

BRAINERD PLANNING COMMISSION

Wednesday, September 20, 2017
6:00 p.m.
City Hall Council Chambers

1. Call To Order
2. Approval/Amendment Of Agenda
3. Approval Of Minutes
 1. Regular Meeting held August 16, 2017

Documents:

[2017-08-16 DRAFT.PDF](#)

4. New Business
 - 4.a. Variance Request - Public Hearing - 113 Carol Lane

Documents:

[STAFF REPORT VARIANCE REQUEST.PDF](#)

- 4.b. Request To Consider A Zoning Ordinance Text Amendment To Consider Adding Microdistilleries And Cocktail Rooms As Uses Allowed In The B-3 (Central Business District)

Documents:

[MEMO - ZONING ORDINANCE MICRODISTILLERIES.PDF](#)

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
6. Old Business
 - 6.a. Comprehensive Plan - Report On Commissioner Marohn's Fiscal Analysis Presentation For The Comprehensive Plan Process
 - 6.b. Report On Steering Committee Appointment Process And Upcoming Ward Meetings
7. Commissioners' Questions/Comments
8. City Planner's Report
9. Adjourn

Any individual needing special accommodations please call 218-828-2309

PLANNING COMMISSION
Wednesday, August 16, 2017

#1 Call to Order

Planning Commission Chair Headley called the meeting of the Brainerd Planning Commission to order at 6:04 p.m. in the City Hall Council Chambers.

Noted present were Commissioners Burslie, Gorham, Headley, and Wussow; and Council Liaison Lambert. Commissioner Antolak and Marohn were noted as absent. Also present was City Planner Ostgarden, Administrative Specialist Bestul, Planning Intern Emma Anderson and 5 others.

#2 Approval of Agenda

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND GORHAM, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

#3 Approval of minutes of the regular meeting held on July 19, 2017

MOTION AND SECONDED BY COMMISSIONERS WUSSOW AND GORHAM, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON JULY 19, 2017.

#4 NEW BUSINESS

A. Public Hearing – Rezoning Request – 15073 Riverside Dr, Brainerd - Denied

City Planner Ostgarden explained the property owner approached the Planning Department earlier this summer about building a garage on the property. The property has a five unit apartment building which has no other structures. Prior to being an apartment, it appears that it may have been some type of motel. To provide an amenity to her tenants, the owner would like to build a garage. The property in the area is zoned an R-1A (Single Family Residential) District. The apartment building was on the location prior to becoming city property. It was annexed into the city in 2002, with water and sewer connecting in 2004. This is of non-conforming use and does not conform to the zoning that allows single family dwellings, however there are rights associated with the use. A non-conforming use can continue in its present condition for as long as the property owner desires. Maintenance can be done to the property and if an act of nature demolishes the building, the building could be rebuilt in its footprint. The dilemma that arises in a non-conforming use is when the owner is interested in expanding the intensity of the use. This is where state statute has language that specifies that an expansion of a non-conforming use is not permitted. There is no other remedy for this situation other than to rezone the property to an R-3 (High Density District). This is the dilemma is for the property owner and the city. In taking a look at a rezoning application, we as a community use the Planning Commission and the City Council to take a look at the long term effects of rezoning. The most significant land use item in the Comprehensive Plan is the Future Land Use Map. It is still anticipated to be future low to medium residential development.

Another thing to consider are the R-3 uses compatible with present and future land uses of the area. A five unit apartment building can certainly be argued as combatable activity even with a garage. We need to keep the big picture in mind as to what the possibilities could be in the future. A parcel of this size, 1.22 acres, could accommodate a significant increase in the density on the site for additional apartments. The impact of the potential number of units in that area introduces a new element to that area regarding traffic, number of people and services. Based on unit/acre calculations, theoretically up to 26 units on the

property could be permitted and meet the zoning requirements. Traffic generated on Riverside Drive is busiest at 7:30 a.m. and at 4:30 p.m. but certainly can handle additional traffic. The site is serviced by city sewer and water and would be capable of handling additional units. One of the things that was verified is that Riverside Drive is a county jurisdictional road and the Assistant County Engineer has commented on the request which is provided. Four locations in the city were compared in size to the proposed rezoning property. Two of the four have 24 units, one has 28 units and one has 21 units. City Planner Ostgarden has received two phone calls from concerned residents who are against the rezoning of the area.

The Chair opened the Public Hearing at 6:33 p.m.

The Chair welcomed Julie Dillon of Agate Homes, property owner of the apartment building. She recently purchased the property last August, and was interested in building a garage for the tenants use. She feels that Riverside Drive is already a highly traveled road and not an ideal single family residential area. She wants to provide a better rental building for residents with a nicer quality property and garage availability is a plus when renting apartments. She has also updated a lot of the building on the exterior, as well as the interior. A place for residents to store their belongings would be a definite improvement to the overall look of the property. It would eliminate the residents having things alongside the building or in the yard area. It would clean up the area significantly. She feels that there is a great need for housing in Brainerd and basically nice affordable housing. She has no plans or desire to increase the building for more rental units. The garage plans have not even been drawn up nor has a contractor been contacted. She wanted to find out if it was possible or allowed before she went any further in the plans.

The Chair welcomed Mr. Bruce Smith of 15090 Riverside Drive. Mr. Smith has resided on Riverside Drive for 33 years. The majority of the area is single family residential and Mr. Smith is against the rezoning as this would compromise the rural neighborhood feeling as well as increase traffic on the road that is already very busy at times. Even now having a five unit rental, there has been turnover of residents and some without transportation. Increasing this would create a much larger problem.

The Chair welcomed Ms. Pat Hansen of 15046 Riverside Drive. Since the relocation of McKay Road, she already has a huge problem even getting out of her driveway to make a left turn onto Riverside Drive. Ms. Hansen is against the rezoning of the area due to the increase of traffic and the constant turnover of residents on the road. With it being a single family residential area, you know most of the neighbors and longevity of the residents is apparent and there is a "homey" feeling to living there.

The Chair closed the Public Hearing at 6:46 p.m.

City Planner Ostgarden stated when Ms. Dillon came to City Hall and spoke with the Planning Department initially, the details of other zoning ordinance requirements when the garage is constructed were not yet discussed. There will be requirements of screening as well as paving the parking lot. They currently have a gravel parking area. All multiple family residential dwellings intended to be utilized for parking spaces and driveways shall be surfaced with concrete, asphalt or pavers.

