

**BRAINERD PLANNING COMMISSION
Workshop**

Wednesday, April 28, 2021
6:30 p.m.
Fire Department Training Room
23 Laurel St.

1. Call to Order
2. Roll Call
3. Approval/Change of Agenda
4. Zoning Code Update
5. Transient Food Unit Ordinance
6. Adjourn

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

MEMO



TO: Planning Commission
FROM: David Chanski, Community Development Director
DATE: April 28, 2021
RE: Zoning Code Update

Over the past six weeks the Swanson Haskamp Consulting team has conducted three Technical Advisory Group (TAG) meetings with various representatives of City Staff and City Commissions. The culminating objective of all three meetings was to establish a set of recommendations to incorporate into the Annotated Outline for the Zoning Code update that respond to the existing challenges and opportunities of the Code as currently adopted.

A summary of the existing conditions and challenges identified as part of TAG Meeting #1 and TAG Meeting #2 is provided in the attached memo from Jennifer Haskamp. At the TAG Meeting #3 a draft of this memo and an outline of recommendations for discussion and refinement was discussed. A draft map depicting the geographic “Character Areas” described in TAG Meeting #3 will be presented during the workshop.

The objective of this discussion is to provide direction regarding the recommendations summarized in each TAG meeting described within this memo. Please review this memo thoroughly prior to the workshop, paying specific attention to the recommendations summarized in TAG Meeting #3 that provides guidance with respect to preparing the draft Annotated Outline.



To: David Chanski, Community Development Director
Planning Commission Members

From: Jennifer Haskamp, AICP, SHC
Mike Lamb, AICP

Date: April 22, 2021

RE: Recommendations to incorporate into Annotated Outline

Over the past six weeks we have conducted three Technical Advisory Group (TAG) meetings with various representatives of City Staff and City Commissions. The culminating objective of all three meetings was to establish a set of recommendations to incorporate into the Annotated Outline for the Zoning Code update that respond to the existing challenges and opportunities of the Code as currently adopted. A summary of the existing conditions and challenges identified as part of TAG Meeting #1 and TAG Meeting #2 is provided in the following sections. At the TAG Meeting #3 we presented a draft of this memo and provided an outline of recommendations for discussion and refinement. A draft map depicting the geographic “Character Areas” described in TAG Meeting #3 will be presented at the planning commission meeting.

Requested Action: The objective of this meeting is to provide direction regarding the recommendations summarized in each TAG meeting described within this memo. Please pay specific attention to the recommendations summarized in TAG Meeting #3 that provides guidance with respect to preparing the draft Annotated Outline.

TAG Meeting #1: Existing Conditions – Physical Analysis

Discussion Highlights & Key Observations

- We presented a non-conforming analysis of existing property configurations and the current code. The analysis demonstrated high percentages of properties with non-conformance in areas that the TAG attendees identified as both desirable and representative of the City’s character. This mismatch is undesirable, particularly if the City wants to reinforce and support the existing character of these neighborhoods.
- An analysis of the recently approved Future Land Use Plan was evaluated for consistency with existing zoning. The analysis demonstrates that there are specific areas within the City where the existing zoning regulations would not support the goals and objectives as stated/identified in the FLU. As a result, areas with the most significant mismatch should be prioritized in the code update process.



- Character of specific neighborhoods, geographic areas and uses should be a driver in the code development/revision process and we should strive for a better match between code requirements and the physical development patterns desired.
- There is a character distinction between developing areas at the collar and existing neighborhood patterns. While most TAG attendees identified the existing traditional neighborhoods as the most representative of Brainerd's character, the TAG acknowledged that the market is playing a significant role in the new developing areas. While the areas are regulated through zoning differently in today's code, and will likely be regulated differently in the new code, there should still be an emphasis on key physical elements that unify the community.

