



PLANNING COMMISSION AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Wednesday, April 16, 2025 @ 6:00 PM

The public is invited to attend these meetings in person
Attend by Phone: 1-844-992-4726 Meeting Access Code: 2489 634 3035

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

1. **Call To Order**

2. **Roll Call**

___ D. Petersen ___ J. Norwood ___ J. Grecula ___ D. Gorham ___ B. Higgins ___ J. Powell ___
T. Erickson

3. **Pledge of Allegiance**

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

5. **Approval Of Minutes**

A. **Draft Minutes from the March 19th, 2025 Meeting**

6. **Unfinished Business**

A. **Hold Public Hearing and Consider Data Center Ordinance**

7. **New Business**

A. **Consider Conditional Use Permit for the Construction of a Church - 1511 Northern Pacific Center Rd (1481 location)**

B. **Consider Conditional Use Permit for Expansion of Adult Day Care Services - 1919 S 6th St**

C. **Consider Interim Use Permit Renewal for a Short-Term Rental - 714 7th St S**

D. **Review Off-Street Parking Ordinance for the General Industrial District**

E. **Review Ordinance Removing Screening Requirements for Outdoor Sales**

F. **Review Planning Commission Itinerary**

8. **Public Forum**

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

9. **Staff Reports**
(Verbal: Any Updates since Packet)
10. **Commission Member Reports**
11. **Adjourn**

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MISSION

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

PLANNING COMMISSION
Wednesday, March 19th, 2025

#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 Petersen, Grecula, Gorham, Higgins, and Erickson. Members Norwood and Powell were 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 PETERSON AND GRECULA, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

#5 Approval of Minutes

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND GRECULA, DULY CARRIED, TO AMEND AND APPROVE THE MINUTES FROM THE FEBRUARY 19TH, 2025 REGULAR MEETING BY EXPANDING ON THE COMMENTS FROM KEVIN YEAGER AT THE PUBLIC HEARING FOR ST. FRANCIS CAMPUS.

#6 New Business

6a. Consider Interim Use Permit for the Operation of a Year-Round Warming Shelter – 1926 S 7th St

Community Development Director Kramvik reviewed the application for the renewal of the warming shelter Interim Use Permit, which expires June 30, 2025. He indicated they are also requesting to allow the shelter to operate year-round and not just in the winter months as is currently allowed.

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

The Chair recognized Jana Shogren, director of Bridges of Hope who gave detailed counts of people the shelter has helped the past three years. She addressed the concerns regarding police and EMS calls to the shelter and feels the quantity of calls is not extreme when you factor out health and medical concerns that could happen anywhere.

The Chair recognized the following people who spoke in favor of the renewal and expanding services to year-round:

- Rachel Zetah, Adult Services Supervisor for Crow Wing County
- Bill Wear, representing the Bridges of Hope and the Bridge on 7th
- Kathy Dufour, 17077 Pine Circle Rd
- Ed Shaw, 521 9th St N
- Elizabeth Johnson, currently staying at the shelter
- Randi Rickem, 710 S 8th St
- Matt Karlgaard, board member at Bridges of Hope

The Chair closed the public hearing at 6:32 pm.

Commissioner Erickson indicated the initial request from 2021 described this as a warming shelter for winter months, not as a homeless shelter. He stated the incident report from PD was concerning.

Commissioner Gorham is in approval due to stating this is a community to help and encourage people to do the right thing.

Commissioner Higgins asked Jana Shogren what was being done to address the police incidents. Ms. Shogren indicated there are volunteers, community services, and Bridges of Hope resources.

Commissioner Petersen approves of the trial period for the summer to give them a chance.

MOVED AND SECONDED BY COMMISSIONERS PETERSEN AND GRECULA TO RECOMMEND APPROVAL OF THE INTERIM USE PERMIT RENEWAL OF THE SEASONAL PERMIT SEPTEMBER 1ST – APRIL 30TH THROUGH JUNE 30TH, 2028 AND A TRIAL PERIOD FROM APRIL 30TH THROUGH AUGUST 31ST, 2025 FOR THE WARMING SHELTER AT 1926 S 7TH ST ALONG WITH THE CONDITIONS PROVIDED.

Upon roll call, Members Petersen, Grecula, and Gorham voted “aye”. Members Erickson and Higgins voted “nay”. The Chair declared the motion carried.

CDD Kramvik indicated this will be heard at the City Council meeting April 7th, 2025 at 7:30 pm.

6b. Consider Conditional Use Permit for a Boarding House on NW 3rd St – My Neighbor to Love

Community Development Director Kramvik indicated Vicky Kinney, on behalf of My Neighbor to Love, has applied for a conditional use permit to construct a boarding house on NW 3rd Street. He gave a brief review of the request and details regarding all the projects’ timelines. The boarding house would operate very similar to a college dorm, as the boarders share bathroom and kitchen facilities. Along with the conditional use permit, there will be a boundary line adjustment for the two parcels to accommodate the stormwater retention pond. The extra extension to 18 months is due to grant applications, deadlines, and grant allocation.

The Chair opened the public hearing at 6:54 pm.

The Chair recognized Vicky Kinney, who is the applicant on behalf of My Neighbor to Love Coalition. She explained boarding houses operate differently than a shelter, as a boarding house room occupant can arrange to stay several days, months or permanently by paying a rental fee.

The Chair recognized Ed Shaw, 521 9th St N, who is in full support of the project and gave examples of other boarding house models in Brainerd.

The Chair recognized Mike Higgins, 1801 Mill Ave, who is in support of the project as he had a family member that needed to utilize this type of housing. He also stated these properties should be held accountable the same as other rentals.

The Chair recognized Mike Duval, 468 Tyrol Dr, who gave a detailed explanation of density requirements shown in the TN-2 Zoning District and this does not meet those requirements. He also indicated that the current projects do not meet deadlines and site stabilization requirements and is not in favor of approving the project.

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

Commission discussion took place, and Director Kramvik explained the TN-2 Zoning Code regarding commercial uses.

The Commission Chair requested Vicky Kinney to step up to the podium to give them a timeline of the projects which are as follows:

1. The 4-plex at 310 Jackson Street has been completed, and a sprinkler system was installed last summer to try and aid in the development of the grass.
2. The new 12-plex at 620 3rd St NW broke ground in September 2024 and was completed March 2025, with the landscaping requirements being done this summer 2025.
3. The next two building projects on 3rd St NW will break ground this spring with a completion date of spring of 2026.
4. This CUP request is Phase Four which starts in 2026, but the grant process needs to be addressed now for funding opportunity.

MOVED AND SECONDED BY COMMISSIONERS PETERSEN AND ERICKSON TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT TO ALLOW FOR A BOARDING HOUSE AT THE PROPERTIES INDICATED ON NW 3RD ST PID'S 41040800 AND 41040801 AS PRESENTED.

Upon roll call, Members Petersen, Erickson, and Grecula voted "aye". Members Gorham and Higgins voted "nay". The Chair declared the motion carried.

CDD Kramvik indicated this will be heard at the City Council meeting April 7th, 2025 at 7:30 pm.

6c. Consider Conditional Use Permit for Vehicle, Trailer, and Equipment Sales – 1801 Mill Ave

Member Higgins recused himself from this topic.

Community Development Director Kramvik stated Mike Higgins applied for a conditional use permit to allow sales of trailers and equipment at the industrial center at 1801 Mill Avenue.

The Chair opened the public hearing at 7:31 pm.

The Chair recognized Mike Higgins, owner of Brainerd Industrial Center who stated a tenant approached him about using space to sell trailers and equipment. There may be another client looking to sell small accessory buildings in another section of the lot. Any signage that is proposed will be addressed by applying for a permit.

The Chair closed the public hearing at 7:33 pm.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND PETERSEN TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT TO ALLOW FOR OUTDOOR SALES OF TRAILERS AND EQUIPMENT AT 1801 MILL AVE AS PRESENTED WITH THE ADDITION OF REMOVING THE SCREENING REQUIREMENTS IN THE ZONING CODE FOR OUTSIDE SALES USES.

Upon roll call, Members Petersen, Grecula, Erickson and Gorham voted “aye”. No members voted “nay”. The Chair declared the motion carried.

CDD Kramvik indicated this will be heard at the City Council meeting April 7th, 2025 at 7:30 pm.

#7 Unfinished Business

7a. Review Data Center Ordinance

Community Development Director Kramvik presented the completed data center ordinance to the Commission for approval.

Commission discussion took place.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND HIGGINS, DULY CARRIED, FOR A PUBLIC HEARING TO BE HELD AT THE APRIL 16TH, 2025 PLANNING COMMISSION MEETING FOR RECOMMENDATION TO APPROVE THE DATA CENTER ORDINANCE AS PRESENTED.

#8 Public Forum

The Chair opened the public forum at 7:41 pm.

The Chair recognized Chuck Marohn, 616 4th St N, who spoke about street vacations and future consequences of doing so from a public safety standpoint. A street vacation should also have a public benefit, and not just for the property owner’s benefit. He also brought up the issue of housing and the ordinance that restricts the demolition of homes for other land uses.

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

#9 Staff Reports

Community Development Director Kramvik made the following updates:

- City Council approved the preliminary plat for St. Francis but wanted to see a master plan before any further action takes place.

- City Council approved the resolution to deny Paradigm Auto's rezoning request and directed staff to enforce the ordinance.
- Staff have been reviewing underdeveloped rental properties and will be sending a development opportunity letter to those property owners with their annual rental housing renewal applications.

#10 Commission Member Reports

None

#11 Adjournment

MOVED AND SECONDED BY COMMISSIONERS PETERSEN AND ERICKSON, DULY CARRIED, TO ADJORN AT 7 50 PM.

Don Gorham, Planning Commission Chair

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: April 16th, 2025

RE: Data Center Ordinance Memo

INTRODUCTION

At the October 7th City Council meeting, the Council directed staff to work on a crypto-mining ordinance after completion of the design standards ordinance. This was due to continuing concerns in the community and surrounding areas regarding data centers (crypto-mining facilities) and similar uses. Data center regulations are necessary to protect the public health, safety, and welfare and avoid unintended impacts on resources and adjacent uses.

A potential data center ordinance should provide a list of requirements in the allowed use section of the zoning code, potentially require data centers to obtain a conditional use permit or interim use permit, and determine which zoning districts it should be allowed in.

PROPOSED ORDINANCE

The Planning Commission reviewed the proposed Data Center Ordinance at their March 19th meeting and reviewed and included recommendations from the Public Utilities Director. The Planning Commission directed staff to hold a public hearing at the April 16th meeting.

STAFF RECOMMENDATION

Staff recommend holding a public hearing and recommend approval of the proposed ordinance.

Note: Staff included a potential Minnesota Bill that may impact this proposed ordinance in the future.

**ORDINANCE
NO. 15XX**

**AN ORDINANCE AMENDING SECTIONS 515-6-2 RULES AND DEFINITIONS, 515-3
APPENDIX A TABLE OF USES, AND 515-3 ALLOWED USES OF THE ZONING
CODE, RELATING TO DATA CENTERS**

WHEREAS, a public hearing was held by the Planning Commission as required by the Zoning Code, on April 16, 2025

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Brainerd, Minnesota, as follows:

SECTION ONE: Purpose

The purpose of this ordinance is to create land use regulations and provide a definition for data centers to protect the public health, safety, and welfare and avoid unintended impacts on resources and adjacent uses.

SECTION TWO: Section 515-6-2.C Definitions of Use, Standards and Terms are hereby amended as indicated, with the following added language underlined:

Data Center: A facility or portion of a facility housing networked computer systems and telecommunications equipment used for remote storage, processing, and distribution of data. Data centers include commercial cryptocurrency mining facilities, AI centers, cloud storage, and other similar uses.

SECTION THREE: Section 515-3 Appendix A Table of Uses (Industrial and Utility Uses) is hereby amended with the following new underlined language added to the table:

ZONING DISTRICT	Section Reference	RL-1	RL-2	GL	CN-1	CN-2	TN-1	TN-2	TN-3	GC	CC	TC	MS	ME	GI	PSP	P
<u>Data centers, AI centers, cloud storage, and other similar uses.</u>	<u>515-3-XX</u>														<u>C</u>		

SECTION FOUR: Section 515-3 Allowed Uses is hereby amended with the following new language underlined and shall be added to Section 515-3 in alphabetical order with all other required numerical sections to change in descending order:

- A. Data Centers are not permitted to operate in the City of Brainerd unless explicitly approved by a Conditional Use Permit. Data Centers that are ancillary to another primary use are permitted if they:
1. Occupy no more than ten percent of the building footprint,

2. Are used to serve the enterprise functions of the on-site property owner and are not used to lease data storage and processing services to third parties.
3. Are not housed in a separate stand-alone structure on the parcel.