Council Liaison Lambert read the draft Findings of Fact as follows:

1. The property is located in an R-1A (Single Family Residential) District and the owner desires to rezone the property to an R-3 (High Density Residential) District.
2. The site is approximately 1.22 acres and developed with a 5-unit apartment building. R-1A zoning does not permit multi-family residential. The use is legal non-conforming.
3. Minnesota Statutes regarding non-conformities reads:

(a) Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

(1) the nonconformity or occupancy is discontinued for a period of more than one year; or

(2) any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value,

4. The site does not have a garage and the non-conforming status of the property does not permit the garage to be constructed.
5. The site is located along Riverside Drive; a county jurisdiction road in an area that can be considered not urban in nature.
6. The property is connected to city services and there is capacity for additional development on the site and in the area.
7. The decision to rezone the property to R-3 should not be based on solely on a desired property amenity, but rather the long-term implications of an R-3 zone for the property and surrounding area.
8. Zoning Ordinance site development regulations permit the property density to increase to 26 units/acre.
9. Rezoning the property would not be consistent with the Comprehensive Plan Future Land Use Map that identifies the property and surrounding area as appropriate for future Low to Medium Residential land use with a density of 3 to 5 units/acre. The current density is approximately 4 units/acre.
10. The request is not consistent with 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

1. Encourage well-designed residential subdivisions at urban densities in the designated growth areas of the city. Locate higher density residential developments in areas adjacent to higher density development and major transportation systems to efficiently address traffic volumes.
2. Only place high-density developments in areas with adequate transportation infrastructure.
3. Encourage development of low density and high-density family housing units in those areas designated on the adopted Land Use Plan.

LAND USE GOAL #4: *Plan land uses and implement standards to minimize land use conflicts.*

Strategies

1. Prepare and adopt a land use plan that designates land use areas and guides development to appropriate areas to ensure desirable land use patterns and minimize conflicts.
2. Require adequate transitions between different land uses through appropriate land use planning and zoning standards.
3. Promote architectural/site aesthetics that are compatible with community standards.
4. Encourage the location of commercial and industrial development in areas that avoid adverse impacts, such as truck traffic, through residential areas.
5. Prepare design standards for commercial, industrial and multi-family housing development.

11. Two residents attended the meeting and spoke against the rezoning.

12. The Planning Department received two phone calls regarding the application and both were against the rezoning and raised the concern regarding potential density.

13. The Assistant County Engineer has stated in an email "Depending upon the location and layout, the installation of a garage structure to serve the five existing apartments would not have a negative impact on Riverside Drive. The rezoning that could allow for the potential of 26 units would have a negative impact due to the traffic generation. Prior to any expansion of units on the property, the County Highway Department may require a traffic study to be performed by the developer to review access management, the possibility of bypass/turn lanes being warranted, identify any issues related to the three-way stop at McKay Road, and the possible use of Highview Circle as a primary means of access to the parcel."

Council Liaison Lambert asked if the property could be zoned R-2 (Medium Density Residential) District. City Planner Ostgarden stated the five unit apartment building is still not an allowed use for an R-2. The R-2 Zoning is intended for one multiple family per lot or parcel with four or less units.

Commissioner Wussow indicated that an R-3 Zoning designation is not in compliance with the land use goals identified in Land Use Goal #3 and #4. The problems with a higher density development are already there by increased traffic on the road. Technically, the County Assistant Engineer identified concern for the higher density. Commissioner Wussow stated he is not in favor of the rezoning to an R-3 designation.

MOVED AND SECONDED BY COMMISSIONERS WUSSOW AND GORHAM, DULY CARRIED, TO ADOPT THE FINDINGS OF FACT.

Commissioner Burslie stated he does not believe that rezoning this property is required to build an accessory structure. He would be more open to agreeing to a rezoning, if that is indeed a requirement if the property was sub-divided with a portion of the property only to the size required for the five units. This would prevent the property from being expanded on in the future.

MOVED AND SECONDED BY COMMISSIONERS LAMBERT AND BURSLIE, DULY CARRIED, TO DENY THE REZONING REQUEST BASED ON THE FINDINGS OF FACT AND STAFF REPORT.

B. UPDATE Draft Zoning Ordinance Chapter 35 – Antennas and Towers

City Planner Ostgarden has been communicating with the City Attorney regarding the language that was approved this legislative session regarding municipalities and whether or not they are exempt from the requirement of permitting cell providers to utilize the public right-of-way to place their infrastructures, mainly towers and antennas. Because we have a public utility, we are exempt from that standard. We can permit them if we so choose, but it is not required that we allow it. In fact, Brainerd Public Utilities already has an agreement with a provider that will have some antennas in the public right-of-way. Additionally, in discussing this issue with the City Administrator, once we get further on the draft ordinance we can have the cell provider experts challenge this to the Planning Commission and City Council – none of the city staff are experts. The draft has been compiled by the City Attorney and the Planning Department but we need to have the draft reviewed by a private consultant that is not beholden to any particular carrier and who works only on behalf of the municipality. They will need to review the document for language in accordance with state statute, be a part of the presentation to the Planning Commission meeting and be the person that would deal with any cell providers regarding discussions on language etc. We are working on obtaining a quote from S.E.H. located in the Twin Cities, as they have someone who works with communities on these types of issues. In the quote will be a right-of-way use policy. The City Administrator has authorized using an outside source and we should have a quote within the next week. The City Council took the position that they want the Planning Commission to continue to work on the ordinance.

C. Presentation: Emma Anderson – Planning Intern

City Planner Ostgarden explained that due to the power outage earlier today, we unfortunately do not have the ability to share the Powerpoint presentation that Emma has put together for us. We have tried to expose Emma to as many aspects of city government as possible with site inspections and research for the Planning Department. Mr. Ostgarden welcomed Emma Anderson to share what she has learned during her internship with the City of Brainerd, as her last day is Friday.

Ms. Anderson stated she is originally from Brainerd, but has been attending college at Michigan Tech with a major in Engineering Management and a minor in Spanish Language and Cultural History. During the summer, she has mostly been working on Greenstep Cities. She has assisted in the process of moving to step 3 of the project. Most recently, she has been conducting a downtown parking survey with four counts per day of the number of vehicles in the downtown area. This data will be compiled together broken down by parking per block and per street. She has been learning about bike friendly Minnesota with the Walkable Bikeable Committee and has attended a couple MNDOT meetings. She visited every business that is currently open in downtown Brainerd and updated all of the addresses for those businesses. The community survey has been very interesting to see all of the input and results from the survey; many are good suggestions but some are very odd. Needless to say, Ms. Anderson has done a lot in the short time she was with us. We thank her for her hard work and interest in our learning about our city.

#5 PUBLIC FORUM

None

#6 OLD BUSINESS

A. Comprehensive Plan – Report on Commissioner Marohn’s Fiscal Analysis Presentation for the Comprehensive Plan Process

City Planner Ostgarden explained the following people attended a staff meeting with Mr. Marohn on August 1, 2017:

- Dave Pritschet, City Council President
- Jan Lambert, City Council Liaison
- Jim Thoreen, City Administrator
- Staci Headley, Planning Commission Chair
- Ashley Kaisershot, NJPA
- Tad Erickson, Region V
- Emma Anderson, Planning Intern
- Mark Ostgarden, City Planner

We discussed Mr. Marohn’s ideas on what we need to undertake a fiscal analysis as part of our comprehensive planning process. Mr. Marohn provided a list of information that would be helpful for us to have as we proceed. The Comprehensive Plan is not going to be just a growth and development document – it should also be a fiscal planning document with regards to the question “Is growth financially feasible?” It should bring some very interesting discussions as we proceed with the project. The Planning Department Intern has started to assemble the service costs for miles of street, miles of pipe, etc. A meeting is scheduled next week is with City Administrator Thoreen, Finance Director Hillman and City Engineer Sandy to discuss how to pull this information together.

Commissioner Burslie questioned if the city has a data base for age of infrastructure, and when the last time they were worked on.

B. Report on Steering Committee Appointment Process and Ward Meetings

City Planner Ostgarden indicated the Planning Department has requested the City Council reach out to various sectors in the community to find volunteers for the steering committee in each sector. This was done at the last City Council meeting and no responses have yet been received. We are trying to get this completed by the September 18th City Council meeting. Council President Pritschet was going to arrange a meeting next week with some of the leadership team at the school district. The talking points were also provided to them to initiate the discussion about being a member of the steering committee. The City Council has decided that rather than rushing to have meetings in August and September, to take more time to be prepared and organized and arrange ward meetings in October. After the steering committee is in place, we will start to schedule ward meetings. We are looking into funding availability to be able to send out a postcard mailing to the residents in city limits. This is just one step into communicating with the city residents.

City Planner Ostgarden said the City of Brainerd recently met with the City of Baxter to go through community topics. The State Demographer attended and presented a lot of information regarding regional data. Council Liaison Lambert indicated it was informative, interesting and very positive to have both cities gathered together to discuss similar issues. City Planner Ostgarden talked with Mr. Josh Doty, the Community Development Director for the City of Baxter. A meeting is going to be arranged between them and Ms. Ashley Kaisershot, NJPA. The City of Baxter has recently completed their update to the Comprehensive Plan. We want to get some information on how the process went for them; what was positive and what didn’t go so well. We will also be reaching out to the City of Hutchinson for a discussion as well.

#7 COMMISSIONERS' QUESTIONS/COMMENTS

Commissioner Wussow indicated that City Planner Ostgarden handed the rezoning applicant the staff report tonight and questioned if the paperwork was mailed to them beforehand. City Planner Ostgarden replied that we do mail the applicant the staff report, but not the findings of fact. Those are handed out to them at the meeting.

Commissioner Gorham stated he did like having the findings of fact included with the packet before the meeting as it is very helpful to review in preparation for the meeting.

#8 CITY PLANNER'S REPORT

City Planner Ostgarden reported the State Planning Conference is coming up at the end of September in Mankato. If any of the Planning Commission members are interested in attending, please contact Mr. Ostgarden. There is also a National Walking Summit taking place in September in Minneapolis that looks very interesting.

Council Liaison Lambert asked if the certificate from taking the League of Minnesota Cities online insurance class needs to be turned in for proof of completion. City Planner Ostgarden followed up with the LMC for information on how many have taken the test and passed to keep in good standings with our discount through the league.

#9 ADJOURNED AT 7:27 P.M.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

VARIANCE

STAFF REPORT TO THE PLANNING COMMISSION

September 12, 2017

APPLICANT/LOCATION: Bruce and Cynthia Thompson, 113 Carol Lane; Brainerd, MN 56401

PROPOSED USE: Street side yard and rear yard accessory building encroachments

LOT AREA: 22,400 sf – 140' on Carol Lane and 160' on Buffalo Hills Lane. For building setback purposes, Carol Lane is considered the front yard and Buffalo Hills Lane the street side yard.

CURRENT ZONING: R-1A (Single Family Residential) District

ADJACENT USES: East: Residential
South: Residential
West: Residential
North: Residential

ADJACENT ZONING: North: R-1A (Single Family Residential) District
East: R-1A (Single Family Residential) District
South: R-1A (Single Family Residential) District
West: R-1A (Single Family Residential) District

REPORT

Mr. Thompson desires to construct a 28' x 24' accessory building (garage) in the southwest corner of his property where a creek with a significant ravine runs northwest/southeast across the property. There isn't sufficient room to construct the garage in the southwest corner of the lot to construct the proposed garage, meet minimum setbacks and not have a concern about encroaching on the ravine stability. To construct the garage in a location that should not impact the ravine, 5' encroachment into the 20' street side yard setback is proposed and a 3' encroachment in the 10' rear yard setback is proposed.

Criteria for Granting Variances

A. Variances shall only be permitted:

When they are in harmony with the general purposes and intent of the Ordinance. Following is the Intent and Purpose section of the Zoning Ordinance:

A. Protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use.

- B. *This Ordinance shall divide the City into use districts and establish regulations regarding location, erection, construction, reconstruction, alteration and use of structures and land.*
- C. *Protect neighborhoods.*
- D. *Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational and public areas.*
- E. *Provide adequate light, air, and convenience of access to property.*
- F. *Prevent congestion in the public right-of-way.*
- G. *Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.*
- H. *Protect and preserve the natural environment of the City.*
- I. *Encourage the protection of historic and aesthetic resources in the City.*
- J. *Conserve energy using alternative energy systems and conservation through the encouragement of energy efficient structures for commercial, industrial and residential uses.*
- K. *Provide for compatibility of different land uses.*
- L. *Provide for administration of this Ordinance.*
- M. *Provide for amendments.*
- N. *Prescribe penalties for violation of such regulations.*
- O. *To define powers and duties of the City staff, the Planning Commission, the City Council and the Board of Zoning Appeals in relation to the Zoning Ordinance.*

Is the variance in harmony with the general purposes and intent of the Ordinance?

B. When the Variance is consistent with the Comprehensive Plan.

The Comprehensive Plan Goal and Strategy that may apply is:

LAND USE GOAL #3: Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.

Strategy

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 services.

C. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.

Subdivision 4. "Practical Difficulties", as used about the granting of a variance means that:

- I. *The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.*

If the ravine was not there, the petitioner would be able to construct the garage at the southwest corner of the lot.

Is it reasonable to permit the garage to be 5' closer to the Buffalo Hills Lane property line and 3' closer to the rear property line?

The petitioner has submitted several Power Point slides for the request. Slide 7 depicts 5 areas where they do not think construction is practical. While areas 1, 4, 5 may not be practical construction areas, more explanation why there are practical construction difficulties are with areas 2, 3 and the area east of 3.

II. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The creek and ravine are circumstances unique to the property. When the size of the lot and building locations are considered, does the unique circumstance limit the garage placement to require encroachment into required setbacks?

Slide 5 depicts the garage footprint and it lists the garage would encroach 16" – 20" into the ravine. While it may not be the petitioner's desire, is it possible to reduce the width by 2' to not encroach into the ravine?

III. The variance, if granted, will not alter the essential character of the locality.

Will a garage 5' closer to Buffalo Hills Lane property line and 3' closer to the rear property line for a 28' x 24' garage affect the neighborhood's character?

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

The Planning Department has received the attached letter from the Soil and Water Conservation District and from the property owner to the west relating to this request.

