting
Date: Monday, July 29, 2024 3:51:13 PM
Attachments: [image001.png](#)

Kelly is fine with this being on the agenda.



Nick Broyles | City Administrator
City of Brainerd | 501 Laurel Street Brainerd MN 56401
218-828-2307 | nbroyles@ci.brainerd.mn.us

From: Kelly Bevens <kbevans@ci.brainerd.mn.us>
Sent: Monday, July 29, 2024 3:29 PM
To: Nick Broyles <nbroyles@ci.brainerd.mn.us>
Subject: Fw: Agenda Item for 8-5 Council Meeting

I have no problem with this as an agenda item. I believe any potential Crypto miners will appreciate an answer to this question & the sooner the better.

Kelly

From: Nick Broyles <nbroyles@ci.brainerd.mn.us>
Sent: Monday, July 29, 2024 12:55 PM
To: Kelly Bevens <kbevans@ci.brainerd.mn.us>; James Kramvik <jkramvik@ci.brainerd.mn.us>
Subject: FW: Agenda Item for 8-5 Council Meeting

Kelly / James,

Do you want this on the agenda? Please let me know your thoughts and I will respond to Sarah.

Thanks!

Nick



Nick Broyles | City Administrator
City of Brainerd | 501 Laurel Street Brainerd MN 56401
218-828-2307 | nbroyles@ci.brainerd.mn.us

From: Sarah Thiesse <sarahtc80@gmail.com>

Sent: Monday, July 29, 2024 12:52 PM

To: Nick Broyles <nbroyles@ci.brainerd.mn.us>

Cc: Kelly Bevans <kbevans@ci.brainerd.mn.us>; Megan Thiesse <mthiesse1@gmail.com>

Subject: Agenda Item for 8-5 Council Meeting

You don't often get email from sarahtc80@gmail.com. [Learn why this is important](#)

Hi Nick,

Could you please add the following item to your agenda for the 8/5/2024 City Council Meeting:

I would like to request that the council please immediately add an ordinance to remove crypto/data mining from outdoor storage.

It simply does not belong in outdoor storage and I can provide a list of reasons why if necessary but I believe that everyone is on the same page as to why as we have brought to light in past meetings. Most notably the noise issues surrounding this in outdoor storage and the fact that it's not storage, it's open air manufacturing.

I understand that the entire category is of Crypto/Data mining is tentatively planned for an entire overview but I would simply like this one piece corrected immediately.

I do believe this is time sensitive to avoid any other Crypto/Data operators from putting up a building with 51% inside and adding 49% outside.

I would appreciate confirmation if this will be added.

Thanks,

Sarah

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: August 21st, 2024

RE: Review and Provide Direction for Building Design Standards

INTRODUCTION

At the June 20th Planning Commission meeting, the Commission directed staff to begin reviewing Section 515-4 General Building Development and Design Standards as well as considering the Commercial Corridor District for mixed-use development. The new Zoning Code was adopted July 18th of 2022 and since adoption, staff has encountered situations where the new code has worked well and other instances that potentially hindered development. The purpose of this review is to ease the burden of development while creating stronger language to ensure new construction conforms with existing neighborhoods. A list of strengths and weaknesses are provided below based on staff opinion. Staff would like the Planning Commission to consider each section and provide direction to staff for a potential amended ordinance.

SITE DESIGN STANDARDS AND SETBACKS TN-1, TN-2, CN-1, CN-2

[515-2-6 Contemporary Neighborhood 1 \(CN-1\)](#)

[515-2-7 Contemporary Neighborhood 2 \(CN-2\)](#)

[515-2-8 Traditional Neighborhood 1 \(TN-1\)](#)

[515-2-9 Traditional Neighborhood 2 \(TN-2\)](#)

Comments below regarding the TN-1 District also apply to the other residential districts.

1. Strengths (TN-1)

- a. Alley - If present, access and garage/parking is required
 - i. *The alley placement requirement has been beneficial for neighborhood character in redevelopment projects.*
- b. Density (range) - 4-9 DU/AC
 - i. *Density in all zoning districts seem to be appropriate for new and redevelopment projects.*
- c. Accessory structure height (maximum) - Up to 35' but may not exceed height of principal structure.
 - i. *Additional allowances for accessory structure height have allowed homeowners to reinvest in their property and have allowed them to store larger vehicles/ recreational vehicles in garages.*

2. Weaknesses (TN-1)

- a. Lot Size (range) - 5,000-7,500 SF
 - i. *The lot size maximum in most districts is too restrictive. Most lots in TN-1 are 7,500 SF, which has made it difficult to make common sense consolidations. Staff recommends that all zoning districts should be allowed to administratively consolidate up to 1.5 times what is currently listed as the maximum. In TN-1, the total maximum lot would be 10,000 SF. This would continue to limit the ability for two standard lots to consolidate in order to build a larger accessory structure and preserve the second lot for a home. A CUP should be required to exceed the maximum for the construction of multifamily buildings, churches, schools etc.*
- b. Lot Frontage on All Roads (range) - 50 – 60'
 - i. *Lot frontage should be regulated similar to lot size.*
- c. Accessory Dwelling Unit (ADU) attached or detached - Permitted on Corner lot; CUP for interior lots.
 - i. *The requirement for a conditional use permit has been a contributing factor on why ADU's have not been constructed. ADU's are prohibited for rental properties.*
- d. Garage - If front loaded, it must be setback behind façade of principal structure a minimum of 5'
 - i. *Staff recommends that TN neighborhoods should be allowed to line up garages with the façade, while CN neighborhoods should be allowed to exceed the façade by 5'. This code has made design difficult for contractors and will impact future development. By making a slight adjustment to the attached garage placement, the code could continue to prohibit large protruding garages that stretch beyond 20' of the façade, while allowing developers to use contemporary architectural designs.*

515-4 GENERAL BUILDING, DEVELOPMENT AND DESIGN STANDARDS.

[515-4-2 Building Design Standards.](#)

1. Strengths

- a. Section 515-4-2.A - The width of the principal residential structure shall comprise the following:
 - i. If the lot frontage is less than 75-feet, a minimum of 30% of the primary façade facing the road right-of way must be principal structure.
 - ii. If the lot frontage is greater than 75-feet, a minimum of 40% of the primary façade facing the road right-of-way must be principal structure.
 1. *This code helps maintain neighborhood character by reducing the size of the garage relative to the entry and has not been a burden on developers.*

2. Discussion Items (Residential)

- a. Staff recommends that the entrance of a 1-to-4-unit building be orientated to a street and not to the predominant orientation of other buildings.
- b. Staff recommends that the front entrance façade of 1-4-unit buildings should have higher standards and include items such as brick/ stone, alternative siding patterns,

porches, covered entries, shutters, etc. Homes should be required to incorporate two elements.

- c. The conversion of a single-family home into a multifamily home should require a CUP.
- d. Should a minimum unit size for a 2–4-unit building be 400 SF.
- e. Multifamily units (5+) shall incorporate balconies, covered porches, or staggered wall patterns.
- f. Multi-family dwelling units shall be designed to create visual interest through a variety of materials, colors, textures, installation direction or other characteristics that create articulation either between units or floors. (already exists in code)

Permitted Multifamily Designs



3. Discussion Items (Commercial & Industrial)

- a. PSP District should be included in the Commercial Use Design Construction Standards. PSP is not currently listed in the design standards section.
- b. Metal siding shall be allowed by a CUP. Contemporary designs are beginning to use smooth metal panels in their design and there should be an opportunity for

commercial building in Brainerd to utilize this siding type. Pole barn/ metal roof siding with exposed fasteners should be prohibited.

- c. Transparency. A minimum of 75 percent of the front facade between two and eight feet above the sidewalk must be comprised of transparent, non-reflective windows into the commercial space. A minimum of 25 percent of the windows shall have views directly into and out of the ground floor occupied space. (Duluth Zoning Code). Staff recommends applying this to the MS District, TC Overlay District, and CC District.
- d. Section 515-2-E.2.b. - Any structure in the Industrial District adjacent to Business T.H. 371, T.H. 210, T.H. 25, T.H. 18, Oak Street, or County Road 3 shall comply with the Commercial Exterior Building Material Standards established in the preceding Subsection [D].
- e. Allow mixed-use development in the Commercial Corridor District similar to the Mainstreet District which prohibits ground floor residential units.

Metal Sided Building



4. Discussion Items (Accessory Structures)

- a. Section 515-4-6.C **Design Standards.** No plastic, canvas or vinyl tarps shall be used in the construction of any accessory buildings. All buildings over 200 square feet shall be designed to be compatible with the Principal Structure. All buildings that are 200 square feet or less may include a variety of building materials, may be metal sided and metal roofed.

STAFF RECOMMENDATION

Staff recommends the Planning Commission review staff's comments and opinions and provide direction to staff for an amended ordinance pertaining to design standards.