B. Noise. Commercial grade mechanical equipment and similar noise sources, including but not limited to generators and air heating or cooling equipment, shall comply with the requirements of MPCA noise rules (Minn. Rules Ch. 7030).

1. The Data Center shall be designed and built to incorporate sound mitigation methods to reduce sound levels emanating from the Data Center to adjacent residential structures within 1000 feet of the facility.
2. Prior to approval, a noise study shall be submitted by a third-party engineer demonstrating to the City that the operation of the data center will comply with MPCA noise rules.
 - a. The operator shall conduct a sound study performed by a third-party acoustic engineer to document baseline sound levels in the area of the proposed Data Center, including noise levels measured at the property line of the nearest property to the Data Center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the Zoning Administrator.
3. Upon operation of the Data Center, the operator must conduct an additional noise study, as measured at the property line of the nearest property to the Data Center or other noise sensitive use as reasonably determined by the Zoning Administrator.
4. The City may order an additional sound study once per year during peak operation of the Data Center mechanical equipment. The Data Center operator must provide the results of the noise study, conducted by a third-party engineer, to the City within 30 days of the request by the City or show proof that they have contracted with a third-party engineer and the results will be available in a reasonable amount of time.
5. Unless backup generators are supplying backup electrical supply during a power outage, backup generators may operate between the hours of 9:00 am and 5:00 pm, Monday through Friday, excluding holidays.
 - a. Curtailment of power supply or voluntary shutdown of power is not considered to be a power outage.
6. Upon request by City staff after issuance of a certificate of occupancy and commencement of the operation of the Data Center, the operator of a Data Center must provide a liaison between the hours of 8:00 am and 10:00 pm CST each day to respond to complaints about noise emanating from the Data Center.
 - a. Contact information shall be posted on the City of Brainerd website.
 - b. Upon operation of the Data Center, the City shall notify and provide contact information for the facility liaison to property owners within 500 feet of the facility.

C. Hazardous Waste Plan. Prior to operating, the operator shall submit a hazardous waste plan for review by the Community Development Department, Public Works Department, Public Utilities Department, and Fire Department.

- a. Verification must be provided that all electronic waste generated by the operation will be handled by a licensed electronic waste recycling firm.
- b. Changes to the operation of the facility that affects hazardous waste material must be approved by the City.

D. Water and Wastewater Plan. Prior to approval, the developer shall apply for a sewer extension permit with the MPCA and submit a water and wastewater plan for review by the Public Works Department and Public Utilities Department.

E. Screening. Outdoor equipment that serves the data center, including but not limited to mechanical equipment and generators, must not be located closer to a property line along a public street than the principal building and must be fully screened from view of adjacent public rights-of-way and properties.

F. Energy Plan. Prior to approval, loads over one megawatt in capacity will be responsible for having a system impact study completed by the appropriate power transmission owner operator in the area.

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

Adopted this _____ day of _____, 2025

MIKE O'DAY
President of the Council

Approved this _____ day of _____, 2025

DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator

Published: One Time – _____

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State of Minnesota HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. **2928**

03/27/2025

Authored by Acomb

The bill was read for the first time and referred to the Committee on Energy Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to energy; requiring preapplication filings for large water appropriation
- 1.3 projects; adding information to permit applications for large water appropriation
- 1.4 projects; specifying the level of environmental review for data centers; removing
- 1.5 data centers' energy consumption from the calculation of a utility's energy savings
- 1.6 goal; exempting data centers from making financial contributions to an energy
- 1.7 conservation and optimization plan; depositing fee revenues in an account to be
- 1.8 used for energy conservation; modifying the definition of large energy facility;
- 1.9 establishing energy requirements for data centers; imposing a fee on data centers;
- 1.10 requiring the Public Utilities Commission to establish a new tariff for data centers;
- 1.11 amending Minnesota Statutes 2024, sections 103G.265, by adding a subdivision;
- 1.12 103G.271, by adding a subdivision; 116D.04, by adding a subdivision; 216B.2402,
- 1.13 subdivision 10; 216B.241, subdivisions 1a, 2a; 216B.2421, subdivision 2; proposing
- 1.14 coding for new law in Minnesota Statutes, chapter 216B.
- 1.15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.16 Section 1. Minnesota Statutes 2024, section 103G.265, is amended by adding a subdivision
- 1.17 to read:
- 1.18 Subd. 5. **Preapplication evaluation of large water appropriation projects.** (a) This
- 1.19 subdivision applies to a project whose proposed consumptive use exceeds 100 million
- 1.20 gallons per year or 250,000 gallons per day, whether under an existing permit, as the result
- 1.21 of a permit amendment, or under a new individual permit.
- 1.22 (b) To ensure that a project is compatible with the needs of other current and future
- 1.23 water users, to help maintain the water allocation priorities established under section
- 1.24 103G.261, to ensure adequate water supply in areas of the state with limited water
- 1.25 availability, and to promote a more efficient and timely permitting process, potential
- 1.26 applicants or persons working on behalf of potential applicants are encouraged to discuss
- 1.27 the project with the department as early in the project development process as possible,

preferably before a final project site has been selected, project design has been finalized, or land has been acquired.

(c) A city or county employee that has been contacted by a person regarding a project that is likely to be subject to this subdivision must, even if no final decision has been made on the project's location, notify the department in writing within ten business days of the contact, providing the name of and contact information for the person, and potential project locations.

(d) In response to a contact from a potential applicant, the department may request preapplication information that is helpful in assisting the department to assess the factors affecting the ability of a water source to meet a project's water use needs at proposed locations, including:

(1) a project description, including all potential locations;

(2) the project's estimated maximum daily, seasonal, and annual water use rates and volumes;

(3) the anticipated source of water; and

(4) water quality or temperature requirements.

The department may request any additional information necessary to assist it to assess the ability of a water source to meet a project's water use needs.

(e) The commissioner shall evaluate the information supplied by a potential applicant under this subdivision and shall respond in writing, which may be electronically transmitted, describing potential water availability constraints at each proposed project site.

(f) In determining the impact of a potential project on water quality and quantity, the commissioner may consult with the commissioners of health, agriculture, the Pollution Control Agency, and other state agencies.

(g) Any communication made or information exchanged under this subdivision between a potential applicant and a government agency, or between government agencies, is nonpublic data, as defined in section 13.02, until the project is either abandoned or the applicant files an application for a water use permit under section 103G.285 or 103G.287, after which the data is public.

(h) None of the discussions, filings, or evaluations made under this subdivision preclude or supplant environmental review, preliminary well-construction approval, appropriation permit review, or any other requirements under federal, state, or local law.

3.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.2 Sec. 2. Minnesota Statutes 2024, section 103G.271, is amended by adding a subdivision
3.3 to read:

3.4 Subd. 5b. **Large water appropriation projects; permit conditions.** In issuing water
3.5 use permits to applicants that meet the criteria of section 103G.265, subdivision 5, the
3.6 department shall ensure that:

3.7 (1) water resources of the state are utilized in the public interest and that public health,
3.8 safety, and welfare are adequately protected;

3.9 (2) technologies that promote water conservation and the efficient use of water are fully
3.10 considered; and

3.11 (3) water use conflicts are addressed as prescribed in Minnesota Rules, part 6115.0740.

3.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.13 Sec. 3. Minnesota Statutes 2024, section 116D.04, is amended by adding a subdivision to
3.14 read:

3.15 Subd. 18. **Data centers; environmental review.** (a) Notwithstanding any law to the
3.16 contrary, the proposed construction of a data center, as defined in section 216B.71, or the
3.17 expansion of the average hourly load of an existing data center by 100 megawatts or more,
3.18 requires preparation of an environmental impact statement according to the provisions of
3.19 subdivision 2a. The responsible governmental unit for the environmental impact statement
3.20 is the Public Utilities Commission.

3.21 (b) For the purposes of this subdivision, "average hourly load" means the amount of
3.22 electricity consumed by a facility each hour, averaged over an entire year.

3.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.24 Sec. 4. Minnesota Statutes 2024, section 216B.2402, subdivision 10, is amended to read:

3.25 Subd. 10. **Gross annual retail energy sales.** "Gross annual retail energy sales" means
3.26 a utility's annual electric sales to all Minnesota retail customers, or natural gas throughput
3.27 to all retail customers, including natural gas transportation customers, on a utility's
3.28 distribution system in Minnesota. Gross annual retail energy sales does not include:

3.29 (1) gas sales to:

3.30 (i) a large energy facility;

(ii) a large customer facility whose natural gas utility has been exempted by the commissioner under section 216B.241, subdivision 1a, paragraph (a), with respect to natural gas sales made to the large customer facility; and

(iii) a commercial gas customer facility whose natural gas utility has been exempted by the commissioner under section 216B.241, subdivision 1a, paragraph (b), with respect to natural gas sales made to the commercial gas customer facility;

(2) electric sales to:

(i) a large customer facility whose electric utility has been exempted by the commissioner under section 216B.241, subdivision 1a, paragraph (a), with respect to electric sales made to the large customer facility; ~~and~~

(ii) a data mining facility, if the facility:

(A) has provided a signed letter to the utility verifying the facility meets the definition of a data mining facility; and

(B) imposes a peak electrical demand on a consumer-owned utility's system equal to or greater than 40 percent of the peak electrical demand of the system, measured in the same manner as the utility that serves the customer facility measures electric demand for billing purposes; ~~or~~ and

(iii) a data center, as defined in section 216B.71; or

(3) the amount of electric sales prior to December 31, 2032, that are associated with a utility's program, rate, or tariff for electric vehicle charging based on a methodology and assumptions developed by the department in consultation with interested stakeholders no later than December 31, 2021. After December 31, 2032, incremental sales to electric vehicles must be included in calculating a public utility's gross annual retail sales.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 5. Minnesota Statutes 2024, section 216B.241, subdivision 1a, is amended to read:

Subd. 1a. **Large customer facility.** (a) The owner of a large customer facility may petition the commissioner to exempt both electric and gas utilities serving the large customer facility from contributing to investments and expenditures made under an energy and conservation optimization plan filed under subdivision 2 or section 216B.2403, subdivision 3, with respect to retail revenues attributable to the large customer facility. The filing must include a discussion of the competitive or economic pressures facing the owner of the facility and the efforts taken by the owner to identify, evaluate, and implement energy conservation

and efficiency improvements. A filing submitted on or before October 1 of any year must be approved within 90 days and become effective January 1 of the year following the filing, unless the commissioner finds that the owner of the large customer facility has failed to take reasonable measures to identify, evaluate, and implement energy conservation and efficiency improvements. If a facility qualifies as a large customer facility solely due to its peak electrical demand or annual natural gas usage, the exemption may be limited to the qualifying utility if the commissioner finds that the owner of the large customer facility has failed to take reasonable measures to identify, evaluate, and implement energy conservation and efficiency improvements with respect to the nonqualifying utility. Once an exemption is approved, the commissioner may request the owner of a large customer facility to submit, not more often than once every five years, a report demonstrating the large customer facility's ongoing commitment to energy conservation and efficiency improvement after the exemption filing. The commissioner may request such reports for up to ten years after the effective date of the exemption, unless the majority ownership of the large customer facility changes, in which case the commissioner may request additional reports for up to ten years after the change in ownership occurs. The commissioner may, within 180 days of receiving a report submitted under this paragraph, rescind any exemption granted under this paragraph upon a determination that the large customer facility is not continuing to make reasonable efforts to identify, evaluate, and implement energy conservation improvements. A large customer facility that is, under an order from the commissioner, exempt from the investment and expenditure requirements of paragraph (a) as of December 31, 2010, is not required to submit a report to retain its exempt status, except as otherwise provided in this paragraph with respect to ownership changes. No exempt large customer facility may participate in a utility conservation improvement program unless the owner of the facility submits a filing with the commissioner to withdraw its exemption. A data center that pays the required fee under section 216B.72 is exempt from the requirement to contribute to investments and expenditures made under an energy conservation optimization plan filed under subdivision 2 or section 216B.2403, subdivision 3, and is not required to comply with the provisions of this paragraph.