Summary Outcome/Recommendations

- A primary objective of this process should be to reduce the number/percent of non-conforming properties in town, acknowledging that some properties will remain non-conforming and that those that remain are likely inconsistent with the objectives of this process. We should strive for approximately 10% or less of all properties within a zoning district are non-conforming bringing 90% of properties into conformance through this process.
- A distinction in character between the developing areas with more suburban patterns (e.g. northwest Brainerd) and existing neighborhoods (e.g. North Brainerd surrounding Gregory Park) should have different regulations, standards and definition of character.
- An emphasis on creating complete neighborhoods should be incorporated into the new code for all areas. The way it is regulated, and the types of uses permitted by-right, should be tailored to certain character areas and geographic neighborhoods but the underlying principles of complete neighborhoods should be incorporated throughout the city.
- Some areas, such as the Industrial park, need tweaking but are not a wholesale change. We should structure the code for consistency across all districts and uses, but the standards and/or regulations of certain areas can stay mostly the same.
- Areas that have been recently platted and are under development should be allowed to continue with their current development patterns and approved building styles. However, the code should promote the integration of complete-neighborhood characteristics in the future in these neighborhoods. (e.g. when/if roads are reconstructed in these areas 15-25 years from today the City could incorporate sidewalks to make the neighborhood mor walkable).
- However, developing areas not platted with specific development approvals should be required to meet new performance standards that reinforce the complete neighborhood principles that are recommended to be incorporated into the new code.
- More conversation is needed around the Downtown and immediately surrounding area before a path forward is confirmed.

TAG Meeting #2: Existing Conditions – Code Analysis

Discussion Highlights & Key Observations



- During the session, we kicked off with a discussion about “Who is the Code for?” The discussion reveal a couple key observations: 1) Staff is the most frequent user, and they spend a lot of time decoding the code for everyone else – this takes time and resources; 2) if the Code was simplified, easier to understand and use, then residents, business owners, developers, etc., could answer their own questions just by looking at the code and not use valuable staff time and resources; and 3) because the current code is so complex staff does not direct anyone to the code today.
- Several sections of the existing code are in conflict with the vision, goals and objectives of the city. There is a clear vision in the recently approved Comp Plan, but the existing code will not achieve the goals as stated within the Plan.
- The idea of simplification and organization of the code by Character Areas was generally supported by TAG attendees. However, there needs to be further description and demonstration of how the character areas will incorporate and/or address the performance standards established within the current code.

Summary Outcome & Recommendations

- Reorganization of the Code structure will help clarify the rules and regulations of the current code. There was general agreement that the current code is vague in certain sections (e.g. Section 17 – General Building, Use, and Design Provisions) and then overly specific in others creating conflict. This process needs to correct these inconsistencies, and also make it easier to follow by introducing clear standards.
- The process and procedures sections should be synthesized to make navigation of the process easier to follow and understand from the perspective of the applicant and/or developer.
- Removing or reducing the legalese will help create a more usable code. This should include the usage of graphics, diagrams and tabular forms to eliminate and reduce confusion about the standard.
- The use conversation should continue, and is not solved yet for some character areas. For example, residential as a ground floor use in the Downtown Area may be “ok” outside the core downtown or may be “ok” if not on the primary road frontage – there was general acknowledgement that the market needs to help drive this decision. No agreement was made, but openness to discussion about how uses get incorporated by-right, and through performance standards was on the table.

TAG Meeting #3: Recommendations to Incorporate into the Annotated Outline

Discussion Highlights & Key Observations

- More discussion is needed about Downtown and the immediately surrounding area. The TAG concluded that a joint session of the Planning Commission, City Council and Downtown business community may be beneficial to address the character discussion for this important area of the community.
- The consultant Team should develop a preliminary recommendation of how to address the Downtown character area prior to the joint session and use the recommendation to solicit feedback and discussion.
- Once the Character Areas are defined they should be named to connote the specific area instead of using generic names. This will help characterize an area and make them more intuitive with respect to geographic location and vision/goals for a particular place in the community.



Summary Outcome & Recommendations

- The updated code should be restructured to place administration, procedures and definitions at the end so that the zoning district and use standards are front and center.
- The revised Zoning Map and Zoning Districts should be organized by Character Areas. Each Character Area may have more than one associated Zoning District, but should all generally relate.
 - EXAMPLE Traditional Neighborhood (TN):

The character area TN may include three or four zoning districts that are consistent with the Traditional Neighborhood designation such as TN-1, TN-2, and TN-3. Each of these zoning districts will generally promote and support the same character but may have slight variations with respect to uses permitted by-right, conditional use or not permitted.
- Existing performance standards sections should be incorporated into the Character Area district standards to the extent possible and should be revised to make the code easier to use. The following sections of the existing code, should be considered for incorporation or partial incorporation into the district standards and should include possible revision:
 - Section 15 – Non-Conforming Lots, Buildings, Structures
 - Section 16 – Lot and Yard Provisions
 - Section 17 – General Building, Use, and Design Provisions
 - Section 18 – Outdoor Lighting
 - Section 19 – Fences
 - Section 20 – Landscaping, Green Space and Screening
 - Section 22 – Parking
 - Section 23 – Off-street Loading
 - Section 24 – Outdoor Storage
- A use table should be developed to establish which uses are permitted or conditionally permitted, and such table should 1) allow for cross comparison across character areas/districts; 2) should be reinforced within the character area or specific district standards. This will have the effect of eliminating and/or causing significant revision to the existing code sections:
 - Section 26 – Home Businesses and Home Extended Businesses
 - Section 27 – Model Homes
 - Section 29- Commercial Day Care Facilities
 - Section 30 – Mining and Extraction
 - Section 31 – Bed and Breakfasts
 - Section 34 – Wind Energy Conversion Systems (WECS)
 - Section 35 – Antennas and Towners
 - Section 36 – Essential Services
- Based on the discussion of all three TAG meetings, the following specific character area recommendations are provided:
 - **Downtown:** the downtown includes the well defined core (generally from Front to Maple and 5th to 8th St) focused around Laurel Street that features intact & active shopfront buildings, many that are two story and have residential or other uses above; blocks beyond that core make up the general town center and include a range of conditions, uses and street frontage not as well formed as the core.
 - **Established Neighborhoods:** these include areas east of the Oak Street area and south of downtown (and some other pockets here and there) that are more indicative of an R-1A zoning pattern with mostly front-loaded service, typical one story ranch style housing and lack of a complete sidewalk network.



- **Southwest Development Area (Mills):** large undeveloped area near the river; current pattern is conventional suburban, single use pattern (R-1A); need to determine what pattern is desired and how to address. Ownership may be resolved in the near future (2-3 months) and that may have some bearing on zoning approach. In any case, this area is a strong candidate to consider some type of ‘conservation’ approach where key natural areas (river front, lake front and creek fronts) are preserved in the public realm as part of a larger connected open space system and bonus offsets may be applied to arrangement of a more complete neighborhood. Staff think this area will continue to see and support upper market level home values.
- **Northwest Area:** The Northtown Addition to Brainerd includes conventional suburban residential development pattern of single family and two-three-four units residential buildings. This single use pattern is based primarily on the R1A zoning district that requires a minimum 10,000 SF lot with a min. 75’ lot width. Adjacent parcels containing multi-unit single family buildings and congregate living are zoned R3; an R2 district is contiguous to the R1-A.
- **Traditional Neighborhoods:**
 - North Neighborhood - residential areas that are mostly historic with fine grain block and street pattern, alley service, prominent parks and walkable streets that connect to schools and churches.
 - Northeast – mainly residential with fine grain street and block pattern including alleys; sidewalks are interrupted on some streets and more recent era homes are front rather than alley loaded.
 - Oak St Neighborhood – this area centers on Oak St to about 19th St SE to the east and Quince St to the south; includes sidewalks, alleys (most unpaved) and good connectivity to Harrison Elementary school. Oak also includes neighbor scale retail serving the area.
 - Kingwood – this former “main street” is an eclectic mix of uses in the North neighborhood situated one block north of Washington; traditional residential, multi-family, small office, residential types converted to commercial, institutional and anchored on the east end by the Franklin Arts Center.
- **Minnesota Department of Human Services campus:** large, consolidated acreage within the city limits; great opportunity to demonstrate traditional neighborhood character with a green field site.
- **Highway Commercial (Gateway):** essentially auto-oriented commercial associated with Washington Ave from east to west; mostly one-story buildings; new developments include Taco Johns and Starbucks; need to determine what are the levels of “gateway” conditions and characteristics are. Additional considerations should be made in this area given MNDOT’s planned improvements to the corridor anticipated to occur in 2025. This process should get ahead of the reconstruction efforts to the extent possible.
- **Mixed Commercial Residential:** this area bounded by Washington Ave, NW 7th St, Jackson St and NW 2nd St includes a range of uses and building types from auto-oriented on Washington to residential scale commercial uses to mobile homes. Some of this existing character can inform the zoning district; James St has the opportunity to evolve into a model mixed use street not unlike Kingwood.



○ **Special Districts:**

- Industrial areas (various)
- BNSF & Northern Pacific Center
- Schools and/or Public Facilities
- Mobile Home Park: existing and future mobile home park districts should incorporate some organizational standards like a “mini” plat with lot standards to create a more integrated neighborhood/walkable pattern.
- Park: park areas should be addressed separately so that standards exist or are defined regarding park uses and programming, while maintaining accuracy regarding ownership and permanency of the park or open space use.

MEMO



TO: Planning Commission
FROM: David Chanski, Community Development Director
DATE: April 28, 2021
RE: Transient Food Unit Ordinance

Introduction

[Section 515-66](#) of the Code of Ordinances regulates the operations of transient food units, which include trucks, trailers, wagons, carts, seasonal temporary food stands, etc. In the last few years, the Community Development Department has seen an increase in interest from transient food units who consider operating in Brainerd either consistently or sporadically. Unfortunately, many transient food units choose not to operate in Brainerd due to the City's rather restrictive transient food unit ordinance or operate unlicensed on weekends when staff is not in the office. Staff desires to discuss three possible amendments to Section 515-66 that would loosen certain restrictions while maintaining the general intent of the ordinance.

Operating Times

The first area for discussion is the operating times for transient food units, which are regulated by Section 515-66-2. Currently, hours of operation are listed as follows:

- | | |
|------------------------------------|-------------------|
| - West Brainerd | 11:00am to 7:00pm |
| - County Government Center | 11:00am to 7:00pm |
| - Downtown | 11:00am to 2:00am |
| - Northern Pacific Center | 11:00am to 2:00am |
| - Intersection of Hwys 18 and 25 | 11:00am to 7:00pm |
| - Brainerd Industrial Park | 11:00am to 7:00pm |
| - Central Lakes College | 11:00am to 7:00pm |
| - Franklin Arts Center Parking Lot | 11:00am to 7:00pm |

Staff requests that the Planning Commission considers a uniformed operation time across all operational areas of 7:00am to 11:00pm. This allows for food trucks to serve breakfast if they so choose as well as operate later into the dinner hour.

Operating Areas

The second area for discussion is the locations for operating transient food units, which are also regulated by Section 515-66-2. Currently there are only eight allowed areas within the community that transient food units are allowed to operate. They are the same as listed above, and a map showing the boundaries of each district is attached. You will notice that all properties along Washington St including the East Brainerd Mall property are not included as operational areas. Additionally, you may notice that the strip mall that contains

Ace Hardware and the Chamber of Commerce is oddly excluded as an operational area while the vast majority of properties in the commercial area of West Brainerd are included.

Staff requests that the Planning Commission considers allowing transient food units to operate in any commercial and industrial district as well as Central Lakes College and the Franklin Arts Center. Most notably, this would expand operational areas to include properties along Washington Street, the East Brainerd Mall, the Ace Hardware strip, the South 6th St commercial area, the industrial/commercial area in between Hwys 210 and 25, and the entirety of the Hwy 25 and Oak St. intersection.

Distance from Restaurants and Bars

The third area for discussion is Section 515-66-4.16, which prohibits transient food units from locating within 300 feet of the property line of any restaurant or bar that serves food. This restriction effectively negates the majority of currently allowed operational areas as there is at least one restaurant or bar that serves food within 300 feet of almost every private parking lot that would be suitable for the operation of a transient food unit.

