

PLANNING COMMISSION
Wednesday, March 16, 2016

City Planner Ostgarden 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 Headley, Parks, Plantenberg, Pritschet, Straw, and Turner. Commissioner Antolak was noted absent. Also present was City Planner Ostgarden and City Administrator Thoreen.

#2 Approval/Amendment of Agenda

MOTION AND SECONDED BY COMMISSIONERS PARKS AND PRITSCHET, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

#3 Approve minutes of the regular meeting and workshop of February 17, 2016

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND PARKS, DULY CARRIED, TO APPROVE THE MINUTES FOR THE REGULAR MEETING AND WORKSHOP OF FEBRUARY 17, 2016.

#4 NEW BUSINESS

a. Public Hearing – Request by Tim Haglin to Rezone 810 NW 7th Street (behind the VA Clinic) from an R-3 (Multiple Family) District to B-4 (General Commercial) District

City Planner Ostgarden stated in 2010 this property was rezoned to the current R-3 classification and noted Mr. Haglin is the owner of the property. He reviewed the location and size of the property along with the adjacent properties and their uses. He stated the property was the home of the Discovery Woods Montessori School and has been vacant since the school moved. He stated Mr. Haglin has received a request from a party to operate a commercial daycare center at this location, but the R-3 zoning classification does not allow commercial daycares. The B-4 zoning classification does allow commercial daycares by conditional use.

City Planner Ostgarden reviewed the maps that were provided to the Commission and reviewed the staff report noting the following:

- Future Land Use map identifies this property as future general commercial
- There should be no issues with adjacent properties, but with the residential use to the north, there is potential if there is another commercial use at this property in the future
- There is sufficient parking for this use and the adjacent street is capable of handling the traffic

City Planner Ostgarden stated the proposed use is a commercial daycare center, but the rezoning should be done on its own merit with considerations for future commercial uses.

The public hearing was opened at 6:09pm.

Mr. Jerry Bowman, 22805 Agate Shores Road, Deerwood, stated his wife runs the daycare center and he has a purchase agreement to buy the building at the end of the year. He stated there will be a fenced in playground on the east side of the property. He stated, in response to Commissioner Parks' question, that he would not be purchasing the building if the rezoning is not approved.

The public hearing was closed at 6:11pm.

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

1. The property is zoned R-3 (High Density Residential) District and the property is planned to be a commercial daycare, a use not permitted in R-3 Districts
2. The property is one (1) acre in size
3. The property has little public visibility
4. The property has a one story 9,400 sf building and off-street parking
5. The property has access from NW 6th Street and NW 7th Street
6. Rezoning the property is consistent with the Comprehensive Plan Future Land Use Map that specifies the area as future General Commercial land use
7. A multifamily residential development is located to the north, the VA Clinic to the south, wetlands to the east and vacant land to the west. Should the property be used for general commercial purposes, some uses may impact the residential property to the north. B-4 uses should not have an impact on the other properties in the area
8. The local streets are designed to handle the traffic generated by B-4 uses at the property
9. The B-4 Zoning will not negatively affect public services and facilities or overburden city services
10. The property was zoned B-4 prior to 2010
11. The future property/daycare owner spoke in favor and no one spoke on opposition

MOTION AND SECONDED BY COMMISSIONERS STRAW AND PRITSCHET, DULY CARRIED, TO RECOMMEND REZONING THE PROPERTY LOCATED AT 810 NW 7TH STREET FROM AN R-3 (MULTIFAMILY RESIDENTIAL) DISTRICT TO A B-4 (GENERAL COMMERCIAL) DISTRICT.

b. Public Hearing – Zoning Text Amendment to Amend Zoning Ordinance Sections:

- **515-02 – Definitions adding Brew Pub and Brewery/Taproom**
- **515-61 - B-2 (Neighborhood Business) District by Conditional Use Permit**
- **515-62 - B-3 (Central Business) District by Conditional Use Permit**
- **515-63 - B-4 (General Commercial) District as a Permitted Use**
- **515-64 - B-5 (Commercial Amusement) District by Conditional Use Permit**
- **515-65 - B-6 (Washington Street Commercial) District as a Permitted Use**
- **515-70 - I-1 (Light Industry) District as a Permitted Use**

to add brew pubs and breweries/taprooms as permitted uses or conditional uses.