(b) A commercial gas customer that is not a large customer facility and that purchases or acquires natural gas from a public utility having fewer than 600,000 natural gas customers in Minnesota may petition the commissioner to exempt gas utilities serving the commercial gas customer from contributing to investments and expenditures made under an energy and conservation optimization plan filed under subdivision 2 or section 216B.2403, subdivision 3, with respect to retail revenues attributable to the commercial gas customer. The petition must be supported by evidence demonstrating that the commercial gas customer has acquired

or can reasonably acquire the capability to bypass use of the utility's gas distribution system by obtaining natural gas directly from a supplier not regulated by the commission. The commissioner shall grant the exemption if the commissioner finds that the petitioner has made the demonstration required by this paragraph.

(c) A public utility, consumer-owned utility, or owner of a large customer facility may appeal a decision of the commissioner under paragraph (a) or (b) to the commission under subdivision 2. In reviewing a decision of the commissioner under paragraph (a) or (b), the commission shall rescind the decision if it finds the decision is not in the public interest.

(d) Notwithstanding paragraph (a), a large customer facility or commercial gas customer that is exempt from the investment and expenditure requirements of this section pursuant to an order from the commissioner as of December 31, 2020, is not required to submit additional documentation to maintain the exemption and must not be assessed any costs related to any energy conservation and optimization plan filed under this section or section 216B.2403, including but not limited to costs, incentives, or rates of return associated with investments in programs for efficient fuel-switching improvements.

(e) A public utility is prohibited from spending for or investing in energy conservation improvements that directly benefit a large energy facility or a large electric customer facility the commissioner has issued an exemption to under this section.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 6. Minnesota Statutes 2024, section 216B.241, subdivision 2a, is amended to read:

Subd. 2a. **Energy and conservation account.** (a) The energy and conservation account is established in the special revenue fund in the state treasury.

(b) The commissioner must deposit money assessed or contributed under subdivisions 1d, 1e, 1f, and 7 in the state treasury and credit it to the energy and conservation account in the special revenue fund. Money in the account assessed or contributed under subdivisions 1d, 1e, and 1f is appropriated to the commissioner for the purposes of subdivisions 1d, 1e, 1f, and 7.

(c) The commissioner must deposit money transferred from the fee on data centers established in section 216B.72 in the state treasury and credit it to the account. Money transferred from the fee on data centers is appropriated to the commissioner to conduct energy conservation, weatherization, and associated activities allowed under sections 216B.2403 and 216B.241, and the rules applicable to those sections. The commissioner may spend money appropriated under this paragraph anywhere in the state, but only:

7.1 (1) on low-income programs; and

7.2 (2) as the result of a request for proposals process administered by the department.

7.3 (d) Interest on money in the account accrues to the account.

7.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

7.5 Sec. 7. Minnesota Statutes 2024, section 216B.2421, subdivision 2, is amended to read:

7.6 Subd. 2. **Large energy facility.** "Large energy facility" means:

7.7 (1) any electric power generating plant or combination of plants at a single site with a
7.8 combined capacity of 50,000 kilowatts or more and transmission lines directly associated
7.9 with the plant that are necessary to interconnect the plant to the transmission system. Large
7.10 energy facility includes backup generators designed to provide electricity to a data center,
7.11 as defined in section 216B.71, with a combined capacity of 50,000 kilowatts or more;

7.12 (2) any high-voltage transmission line with a capacity of 300 kilovolts or more and
7.13 greater than one mile in length in Minnesota;

7.14 (3) any high-voltage transmission line with a capacity of 100 kilovolts or more with
7.15 more than ten miles of its length in Minnesota;

7.16 (4) any pipeline greater than six inches in diameter and having more than 50 miles of
7.17 its length in Minnesota used for the transportation of coal, crude petroleum or petroleum
7.18 fuels or oil, or their derivatives;

7.19 (5) any pipeline for transporting natural or synthetic gas at pressures in excess of 200
7.20 pounds per square inch with more than 50 miles of its length in Minnesota;

7.21 (6) any facility designed for or capable of storing on a single site more than 100,000
7.22 gallons of liquefied natural gas or synthetic gas;

7.23 (7) any underground gas storage facility requiring a permit pursuant to section 103I.681;

7.24 (8) any nuclear fuel processing or nuclear waste storage or disposal facility; and

7.25 (9) any facility intended to convert any material into any other combustible fuel and
7.26 having the capacity to process in excess of 75 tons of the material per hour.

7.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.

8.1 Sec. 8. **[216B.71] DATA CENTERS; ENERGY REQUIREMENTS.**

8.2 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
8.3 the meanings given.

8.4 (b) "Carbon-free" has the meaning given in section 216B.1691, subdivision 1.

8.5 (c) "Data center" means a facility whose primary purpose is the storage, management,
8.6 and processing of digital data via the interconnection and operation of information technology
8.7 and network telecommunications equipment, including all related facilities and infrastructure
8.8 for power distribution, environmental control, cooling, and security, and whose average
8.9 hourly electrical load is 100 megawatts or greater.

8.10 (d) "Political subdivision" means a county, statutory or home rule charter city, town, the
8.11 Metropolitan Council, a port authority, economic development authority, redevelopment
8.12 agency established under chapter 469, or regional development commission.

8.13 Subd. 2. Carbon-free energy. (a) A data center must, prior to December 31, 2030,
8.14 arrange to generate or procure carbon-free energy equal to at least 65 percent of its electricity
8.15 consumption, measured on an hourly basis.

8.16 (b) After December 31, 2030, a data center must generate or purchase carbon-free energy
8.17 equal to 100 percent of its electricity requirements, measured on an hourly basis.

8.18 (c) Tracking and verification of compliance with this subdivision shall be determined
8.19 by the Minnesota Renewable Energy Tracking System or another qualified entity approved
8.20 by the commission.

8.21 (d) Each data center shall, before beginning operations in this state, submit a plan to the
8.22 commission describing the actions it intends to take to comply with the requirement of
8.23 paragraph (b), and shall make additional filings as required by the commission.

8.24 (e) The commission may delay or modify a data center's compliance with the requirements
8.25 of paragraph (a) or (b) if it determines that technical constraints impair the ability to
8.26 accurately track and verify carbon-free energy transactions at an hourly level so as to enable
8.27 compliance with those requirements.

8.28 Subd. 3. State energy targets; modification. If a utility determines that providing
8.29 electric service to a data center may, in whole or in part, contribute to the utility's inability
8.30 to achieve a standard mandated under section 216B.1691, the utility must, no later than two
8.31 years before the standard is required to be met, submit a filing to the commission containing
8.32 a plan describing actions the utility intends to implement in order to achieve the standard
8.33 in a timely manner. The commission shall review and may accept, reject, or modify the plan

9.1 and may issue an order requiring implementation of an approved plan. The commission
9.2 shall require a utility whose plan was approved under this subdivision to file reports with
9.3 the commission describing actions taken and progress made in achieving the standard, on
9.4 a schedule determined by the commission.

9.5 Subd. 4. **Prevailing wage.** A contractor or subcontractor that constructs any portion of
9.6 a data center:

9.7 (1) must pay no less than the prevailing wage rate, as defined in section 177.42; and

9.8 (2) is subject to the requirements and enforcement provisions under sections 177.27,
9.9 177.30, 177.32, 177.41 to 177.435, and 177.45.

9.10 Subd. 5. **Reporting.** (a) Within one year of being placed in service, and annually
9.11 thereafter on a schedule determined by the commissioner, a data center owner must report
9.12 the following information to the commissioner on a form and on a schedule prescribed by
9.13 the commissioner of commerce:

9.14 (1) energy consumption during the most recently completed year and during each of the
9.15 past five years, if applicable, and projections of energy consumption for the coming year;

9.16 (2) efforts made to reduce energy consumption;

9.17 (3) efforts made to reduce waste heat and to utilize it as thermal energy or electricity;

9.18 and

9.19 (4) the amount, type, and country of origin of metals used to construct the data center,
9.20 and the percentage of metals used that were recycled.

9.21 (b) Within one year of being placed in service, and annually thereafter on a schedule
9.22 determined by the commissioner of natural resources, a data center owner must report the
9.23 following information to the commissioner of natural resources, on a form and on a schedule
9.24 prescribed by the commissioner of natural resources:

9.25 (1) the amount of water withdrawn under the data center's water use permit;

9.26 (2) the amount of water discharged by the data center to groundwater or surface waters;

9.27 and

9.28 (3) the amount of water evaporated when used for cooling data center equipment.

9.29 Subd. 6. **Noncompliance; ineligibility for financial assistance.** Notwithstanding any
9.30 other law, a data center that fails to comply with any of the requirements of this section is
9.31 ineligible to receive any financial incentives provided by this state for which it is otherwise
9.32 eligible, including tax incentives, until it has submitted documentation of compliance to the

10.1 commissioner of commerce and has received written notice from the commissioner of
10.2 commerce that it is in compliance with all the provisions of this section.

10.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.4 Sec. 9. **[216B.72] DATA CENTER FEE.**

10.5 (a) A fee of \$..... is imposed on a data center, as defined in section 216B.71, for each
10.6 megawatt of the data center's peak demand. The fee must be collected monthly by the utility
10.7 providing electric service to the data center and deposited in the energy and conservation
10.8 account established in section 216B.241, subdivision 2a.

10.9 (b) For the purposes of this section, "peak demand" means the largest demand a data
10.10 center imposes on an electric utility's system, expressed in megawatts, during a 30-minute
10.11 period within the most recent month.

10.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.13 Sec. 10. **CLEAN ENERGY TARIFF.**

10.14 (a) No later than January 1, 2026, the Public Utilities Commission shall develop and
10.15 establish a clean energy tariff and terms and conditions for energy supply agreements under
10.16 which a separate customer class composed solely of all data centers receiving electric service
10.17 from a public utility located in this state must operate. The tariff and energy supply agreement
10.18 must be designed to insulate the utility's other customers from the energy costs attributable
10.19 to data centers and to ensure that arrangements made to provide electric service to a data
10.20 center will:

10.21 (1) not interfere with or jeopardize a utility's achieving the mandated renewable energy
10.22 and carbon-free standards established under Minnesota Statutes, sections 216B.1691 and
10.23 216B.71, subdivision 2;

10.24 (2) not impair a utility's system reliability or its ability to provide electric service to its
10.25 other customers;

10.26 (3) require payment of the data center's full portion of the utility's cost to procure
10.27 electricity, and for the full transmission and distribution costs necessary to deliver that
10.28 electricity to the data center, including any construction or upgrading of transmission,
10.29 distribution, or other utility infrastructure; and

10.30 (4) ensure that ratepayers are fully protected from bearing any portion of the cost resulting
10.31 from:

- 11.1 (i) a data center's failure to meet its projected level of electricity demand;
- 11.2 (ii) a data center's termination of its operations in this state earlier than agreed to in an
- 11.3 energy supply agreement;
- 11.4 (iii) an electricity supplier's failure to fully meet the terms of its supply contract with
- 11.5 the utility; or
- 11.6 (iv) early termination of an energy supply agreement.
- 11.7 (b) The Public Utilities Commission may require a data center to post a bond of sufficient
- 11.8 magnitude to guarantee performance under the tariff and energy supply agreement.
- 11.9 (c) For purposes of this section, the following terms have the meanings given:
- 11.10 (1) "data center" has the meaning given in Minnesota Statutes, section 216B.71,
- 11.11 subdivision 1; and
- 11.12 (2) "energy supply agreement" means an agreement between a data center and a utility
- 11.13 providing electric service to a data center governing the transfer of electricity from a generator
- 11.14 to the data center under a clean energy tariff.
- 11.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: April 16th, 2025

RE: Consider Conditional Use Permit to Allow for the Construction of a Church –
1511 Northern Pacific Rd (addressed as 1481)

INTRODUCTION

Mike Higgins on behalf of Northern Pacific Center, 1511 Northern Pacific Rd, Brainerd, has applied for a Conditional Use Permit (CUP) for the construction of a church in an existing building at 1481 Northern Pacific Center Rd.

Parcel Number: 41300557

Zoning District: NPC-PUD District (Town Center (TC) District)

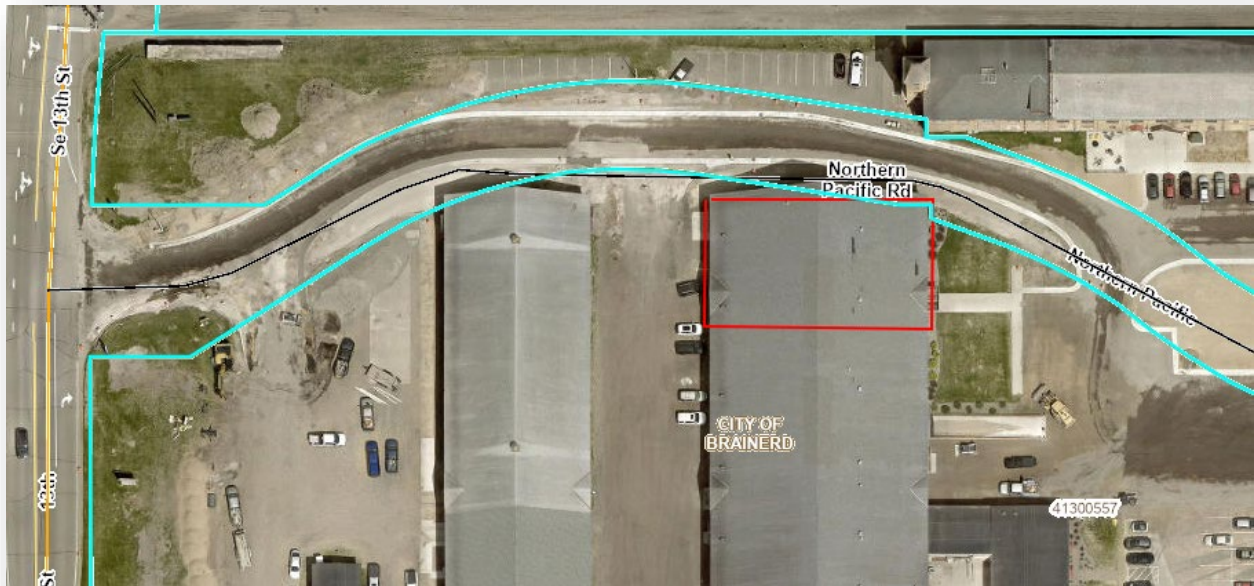
Property Area: 45.81 Acres

Church Area: 7,960 SQFT

Adjacent Uses: North: Railroad
East: Vacant Property
South: Residential
West: Vacant Property

Adjacent Zoning: North: TC (Town Center)
East: PSP (Public/Semi Public)
South: Traditional Neighborhood 1 (TN-1) District
West: TC (Town Center)

AERIAL MAP



FINDINGS OF FACT

1. The property at 1511 Northern Pacific Rd, Brainerd, MN 56401 is in the NPC-PUD District and the underlying zoning district governing the standards and uses of the property is the TC (Town Center) District, and Zoning Ordinance [Section 513-3 Appendix A Table of Uses](#) allows for places of worship & related buildings as a conditional use in the TC District.
2. There are no use specific regulations for churches and related buildings in Section 515-3 Allowed Uses of the Zoning Code.
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. *Zoning Ordinance 515-3 Allowed Uses. Appendix A: Table of Uses allows for places of worship & related buildings with a conditional use permit in the TC District.*
 - B. The proposed use meets the regulations and standards established in this Ordinance.
 - i. *The proposed use meets all requirements established in this Ordinance and there are no use specific regulations for churches and related buildings.*

- 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 Building Official and Fire Marshal have reviewed the site plan and have no issues at this time. A full building and fire code review will be conducted before issuance of the building permit.*
 - 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. *This use will be located on an existing property and will be consistent with its surroundings. There are no plans to alter the exterior of the building.*
 - E. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - i. *The applicant proposes no changes to the parcel exterior.*
 - F. The proposed use shall organize vehicular access and parking to minimize traffic congestion in a residential neighborhood.
 - i. *The proposed use will not significantly increase vehicle traffic. The Northern Pacific Center is an event center that can accommodate a significant number of vehicles.*
 - G. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the [Comprehensive Plan](#).
 - i. Economic Development Goal 1: Support infill and redevelopment throughout Brainerd as a strategic component of growth.
 - 1. *Policy 1: Drive infill development and redevelopment towards areas where current infrastructure is present, or places where high levels of blight or disinvestment exists.*
4. **Section 515-2.B.7 Conditions.** In reviewing applications for conditional use permits, the City may attach whatever reasonable conditions are deemed necessary to mitigate anticipated adverse impacts associated with the proposed use, to protect the value of property within the Zoning District, and to achieve the goals of the City's Comprehensive Plan. In determining such conditions, special consideration shall be given to protecting nearby properties from objectionable views, noise, traffic, and other characteristics associated with such uses. Such conditions may include, but are not limited to, the following:
- A. Increasing the required lot size or yard setback dimension.
 - B. Limiting the height, size, or location of buildings.
 - C. Regulating ingress and egress to the property and the proposed structures thereon with particular references to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or another catastrophe.
 - D. Regulating the street width.
 - E. Increasing the number of required off-street parking spaces.
 - F. Limiting the number, size, location, or lighting of signs.
 - G. Requiring a berm, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
 - H. Requiring dedication of some open or green space.

- I. Regulating the appearance of the facilities or site so that they are harmonious with the neighborhood and City.

As of this writing, no party has contacted the Community Development Department for more information on the Conditional Use Permit application.

STAFF RECOMMENDATION

The Community Development Department recommends approval of the Conditional Use Permit for 1511 Northern Pacific Center Rd.



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	☐ (\$350.00)	☒ (\$500.00 + \$500.00 escrow deposit)
REZONING	☐ (\$350.00)	☐ (\$500.00)
VARIANCE	☐ (\$350.00)	☐ (\$500.00 + \$500.00 escrow deposit)
ZONING TEXT AMENDMENT	☐ (\$250.00)	☐ (\$400.00)

PROPERTY ADDRESS: 1481 Northern Pacific Rd Brainerd, MN 56401

LEGAL DESCRIPTION: Lot(s): 1 Block: 1 Addition: Parcel ID # 41300557
(attach description if lengthy)

Property Owner Name: Northern Pacific Center LLC / Mike Higgins

Street Address: 1511 Northern Pacific Rd City: Brainerd State: MN Zip Code: 56401

Phone Number: 989-429-2006 Fax: _____ E-mail: mikeh@northernpacificcenter.com

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request:

We would like to have a church on the Northern Pacific Center property.

Property Owner Signature

3/18/25
Date

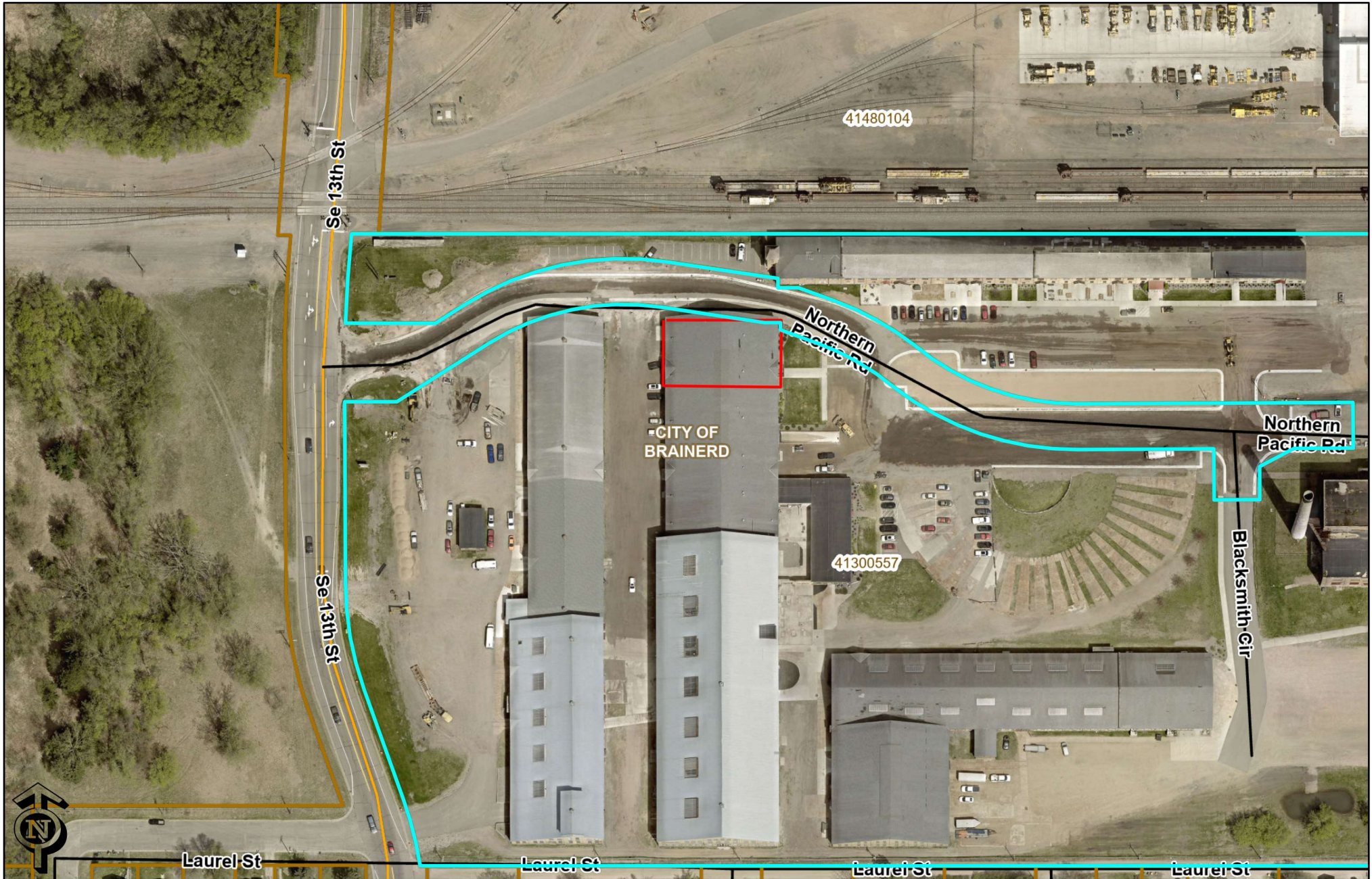
(Please print name)

Applicant Signature

Date

(Please print name)

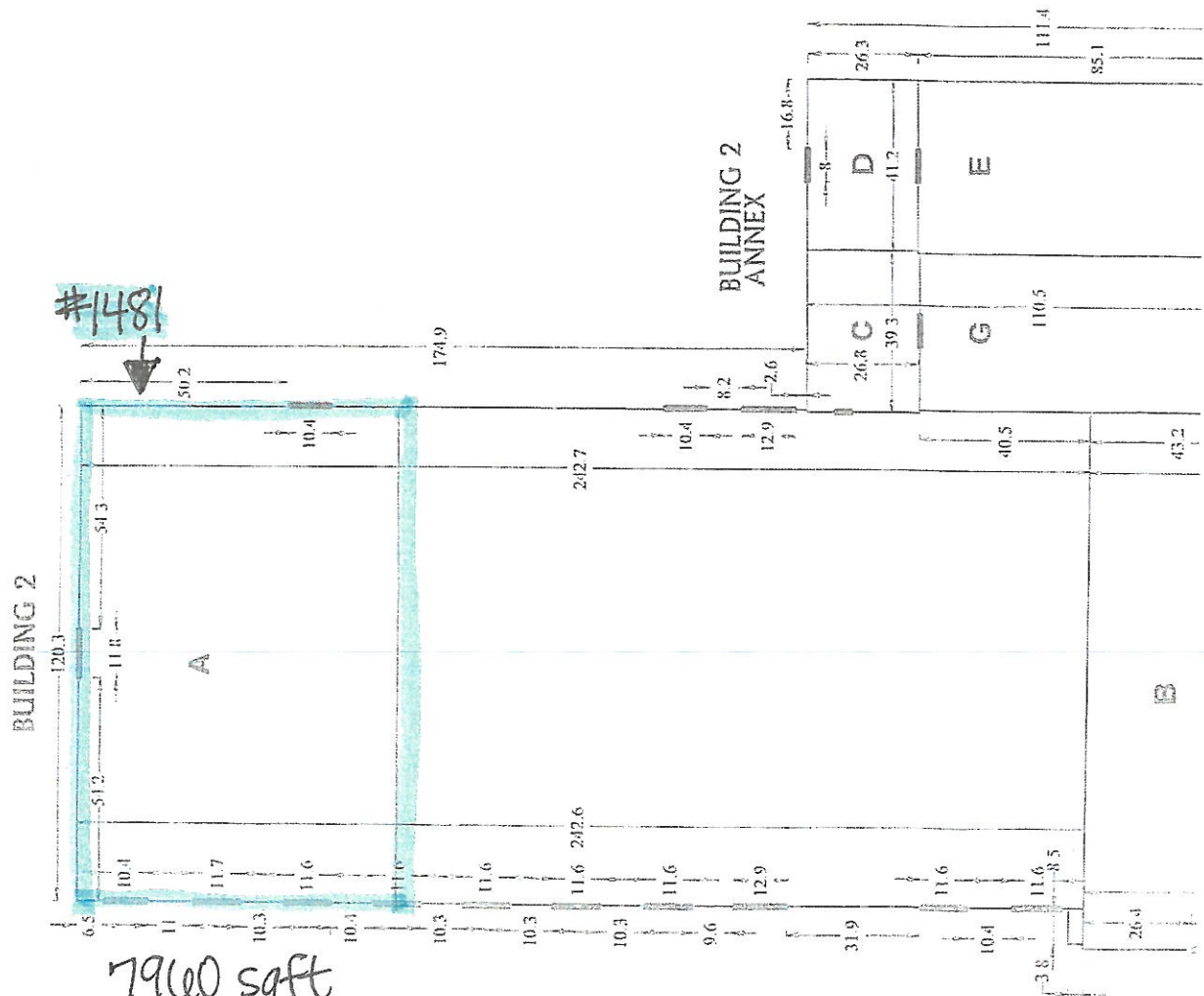
(OVER)



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.

