

PLANNING COMMISSION
Wednesday, October 19, 2016

Vice Chairman Dale Parks 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 Parks, Straw, Headley, Turner, and Pritschet. Also present were City Planner Ostgarden, City Administrator Thoreen, Planning Intern Bryan Harvey and 12 others.

#2 Approval/Amendment of Agenda

MOTIONED AND SECONDED BY COMMISSIONERS PRITSCHET AND STRAW, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

#3 Approval of minutes of the regular meeting held on September 21, 2016

MOVED AND SECONDED BY COMMISSIONERS PRITSCHET AND STRAW, DULY CARRIED, TO APPROVE THE MINUTES OF THE SEPTEMBER 21, 2016 REGULAR PLANNING COMMISSION MEETING AS PRESENTED.

#4 NEW BUSINESS

a) Gordon Murphy, 704 6th St N to reconstruct detached accessory building (garage):

- **Conditional Use Permit is to allow the garage to be 1' taller than permitted**
- **Variance is to allow the garage to be 6' closer to Grove Street than permitted**

The Chair opened the Public Hearing at 6:12 P.M.

City Planner Ostgarden stated the detached garage on the property was destroyed by fire in April, 2016. Mr. Murphy plans to reconstruct the garage in the same location however he desires to increase the size from 24' x 24' to 24' x 30' creating a 14' street side yard setback where 20' is required. Mr. Murphy also would like to increase the roof height with a 6/12 slope to match the dwelling slope. The steeper slope will cause the roof height to exceed the maximum height (at the roof midpoint) of 15' by 1'. The increase in size will require a setback Variance and a Conditional Use Permit will allow the garage height to be increased above the maximum allowed by right.

He reviewed the staff reports for the Conditional Use Permit and Variance and described how the property is part of the original plat of the city dating back to the 1870's. Over the decades the neighborhood has developed with a mixture of dwelling and accessory building mixes and roof slopes. Mr. Murphy's site plan depicts the larger garage will be setback the same distance from the property line as the garage on the lot to the east.

Mr. Ostgarden inquired of the Planning Commission whether it received Mr. Murphy's letter e-mailed to them earlier in the day and each acknowledged receipt. There were no other letters or e-mail received regarding the requests.

Mr. Murphy addressed the Planning Commission and talked about the fire that destroyed the garage, the additional 6' size increase will match the setback of the garage on the adjacent lot. He also explained this was an opportunity to have a more aesthetic roof design by increasing the garage roof slope to match the

house roof slope. He stated he thought the roof slope and setback would not be out of character in the neighborhood.

The Chair closed the Public Hearing at 6:35 P.M.

Findings of Fact

1. The property is located in an (R-1 Single Family Residential) District and is a 50' x 150' (7,500 sf) lot, a typical lot size in the neighborhood.
2. The garage was destroyed by fire in April, 2016.
3. The garage will be increased in size from 24' x 24' to 24' x 30' with the additional 6' going closer to the Grove Street property line.
4. The accessory building setback from the Grove Street property line is 20' and the request is to have a 14' setback creating the request for a 6' setback variance.
5. The property owner desires to have a 6/12 roof slope creating a roof height of 16' at the midpoint. A Conditional Use Permit allows the roof of an accessory building to exceed 15' if the roof slope matches the principal building roof slope.
6. The 14' setback will match the setback of the garage located on the property to the east.
7. The new garage will meet side yard and rear yard setbacks, be less than the allowed 10% of lot area and impervious lot area will less than 60%.
8. The property is part of the Original Plat of Brainerd and the neighborhood that is part of the original plat has developed with a variety of principal building and accessory building styles and roof slopes.
9. The application meets the following Comprehensive Plan Goals and Strategies: *LAND USE GOAL #3: Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.*
Strategies
 - *Encourage compatible infill residential development throughout the developed portions of the city, to encourage the efficient use of land, the establishment of a strong tax base and the cost effective provision of city service*
 - Encourage housing rehabilitation and redevelopment in appropriate areas.

LAND USE GOAL #5: Support development that enhances community character and identity.
10. The petitioner spoke on his behalf and there was no other public comment.

MOVED AND SECONDED BY COMMISSIONERS PRITSCHET AND STRAW, DULY CARRIED, TO ACCEPT THE FINDINGS-OF-FACT.

MOVED AND SECONDED BY COMMISSIONERS PRITSCHET AND STRAW, DULY CARRIED, TO RECOMMEND THE APPROVAL OF THE REQUEST FOR A CONDITIONAL USE PERMIT AND VARIANCE AS APPLIED FOR BY GORDON MURPHY AT 704 N. 6TH STREET.

b) Art Space LLP, Conditional Use Permit (CUP) Request to operate brewery and taproom at Franklin Art Center, 1001 Kingwood Street

City Planner Ostgarden reported that an application had been received from Jesse and Jessica Bleichner to open a Local Artisan Brewery (and taproom) in the west wing of the Franklin Arts Center (FAC) building. He pointed the Commission's attention to slides illustrating the floor plan for FAC depicting the exact location, size and floor plan of the proposed brewery. He stated that concerns have been raised by the school district about alcohol being served in the vicinity of school activities taking place in and around the FAC building. He recommended holding tonight's Public Hearing to hear comments of the parties present tonight and to continue the Public Hearing at the November 16, 2016 Planning Commission meeting. He stated that the process for this application is required to be completed by November 28th to meet the 60-day State requirement which leaves time to hold the Commission Public Hearing on November 16th and the consideration by the City Council on November 21st.

The Chair opened the Public Hearing at 6:28 P.M.