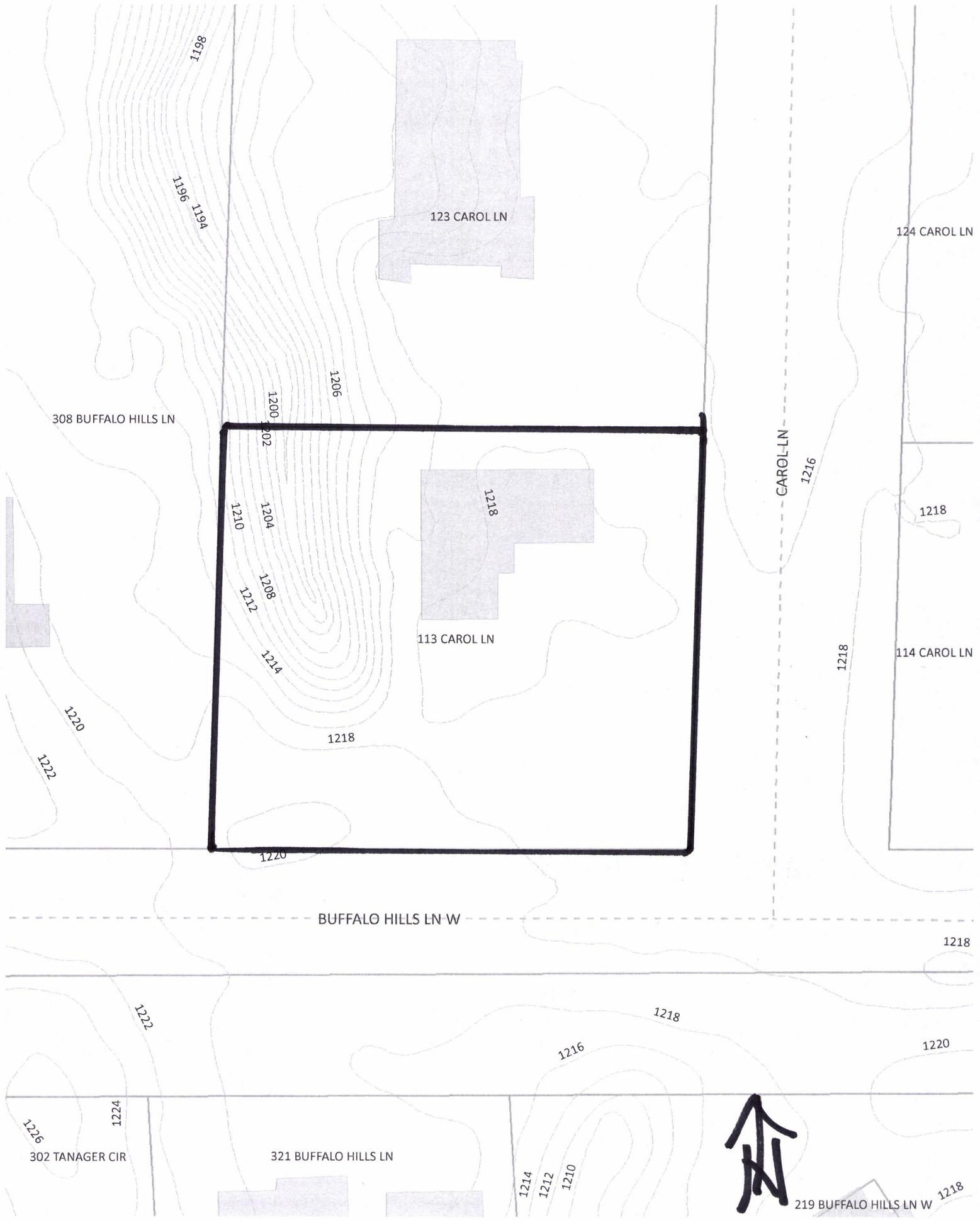
A draft copy of Findings of Fact is attached.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission may consider a recommendation at its meeting on September 20, 2017 and the City Council may consider the Planning Commission's recommendation at its October 2, 2017 meeting.

Respectfully submitted,

Mark Ostgarden AICP
City Planner



113 Carol Lane Looking West



113 Carol Lane Looking North



Received
9/11/17
Planning Dept.

To: Mark Ostgarden, City Planner

RE: Variance request by Bruce and Cindy Thompson

113 Carol Lane

Brainerd, MN 56401

I am unable to attend the September 20th meeting but want to be considered as one who opposes this variance.

Brainerd Zoning Ordinance Section 515-55-7 requires a 20" setback from the street and a 10" setback from neighboring property. Rules have not changed and the Thompson's need to adhere to this. He has enough property for other options. Also because of this location for his purposed garage, it would not enhance the value of my property.

Therefore, I am completely opposed to his request.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Faye Abrahamson".

Faye Abrahamson

308 Buffalo Hills Lane W.

Brainerd, MN 56401



Crow Wing Soil and Water Conservation District
322 Laurel St. Suite 22 • Brainerd, MN 56401

September 12, 2017

Mark Ostgarden

City Planner

501 Laurel Street

Brainerd, MN 56401

Dear Mr. Ostgarden,

I am writing in regard to the Bruce & Cynthia Thompson variance application for the purpose of constructing a 28 ft x 24 ft accessory structure. The address is 113 Carol Lane, Brainerd, MN. It is in Section 35, T.45N, R.31W, Crow Wing County, Minnesota. The RE # is 092030010110009.

The property is located on a ravine that drains into a wetland complex connected to Little Buffalo Creek and the Mississippi. Increased runoff from the structure has the potential to increase erosion in the ravine with a negative effect to ecosystem health. To minimize impacts, if the variance is granted, I recommend it be on the condition that soil and water resources are protected.

- Install stormwater landscaping practices
- Locate at least 20 feet away from the crest of the ravine and 10 ft from foundations
- Basin less than 9" deep
- Size for a minimum 1.1" rain event.

I can be contacted at 828-6197 if you have additional questions.

Sincerely,

Beth Hippert

Beth Hippert

WCA Administrator

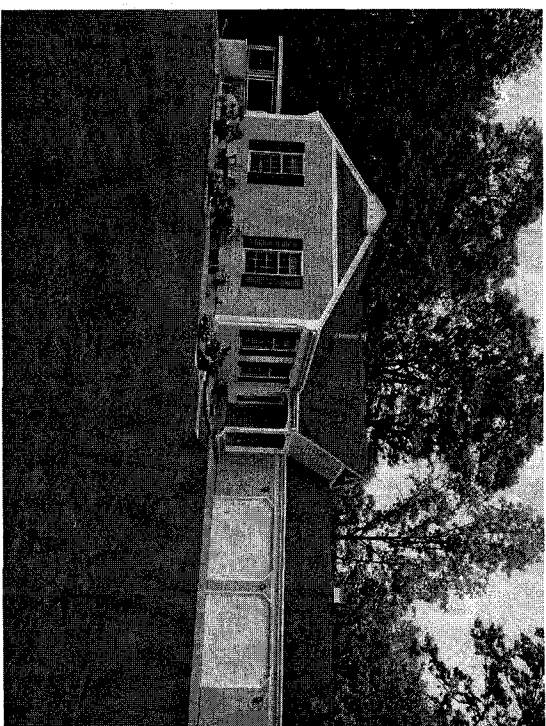
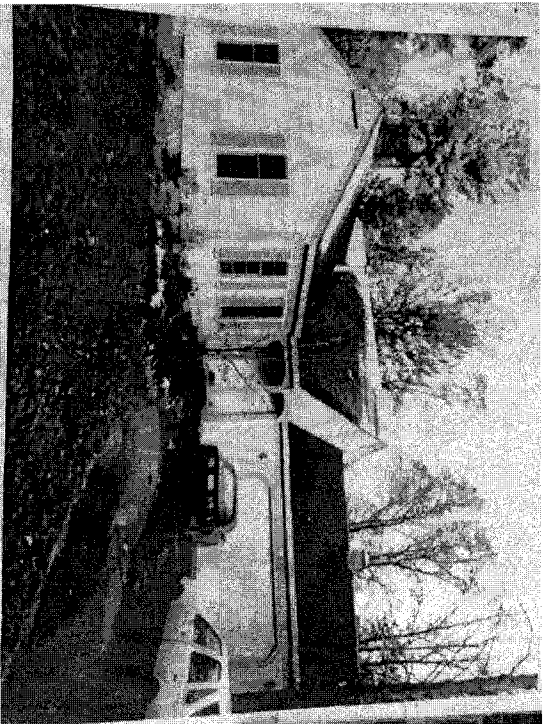
Crow Wing Soil and Water Conservation District

Phone: 218-828-6197

website: www.crowwingswcd.org

CITY OF BRAINERD, MN 2017 VARIANCE APPLICATION

Bruce & Cyndy Thompson
113 Carol Lane
Brainerd, MN



THE PROPERTY (1987 AND TODAY)

Many improvements have been made to this property over the years. Many permits have been pulled to improve the exterior and interior features of this property.

DESCRIPTION OF REQUEST

GARAGE STRUCTURE PROPOSAL: Garage Size 28'w 24'D

Requesting a variance:

- **On the front set back from 20' to 15'** – the ravine being the unique circumstance to the property
- **On the west property line from 10' to 7'** – the storm sewer runs diagonally underground under the property to the ravine
 - This is significant to future road or sewer storm water repairs on Buffalo Hills Lane

STORM WATER IN BUFFALO HILLS CREEK

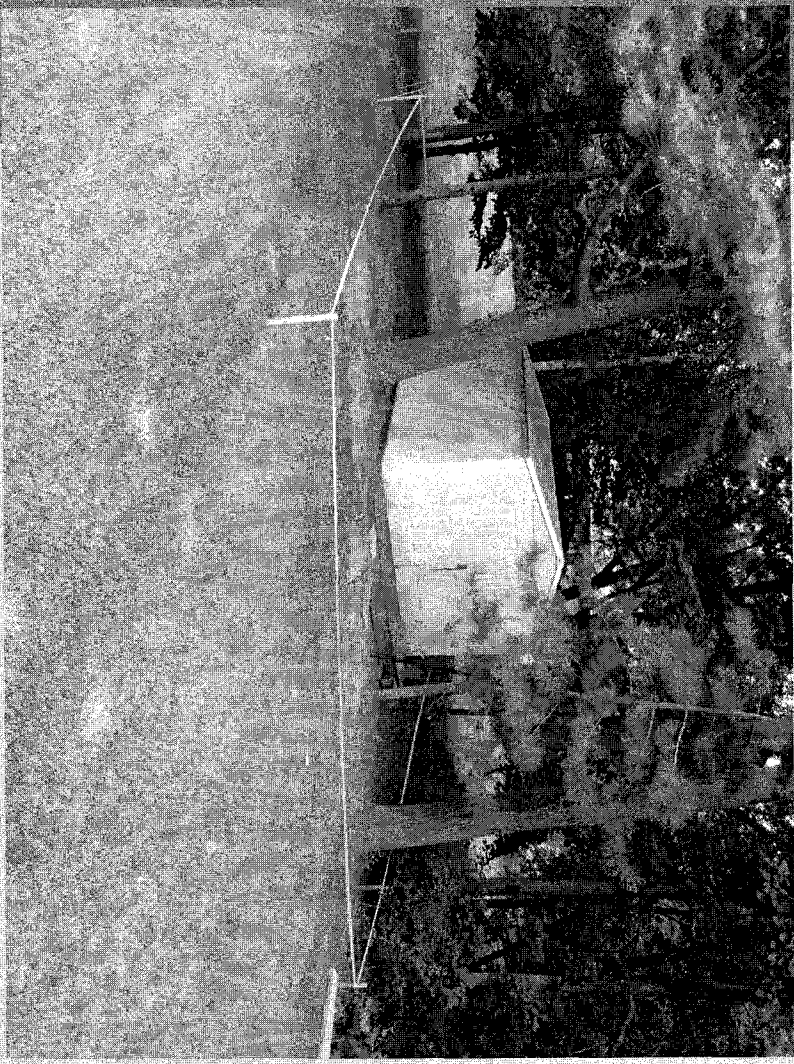


WEST LOT STAKE
WITH YELLOW TAPE
OF GARAGE
PERIMETER

This photo indicates where the garage would be built provided by the city code.

The rear edge of the the garage would be 16"-20 inches into the edge of the ravine.

The soil structure around the edge of the ravine is unstable and often deteriorates.



LEGAL DESCRIPTION:

113 Carol Lane, Brainerd
Lot 11, Block 1, Kriha Addition

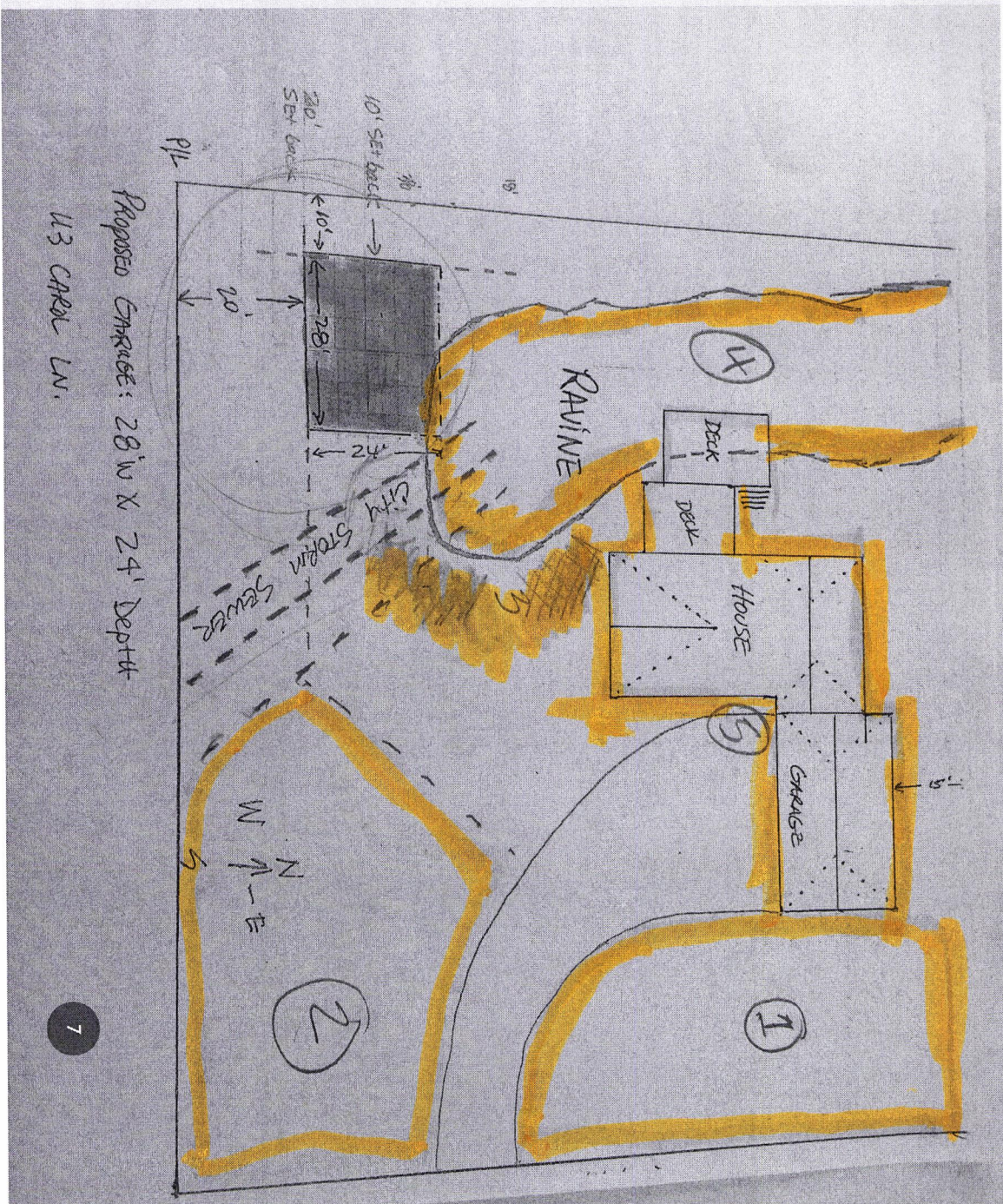
Lot Size: 140' x 160' (22,400 sq. ft. – 0.55 Acres)

Non-usable land on Lot 11 (See next slide for reference)

1. East lot area 3,100 sq. ft.
2. South lot area 3,400 sq. ft.
3. Ravine block retaining wall 200 sq. ft.
4. Ravine 96' x 45'w – 3,800 sq. ft.
5. House area 6,100 sq. ft.

THIS DIAGRAM
INDICATES GREEN YARD
SPACE LOCATED ON
THIS PROPERTY

- Much of this property space can not be used for a garage structure as the ravine dictated much of the development on this property. **If this property was a usable square 1/2 acre I would not be submitting this variance application.**
- The selected location for this proposed garage structure is the optimal space with a fairly undisturbed solid base soil composition.
- The ravine was filled in with soil from the construction of the LDS Church as it crossed from south to north
- Looking at an aerial view of both sides of Buffalo Hills Lane, you will get an idea that much of this lot is "fill" from the LDS construction site.
- **Subdivision 4** indicates "Practical Difficulties" was used in connection with the granting of a variance, that is the purpose of this variance proposal.



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Bruce and Cynthia Thompson, 113 Carol Lane, Brainerd, MN 56401, have submitted a variance request to construct an accessory building (garage) 5' within the required street side yard setback and a variance to construct the accessory building 3' within the required rear yard setback. By *Zoning Ordinance* definition and for accessory building setback purposes, the Buffalo Hills Lane lot frontage is the street side yard and the Carol Lane lot frontage is the front yard.

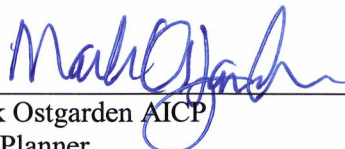
The property is located in an R-1A (Single Family Residential) District and *Brainerd Zoning Ordinance Section 515-55-7: Minimum Lot Area and Setback Requirements* specifies that accessory building required street side yard setback on a corner lot is 20' and 15' is proposed and it specifies that an accessory building rear yard setback is 10' and 7' is proposed.

The City of Brainerd Planning Commission will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 6:00 p.m., Wednesday, September 20, 2017 to consider the variance request.

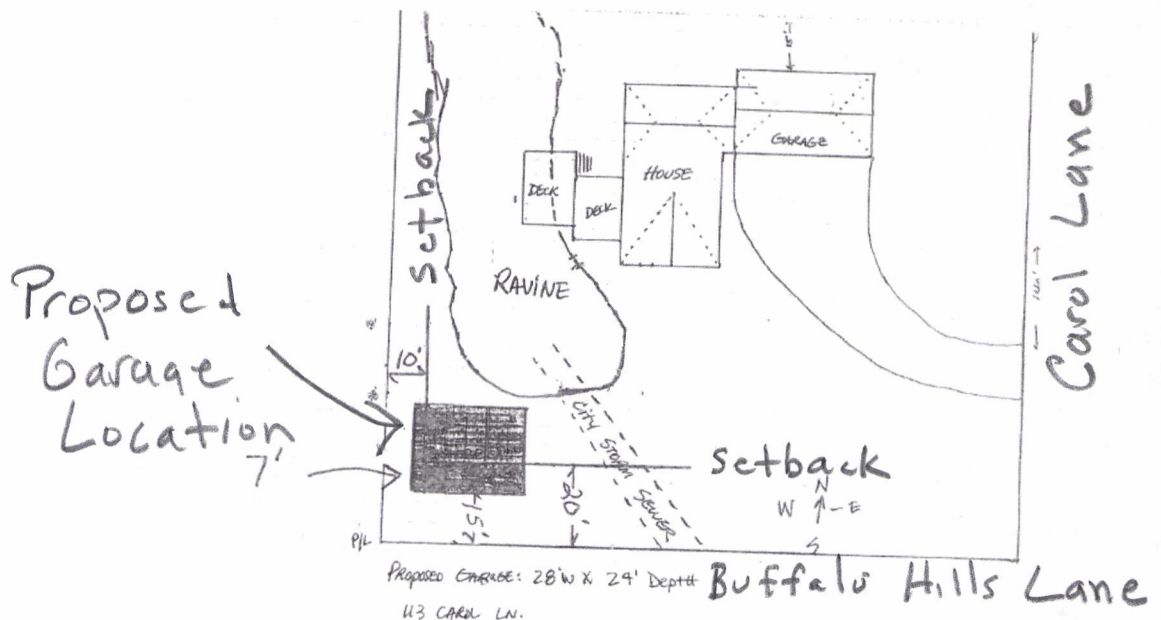
The proposed garage location is depicted in the site plan below and a copy of the application is on file for review at the City Planning Department, 501 Laurel Street.

Any individual needing special accommodations please call (218) 828-2309.

Dated this 6th day of September 2017


Mark Ostgarden AICP
City Planner

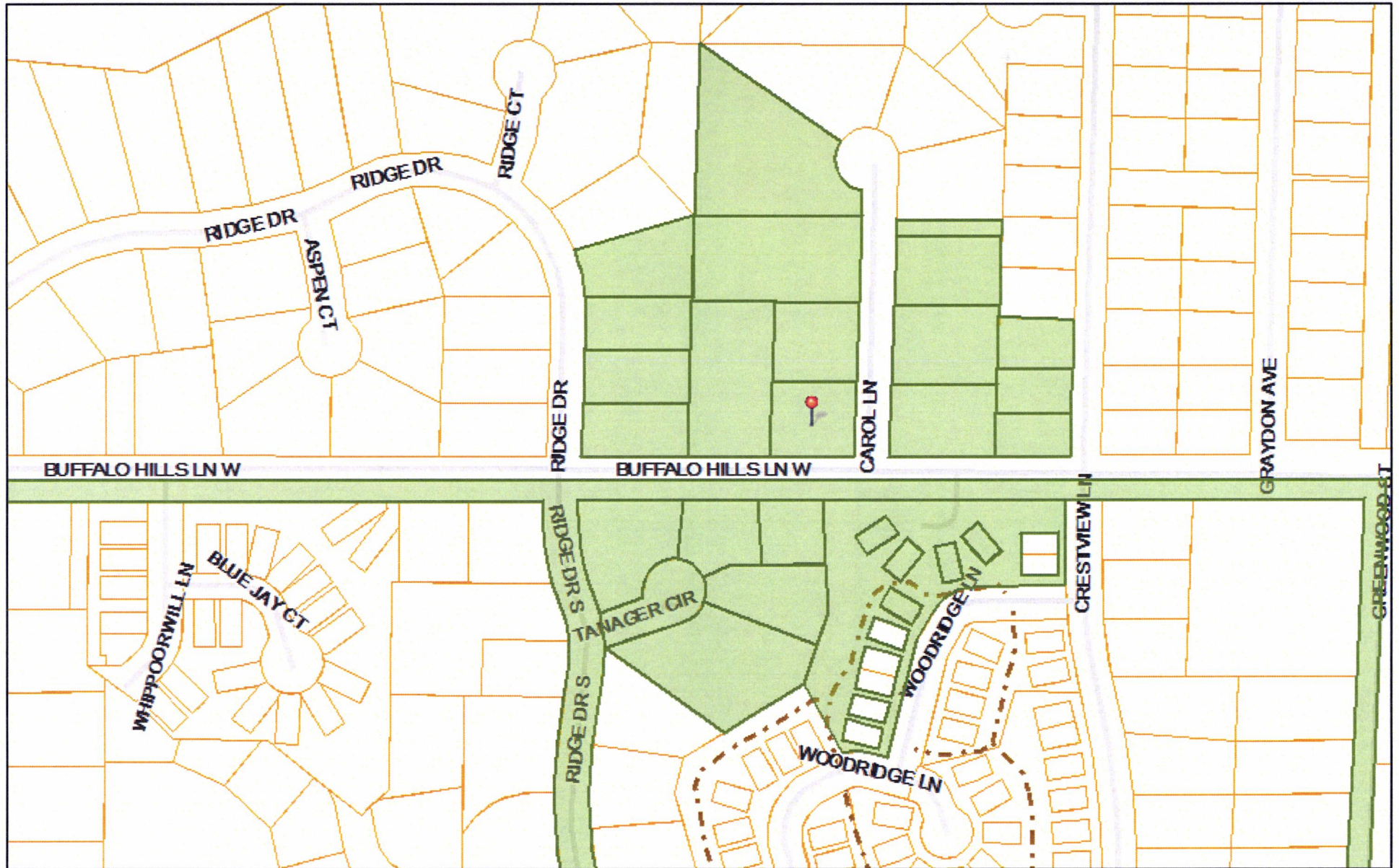
Publication date: September 8, 2017



PIN	TXNAME	TXADR1	TXADR2	Physical Address
091730030150009	UNSER, BRADLEY J & JYNELL D	2120 CRESTVIEW LN	BRAINERD, MN 56401	2120 CRESTVIEW LN
091730030160009	BYE CABLES INC	PO BOX 565	BRAINERD MN 56401	
091730030170009	NELSON, DARREN	2134 CRESTVIEW LN	BRAINERD, MN 56401	2134 CRESTVIEW LN
092030010012009	KRUEGER, PATRICK M & HELEN J	114 CAROL LN	BRAINERD MN 56401	114 CAROL LN
092030010030009	STEINHAUSER, SCOTT & JULIE	124 CAROL LN	BRAINERD, MN 56401	124 CAROL LN
09203001004A009	BRUSSEAU, MICHAEL A & KARI L	144 CAROL LN	BRAINERD MN 56401	
09203001004B009	STEINHAUSER, SCOTT & JULIE	124 CAROL LN	BRAINERD, MN 56401	
092030010080009	LUNDEEN, BENJAMIN J & MELISSA A	143 CAROL LN	BRAINERD MN 56401	143 CAROL LN
092030010090009	PELICAN PLACE LLC	5906 PINE BEACH RD	BRAINERD, MN 56401	133 CAROL LN
092030010100009	COOK, VINCE	123 CAROL LN	BRAINERD, MN 56401	123 CAROL LN
092030010110009	THOMPSON, BRUCE C & CYNTHIA	113 CAROL LN	BRAINERD MN 56401	113 CAROL LN
092030010120009	ABRAHAMSON, FAYE A	308 BUFFALO HILLS LN W	BRAINERD, MN 56401	308 BUFFALO HILLS LN
092100010010009	BERGER, TERRY W & KATHLEEN P	102 RIDGE DR	BRAINERD, MN 56401	
092100010020009	DEHNING, KURT & KELLY	106 RIDGE DR	BRAINERD, MN 56401	106 RIDGE DR
92100010030009	EATON, BRYCE R & MARY JEAN	110 RIDGE DR	BRAINERD MN 56401	110 RIDGE DR
092100010040009	EMBRETSON, LORRAINE E	114 RIDGE DR	BRAINERD, MN 56401	114 RIDGE DR
092360010010009	HAYES, RICHARD L & BETTY J	322 TANAGER CIR	BRAINERD, MN 5640133	322 TANAGER CRT
092360010020009	HUBERT, SCOTT	302 TANAGER CIRCLE	BRAINERD, MN 56401	302 TANAGER CIR
09236001002A009	DITON, ALEXIS	321 BUFFALO HILLS LN	BRAINERD, MN 56401	321 BUFFALO HILLS LN
092360010030009	BREZINKA, CAROLINE M & DAVID BIORN	301 TANAGER CIR	BRAINERD, MN 56401	301 TANAGER CRT
092360010040009	LANGE, GREGORY J & MARY	323 TANAGER CIR	BRAINERD MN 56401	323 TANAGER CIR
092420020030009	OLSEN, WOLFRED A IND TRUST 9-27-93	205 BUFFALO HILLS LN W	BRAINERD, MN 56401	205 BUFFALO HILLS LN W
092420020040009	STRAKA, WALTER B	209 BUFFALO HILLS LN W	BRAINERD, MN 56401	209 BUFFALO HILLS LN
092420020050009	EASTMAN, BRUCE C & DONNA A SALLI	215 BUFFALO HILLS LN W	BRAINERD, MN 56401	215 BUFFALO HILLS LN W
092420020060009	PATRICK, JANE	219 BUFFALO HILLS LN W	BRAINERD, MN 56401	219 BUFFALO HILLS LN W
092420020070009	DOLS, LAWRENCE D & DONNA M	2404 WOODRIDGE LN	BRAINERD MN 56401	2404 WOODRIDGE LN
092420020130009	SOUTHVIEW COURT, PATIO HOME ASSN	1511 NORTHERN PACIFIC RD #101	BRAINERD, MN 56401	