Date: 3/19/2025 Time: 9:22 AM

7960 sqft



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Mike Higgins, on behalf of Northern Pacific Center, 1511 Northern Pacific Rd, Brainerd has submitted a request for a Conditional Use Permit to allow for the construction of a church in an existing building at 1481 Northern Pacific Rd. The property included in this application is described as:

LOT 1 BLOCK 1 NORTHERN PACIFIC PLAT
Parcel #: 41300557

The NPC-PUD's underlying zoning district governing the standards and uses of the property is the TC (Town Center) District, and Zoning Ordinance Section 513-3 Appendix A Table of Uses allows for places of worship & related buildings as a conditional use in the TC 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 Planning Commission at 6:00 p.m. Wednesday, April 16th, 2025 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 2nd day of April, 2025



James L. Kramvik
Community Development Director

Publication Date: April 5th, 2025

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: April 16th, 2025

RE: Consider Conditional Use Permit for the Expansion of Adult Day Program Services - 1919 S 6th St.

REQUEST

PUBLIC HEARING. Conditional Use Permit to expand the adult day program services with an interior expansion for 1919 S 6th St. The property included in this application is described and addressed as 1914 S 7th St.

Michael Burke, on behalf of Productive Alternatives, has submitted an application for an interior remodel and conditional use permit to allow for the expansion of services.

CONTEXT

Parcel Number: 41360878

Zoning District: General Commercial (GC) District

Property Area: 56,052 SQFT incl parking lot

Adjacent Uses: North: Offices
East: Evangelical Lutheran Good Samaritan
South: Offices
West: Residential

Adjacent Zoning: North: General Commercial (GC) District
East: General Commercial (GC) District
South: General Commercial (GC) District
West: Contemporary Neighborhood-Two (CN-2) District

AERIAL MAP



FINDINGS OF FACT – CONDITIONAL USE PERMIT

1. The property at 1914 S. 7th Street is located in a GC (General Commercial) District and Zoning Ordinance Section 515-3 (Allowed Uses) [Appendix A: Table of Uses](#) permits day care facilities as a conditional use in the (GC) District.

According to [Section 515-6 Rules and Definitions](#): Day Care Facility: A facility licensed by the State Department of Human Services, public or private, which for gain or otherwise regularly provides one or more persons, as defined by the State Human Services Licensing Act, with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. Day care facilities include but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, developmental achievement centers for children, day training and rehabilitation services for adults, day treatment programs, adult day care centers, and day services.

2. According to [Section 515-3-16 Commercial Day Care Facilities](#). Adult 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 applicant has proposed a tenant expansion not a building addition.*
 - ii. *The current building meets all setback and lot requirements of the [GC District according to Table 515-2-13.1. GC Dimensional Standards – Density, Lot Size, Coverage and Height Standards.](#)*
 1. *30' front yard setback requirement - Building is approximately 75' from front property line.*
 2. *20' side yard setback requirement – Building is approximately 57' and 110' from the side yard property lines.*
 3. *20' rear yard setback requirement – Building is approximately 100' from the rear property line.*
- 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 building 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. *There are no outdoor play areas. This section pertains to the screening of outdoor storage items.*
- d. Parking. There shall be off-street parking located separately from any outdoor play area and must comply with all applicable standards.
 - i. *The building has sufficient off-street parking for all tenants and has no outdoor play area.*
- e. Loading. Off-street loading spaces must be provided.
 - i. *The existing parcel is set up with a loading zone that facilitates drop-off and pickup.*
- 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 adhere to the regulations of Section 515-3-37.*
- 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 the facility regardless of location is dependent on the issuance of a certificate of occupancy which is not issued unless the business can demonstrate 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 conditional use for 1914 S 7th St, located in the GC Zoning District.*
 - b. The proposed use meets the regulations and standards established in this Ordinance.
 - i. *The proposed improvement meets all use specific regulations as required by Section 515-3 of the Zoning Code.*
 - 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 daycare facility expansion will not be dangerous, injurious, or noxious to any other property or persons. The applicant has not proposed any exterior improvements.*
 - 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.*
 - 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 97 parking spaces 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. *Adult day services provide an important need for the 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.*

4. **Section 515-2.B.7 Conditions.** In reviewing applications for conditional use permits, the City may attach whatever reasonable conditions are deemed necessary to mitigate anticipated adverse impacts associated with the proposed use, to protect the value of property within the Zoning District, and to achieve the goals of the City's Comprehensive Plan. In determining such conditions, special consideration shall be given to protecting nearby properties from objectionable views, noise, traffic, and other characteristics associated with such uses. Such conditions may include, but are not limited to, the following:
- a. Increasing the required lot size or yard setback dimension.
 - b. Limiting the height, size, or location of buildings.
 - c. Regulating ingress and egress to the property and the proposed structures thereon with particular references to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or another catastrophe.
 - d. Regulating the street width.
 - e. Increasing the number of required off-street parking spaces.
 - f. Limiting the number, size, location, or lighting of signs.
 - g. Requiring a berm, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
 - h. Requiring dedication of some open or green space.
 - i. Regulating the appearance of the facilities or site so that they are harmonious with the neighborhood and City.

As of this writing, no parties have contacted the Community Development Department for more information on the Conditional Use Permit application for the proposed commercial daycare facility at 1914 S 7th St.

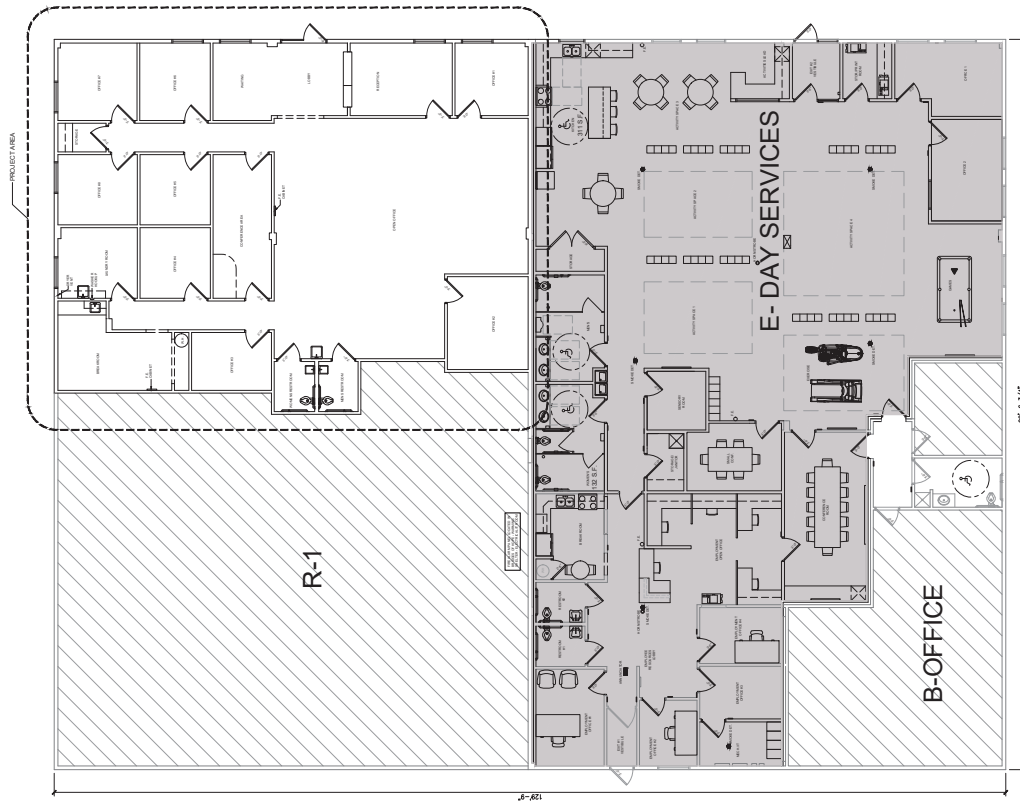
STAFF RECOMMENDATION

Option 1: Recommend approval of the CUP as presented.

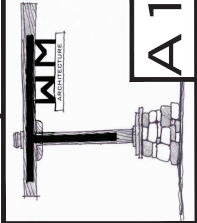
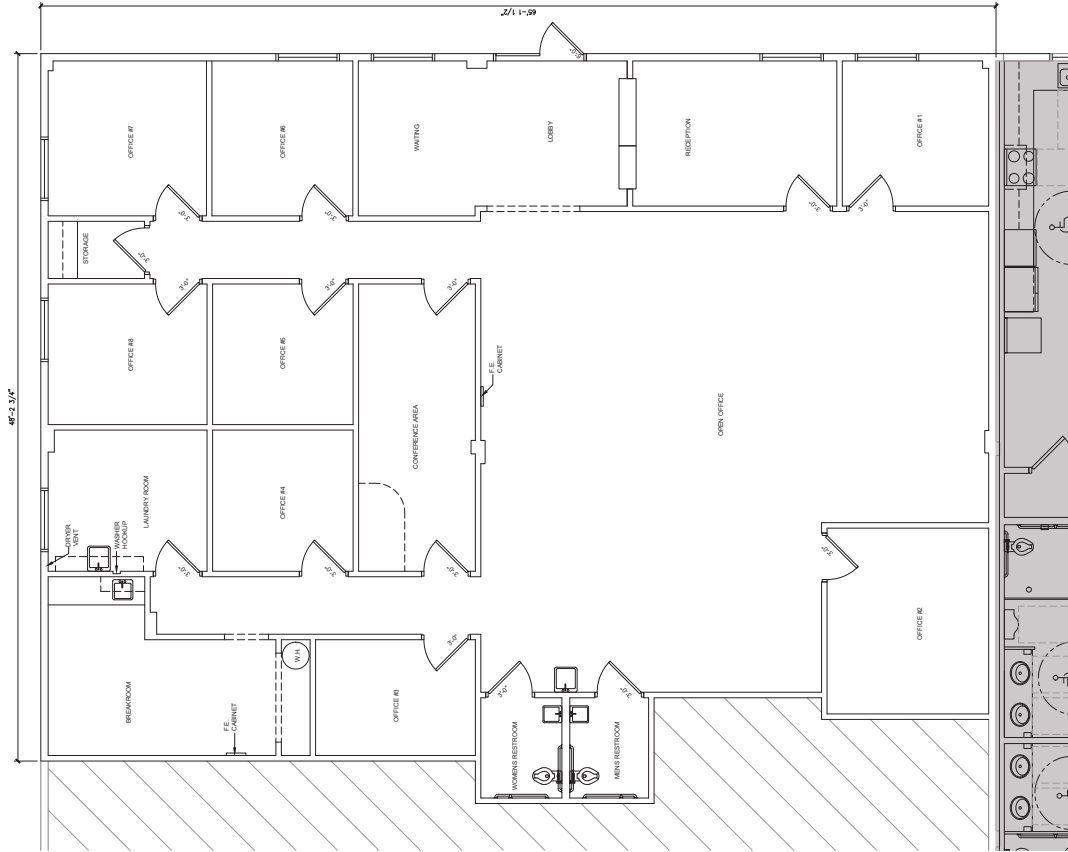
Option 2: As the Minnesota Department of Human Services regulates the operations of day care facilities and Productive Alternatives meets all the other requirements set by City Ordinance, staff recommends approval of the CUP amendment without any future occupancy limitations to the existing building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

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

1 EXISTING OVERALL FLOOR PLAN
1/8" = 1'-0" (ON 24 X 36 PAPER)



2 ENLARGED EXISTING FLOOR PLAN (PROJECT AREA)
1/4" = 1'-0" (ON 24 X 36 PAPER)



PRODUCTIVE ALTERNATIVES OFFICE RENOVATION

1919 SOUTH 6TH STREET
BRainerd, MN

TRAVIS MILLER

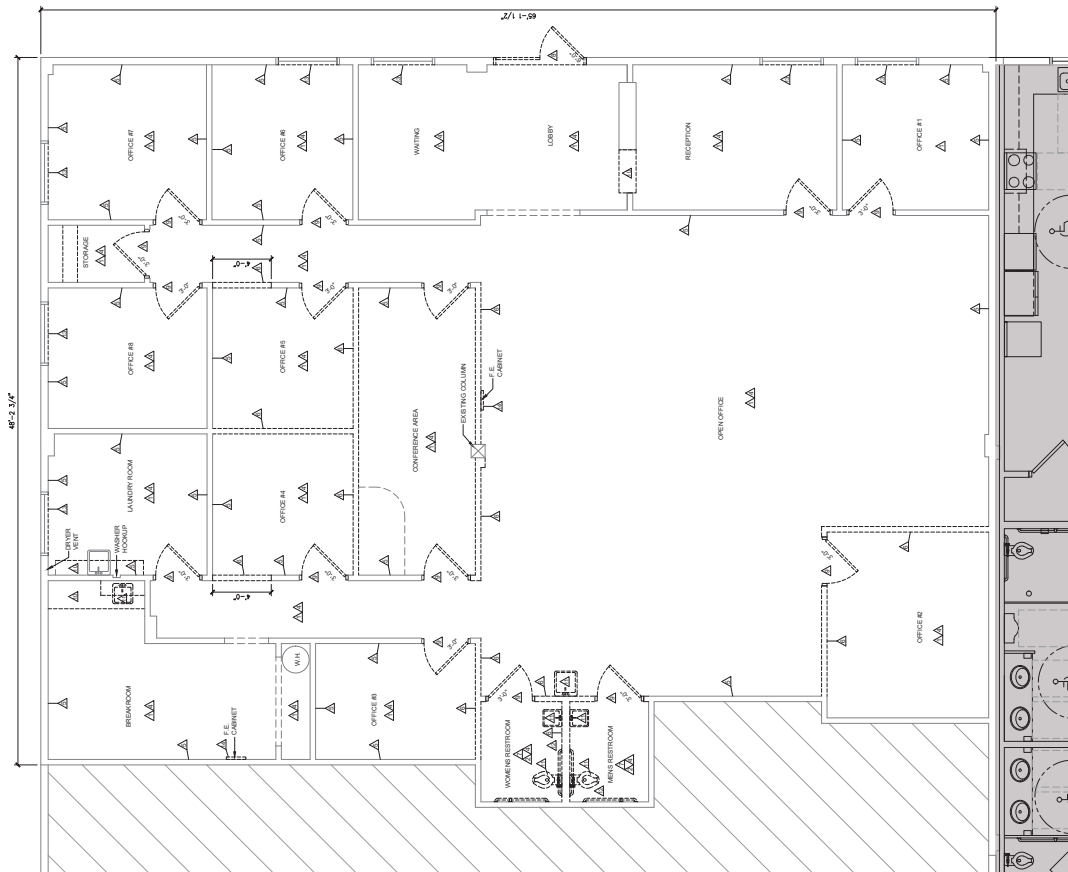
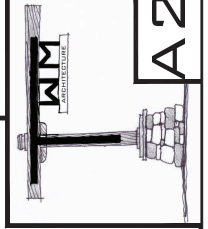
DATE: 3-24-25

LIC. # 45743

3-24-25

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA

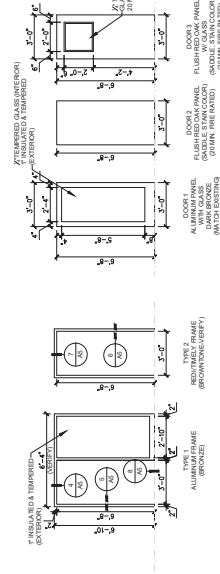
Travis Miller



1 DEMO FLOOR PLAN
1/8" = 1'-0" (ON 24 X 36 PAPER)

DOOR NOTES

1. ALL EXTERIOR DOOR FRAME HARDWARE OF PRE-EXISTING HARDWARE
2. ALL WALLS, PARTIALS, PARTS ETC TO BE REMOVED
3. ALL EXTERIOR DOOR FRAME HARDWARE TO BE REMOVED
4. FINE GLASS TO BE INSTALLED IN PLACE
5. VERIFY FRAME COLOR W/ OWNER



1 DOOR FRAME ELEV. 1/4" = 1'-0" (ON 24 X 36 PAPER)

2 DOOR PANEL ELEV. 1/4" = 1'-0" (ON 24 X 36 PAPER)

3 WINDOW ELEVATION 1/4" = 1'-0" (ON 24 X 36 PAPER)

WINDOW NO.	LOCATION	WINDOW TYPE	WINDOW SIZE	HEIGHT	COMMENTS
1	OFFICE 1	1	4'-0" X 4'-0"	MATCH TOP OF DOOR	EXISTING
2	OFFICE 2	1	4'-0" X 4'-0"	MATCH TOP OF DOOR	EXISTING

1. INSULATE WITH LOW SPANION BRIVAT GUM AND ANGLE ALL WINDOW OPENINGS

2. VERIFY ALL WINDOW VENT WINDOW SHUTTER FROM TRIMMING

3. SEE WINDOW ELEVATIONS FOR FRAME SIZE, DETAIL, L&S

DOOR NO.	LOCATION	FRAME TYPE	DOOR TYPE	DOOR SIZE	HEIGHT	WIDTH	COMMENTS
1	OFFICE 1	TYPE 1	DOOR 1	4'-0" X 4'-0"	4'-0"	4'-0"	INSULATE EXISTING AUTOMATIC CLOSER - VERIFY
2	OFFICE 2	TYPE 2	DOOR 2	4'-0" X 4'-0"	4'-0"	4'-0"	INSULATE EXISTING AUTOMATIC CLOSER - VERIFY
3	OFFICE 3	TYPE 3	DOOR 3	4'-0" X 4'-0"	4'-0"	4'-0"	INSULATE EXISTING AUTOMATIC CLOSER - VERIFY
4	OFFICE 4	TYPE 4	DOOR 4	4'-0" X 4'-0"	4'-0"	4'-0"	INSULATE EXISTING AUTOMATIC CLOSER - VERIFY
5	OFFICE 5	TYPE 5	DOOR 5	4'-0" X 4'-0"	4'-0"	4'-0"	INSULATE EXISTING AUTOMATIC CLOSER - VERIFY
6	OFFICE 6	TYPE 6	DOOR 6	4'-0" X 4'-0"	4'-0"	4'-0"	INSULATE EXISTING AUTOMATIC CLOSER - VERIFY
7	OFFICE 7	TYPE 7	DOOR 7	4'-0" X 4'-0"	4'-0"	4'-0"	INSULATE EXISTING AUTOMATIC CLOSER - VERIFY
8	OFFICE 8	TYPE 8	DOOR 8	4'-0" X 4'-0"	4'-0"	4'-0"	INSULATE EXISTING AUTOMATIC CLOSER - VERIFY
9	OFFICE 9	TYPE 9	DOOR 9	4'-0" X 4'-0"	4'-0"	4'-0"	INSULATE EXISTING AUTOMATIC CLOSER - VERIFY
10	OFFICE 10	TYPE 10	DOOR 10	4'-0" X 4'-0"	4'-0"	4'-0"	INSULATE EXISTING AUTOMATIC CLOSER - VERIFY
11	OFFICE 11	TYPE 11	DOOR 11	4'-0" X 4'-0"	4'-0"	4'-0"	INSULATE EXISTING AUTOMATIC CLOSER - VERIFY
12	OFFICE 12	TYPE 12	DOOR 12	4'-0" X 4'-0"	4'-0"	4'-0"	INSULATE EXISTING AUTOMATIC CLOSER - VERIFY

1. DOOR HARDWARE TO BE LEVER TYPE MECHANISM/DOOR REQUIREMENTS (SEE GRADING, FINISHING, OR TURNING OF THE WREST)

2. DOOR HARDWARE TO BE LEVER TYPE MECHANISM/DOOR REQUIREMENTS (SEE GRADING, FINISHING, OR TURNING OF THE WREST)

3. VERIFYING KEYING W/ OWNER

4. VERIFYING KEYING W/ OWNER

5. COMMERCIAL SCHEDULE EXTERIOR, INSIDE TO BE SCHED. W/ OWNER

6. COMMERCIAL SCHEDULE EXTERIOR, INSIDE TO BE SCHED. W/ OWNER

7. ALUMINUM DOOR FRAME COLOR TO MATCH EXISTING (SEE BRONZE) - VERIFY

8. INTERIOR DOORS TO BE KEYS - VERIFY W/ OWNER

9. INTERIOR DOORS TO BE KEYS - VERIFY W/ OWNER

10. INTERIOR DOORS TO BE KEYS - VERIFY W/ OWNER

11. INTERIOR DOORS TO BE KEYS - VERIFY W/ OWNER

12. INTERIOR DOORS TO BE KEYS - VERIFY W/ OWNER

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57. INTERIOR DOORS TO BE KEYS - VERIFY W/ OWNER

58. INTERIOR DOORS TO BE KEYS - VERIFY W/ OWNER

59. INTERIOR DOORS TO BE KEYS - VERIFY W/ OWNER

60. INTERIOR DOORS TO BE KEYS - VERIFY W/ OWNER

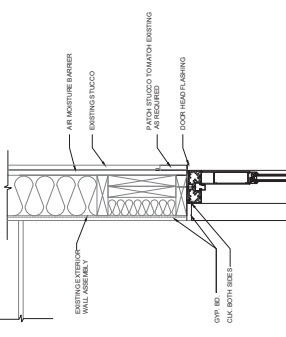
61. INTERIOR DOORS TO BE KEYS - VERIFY W/ OWNER

62. INTERIOR DOORS TO BE KEYS - VERIFY W/ OWNER

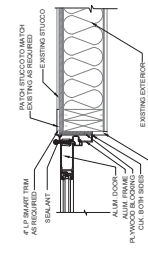
63. INTERIOR DOORS TO BE KEYS - VERIFY W/ OWNER

64. INTERIOR DOORS TO BE KEYS - VERIFY W/ OWNER

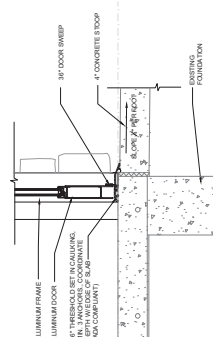
65. INTERIOR DOORS TO BE KEYS - VERIFY W/ OWNER



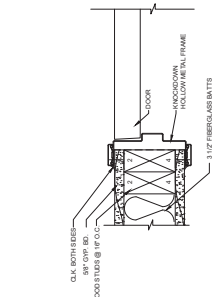
4 DOOR HEAD DETAIL 1 1/2" = 1'-0" (ON 24 X 36 PAPER)



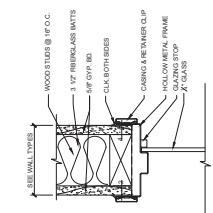
5 DOOR JAMB DETAIL 1 1/2" = 1'-0" (ON 24 X 36 PAPER)



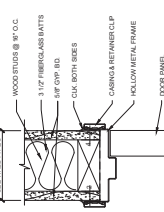
8 DOOR THRESHOLD DETAIL 1 1/2" = 1'-0" (ON 24 X 36 PAPER)



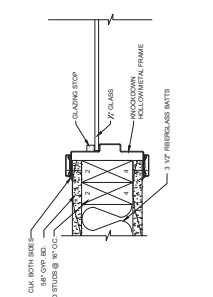
9 DOOR JAMB DETAIL 3" = 1'-0" (ON 24 X 36 PAPER)



10 WINDOW HEAD DETAIL 3" = 1'-0" (ON 24 X 36 PAPER)



7 DOOR JAMB DETAIL 3" = 1'-0" (ON 24 X 36 PAPER)



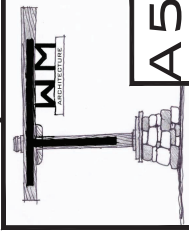
11 WINDOW JAMB DETAIL 3" = 1'-0" (ON 24 X 36 PAPER)

PRODUCTIVE ALTERNATIVES

OFFICE RENOVATION
1919 SOUTH 6TH STREET
BRainerd, MN

TRAVIS MILLER
DATE: 3-24-25
LIC. # 45743

STATE OF MINNESOTA
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION
OR REPORT WAS PREPARED BY ME OR UNDER MY
SUPERVISION AND THAT I AM A DULY
LICENSED ARCHITECT UNDER THE LAWS OF THE



A5



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	☐ (\$350.00)	☐ (\$500.00 + \$500.00 escrow deposit)
REZONING	☐ (\$350.00)	☐ (\$500.00)
VARIANCE	☐ (\$350.00)	☐ (\$500.00 + \$500.00 escrow deposit)
ZONING TEXT AMENDMENT	☐ (\$250.00)	☐ (\$400.00)

PROPERTY ADDRESS: 1919 South 6th Street Brainerd MN

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

Property Owner Name: Productive Alternatives

Street Address: 1919 South 6th Street City: Brainerd State: MN Zip Code 56510

Phone Number: 218 784-8330 Fax: _____ E-mail: mikeb@productivemn.org

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: _____

Interior remodel to add program space for additional clients.

Michael Burke
Property Owner Signature

3/26/25
Date

Michael Burke
(Please print name)

Michael Burke
Applicant Signature

3/26/25
Date

Michael Burke
(Please print name)

(OVER)

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Michael Burke, on behalf of Productive Alternatives, has submitted a request for a Conditional Use Permit to expand the adult day program services with an interior expansion for 1919 S. 6th Street, Brainerd. The property included in this application is described and addressed as 1914 S 7th Street:

HOLIDAY INN ADDITION TO BRAINERD LOT 4 BLOCK 3

Parcel #: 41360878

Section 36, Township 045, Range 031

The property is zoned GC (General Commercial) District, and Zoning Ordinance Section 513-3 Appendix A Table of Uses allows for commercial day care facilities (child and adult) as a conditional use in the GC 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 Planning Commission at 6:00 p.m. Wednesday, April 16th, 2025 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.

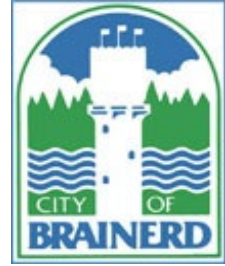
Dated this 2nd day of April, 2025



James L. Kramvik
Community Development Director

Publication Date: April 5th, 2025

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: April 16th, 2025

RE: Consider Interim Use Permit Renewal for a Short-Term Rental at 714 7th St S

REQUEST

Public Hearing. Interim Use Permit Mark Reisdorf on behalf of Mighty Homes LLC applied for the renewal of the Short-Term Rental at 714 7th St S Brainerd, MN 56401. The rental has been operating for one year and there have been no issues or concerns at the property.

The short-term rental expired April 1st 2025. The applicant stated that he misunderstood the renewal date, but stated the property is currently leased out to a long-term tenant in the health field until August.

CONTEXT

Parcel Numbers: 41240802

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

Property Area: 7534.41 SQFT

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

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

AERIAL MAP



FINDINGS OF FACT

1. The property at 714 7th St S St Brainerd, MN 56401 is located in a Traditional Neighborhood One (TN-1) District. The TN-1 District allows short-term rentals as an Interim Use according to Zoning Code [Appendix A: Table of Uses](#).
2. The applicant proposes to operate this short-term rental as a Vacation Dwelling Unit (VDU): A rental where the property owner is not a permanent resident of the unit, and the entire unit is rented without the property owner present during the rental period.
3. Renewal for an Interim Use Permit for an existing short-term rental at a premises shall be granted for a duration not to exceed twenty-four (24) months.
4. Short-term rentals must comply with the following minimum standards as required by the [Section 515-3-36](#) of the Zoning Code:
 - a. The permit holder (owner) of a short-term rental must apply for and receive an interim use permit.
 - i. *This application process serves as a fulfillment of this requirement of the interim use permit process.*
 - b. The application for an interim use permit shall include:

- i. The number of bedrooms with dimensions and all other sleeping accommodations
 - 1. *The applicant provided sizes of the three (3) bedrooms; bedroom one 216 SQFT, bedroom two 84 SQFT, and bedroom three 270 SQFT.*
 - ii. The number of off-street parking spaces available to guests.
 - 1. *The driveway adjacent to the alley is available for parking and provides two large spaces.*
 - iii. All accessory structures and outdoor recreational features available for guest use
 - 1. *There are no accessory structures or recreational features available for guest use.*
 - iv. A pet, garbage, and noise policy.
 - 1. *The house rules indicate that pets must be approved by the owner and upon a non-refundable fee with a maximum of 2 pets.*
 - 2. *The house rules note that trash pickup is on Mondays and instructions for disposal provided at the time of occupancy.*
 - 3. *The house rules note all loud noises are prohibited from 10:00 PM to 8:00 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. *These materials are referenced in the rules and available to occupants of the property.*
- c. 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. *Bedroom one is 216 SQFT (3 occupants)*
 - 2. *Bedroom two is 84 SQFT – (1 occupant)*
 - 3. *Bedroom three is 270 SQFT (3 occupants)*
 - 4. *Total occupancy allowed based on bedroom size is seven guests. The applicant has stated that five guests is the maximum number allowed at the property per house rules.*
- d. 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 bedrooms have been inspected by the Housing Inspector and approved for occupancy.*
- e. 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.*
 - f. Additional occupancy by use of recreational vehicles, tents, accessory structures, or fish houses is not permitted.
 - i. The utilization of recreational vehicles as sleeping space on the premises is prohibited. The applicant has not proposed additional sleeping structures.*
 - g. The permit holder shall keep a report detailing the 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.
 - h. 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 subject property is a licensed rental and has been inspected by the Housing Inspector and Fire Marshal.*
 - i. 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 recommends no additional conditions.*
 - j. A permit holder must post their rental license permit number on all print, poster, or web advertisements.
 - k. 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 owner of the property has been made aware of these requirements and have been submitting the tax on time.*
5. There are to be no more than forty (40) operational VDU's at any given time in the City and are granted on a first-come first-serve basis.
- a. There shall be no more than twenty (20) total VDU's permitted in the Town Center and Main Street District, and in all other zoning districts there shall be no more than ten (10) total VDU's permitted at any given time.
 - i. Only one (1) building with a permitted VDU may be located on any platted block and shall not abut another property approved for a short-term rental.
 - 1. *There are currently eight (8) VDU's in Brainerd.*
 - 2. *This property is in the TN-1 District. Including this property, there are currently five (5) VDU's in the TN-1 District.*
 - 3. *There are no other VDU's on this platted block.*

As of this writing, no one has contacted the Community Development Department regarding the Interim Use Permit renewal application.

STAFF RECOMMENDATION

Staff recommends approval of the Interim Use Permit for one short term rental unit at 714 7th St S Brainerd, MN 56401 with the following conditions:

- 1) Continue submitting lodging tax to the Finance Department on a monthly basis.
- 2) The Interim Use Permit shall expire two years after issuance.



Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401
218/828-2307/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: 714 S 7th St. Brainerd, MN 56401

I (We) the undersigned, do hereby respectfully request the Brainerd City Council to grant an Interim Use Permit to allow guests on a temporary basis

at the property address listed above until the date of 9/1/2026

Legal Description (attach, if lengthy): Lot 7,535 sq Block _____ Addition _____

Parcel #: 41240802

Property Owner: Mighty Home LLC

Address: 714 S. 7th St. Brainerd MN 56401
(Street) (City) (State) (Zip)

Contact Information #: 612-210-9740
(Home)

(Business)

mightyhome.llc@gmail.com
(E-mail)

Applicant: (if different than Property Owner) Mark Reisdorf

Address: 228 Broadway Ave. St. Paul Park MN 55071
(Street) (City) (State) (Zip)

Contact Information #: 612-210-9740
(Home)

(Business)

mightyhome.llc@gmail.com
(E-mail)

Contact Person: (if different than Property Owner) _____

Address: _____
(Street) (City) (State) (Zip)

Contact Information #: _____
(Home)

(Business)

(Fax)

(E-mail)

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: Mark Reisdorf Date: 3/13/25
(Property Owner)

Mark Reisdorf
(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)

House Rules

01

NO SMOKING

Allowed outdoors only. Cigarette butts must be extinguished and disposed of.

02

NO PETS

MUST BE APPROVED and a \$250 non-refundable fee paid. Additional pet fee of \$150, max of 2 pets.

03

REGISTERED GUESTS

Only guests included in the reservation are permitted to stay overnight. Additional guests must be approved by the host.

04

OCCUPANCY

The number of guests allowed is 5. Exceeding this limit may result in additional charges or eviction.

05

NO PARTIES

No events, parties, or large gatherings allowed.

Check-In

CHECK-IN TIME AT 4:00 PM

The keypad located on the front door will prompt you to verify the lit numbers before entering the host-provided code.



Check-Out

CHECK-OUT TIME AT 11:00 AM

Upon departure, please make sure you have gone through our check-out list, turn-off all the lights, and lock the door.

IMPORTANT

GARBAGE/ RECYCLING

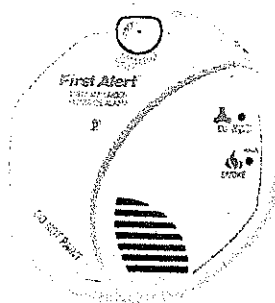
Pick-up day is Mondays. Please ensure that all trash is placed in the provided bins. The garbage cans are located in the back by the alley. Kindly make sure that the bins are securely closed to prevent any unwanted mess or odors. Your cooperation in this matter is greatly appreciated!

NOISE

Please be respectful of neighbors. Quiet hours from 10:00 PM - 8:00 AM.

SAFETY

- Fire Extinguisher is located under the sink in the kitchen
- Carbon monoxide detector - on all three levels of house
- Fire alarm - in every bedroom and three on main level
- First Aid Kit is in kitchen island next to the window, inside the right drawer





About the house

Nestled within the heart of Brainerd MN, this charming downtown cottage exudes a timeless allure. With three snug bedrooms and one and a half bathrooms, it offers a perfect blend of comfort and functionality. The living room, adorned with warm hues invites one to unwind in its cozy embrace. The kitchen, though petite in size, surprises with its efficient use of space, creating an atmosphere that feels both intimate and surprisingly spacious. Sunlight filters through the windows, casting a gentle glow, creating an ambiance that is both inviting and comforting. This cottage, though small in stature, holds a wealth of character, making it a true gem in the heart of Brainerd.

CONTACT INFORMATION

☎ 952-200-4709, TEXTING ONLY
✉ mightyhome.llc6@gmail.com

EMERGENCY INFORMATION

Hospital: 523 N 3rd St, Brainerd, MN 56401
Police: 225 E River Rd, Brainerd, MN 56401

$$1 \quad 12 \times 18$$

$$1 \quad 6 \times 14$$

$$1 \quad 15 \times 18$$

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Mark Reisdorf, on behalf of Mighty Home LLC, has submitted an Interim Use Permit renewal application to operate a short-term rental at 714 7th St. S Brainerd.

The property included in this application is described as:

*TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD
LOTS 5 AND 6 BLOCK 187
P.I.N. 41240802
Section 24, Township 45, Range 31*

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, April 16th, 2025 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the renewal of the Interim Use Permit.

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

Dated this 2nd day of April 2025



James L. Kramvik
Community Development Director

Publication Date: April 5, 2025

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: April 16th, 2025

RE: GI Off-Street Parking Memo

INTRODUCTION

According to [Section 515-4-12](#) of the Zoning Code, all new multifamily and non-residential driveways and parking areas must consist of concrete, asphalt, or pavers.