Staff requests that the Planning Commission considers eliminating this restriction.

SECTION 66
TFU – TRANSIENT FOOD UNIT OVERLAY DISTRICT

Section:

- 515-66-1: Purpose and Intent
- 515-66-2: Establishment Boundaries and Permitted Hours of Operation
- 515-66-3: Relationship to other Applicable Regulations
- 515-66-4: Permitted Uses
- 515-66-5: Uses by Administrative Permit
- 515-66-6: Interim Uses
- 515-66-7: Conditional Uses
- 515-66-8: Lot Area and Setback Requirements
- 515-66-9: Building Height
- 515-66-10: Exterior Building Standards

515-66-1: Purpose and Intent. The Purpose of the TFU Overlay District is to provide areas within the community where mobile food units can operate.

515-66-2: Established Boundaries and Permitted Hours of Operation. The boundaries of the TFU – Transient Food Unit Overlay Districts are shown on the Transient Food Unit Overlay Map attached to this Ordinance as Appendix 1.

Transient food unit hours of operation are identified as follow:

- | | |
|------------------------------------|--------------------|
| 1. West Brainerd | 11:00am to 7:00pm |
| 2. County Government Center | 11:00am to 7:00pm |
| 3. Downtown | 11:00pm to 2:00 am |
| 4. Northern Pacific Center | 11:00am to 2:00 am |
| 5. Intersection of Hwys 18 and 25 | 11:00am to 7:00pm |
| 6. Brainerd Industrial Park | 11:00am to 7:00pm |
| 7. Central Lakes College | 11:00am to 7:00pm |
| 8. Franklin Art Center Parking Lot | 11:00am to 7:00pm |

515-66-3: Relationship to other Applicable Regulations. Property located within a redevelopment overlay district shall be subject to the provisions of the primary zoning district.

515-66-4: Permitted Uses. Transient food units including trucks, trailers, wagons, carts, seasonal temporary food stands, etc. are allowed on public and private property subject to the following:

1. Only food and non-alcoholic beverages can be sold.
2. At least one (1) trash receptacle with a tight fitting lid shall be provided.
3. Operators must clean around their unit at the end of each day.
4. Operator cannot call attention to themselves by crying out, blowing a horn, ringing a bell, and playing music or other noise discernable beyond the unit.
5. Units must be kept in good repair and order and have a neat appearance.
6. Electrical cords and hookups to public utilities are not permitted.
7. Liquids from a food unit cannot be drained onto public property.

8. Generators must be self-contained and fully screened from view and not exceed 70 dbs.
9. Exterior lighting that will call attention to the setup is not permitted.
10. Follow applicable Department of Health regulations.
11. Copies of all required state licenses and insurance coverage.
12. One “A” frame sign not exceeding twelve (12) square feet per side is permitted during operation.
13. Property owner written approval is required.
14. Units cannot be left unattended nor remain at an authorized operating location outside allowed hours of operation.
15. Sales cannot be made to individuals parked or stopped in a public street or alley. Sales to customers on a sidewalk are not allowed.
16. Units cannot locate within 300’ of the property line of a restaurant or bar that serves food.
17. Units cannot locate within 300’ from the property perimeter of any festival (including the Crow Wing County Fairgrounds), sporting event and civic event unless a license is issued to be a part of the festival or event.
18. Proof of liability insurance is provided in accordance with City of Brainerd requirements.
19. Transient food units are permitted to operate during festivals and community events provided it is approved by City of Brainerd as part of a festival and community events permit.
20. Sales are permitted in a City park when approved by City of Brainerd Parks and Recreation Board.
21. Maximum number of units per property:
 - Two (2) food trucks on lots of one-half acre or less.
 - Three (3) food trucks on lots between one-half acre and 1 acre.
 - Four (4) food trucks on lots greater than 1 acre.
22. A primary use must be operating on the property in order for food unit operations to be allowed.

515-66-5: Uses by Administrative Permit. None

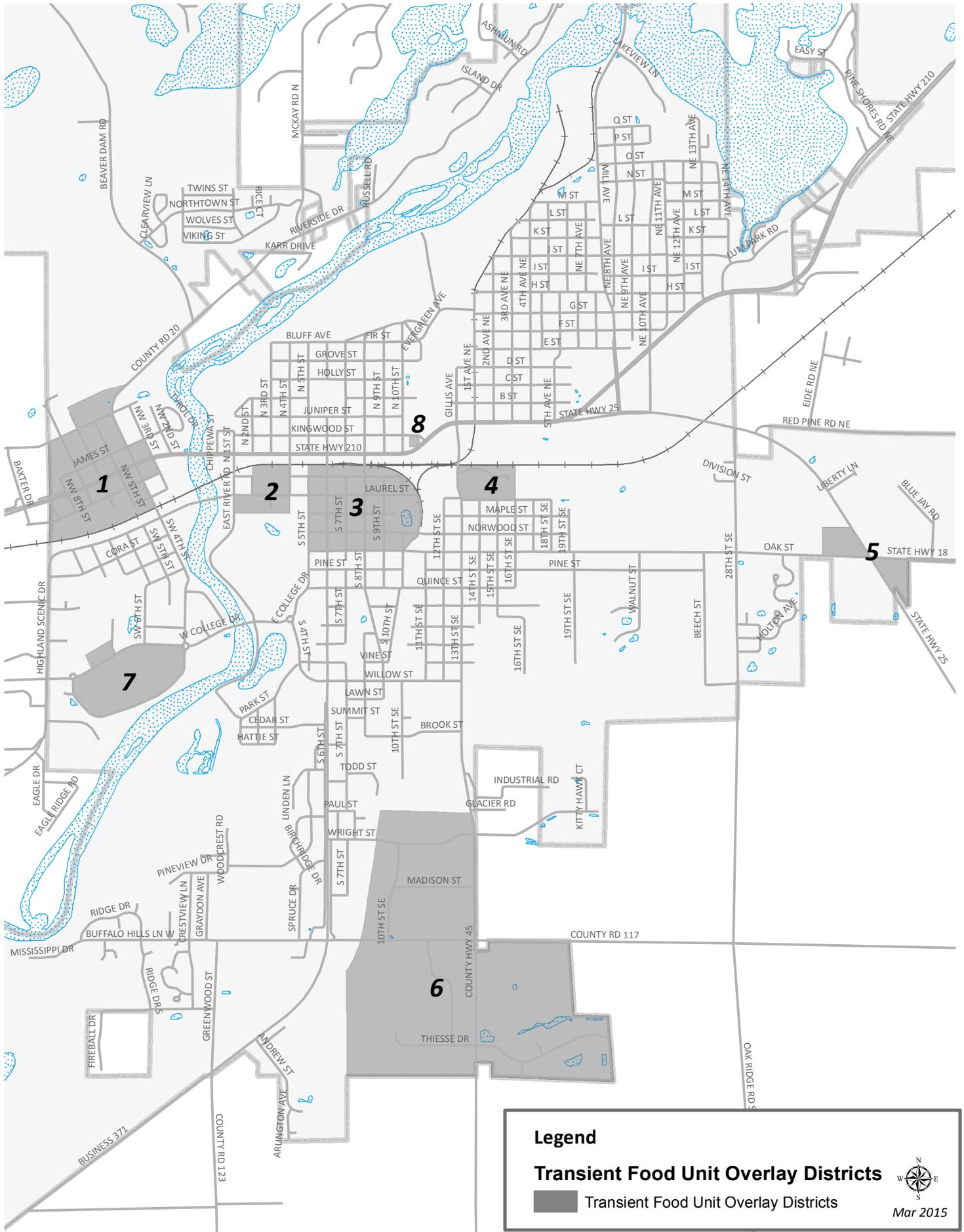
515-66-6: Interim Uses. None

515-66-7: Conditional Uses. None

515-66-8: Lot Area and Setback Requirements. Not Applicable

515-66-9: Building Height. Not Applicable

515-66-10: Exterior Building Standards. Not Applicable



Legend

Transient Food Unit Overlay Districts

■ Transient Food Unit Overlay Districts



Mar 2015