City Planner Ostgarden stated the Commission has received drafts of the Zoning Ordinance Sections that will be amended to allow Brew Pubs and Breweries/Taprooms as either permitted uses or conditional uses as noted above. He stated no language was added under conditions from the State Statute noting if there are questions about whether or not a brew pub meets the State Statute requirements, they are referred to the actual Statute.

City Planner Ostgarden noted the following “local” conditions:

- No outdoor storage
- No odors from the facility
- Comply with requirements of outdoor serving
- City Code licensing requirements

City Planner Ostgarden stated if the City Council approves the addition of residential uses in the B-2 District, does the Commission have concerns with the hours of operation of a brew pub in this district. He also asked, particularly in the B-3 District, is there concern with a brewery taking up frontage space in the B-3 District where general business would normally be located. He asked if there are other issues.

Discussion was held regarding the conditions/definitions and the ability of regular bars opening in these districts. Commissioner Plantenberg asked about the concern with opening a brewery on a store front. City Planner Ostgarden stated there is one City that has language to state the brewery does not exceed 50% of the floor area and is accessory to on-site sales and consumption.

The public hearing was opened at 6:30pm.

There was no public comment.

The public hearing was closed at 6:11pm.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND HEADLEY, DULY CARRIED, TO RECOMMEND APPROVAL OF THE ZONING TEXT AMENDMENTS TO ADD DEFINITIONS OF BREW PUBS AND BREWERIES/TAPROOMS TO SECTION 515-02 AND ALLOW BREW PUBS AND BREWERIES/TAPROOMS TO SECTION 515-61 – B-2 (NEIGHBORHOOD BUSINESS) DISTRICT AS A CONDITIONAL USE, SECTION 515-62 – B-3 (CENTRAL BUSINESS) DISTRICT AS A CONDITIONAL USE, SECTION 515-63 – B-4 (GENERAL COMMERCIAL) DISTRICT AS A PERMITTED USE, SECTION 515-64 – B-5 (COMMERCIAL AMUSEMENT) DISTRICT AS A CONDITIONAL USE, SECTION 515-65 – B-6 (WASHINGTON STREET COMMERCIAL) DISTRICT AS A PERMITTED USE, AND SECTION 515-70 – I-1 (LIGHT INDUSTRY) DISTRICT AS A PERMITTED USE WITH THE CORRECTION OF THE BREW PUB ON-SALE TO READ “A BREWER WITH AN ‘ON-SALE’ MALT LIQUOR LICENSE”.

Commissioner Parks stated if the B-2 District allows a regular bar, he does not feel a brew pub would be any different.

Discussion as held regarding a brewery in a store front and the concerns with having one at such location. The Commission felt it would be unique to downtown and would be a draw to consumers to go into the location.

c. Downtown Off-Street Parking Presentation

City Planner Ostgarden reviewed the information presented to the Commission last month regarding the concerns with downtown parking and the leased parking lots. He stated he needs to get additional information/clarification from the Council as to what type of recommendation or information they are looking for from the Planning Commission.

The Commission discussed what their role would be regarding parking downtown.

d. Rear Yard Parking

City Planner Ostgarden stated a complaint was received regarding the rear yard being taken up by vehicles. He stated most of the vehicles do not have proper tags therefore violation notices were sent to get the proper tags, but that is all the City can do regarding this issue. He stated he has brought this to the Commission to get them thinking about this issue and it will be on the agenda for the next meeting for additional discussion.

#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 – NONE

#6 **OLD BUSINESS**

NONE

#7 **Commissioners' Questions/Comments**

None

#8 **City Planner's Report**

City Planner Ostgarden stated the League of Minnesota Cities has a land use course that can be taken on their website. He stated he feels all new members should take the 101 and 102 course.

City Planner Ostgarden stated the City Council did approve the first reading of the ordinance to allow residential uses in the B-2 District and he feels it will pass.

City Planner Ostgarden stated there was a tentative meeting scheduled with the City Council for March 28 and it has been postponed to a future date.

#9 **Adjourn**

As there was no further business the meeting adjourned at 6:50 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner