

## **BRAINERD PLANNING COMMISSION**

Wednesday, January 15, 2020  
6:00 p.m.  
Crow Wing County Board Room

1. Call to Order
2. Approval/Change of Agenda
3. Approval of minutes of the regular meeting held on November 20, 2019
4. NEW BUSINESS
  - 4.a Election of Officers
5. PUBLIC FORUM – Time allocated for citizens to bring matters not on the agenda to the attention of the Planning Commission – time limits may be imposed.
6. OLD BUSINESS
  - 6a. Public Hearing – Proposed Lighting Ordinance Revision.
  - 6b. Zoning Code Update
  - 6c. Comprehensive Plan Implementation
7. Commissioners' Questions/Comments
8. Community Development Director's Report
9. Adjourn

Any individual needing special accommodations or that desires more information about the above items, please call 218/828-2307.

**PLANNING COMMISSION**  
Wednesday, November 20, 2019

**#1 Call to Order**

Planning Commission Chair Gorham called the meeting of the Brainerd Planning Commission to order at 6:00 p.m. in the Crow Wing County Board Room.

Noted present were Commissioners Burslie, Gorham, Duval, Woodward and Foley; and Council Liaison Lambert. Commissioner Marohn was noted as absent. Community Development Director Chanski was also noted as present.

**#2 Approval/Amendment of Agenda**

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND BURSLIE, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

**#3 Approval of Minutes**

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND WOODWARD, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 16, 2019 AND THE WORKSHOP HELD ON NOVEMBER 14, 2019.

**New Business**

**4a. Rezoning Application – 7757 Wise Rd, Brainerd – From an R-A (Rural Agriculture) to an R-1A (Single-Family Residential) District**

Community Development Director Chanski explained the purpose of the rezoning is to reduce the required lot size in order to split the lot to less than 20 acres. He said the intent is to construct an additional home on the property for a family member. He stated surrounding properties are zoned R-A (Rural Agriculture) and R-R (Rural Residential) districts. He said the reason not to rezone to an R-R district is due to the applicant's desire to make another lot split in the future for another family member.

The Chair opened the public hearing at 6:04 p.m.

The Chair recognized Ms. Erin Weberg, 7757 Wise Rd., who stated the intention of the property rezoning is to be able to build a home for her mother and plans to build a separate home for her mother-in-law in the future.

The Chair closed the hearing at 6:05 p.m.

MOTION AND SECONDED BY COMMISSIONERS DUVAL AND LAMBERT, DULY CARRIED, TO RECOMMEND APPROVAL OF THE REZONING OF 7757 WISE ROAD FROM AN R-A (RURAL AGRICULTURE) DISTRICT TO AN R-1A (SINGLE-FAMILY RESIDENTIAL) DISTRICT BASED ON STAFF FINDINGS OF FACT.

**4b. Rezoning Application – 317 N 4<sup>th</sup> St, Brainerd – From an R-1 (Single-Family Residential) to an R-2 (Single-Family Residential) District**

Community Development Director Chanski stated the applicant originally applied for a variance that was denied by the City Council. He said after further research was done, an alternative was to apply to rezone the property to allow the single-family home to be converted into a duplex. He reviewed the details of the application and indicated several neighborhood residents have contacted him in opposition. He noted if the rezoning is approved, it is not assuming the structure itself will meet the building code; this would be determined at the time a building permit is submitted.

Commissioner Lambert asked about the setbacks for the proposed two car garage. Community Development Director Chanski stated this is not part of the rezoning application and may be addressed in the future.

Commissioner Woodward asked if there is or will be more than one driveway, and the space available for additional residents to park. It was determined there is only one driveway and there would be ample space as it meets the requirements.

Commissioner Duval stated based on the photos and input received from the neighbors, it appears to need some attention in maintenance and asked if the property has any nuisance or code violations. Community Development Director Chanski stated the property has a history of issues from the former owner, but there are no recent citations or violations.

Commissioner Woodward questioned if the property is currently a licensed rental, which was determined it is not due to a family member residing in the home. Community Development Director Chanski stated if immediate family continues to reside on the property, a rental license is not required.

The Chair opened the public hearing at 6:19 p.m.

The Chair recognized Mr. Jeff Kramer, 505 Rosewood St., who has applied for the rezoning on behalf of his brother who currently owns the property. He said he would comply to the licensing requirements, even for family members. He said he has intentions of doing some extensive improvements on the property and the rental ability would allow to recoup some of the costs. He added that his brother purchased the property in 2012 and his daughter has occupied the home since then.

The Chair recognized Ms. Sue Beck, 312 Juniper St., who lives nearby and spoke against the cleanliness of the property and is opposed to the rezoning. She stated in the past several years, it has been collecting junk and no one has tried to clean it up. She said the intention is to have a quiet neighborhood with single-family homes and feels the property will only be worse if made into a duplex.

The Chair recognized Mr. Carter Kuehn, 302 Juniper St., who questioned the noted *“staff cannot determine whether the structure itself will meet the building code requirements for a two-family dwelling.”* He said shouldn't that question be asked prior to the rezoning. He is opposed to the rezoning and feels doing so would change the face of the neighborhood.

The Chair recognized Mr. Fred Kaune, 324 Juniper St., who lives in the neighborhood and is against the rezoning due to whether the house can structurally handle a second family, the current property is a disaster and he has provided the photos to prove it.

The Chair closed the public hearing at 6:28 p.m.

Commissioner Burslie said based on these recent photos, there should be current violations and asked if the process is complaint driven. Community Development Director Chanski reviewed the code compliance procedures and that this time of year, the majority are based on complaints received.

Commissioner Lambert stated if it was rezoned and licensed for a duplex, then the rental ordinance would alleviate some of the neighbor's concerns.

Commissioner Duval indicated goal number one in the Land Use section of the Comprehensive Plan states *"Support mixed-use development that is focused on integration instead of the separation of land uses."* He said the rezoning request is compatible with this section of the new comprehensive plan.

Commissioner discussion took place.

MOVED AND SECONDED BY COMMISSIONERS LAMBERT AND BURLIE TO DENY THE REZONING APPLICATION AT 317 N. 4<sup>TH</sup> STREET AS IT IS NOT CONSISTENT WITH FUTURE LAND USE MAP AND THE PROPOSED R-2 CLASSIFICATION IS NOT ADJACENT TO ANY OTHER R-2 ZONED PROPERTIES.

Commissioners Burslie, Lambert, Gorham, Woodward and Foley voted "aye". Commissioner Duval voted "nay". The Chair declared the motion carried.

**4c. Conditional Use Permit Application – Lowell Elementary – 704 3<sup>rd</sup> Ave. NE, Brainerd**

Community Development Director Chanski reviewed the details of the conditional use permit application for Lowell Elementary. He stated the addition to the school includes but is not limited to new classrooms, kitchen, gymnasium and parking lot.

The Chair opened the public hearing at 6:46 p.m.

The Chair recognized Mr. Tim Ramerth, architect from WSN and staff from ICS Consulting who reviewed the proposed addition details from the blueprints displayed. Mr. Reid Thiesse, director of buildings and grounds with ISD181 answered questions on the proposed parking lot lighting.

Commissioner questions were asked and answered.

The Chair closed the public hearing at 7:06 p.m.

**Findings of Fact**

1. Lowell Elementary School is located in an R-1 (Single Family Residential) District.
2. The operation of a school in an R-1 District is considered a conditional use per [Section 515-54-5.F](#) of the Code of Ordinances.
3. The proposed addition must meet the following criteria as required by the aforementioned section of the Code:
  - a. The site accesses a major collector.
  - b. The site is landscaped in accordance with [Section 20](#) of the Zoning Code.
  - c. Off-street parking is provided in accordance with [Section 22](#) of the Zoning Code

- d. Off-street loading and service entrances are provided as regulated by [Section 23](#) of the Zoning Code.
- e. Emergency vehicle access is provided to and within the site.
- 4. ISD #181 has submitted a photometric plan, incorporating lighting standards previously discussed with the Harrison Elementary and Brainerd High School projects.
- 5. ISD #181 has submitted a request to the City Engineer to designate the section of G Street between 3<sup>rd</sup> Ave NE and 4<sup>th</sup> Ave NE as a one-way street flowing east to west.
- 6. ISD #181 has received approval for the City Engineer to strip the east curb line on 3<sup>rd</sup> Ave NE between H Street and G Street as bus parking/drop-off.
- 7. ISD #181 owns all the properties associated with this project.

MOVED AND SECONDED BY COMMISSIONERS LAMBERT AND DUVAL, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT (CUP) FOR LOWELL ELEMENTARY SCHOOL AT 704 3<sup>RD</sup> AVENUE NE BASED ON STAFF FINDINGS OF FACT.

**4d. Conditional Use Permit Application – Garfield Elementary – 1120 10<sup>th</sup> Ave. NE, Brainerd**

Community Development Director Chanski reviewed the details of the conditional use permit application for Garfield Elementary. He stated the addition to the school includes but is not limited to new classrooms, kitchen, office space and parking lot.

The Chair opened the public hearing at 7:09 p.m.

The Chair recognized Mr. Tim Ramerth, architect from WSN and staff from ICS Consulting, Wold Architects and ISD181 who reviewed the proposed addition details, lighting, parking and landscaping from the blueprints displayed. Ms. Jodi Kennedy, principal at Garfield explained the details of the bus and parent drop off and pick up process.

Commissioner questions were asked and answered.

The Chair closed the public hearing at 7:26 p.m.

**Findings of Fact**

- 1. Garfield Elementary School is located in an R-1 (Single Family Residential) District.
- 2. The operation of a school in an R-1 District is considered a conditional use per [Section 515-54-5.F](#) of the Code of Ordinances.
- 3. The proposed addition must meet the following criteria as required by the aforementioned section of the Code:
  - a. The site accesses a major collector.
  - b. The site is landscaped in accordance with [Section 20](#) of the Zoning Code.
  - c. Off-street parking is provided in accordance with [Section 22](#) of the Zoning Code
  - d. Off-street loading and service entrances are provided as regulated by [Section 23](#) of the Zoning Code.
  - e. Emergency vehicle access is provided to and within the site.
- 4. ISD #181 has submitted a photometric plan, incorporating lighting standards previously discussed with the Harrison Elementary and Brainerd High School projects.

5. ISD #181 has submitted a request to the City Engineer to designate four on-street handicap parking spots along the south curb line of L Street between 10<sup>th</sup> Ave NE and 11<sup>th</sup> Ave NE to reduce the necessary parking spots in the proposed parking lot.
6. ISD #181 owns all the properties associated with this project.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND BURSLIE, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT (CUP) FOR GARFIELD ELEMENTARY SCHOOL AT 1120 10<sup>TH</sup> AVENUE NE BASED ON THE STAFF FINDINGS OF FACT.

**4e. Conditional Use Permit Application – Riverside Elementary – 205 W Washington St. Brainerd**

Community Development Director Chanski reviewed the details of the conditional use permit application for Riverside Elementary. He stated the addition to the school includes but is not limited to gymnasium, finishes and service entry updates. He explained all the shoreland regulations have been met.

The Chair opened the public hearing at 7:30 p.m.

The Chair recognized Mr. Tim Ramerth, architect from WSN and staff from ICS Consulting who reviewed the proposed addition details from the blueprints displayed.

The Chair closed the public hearing at 7:37 p.m.

**Findings of Fact**

1. Riverside Elementary School is located in an R-3 (High Density Residential) District.
2. The operation of a school in an R-3 District is considered a conditional use per [Section 515-57-5.1](#) of the Code of Ordinances.
3. The proposed addition must meet the following criteria as required by the aforementioned section of the Code:
  - a. The site accesses a major collector.
  - b. The site is landscaped in accordance with [Section 20](#) of the Zoning Code.
  - c. Off-street parking is provided in accordance with [Section 22](#) of the Zoning Code
  - d. Off-street loading and service entrances are provided as regulated by [Section 23](#) of the Zoning Code.
  - e. Emergency vehicle access is provided to and within the site.
4. All proposed additions and renovations appear to meet the shoreland management regulations set forth in [Section 530](#) of the Code of Ordinances.
5. ISD #181 owns all the properties associated with this project.

MOTION AND SECONDED BY COMMISSIONERS BURSLIE AND LAMBERT, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT (CUP) FOR RIVERSIDE ELEMENTARY SCHOOL AT 205 W WASHINGTON STREET BASED ON THE STAFF FINDINGS OF FACT.

**#5 Public Forum**

The Chair opened public forum at 7:38 p.m.

No one came forward.

The Chair closed the public forum at 7:39 p.m.

**#6 Old Business**

**6a. Public Hearing – Proposed Lighting Ordinance Revision**

Community Development Director Chanski explained the revisions that staff and the Commission have done to the ordinance based on feedback from the community. He indicated those suggested changes are shown below.

***Added to Section 515-18-2: Exemptions***

*E. Outdoor athletic facilities, except that lighting for such facilities, shall be shut off within sixty (minutes) of final activity.*

***Amended in Section 515-18-5: Performance Standards***

*A.2. The maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirteen (13) feet. A light source mounted on a structure shall not exceed the height of the structure.*

*a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of twenty (20) feet may be allowed.*

*A.3. The luminaire shall contain a full cut off fixture which directs and cuts off light at an angle of ninety (90) degrees or less.*

*A.4. In B-1 and B-2 districts, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirteen (13) feet. A light source mounted on a structure shall not exceed the height of the structure.*

*a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of twenty (20) feet may be allowed.*

*A.5. In B-3, B-4, B-5 and B-6 districts, the maximum height of the fixture, pole and base above ground grade permitted for light sources is fifteen (15) feet. A light source mounted on a structure shall not exceed the height of the structure.*

*a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of twenty five (25) feet may be allowed.*

*A.6. In I-1 and I-2 districts, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is twenty-five (25) feet. A light source mounted on a structure shall not exceed the height of the structure.*

*a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of thirty (30) feet may be allowed.*

*A.7. Light sources in parking lots shall be shut off within sixty (60) minutes of final activity.*

Commission discussion took place.

The Chair opened the public hearing at 7:51 p.m.

The Chair recognized Mr. Reid Thiesse, ISD181 director of buildings and grounds, who brought up the concern of *"lights must be shut off within sixty minutes of final activity"*. He said there may be times that there are multiple events ending at multiple times, or the potential delays of busses returning. He said the lighting would be on timers and would be near impossible to program with many different times. He also indicated they are concerned of having the lights completely shut off as dark parking lots are not secure for people or school property.

The Chair recognized Ms. Laine Larson, superintendent of ISD181 who stated concern for the timeframe for the lights to be shut off. She said she also said there is staff that comes early for weather issues.

The Chair recognized Mr. Tim Ramerth, who spoke on behalf of the Chamber of Commerce Government Affairs Committee and ISD181. He said he would like to review this revision with the government affairs group. He stated he is concerned if future changes to this ordinance would affect the conditional use permit for the high school that was previously approved. Staff determined that permit would be valid at the requirements it was approved for.

The Chair closed the public hearing at 8:08 p.m.

Commission discussion took place.

Staff has been directed to review and research other options for alternate wording regarding the concerns brought forth tonight.

#### **6b. Nonconforming Rentals**

Community Development Director Chanski announced that at the October 21<sup>st</sup> meeting, the City Council did not approve the amendment to the nonconforming rental ordinance as recommended by the Commission. He would like to get input from the Commission on how they would like to move forward.

Commissioner Lambert suggested to wait until the ordinance revision and the rental housing ordinance process is complete.

The Chair recognized Mr. Rick Fargo, property rental owner, who stated the concern is not only in an R-1 district; unlicensed rental individual units could be located within a triplex, or fourplex for example. He said the owner of the building may be living in that unit, where there is no requirement to license. He indicated the concern appears when or if that owner moves out and that unit cannot be licensed over the one-year timeframe. He said the goal of this revision would be to bring all rentals into code and to be acknowledged by the City.

Commission discussion took place. It was determined to direct staff to do further research and provide clarification of what the overall goal is by pursuing a revision.

#### **#7 Commissioner's Questions/Comments**



Community Development Director Chanski stated the next Planning Commission meeting is scheduled for December 18<sup>th</sup>. He will advise the Commission if anything changes.

