

PLANNING COMMISSION

Wednesday, July 17, 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 City Hall Council Chambers.

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

#2 Approval/Amendment of Agenda

MOTION AND SECONDED BY COMMISSIONERS DUVAL AND LAMBERT, DULY CARRIED, TO APPROVE THE AGENDA.

#3 Approval of Minutes

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND WOODWARD, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD JUNE 19, 2019.

#4 New Business

4a. Rezoning – Property at 701 7th St. NW from a B-4 (General Commercial) District to an R-1 (Single Family Residential) District

Community Development Director Chanski explained the Commission brought forth the desire to consider rezoning this property to allow the applicant the ability to obtain a building permit, since the previous application for a variance was denied by the City Council on May 5, 2019. He stated the applicant would like to add a garage, a bedroom and a bathroom on the property. He explained the Findings of Fact shown below.

Findings of Fact

1. 701 7th St. N.W. was rezoned from R-3 High Density Residential District to B-4 General Commercial District in June 1978.
2. The property has continued as a legal nonconforming residential use since the time the property was rezoned.
3. 701 7th St. N.W. is in close proximity to other residential structures with the 28-unit Circle Pines Apartments, which are zoned R-3 (High Density Residential) District, one block to the north on 7th St. N.W., and the Westwood trailer park, a similar legal nonconforming residential use, located across the street.
4. If the property were to be rezoned as an R-1 (Single Family Residential) District, the property and primary structure would meet the land use requirements as set forth in Section 515-54 of the Code of Ordinances.

The Chair opened the public hearing at 6:06 p.m.

The Chair recognized Mr. Mitch Tuomi, 701 7th St. NW, Brainerd, who stated he appreciates the effort from the Planning Commission to work on his behalf, so he is able to move forward with his desire to make improvements on the home.

The Chair closed the public hearing at 6:08 p.m.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND DUVAL, DULY CARRIED, TO RECOMMEND APPROVAL OF REZONING THE PROPERTY LOCATED AT 701 7TH STREET NW, BRAINERD FROM A B-4 (GENERAL COMMERCIAL) DISTRICT TO AN R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT BASED ON THE FINDINGS OF FACT.

#5 Public Forum

The Chair opened public forum at 6:09 p.m.

No one came forward.

The Chair closed the public forum at 6:11 p.m.

#6 Old Business

6a. Comprehensive Plan Timeline Update

Community Development Director Chanski indicated at last month's meeting, Sourcewell consultants made a presentation to the Commission regarding the status of the comprehensive plan update process. He explained the details of the upcoming preliminary dates as follows:

- Open 30-day public comment period – On or about August 7th
 - Only a quorum of 4 members needed (Commissioners Gorham, Duval, Lambert and Foley have committed to attend)
- Call for public hearing – August 21st
- Hold Planning Commission Workshop – On or about September 11th
- Conduct public hearing – September 18th
- Recommend adoption of Comprehensive Plan to the Council – By October 16th
- Adoption of the Comprehensive Plan by Council – October 21st

6b. Lighting Standards Proposed Ordinance Language

Community Development Director Chanski stated the past few meetings have had discussion regarding lighting standards and had directed staff to propose language modifications to the ordinance. He indicated staff has drafted new language for Section 515-18 as follows, with added items in bold:

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 building shall not exceed the height of the building.

a. If the bulb/light source is fully shielded from view by an observer at ground level, an increase in light source height to a maximum of twenty (20) feet may be allowed by Conditional Use Permit.

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 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. 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 building shall not exceed the height of the building.

a. If the bulb/light source is fully shielded from view by an observer at ground level, an increase in light source height to a maximum of twenty (20) feet may be allowed by Conditional Use Permit.

Commissioner Duval stated number 2a. and 4a. should specify a point of reference or location at ground level instead of the general statement of “...by an observer at ground level...”. He also indicated the ordinance should emphasize “downward oriented illumination” and “upward oriented illumination” as direction to the potential applicant.

Community Development Director Chanski stated the upward illuminating lights, like the ones on Laurel Street would only be a consideration by Conditional Use Permit.

Commission discussion took place.

The Planning Commission directed Community Development Director Chanski to draft the language regarding lighting and return to the Commission at the August meeting for review.

6c. Kingwood Walking Tour Recap

Community Development Director Chanski reviewed some of the comments of the Kingwood Street walking tour that was included in the packet. He stated some of the main topics were related to parking lots, trees and landscaping and the maintenance of rental property.

Commission discussion took place on the comments received from the walk.

Commissioner Gorham stated the one thing he received out of the walk was the City needs to plant more trees.

Commissioner Lambert indicated she would like the City to implement a project citywide encouraging the planting of trees.

Commissioner Duval stated City Engineer Sandy would need to be part of the conversation regarding tree planting.

#7 Commissioner's Questions/Comments

Commissioner Lambert questioned the maintenance and upkeep of the recently closed business, Tim Horton's. Community Development Director Chanski stated it is the responsibility of the property owner and the issue has been addressed.

Commissioner Gorham stated the events that occurred Sunday night when the City received 4" rainfall and caused damage is a direct result of climate changes that are taking place.

#8 Community Development Director's Report

Community Development Director Chanski updated the Commission on the decisions from the City Council on the topics addressed at the Planning Commission last month:

- The Conditional Use Permit for 1002 Laurel Street was approved with the condition that the applicant provide the Council an agreement for parking with the adjoining property owner. He said the variance application for that property failed.
- The rezoning of the property at 215 N 3rd Street was approved and adopted by the City Council.
- The Zoning Review Committee is continuing to work on language for the ordinance updates as the Council approved the process being done.

Community Development Director Chanski said discussion has taken place in the building department regarding the non-conforming rentals that are improperly zoned in the City. The department is working on gathering all the options for the Commission and will be brought forth at the August meeting. He announced this is the last Planning Commission meeting that our Intern, Colin Mieras will be attending, as he is returning to college. Colin has done a great job this summer and was thanked for the job well done.

#9 Adjourn

The Chair adjourned at 6:59 p.m.

Don Gorham, Planning Commission Chair