Existing General Industrial (GI) & Park (P) zoned properties in Brainerd have significant amounts of existing Class 5 parking surfaces. Additions to existing Class 5 parking surfaces would require the property owner to construct the addition with an improved surface consisting of concrete, asphalt, or pavers.

PROPOSED ORDINANCE

Unimproved surfaces such as Class 5 impact the City's storm sewer and can lead to sediment entering the system if placed too close to the street right-of-way. Due to potential sediment loads, staff recommend that GI properties should be required to place improved surfaces near the street right-of-way, but may be allowed to construct unimproved surfaces in the rear yard

STAFF RECOMMENDATION

Staff recommend a review of the proposed ordinance and direct staff to make changes.

**ORDINANCE
NO. 15XX**

AN ORDINANCE AMENDING SECTIONS 515-4-12 Off-Street Parking

WHEREAS, a public hearing was held by the Planning Commission as required by the Zoning Code, on _____, 2025

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Brainerd, Minnesota, as follows:

SECTION ONE: Purpose

The purpose of this ordinance is to regulate parking standards in the General Industrial (GI) Zoning District and allow for additional surface materials in the rear yard.

SECTION TWO: Section 515-4-12.G.5.b Surfacing - *Multiple family and non-residential parking surface requirements*, with the following added language underlined and deleted language struck out:

b. *Multiple family and non-residential parking surface requirements.* All areas intended to be utilized for parking space and driveways shall be surfaced with ~~concrete, bituminous, and pavers/brick~~ an approved material as described in this Section. The City may allow up to twenty-five (25) percent of required parking stalls or one hundred (100) percent of seasonal or overflow parking in excess of that required to be provided as green parking with a turf surface which is supported by a City approved parking lot sub-base and turf guard fabric.

- i. All areas intended to be utilized for parking space and driveways in all multiple family and non-residential zoning districts shall be surfaced with concrete or bituminous. The General Industrial (GI) District and Park (P) District are exempt from this requirement.
- ~~i.~~ ii. All areas intended to be utilized for parking space and driveways in the front yard and side yard in the General Industrial (GI) District shall be surfaced with concrete or bituminous. Class V, crushed concrete, and crushed bituminous are permitted surfaces in the rear yard.
 - a. Parking space and driveways in rear yards abutting a public street or alley shall be surfaced with concrete or bituminous within the rear yard setback and right-of-way.
- iii. All areas intended to be utilized for parking space and driveways in the Park (P) District may be surfaced with concrete, bituminous (pervious or impervious), pavers (pervious or impervious), brick, Class V, crushed concrete, and crushed bituminous.
- iv. Plans for surfacing and drainage of driveways and stalls for ten (10) or more vehicles shall be submitted to the City Engineer for review and the final plans shall be subject to the City Engineer's written approval.

ii.v. Plans for surfacing and drainage of driveways shall be reviewed and approved by the Zoning Administrator prior to issuance of a building permit. Said surfacing shall be completed within one (1) year following the date of building occupancy permit.

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

Adopted this _____ day of _____, 2025

MIKE O'DAY
President of the Council

Approved this _____ day of _____, 2025

DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator

Published: One Time – _____

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: April 16th, 2025

RE: Outdoor Sales Ordinance Memo

INTRODUCTION

At the March 19th Planning Commission meeting and the April 7th City Council meeting, staff were directed to review the screening requirements for outdoor sales lots. Outdoor sales lots include those renting or selling automobiles, trailers, and equipment. The following Sections are included in the proposed ordinance:

- 1) [Section 515-3-6 Auto Dealership](#)
- 2) [Section 515-3-29 Outdoor Service, Sale, and Rental](#)
- 3) [Section 515-6-2.B.1 Definitions of Structure, Measurement and Dimension](#)

PROPOSED ORDINANCE

The purpose of this ordinance is to regulate outdoor sales areas and provide screening for abutting residential uses and residential zoning districts. Screening requirements were removed for neighboring properties and rights-of-way.

Note: Additional screening requirements can be added as a condition if the proposed use is conditional in the zoning district.

In addition, staff removed lighting requirements in each section as lighting is regulated by [Section 515-4-8](#) of the Zoning Code.

STAFF RECOMMENDATION

Staff recommend a review of the proposed ordinance and direct staff to make changes.

**ORDINANCE
NO. 15XX**

AN ORDINANCE AMENDING SECTIONS 515-3-6 AUTO DEALERSHIP, 515-3-29 OUTDOOR SERVICE, SALE, AND RENTAL, AND 515-6-2.B.1 DEFINITIONS OF STRUCTURE, MEASUREMENT AND DIMENSION

WHEREAS, a public hearing was held by the Planning Commission as required by the Zoning Code, on _____, 2025

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Brainerd, Minnesota, as follows:

SECTION ONE: Purpose

The purpose of this ordinance is to regulate outdoor sales areas and provide screening for abutting residential uses and residential zoning districts.

SECTION TWO: Section 515-3-6 Auto Dealership, with the following added language underlined and deleted language struck out:

- A. Any Auto Dealership must comply with the following minimum standards:
1. Outdoor sales area shall be set at least five (5) feet back from all property lines⁵ ~~and at least 15 feet back from any Street surface.~~
 2. Outdoor sales shall be physically defined on the site by surfacing, curbing, landscaping, or a fence barrier.
 3. The boulevard portion of the street right-of-way shall not be used for parking, or storage or display of sale items.
 4. Outside sales areas must be ~~fenced or~~ screened from ~~view of neighboring abutting~~ residential uses or ~~abutting R~~residential ~~Z~~zoning ~~D~~districts with a six (6) foot high fence or landscaped screen, providing eighty (80) percent year-round opacity.
 - ~~5. All lighting shall be hooded and downcast so that the light source is not visible from the public right-of-way or from an abutting residence.~~
 - ~~6-5.~~ All display/sales/storage areas must be paved and must comply with any requirements of the City Engineer.
 - ~~6.~~ Required parking shall be segregated from the sales display. The area used for sales shall not take up any required parking space.

SECTION THREE: Section 515-3-29 Outdoor Service, Sale, and Rental, with the following added language underlined and deleted language struck out:

- 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 must be screened from abutting residential uses or residential zoning districts with a six (6) foot high fence or landscaped screen,

~~providing eighty (80) percent year-round opacity. 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.~~

~~4.3. Any dedicated sales area shall be hard surfaced to control dust and drainage. All display/sales/storage areas must be paved and must comply with any requirements of the City Engineer.~~

~~5.4.~~ 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.

SECTION FOUR: Section 515-6-2.B.1 Definitions of Structure, Measurement and Dimension, with the following added language underlined and deleted language struck out:

1. **Abut (includes abuts and abutting).** To be next to, or to share a common boundary. "Abutting" includes across an alley street. "Abutting" does not include properties that touch only corner to corner.

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

Adopted this _____ day of _____, 2025

MIKE O'DAY
President of the Council

Approved this _____ day of _____, 2025

DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator

Published: One Time – _____

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: April 16th, 2025

RE: Planning Commission Itinerary Update

INTRODUCTION

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

COMPLETED ORDINANCES

- 1) Cannabis Dispensaries
- 2) Garage Requirements for Residential Housing Units
- 3) Section 515-4-2 Building Design Standards
- 4) Mixed Use Development in the CC District

CODE SECTIONS TO REVIEW

- 1) **Crypto Mining/ Data Centers/ AI Centers** – Staff recommend consideration of a separate zoning classification for crypto mining, data centers, AI centers, and similar uses. Currently, these uses are considered manufacturing and storage and warehousing which are permitted in the General Industrial District. Creating its own designation as an Interim Use allows the City to place standards and conditions on the use to further protect neighboring properties from new facilities or expansion. **(In Progress)**
- 2) **Section 530 – Shoreland Management Regulations** – The City of Brainerd’s existing Shoreland Management Ordinance was last approved by the DNR on 7/25/2003. Current zoning districts do not match / align with the zoning districts identified in the City’s Shoreland Management Ordinance. Additionally, Section 525 of the City Code discusses Mississippi Headwaters Regulations where there are also zoning inconsistencies. The DNR is requesting that the City of Brainerd update its “Shoreland Management Ordinance” to ensure the zoning districts identified in the Zoning Map (2022) are identified in the Shoreland Management Ordinance within one year. **(In Progress)**
- 3) **Allowed Use Table** – The Allowed-Use-Table was constructed as part of the 2022 Zoning Code update. Staff have worked with the new Code for two years and have come across instances where the table may be missing a use in a particular zoning district or where the

use classification may be too stringent. Staff recommend a thorough review of the Allowed-Use-Table to ease the burden on new development and businesses. **(In Progress)**

- 4) **Industrial Off Street Parking Requirements** – Staff approached the Planning Commission about easing the pavement requirements in the General Industrial (GI) Zoning District. Currently all new driveways and parking areas in Brainerd must consist of concrete, asphalt, or pavers. Industrial zoned properties in Brainerd have significant amounts of existing Class 5 parking surfaces. Additions to existing Class 5 parking surfaces would require the property owner to construct the addition with an improved surface consisting of concrete, asphalt, or pavers. Staff would like the Planning Commission to review options for off-street parking areas in Industrial Zoned properties, specifically for additions, service drives/ turnarounds, and areas in the rear yard. **(In Progress)**
- 5) **Outdoor Sales Screening Requirements** - At the March 19th Planning Commission meeting and the April 7th City Council meeting, staff were directed to review the screening requirements for outdoor sales lots. Outdoor sales lots include those renting or selling automobiles, trailers, and equipment. The purpose of this ordinance is to regulate outdoor sales areas and provide screening for abutting residential uses and residential zoning districts. **(In Progress)**
- 6) **Sign Standards** – At the EDA Workshop meeting on April 3rd, the EDA Board recommended that the City update it's standards for commercial signage. Staff have received complaints about signage aesthetics in our major corridors and downtown. Signage is an important aspect of the overall characteristics of a commercial area and sub-standard signage can detract from the appearance and create negative perceptions to visitors. All signs are regulated by Section 515-3-37 for the Zoning Code. The purpose of the ordinance is to maintain, enhance, and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community. The ordinance regulates size and location but does not regulate material. Banner signs made of canvas or vinyl have increased in Brainerd and the aesthetics have become an issue. Signs should serve to communicate for the business but should be held to a standard as they also play an important role in attracting visitors and new businesses to an area.
- 7) **Design Standards** – MS, TC, CC, GC Districts – The previous design standards ordinance adopted in January of 2025 primarily focused on residential façade standards. The EDA board recommended the city consider enhancing design standards along its major corridors and the downtown area.
- 8) **Comprehensive Plan Update** – The last update to the comprehensive plan was in 2019 and in 2021 the City Council approved a proposed Comprehensive Plan amendment to include the revised Future Land Use Map. The process of updating the Comprehensive Plan was an extensive process undertaken by the City Staff, City Council, Planning Commission, the Steering Committee, and the Planning Team. The City should consider reviewing the comprehensive plan every five years to ensure all of the goals and objectives listed in the plan are still relevant for the City of Brainerd. City Council approved \$28,000 to update the comprehensive plan in 2025.
 - a. The Comprehensive Plan is a leading policy tool that provides a series of steps to help achieve a shared community vision. This plan will help citizens and local leaders work together more efficiently to guide future growth and development within the city. The plan represents a shared vision for the future and a strategic

map to reach that vision. The plan provides broad recommendations to guide and manage growth and development. These broad recommendations come in the form of goals and policies that express the city's aspiration for the future.

- 9) **Solar Arrays** – Brainerd Public Utilities have installed a solar array at Brainerd Airport and are currently working on construction of another solar array behind the BPU wastewater facility in Baxter. BPU is interested in adding additional solar arrays and has been looking at property in the City of Limits of Brainerd. Staff consider individual solar panels as accessory structures. However, code and an addition to the use table would be needed for the construction of a solar array in Brainerd.
- 10) **Manufactured Home Overlay District: Section 515-2-20** - Manufactured Home Overlay District (MH-O) was partially reviewed and amended by Swanson Haskamp Consulting but will still need additional review by staff and the Planning Commission.
- 11) **Sound Requirements** – Currently, most regulations in the zoning code rely on MPCA standards for sound. CUP's have the ability to add barriers to mitigate affects to neighboring properties.