**#8 Community Development Director's Report**

Community Development Director Chanski announced the City Council selected Ms. Jennifer Bergman as the new City Administrator.

**#9 Adjourn**

The Chair adjourned at 8:30 p.m.

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Don Gorham, Planning Commission Chair

DRAFT

# **City of Brainerd**

## **Community Development Department**

**TO:** Planning Commission

**FROM:** David Chanski, Community Development Director

**DATE:** January 13, 2020

**RE:** Election of Officers

The Planning Commission Bylaws state that “The Commission, at its first regular meeting in January of each year, shall select a Chairperson and Vice Chairperson.”

The duties of the Chair are:

- 1) Preside at all meetings of the Commission
- 2) Call special meetings of the Commission in accordance with the City Ordinance
- 3) Sign documents of the Commission
- 4) See that all actions of the Commission are properly taken
- 5) Cancel or postpone any regularly scheduled meetings
- 6) Order end to disorderly conduct and direct law enforcement to remove disorderly persons from Planning Commission meetings

The duties of the Vice-Chair are:

- 1) In the event of the absence, disability or disqualification of the Chairperson, the Vice Chairperson shall exercise or perform all the duties and be subject to all the responsibility of the Chairperson.

For 2019, the Chair was Commissioner Don Gorham, and the Vice-Chair was Commission Chuck Marohn.

# **Planning Commission Bylaws**

## **Article I. Introduction**

### Section 1. Purpose

It is the intent of the City of Brainerd Planning Commission to conduct its business and perform its responsibilities and duties in an orderly, efficient, fair and lawful manner. These bylaws are established for that purpose.

### Section 2. Application of Bylaws

Unless otherwise specifically indicated, these bylaws shall apply to the transaction and administration of all Planning Commission business and the conduct of all Planning Commission meetings and hearings.

## **Article II. Offices and Duties**

### Section 1. Offices Designated

The Commission, at its first regular meeting in January of each year, shall select a Chairperson and Vice Chairperson.

### Section 2. Recording of Meetings

The Planning Department shall supply a qualified staff member to perform all general corresponding and recording secretarial duties for the Planning Commission.

### Section 3. Duties of Offices

The duties and powers of the office of the Planning Commission shall be as follows:

#### A. Chairperson

- 1) Preside at all meetings of the Commission
- 2) Call special meetings of the Commission in accordance with the City Ordinance
- 3) Sign documents of the Commission
- 4) See that all actions of the Commission are properly taken
- 5) Cancel or postpone any regularly scheduled meetings
- 6) Order end to disorderly conduct and direct law enforcement to remove disorderly persons from Planning Commission meetings

#### B. Vice Chairperson

In the event of the absence, disability or disqualification of the Chairperson, the Vice Chairperson shall exercise or perform all the duties and be subject to all the responsibility of the Chairperson.

#### C. Secretary

A city staff member will be assigned to perform the functions of Secretary. The Secretary shall keep record of the proceedings of every meeting of the Planning Commission.

Section 4. Preparation of the Comprehensive Plan

The Commission shall prepare, adopt and revise from time to time a Comprehensive Plan for the physical development of the City, including proposed public buildings, street arrangements and improvements, public utility services, parks, playgrounds, and other similar developments, the use of property, the density of population, and other matters relating to the physical development of the City. Such plan may be prepared in sections, each of which shall relate to, a major subject of the plan.

Section 5. Means of Executing the Comprehensive Plan

Upon the adoption of the Comprehensive Plan or any section thereof, the Commission shall recommend to the City Council reasonable and practicable means for putting into effect such plan or section thereof in order that the same will serve as a pattern and guide for the orderly physical development of the City and as a basis for the efficient expenditures of the funds thereof relating to the subjects of the plan. Such means shall consist of a zoning plan, the control of subdivision plats, a plan of future streets, coordination of the normal public improvements of the City, a long term program of capital expenditures and such other matters as will accomplish the purpose of the plan.

**Article III. Members**

Section 1. Number

The Planning Commission shall consist of seven (7) voting members, one of which is a City Council member.

Section 2. Members Appointed.

Voting member shall be appointed by the City Council for three years. Terms shall run from January 1 through December 31. Terms shall be staggered so that there will be continuity of the Commission.

Section 3. Removal

City Council has the power to remove a Commissioner by a 5/7 vote.

Section 4. Voting

A member must be present to vote.

Section 5. Vacancies.

Vacancies shall be filled by appointment of the City Council for the unexpired portion of the term.

**Article IV. Meetings and Hearings**

Section 1. Notice

Notices of all meetings and hearings of the Planning Commission shall be made in accordance with all statutory and ordinance notification requirements.

Section 2. Meetings

All meetings of the Planning Commission shall be open to the public.

### Section 3. Workshops

Workshops and other meetings whose sole purpose is for general information and/or educational purposes will be open to the public. Public testimony may or may not be allowed.

### Section 4. Meeting Records

All tapes, minutes, evidence, exhibits, correspondence, maps, plats, etc. shall be made a part of the record, become the property of the City Brainerd, and be maintained as a permanent record.

### Section 5. Meetings

#### A. Date and Time

The Planning Commission shall meet regularly on the third Wednesday of each month at 6:00 pm, or as soon as practical.

#### B. Location

The Commission shall meet in regular session in the City Hall Council Chambers.

#### C. Order of Business

- 1) Call to Order
- 2) Approval/Amendment of Agenda
- 3) Approval of Minutes
- 4) New Business
- 5) Public Forum
- 6) Old Business
- 7) Commissioners' Questions/Comments
- 8) City Planner Report
- 9) Adjourn

#### D. Special meetings

The Chair person, Vice Chairperson, City Council, or Mayor may call for a special meeting at any time. Notice of the time and place shall conform to the Open Meeting Law.

#### E. Additional Agenda Items

After an agenda has been published, at the discretion of the Chair and approval by the Commission items may be added up to the time of the published meeting.

### Section 6. Parliamentary Procedure

All Commission meetings shall be governed by Sturgis Standard Code of Parliamentary Procedure in all cases to which they are applicable and not in conflict with these bylaws, City Code, or other rules this Commission may adopt.

### Section 7. Agenda

A. The agenda shall be prepared by the City Planner with the input of the Chair as requested for the Planning Commission meeting and shall close 7 days prior to the meeting.

B. Any Planning Commission member can place an item on the agenda. No item shall be placed on the agenda unless the item is expressed in such a way as to clearly show the subject matter involved.

- C. The agenda may be amended during a Planning Commission meeting by a majority vote of the Commission.
- D. The agenda shall generally organize matters to be addressed at the meeting so as to best promote opportunities for effective public input and the timely and efficient performance of Planning Commission responsibilities. Items of business likely to attract the attendance of many persons should generally be placed early on the agenda.
- E. Planning staff shall prepare a written report detailing the request and the ordinance provisions that apply to the matter.

#### Section 8. Procedure for Public Hearings

Planning staff or consultants, if any, shall summarize for the public the relevant issues of the application contained in the written staff report. The Commission members may direct question to staff regarding the application.

- A. The Chairperson shall call the public hearing to order and declare the time, and prior to taking testimony, shall explain:
  - 1) The order of testimony
  - 2) The purpose and requirements of the public hearing under Minnesota Law
  - 3) That each speaker shall provide their name and address and that public comments should be limited to matters pertinent to the application under review and avoid duplicative testimony. The Chairperson may place reasonable time limits on public comments, depending on the number of persons waiting to testify on the matter.
- B. The applicant and/or representative shall be given an opportunity to present evidence in support of the request and rebut any issues or conditions identified in the staff report
- C. Members of the public, if any, may testify, either in person or through their agent. Written testimony submitted may be read and will be added to the public record.
- D. The applicant shall have an opportunity to answer questions from the Commission.
- F. The Commission may direct questions to the applicant, planning staff, or public to clarify issues but no further testimony may be received from the public.
- G. When all public comment has been received the Commission shall close the public hearing by motion and majority vote of the Commission. The Commission may deliberate and decide the matter. Should the Commission identify relevant facts that remain unknown or disputed the Commission may postpone closing the hearing by motion and majority vote until the Planning Commission's next meeting and refer the issue to planning staff for further fact finding.

#### Section 9. Protocol for Public Hearings

- A. Everyone who wishes to give testimony shall be given a reasonable opportunity to speak.
- B. All statements or questions should be directed to the chairperson.
- C. All statements should be as factual as possible and should not involve personalities.
- D. Speakers should refrain from repeating what has already been stated.
- E. Each speaker shall provide his or her name and address to the recorder.
- F. The Planning Commission reserves the right to question any speaker.
- G. Written testimony may be received.
- H. No additional testimony may be offered after the close of the public hearing.

#### Section 10. Communication with Public and Applicant

- A. General. Prior to the public hearing or Commission deliberation, no Commission member shall lobby the merits of a pending case with staff, applicant, Commission member, or the general public.
- B. Disclosures. If a commissioner has discussed the pending case, the commissioner shall disclose the facts relating to such discussion during the public hearing.
- C. Exception. Nothing in this section shall preclude the general information communication by Commission members relating to the general conduct of a meeting or hearing, nor shall anything in this section forbid staff or commissioners from discussing with commissioners an upcoming meeting, so long as the facts or merits of the meeting are not discussed.

#### Section 11. Quorum

A majority of the Commission members entitled to vote shall constitute a quorum for the transaction of business.

#### Section 12. Conflict of Interest

Any member of the Planning Commission who shall feel that he or she may appear to have or in fact has, a conflict of interest on any matter that is on the Planning Commission agenda shall voluntarily excuse himself or herself, vacate his or her seat, and refrain from discussing and voting on said matter as a Planning Commissioner.

A conflict of interest is any direct contractual, pecuniary, or other beneficial interest in the outcome of a matter before the Planning Commissioner.

Section 13. Orientation of new Planning Commissioners

To assist new Planning Commission members in learning their responsibilities, and to develop their understanding of the planning process as quickly as possible, they will be required to:

- A. Attend an orientation session with the City Planner, Planning Commission Chair, and City Council member.
  
- B. Read the Comprehensive Plan and Zoning Ordinance.

**Article V. Education, Conference and Convention Policy**

The City Council and Planning Commission of the City of Brainerd recognize and accept the concept that the acquisition and maintenance of a body of knowledge and skills are necessary and desirable to perform the job of the Planning Commissioner. Further, both groups encourage and highly recommend periodic attendance at various educational opportunities conferences and conventions.

The following is the policy of the City of Brainerd Planning Commission on educational meetings, conferences, and conventions:

- A. Attendance at educational meetings, conferences, and conventions is subject of availability of funds.
  
- B. Attendance at educational meetings, conferences, and conventions is voluntary. Planning Commission members are encouraged to attend educational meetings, conferences, and conventions.
  
- C. Involvement in relevant professional organizations such as APA-MN, office holding, or committee work is considered educational.
  
- D. Planning Commission members are encouraged to participate in the budget process and to request allocations for educational purposes.



# City of Brainerd

## Community Development Department

**TO:** Planning Commission

**FROM:** David Chanski, Community Development Director

**DATE:** January 13, 2020

**RE:** Proposed Lighting Ordinance Revision

The Planning Commission called for a public hearing on lighting standards to be held during their regular meeting on Wednesday, October 16, 2019, to get public input after a proposed lighting standards ordinance revision failed to be passed by the City Council. After this public hearing was held, the Planning Commission conducted a workshop on Thursday, November 14, 2019, to work through a new lighting ordinance revision that took into account the concerns expressed by the City Council and the Brainerd Community. Following that meeting, a second public hearing was held on November 20, 2019 to consider revisions made.

During this last public hearing, few concerns were raised about the proposed height standards. Most of the feedback the Commission received revolved around the requirement that parking lot lights be shut-off within 60 minutes of final activity. Those who spoke felt that “final activity” could be very arbitrary. Additionally, the requirement to have all parking lot lights shut off within 60 minutes could also pose a hardship as such lighting generally is not controlled by a simple switch.

Staff was directed to review and research other options for alternate wording regarding these concerns. Upon review, it is staff’s recommendation that the requirement for parking lot lights to be shut of within 60 minutes of activity be removed from this proposed ordinance amendment. The time requirement for outdoor athletic facilities to be shut off after final activity has been increase to 90 minutes. The proposed ordinance amendment to be considered by the Planning Commission reads as follows (**changes in bold**):

**515-18-2: Exemptions** The provision of this Section shall not apply to the following:

- A. The use of temporary outdoor lighting used during customary holiday seasons.
- B. The use of temporary outdoor lighting used for civic celebrations and promotions.
- C. Lighting required by a government agency for the safe operation of airplanes, or security lighting required on government buildings and structures.
- D. Emergency lighting used by police, fire, and rescue authorities.
- E. **Outdoor athletic facilities, except that lighting for such facilities, shall be shut off within ninety (90) minutes of final activity.**

### **515-18-5: Performance Standards.**

A. Residential District Standards. All exterior lighting shall be directed away from adjoining residential property or from any public right-of-way. All lighting shall be installed in accordance with the following provisions:

1. The light source shall be controlled so as not to light adjacent property in excess of the maximum light levels defined by this Ordinance.

**2. The maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirteen (13) feet. A light source mounted on a structure shall not exceed the height of the structure.**

**a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of twenty (20) feet may be allowed.**

**3. The luminaire shall contain a full cut off fixture which directs and cuts off light at an angle of ninety (90) degrees or less.**

B. Business/Industrial District Standards. All exterior lighting shall be directed away from adjoining residential property or from any public right-of-way. All lighting shall be installed in accordance with the following provisions:

1. The luminaire shall contain a full cut off fixture which directs and cuts off light at an angle of ninety (90) degrees or less.

2. The light source shall be controlled so as not to light adjacent property in excess of the maximum light levels defined by this Ordinance.

3. Architectural/historical lights that include fixtures that are not shielded or lighting of entire facades or architectural features of a ~~building~~ **structure** are permitted. In no case shall the light affect adjacent property in excess of the maximum light levels defined in this Ordinance.

~~4. The maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirty (30) feet. A light source mounted on a building shall not exceed the height of the building. In no case shall the height of the light source mounted on a pole or on a building exceed the height limits of the zoning district in which the use is located, unless allowed by Conditional Use Permit.~~

**4. In B-1 and B-2 districts, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirteen (13) feet. A light source mounted on a structure shall not exceed the height of the structure.**

**a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of twenty (20) feet may be allowed.**

**5. In B-3, B-4, B-5, and B-6 districts, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is fifteen (15) feet. A light source mounted on a structure shall not exceed the height of the structure.**

**a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of twenty (25) feet may be allowed.**

**6. In I-1 and I-2 districts, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is twenty-five (25) feet. A light source mounted on a structure shall not exceed the height of the structure.**

**a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of thirty (30) feet may be allowed.**

The Planning Commission shall first conduct a public hearing regarding these proposed ordinance revisions. Upon completion of the public hearing, the Planning Commission may vote to send these revisions to the City Council for adoption.

## **City of Brainerd Community Development Department**

**TO:** Planning Commission

**FROM:** David Chanski, Community Development Director

**DATE:** January 13, 2020

**RE:** Zoning Code Update

In 2019, the Planning Commission began laying the groundwork for a completed update to the City's Zoning Code. As part of the 2020 budget, \$50,000 was allocated in the City's capital fund for updating the Code. An additional \$50,000 has been preliminarily placed in the capital fund for 2021 if need be, pending approval by the City Council.

The purpose of this discussion is to recap what has been done and start the discussion about the future of the Brainerd Zoning Code. City Administrator Jennifer Bergman will be present to participate in this discussion.

**City of Brainerd**  
**Community Development Department**

**TO:** Planning Commission

**FROM:** David Chanski, Community Development Director

**DATE:** January 13, 2020

**RE:** Comprehensive Plan Implementation

With the formal adoption of the Comprehensive Plan this past October, it is time to move into implementation of the Plan. As part of the 2020 planning services contract with Sourcewell, Ashley Kaisershot will be assisting with the City's implementation efforts. City Administrator Jennifer Bergman will also be present to participate in this discussion.