The Chair recognized Mr. Jesse Bleichner, Brewery CUP applicant, who stated that he is originally from Brainerd and that he and his wife have been enjoying several years of home-brewing and would like to now share the experience through a family and art-friendly local brewery. He stated that the goal is to create a safe and fun environment that he would feel comfortable bringing his own family into.

The Chair recognized Ms. Jessica Bleichner, co-applicant, who stated she and her husband feel the Franklin Arts Center has the potential to be an exciting facility for the community. She stated that based on the space being something her family can afford and it is already set up for a fairly easy transformation into a small brewery it would work perfectly. She stated that other FAC businesses/artisans are in support and that her own children will be helping with the business which will be family orientated and offer soda and snacks while enjoying the "craft beer" process in a responsible way. She stated that if they are unable to start up in the FAC they will not be able to start their business in the City of Brainerd. Ms. Bleichner clarified that the FAC is a tax-paying facility. She also shared a list of at least 140 signatures in support and letters of recommendation from local residents and businesses and shared examples of successful alcohol-serving businesses located near schools and in residential neighborhoods.

The Chair recognized Father Wroblewski, 416 N 9th Street, Brainerd, Pastor of St. Francis Church and Superintendent of St. Francis School, both located on 10th Street near the FAC. He stated that he has a lot of concerns with liquor being served directly across the street from St. Francis Church and also has concerns about limited parking as well as the parking lot being on the other side of the building as the proposed brewery. He stated that he was under the impression that there were strict guidelines for what could be allowed in the FAC so he is surprised the City has even reached this point in the application process.

The Chair recognized Ms. Nancy Williams, owner of Fancy Pants Chocolates at 704 Laurel Street Brainerd, who commented on quotes from the newspaper stating that the proposed brewery will endanger children in the area and cause drunk driving. She stated that based on these assumptions she should move her own family-orientated business located in Downtown Brainerd which houses 8 bars in a four-block area. She stated that she has witnessed many alcohol-infused activities, behavior and destruction around her store and that it is hypocrisy for the Council and those in opposition to be concerned about the FAC neighborhood children and safety and to not be concerned about the bar scene Downtown. She stated that a microbrewery will bring in locals and tourists willing to pay a higher price for specialty beer, soda and snacks which will benefit the FAC.

The Chair recognized Ms. Jennifer Decker, 12886 19th Ave SW, Pillager, who stated that she is a baker by trade and has been working with the Bleichners using the same ingredients used for craft beer to make her own crackers. She stated that allowing the brewery at FAC will promote utilizing local products based on the farmer's market and other local artisans selling products there. She feels it will bring in many families with children who will then look around the building to see other shops. She also stated that the volume of craft beer to be produced is much less than other breweries in the area.

The Chair recognized Mr. John Mattson, 1008 Kingwood Street, Brainerd, who stated that he feels neutral to the proposed brewery and agrees with comments that have been made both in favor and in opposition. He expressed concerns about parking and stated that he wishes the room available was on the other side of the building by the parking lot; however, that he feels the business would be a positive for the most part especially since they are going to be closed by 9:00 P.M.

The Chair recognized Ms. Angie Gottich, 902 Fir Street, Brainerd; St. Francis parishioner and whose kids attend FAC, who stated that she, too, is concerned about parking availability. She stated that she also has some concerns about alcohol being consumed in the building her children attend school and school activities in.

The Chair closed the Public Hearing at 6:54 P.M.

MOVED AND SECONDED BY COMMISSIONERS PRITSCHET AND STRAW, DULY CARRIED, TO CONTINUE THE PUBLIC HEARING REGARDING ART SPACE LLP, CONDITIONAL USE PERMIT (CUP) REQUEST TO OPERATE BREWERY AND TAPROOM AT FRANKLIN ART CENTER, 1001 KINGWOOD STREET, TO THE NOVEMBER 16, 2016 PLANNING COMMISSION MEETING.

City Planner Ostgarden stated for clarification that the school district owns the football field at Franklin Arts Center and leases the auditorium and cafeteria.

#5 PUBLIC FORUM – None

#6 OLD BUSINESS – None

#7 COMMISSIONERS' QUESTIONS/COMMENTS – None

#8 CITY PLANNER'S REPORT – None

#9 ADJOURN

AS THERE WAS NO FURTHER BUSINESS, WITH A MOTION BY PRITSCHET AND SECOND BY HEADLEY, DULY CARRIED, THE MEETING ADJOURNED AT 7:50 TO THE 2ND FLOOR CONFERENCE ROOM TO DISCUSS THE DRAFT VACATION RENTALS BY OWNER ORDINANCE.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

Brainerd Planning Commission Workshop
October 19, 2016

Vice Chairman Dale Parks called Brainerd Planning Commission Workshop to order at approximately 6:45 in the City Hall 2nd Floor Conference Room.

Present: Headley, Parks, Pritschet, Straw and Bob Turner

Others Present: Marissa Skuza, Rick Fargo, Planning Department Intern Bryan Harvey and City Planner Mark Ostgarden

The meeting purpose was to review the Vacation Rental by Owner Ordinance 3rd Draft. The Ordinance name is being changed to Short Term Rental Ordinance.

Standard 7 was discussed and thought given to changing the 2 adults (16 and older) per bedroom to 2 people per bedroom.

Standard 8 was discussed because it specifies a 130 sf bedroom for 2 people meaning an 8' x 10' bedroom is not permitted.

Standard 11 was discussed in that the way it is worded it begs the question of, "Does on-site parking need to be provided for all possible guests?" The language should specify off street parking is for renters.

Standard 16 was discussed on whether the distance could be used to block people from obtaining licenses; also what to do if a person wants a license for multiple times in a year but can't obtain it as their neighbor has one for a weekend.

Standard 17 discussed related to the fire marshal annual inspections.

The meeting adjourned at approximately 7:10 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner