

PLANNING COMMISSION

Wednesday, June 8, 2015

Chairman Hayden Shaw called the meeting of the Brainerd Planning Commission to order at 5:00 pm in the City Hall Council Chambers.

Noted present were Commissioners Pritschet, Parks, Plantenberg, Hayden Shaw, and Cole. Commissioners Norwood and Straw were noted absent. Also present was City Planner Ostgarden.

#2 NEW BUSINESS

a. **Public Hearings – Conditional Use Permit and Variance – Non-enclosed Premises and Variance from Interior Access Requirement at the Log Cabin Restaurant and Bar – 714 South 7th Street**

City Planner Ostgarden stated the new owners of the Log Cabin are proposing an outdoor area for serving food and alcohol. The area would be defined as the area under the overhang in front of the main building. City Planner Ostgarden stated it is proposed to have six tables with seating for up to twenty-three people. There will be a fence installed as a barrier between the tables and the public sidewalk.

City Planner Ostgarden stated one of the criteria for having a non-enclosed premise is for access to be from within a building. He stated trying to remodel the building to comply with the interior access requirement would be cost prohibitive therefore they are also applying for a variance from this requirement.

City Planner Ostgarden stated there is concern from the Police Chief and City Attorney regarding alcohol being taken out onto the public sidewalk as there is not an Ordinance that allows alcohol on public property. He stated there will need to be enough room for the servers to wait tables and the patrons to move between the tables and not go onto the public sidewalk. He also noted it will be the owners' responsibility to monitor the coming and going of patron's in the outdoor area.

City Planner Ostgarden stated the Variance request goes along with the conditional use permit request to allow an outdoor area for serving food and alcohol under the overhang in front of the Log Cabin Restaurant. The owners have identified that due to the building design, access cannot be provided from within the building.

City Planner Ostgarden reviewed the staff report noting the following:

- Dimensions of the proposed seating area
- Location of the barrier
- Lack of adequate outdoor lighting
- Hours for the non-enclosed premises

City Planner Ostgarden noted there were no comments received from the public.

Commissioner Hayden Shaw asked where there will be entrances to the proposed location. City Planner Ostgarden stated they will be directly in front of both of the doors.

The Public Hearing was opened at 5:11 pm.

Mr. Randy Bye, co-owner Log Cabin, stated outdoor seating is very popular in many cities in Minnesota. He stated the ambiance helps bring patrons to the business. They are proposing twenty-four maximum on the seating. He reviewed the area and noted there will be enough room for the wait staff to serve without going onto the public sidewalk. He stated most table will be 32-36" in diameter with three to four seats at each one and a larger table about 60" at the north end of the patio. He stated the main purpose is to be more of a restaurant that serves alcohol instead of a bar that serves food. He noted they have changed the hours and reviewed the hours of both the bar and restaurant. He stated there will be signage for patrons to notify the server they are sitting outside.

Commissioner Pritschet asked if he views this an extension of the restaurant, the bar, or both. Mr. Bye stated he sees it as an extension of the restaurant. Commissioner Pritschet asked how they plan to control access to the seating areas and from the seating areas to the sidewalk. Mr. Bye reviewed where the barrier will be with possible gates.

Commissioner Pritschet asked if there will be signage to notify the patrons about not allowing alcohol on the public sidewalk. Mr. Bye stated having the one entrance will help to prevent this from happening.

Commissioner Pritschet asked if they considered having a restriction in this area to only serve alcohol if food is purchased. Mr. Bye stated he has not considered restricting it as there may be times people just want to meet for a drink and sit outside. He noted again they are more in the business for food than alcohol.

Commissioner Parks asked if the wait staff will be the only ones bring the food and alcohol outside. Mr. Bye stated there may be times when patrons will finish their meal inside and then take their drink outside.

Commissioner Parks asked about the lighting outside. Mr. Bye stated they will be changing the lighting and noted other things they will be changing. Commissioner Parks asked if they will be placing cameras outside. Mr. Bye stated they will be looking into that in the future.

Commissioner Cole asked if they have considered putting up a hostess stand between the two doors so there is staff outside to monitor. Mr. Bye stated he had not considered it. He noted the servers along with himself and the other owner will be monitoring everything. He stated if, in the future, there are very busy hours, it will be considered.

The Public Hearing was closed at 5:30 pm.

The findings-of-fact were noted into the record as follows:

1. The property is located in B-3 (Central Business) District which permits outdoor dining and alcohol in an enclosed area by Conditional Use Permit.
2. The Log Cabin Bar/Restaurant has a covered open area in front of the building that the owner desires to use for this service that is accessible directly to a public sidewalk.

3. The Zoning Ordinance requires that access to non-enclosed areas be from within a building.
4. The building has two front entrances; one for the restaurant and one for the bar.
5. The owner has specified the interior layout makes remodeling to establish an interior access is cost prohibitive and is requesting the ability to have outside access to the area.
6. The outdoor area is 8' wide by 55.5' long with no exterior lighting.
7. Six tables that seat 23 people will be provided.
8. A 36" high barrier is planned that limits access to the outdoor area.
9. The Police Chief and City Attorney have both expressed concern about alcohol being served from the public sidewalk and/or guests having alcohol on the public sidewalk.

The Commission agreed to add the following findings-of-fact:

10. Co-owner Randy Bye spoke, there was no other public hearing testimony and no other public comments were received.

Discussion was held regarding a condition on the closing time.

The Commission agreed to the following conditions:

1. The outdoor area have sufficient lighting.
2. The outdoor area will close at 11:00 pm and the closing time will be reviewed in September.

MOTION AND SECONDED BY COMMISSIONERS PLANTENBERG AND COLE, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT TO ALLOW A NON-ENCLOSED PREMISE AT THE LOG CABIN RESTAURANT, 714 SOUTH 7TH STREET BASED ON THE TEN (10) FINDINGS-OF-FACT AND TWO (2) CONDITIONS.

MOTION AND SECONDED BY COMMISSIONERS PLANTENBERG AND PRITSCHET, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCE FROM THE INTERIOR ACCESS REQUIREMENT FOR A NON-ENCLOSED PREMISES AT THE LOG CABIN RESTAURANT, 714 SOUTH 7TH STREET BASED ON THE TEN (10) FINDINGS-OF-FACT

b. Public Hearing – Variance – Interior Access Requirement for a Non-Enclosed Premises at the Log Cabin Restaurant and Bar – 714 South 7th Street

Public hearing included with the Conditional Use Permit request under item a.

c. Tax Increment Development Plan Recommendation – Royal Tire, 615 Washington Street

City Planner Ostgarden stated Planning Commission recommendation is sought on whether using Tax Increment Financing for redevelopment is a project that is in accord with city development plans for the district and site. Royal Tire has submitted a redevelopment plan for its 615 Washington Street location. It plans to demolish its current facility with reconstruction of a smaller, more efficient and customer friendly store. The smaller building will permit off-street parking to be provided and the site to have some greenspace. They are requesting a portion of the financing be through Tax Increment Financing.

City Planner Ostgarden reviewed Tax Increment Financing. He noted the Commission is not expected to understand the technical and financial aspects of the Development Program and TIF Plan. The Commission will recommend to the City Council whether it finds the Program and Plan are in accord with City development plans for the district and site.

The findings-of-fact were noted into the record as follows:

COMMUNITY-WIDE VISION STATEMENT IN THE COMPREHENSIVE PLAN

THE CITY OF BRAINERD SHALL BE...

A Place with Economic Opportunity

The city will actively promote and seek out new economic development opportunities to meet the needs of the growing and changing community.

GOALS AND STRATEGIES

1. ECONOMIC DEVELOPMENT

GOAL: *Support the development of a strong, diversified, and growing economic base and create a favorable climate for economic development and ongoing business activities.*

1. Actively promote development and redevelopment within the community, including financial incentives, with particular emphasis on attracting and supporting businesses that provide livable-wage jobs.
2. Promote aesthetically pleasing development and redevelopment in the city.

2. LAND USE

GOAL #5: *Support development that enhances community character and identity.*

Strategy

Work to strengthen and maintain the appearance of the Business Highway 371, **Highway 210/Washington Street**, Oak Street (former Highway 18), Highway 25 and County Road 3 corridors through design standards, trails, lighting, sidewalks, signage and other tools.

OTHER FINDINGS

3. The Comprehensive Plan Future Land Use Map identifies the site as future General Commercial land use.
4. The site is zoned Business B-6 (Washington Street Commercial) District, which permits general commercial development and the proposed use is permitted in the B-6 zone.
5. Site redevelopment will improve access, improve off-street parking and provide green space and the aesthetics of the area that did not previously exist.
6. Redevelopment will need to comply with all Zoning Ordinance requirements.

Discussion was held regarding the development and it meeting zoning requirements.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND PLANTENBERG, DULY CARRIED, TO APPROVE THE DEVELOPMENT PLAN AS IT MEETS THE DEVELOPMENT GUIDELINES ESTABLISHED BY THE COMMUNITY LISTED IN THE ABOVE NOTED FINDINGS-OF-FACT.

MOTION AND SECONDED BY COMMISSIONERS PLANTENBERG AND PARKS, DULY CARRIED, TO ACCEPT THE RESOLUTION FINDING MODIFIED DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO 4 AND THE TAX INCREMENT

FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICT NO 4-18
CONSISTENT WITH THE PLANS FOR DEVELOPMENT OF THE CITY OF BRAINERD.

#3 **Adjournment**

As there was no further business the meeting adjourned at 5:57 pm

Respectfully submitted,

Mark Ostgarden AICP
City Planner

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