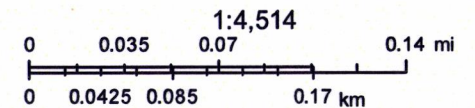
Mailed
9/7/17

Variance 113 Carol Ln



September 6, 2017

- Select Parcels _Query result
- City Limits
- Parcels Crow Wing
- Trails
- Roads



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

PROPERTY OWNERS -

Bruce & Cynthia Thompson
113 CAROL lane
BRainerd, MN 56401

Requesting A VARIANCE to Add A

GARAGE Structure to the proposed

Site on the west side of this lot.

Proposed GARAGE Structure is 28' wide -

24' in Depth. A 2 GARAGE DOOR

Structure - Design; to match

Current Residence -



City Planning Department
 City Hall – 501 Laurel Street
 Brainerd, MN 56401
 218-828-2309/Fax 218-828-2316
 www.ci.brainerd.mn.us

Receipt # 2017-00058
 Check # 14476
 Date Paid: 8-4-17 *JK*

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)
REZONING	☐ (\$300.00)	☐ (\$500.00)
VARIANCE	☒ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 113 CAROL LN, BRAINERD, MN 56401

LEGAL DESCRIPTION: Lot(s): 1 Block: 1 Addition: KRITA ADDITION
 (attach description if lengthy)

Property Owner Name: Bruce & Cynthia Thompson

Street Address: 113 CAROL LN City: BRAINERD State: MN Zip Code 56401

Phone Number: 218.330.8128 Fax: _____ E-mail: bthompson2977@charter.net

Applicant Name: (If different than Property Owner) _____

Street Address: _____ City: _____ State: _____ Zip Code: _____

Phone Number: _____ Fax: _____ E-mail: _____

Description of Request: REQUESTING a variance on the Front SET BACK
From 20' to 15', requesting A variance on the west property
line set back from 10' to 7'. (GARAGE PROPOSAL)
the Ravine, (city storm water creek) runs thru this
property causing need for variance. VARIANCE REQUEST
is to ADD A GARAGE ON the west side of this lot

Bruce C. Thompson
 Property Owner Signature

8/3/17
 Date

Bruce C. Thompson
 (Please print name)

Applicant Signature

Date

(Please print name)

DRAFT Findings-of-Fact

Bruce and Cynthia Thompson, 113 Carol Lane, Brainerd, MN 56401
Accessory building (garage) street side yard and rear yard encroachments

1. The property is in an R-1A (Single Family Residential) District and the owner desires to construct a 28' x 24' garage in the required street side yard and required rear yard setback areas.
2. The property is 140' x 160' with the narrow frontage on Carol Lane.
3. For zoning setback purposes, the narrower street frontage on a corner lot is considered the front yard, establishing the other frontage of the street side yard for setback purposes.
4. The required street side yard setback is 20' and a 5' encroachment is proposed. The required rear yard setback is 10' and a 3' encroachment is proposed.
5. There is an attached garage located 30' from the front property line. R1-A zoning requires a 30' front yard setback leaving 10' to add onto the attached garage.
6. The site has a ravine and a creek that limits the setback from the side street property line and in the southwest corner of the lot.
7. The Crow Wing Soil and Water Conservation District has submitted a letter with recommendations on how to protect the ravine should the garage be constructed.
8. A letter has been received from the property owner to the west opposed to the variance.
9. The request is/is not consistent with the following Comprehensive Plan Goals and Strategies:
- 10.
- 11.
- 12.

MEMO

TO: Planning Commission

CC: Mark Ostgarden, City Planner

DATE: September 14, 2017

RE: Zoning Ordinance Text Amendments Permitting Microdistilleries with Cocktail Rooms

Attached is a request to consider a request to permit microdistilleries with cocktail rooms in commercial districts. Also attached is a B-3 (Central Business) District that shows it as added to the conditional uses allowed in the district. In addition to the B-3 District, the use seems appropriate in the following districts:

- 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 Business) 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 which by reference it as a permitted use in the MU (Mixed Use) District.

The draft has been submitted to the City Attorney for review. It is suggested that the Commission discuss what, if any, additional local requirements there should be to operate micro distilleries with Cocktail Rooms.

There are not many microdistilleries operating in Minnesota; Minneapolis and Duluth are cities we are aware one is in operation. The Planning Department has communicated with the City of Duluth to understand how it regulates the use. It is a permitted use with the following minimum requirements:

1. Manufacturing, craft, artisan production shop.
 - (a) In the F-5 and F-7 districts, the use shall not exceed 5,000 sq. ft. in gross floor area;
 - (b) In the F-5 and F-7 districts, the use is permitted in all building types and on all floors;
 - (c) Artisan production shops shall maintain at least ten percent of the gross floor area of the facility for retail purposes;

2. Manufacturing, craft, artisan studio.

- (a) In the F-5 and F-7 districts, the use shall not exceed 3,000 sq. ft. in gross floor area;
- (b) In the F-5 and F-7 districts, this use is permitted in all building types and on all floors; 3-35
- (c) Artisan studios shall maintain at least ten percent of the gross floor area of the facility for retail purposes;

3. Manufacturing, craft, brewery or distillery.

- (a) No outdoor storage is permitted;
- (b) Access and loading areas facing any street, adjacent residential use or residential zoning district, shall have the doors closed at all times, except during movement of raw material, other supplies and finished products into and out of the building;
- (c) A facility at the proposed site will not have an adverse impact on the character of the neighborhood. The following criteria may be used to evaluate proposed sites: the effect on traffic movements in the area; the general nature, character, age, and condition of the adjacent development; the proximity to residential areas, regardless of zoning; or any other criteria the city may deem pertinent;
- (d) All brewing/ distilling and storage activities shall be located within a completely enclosed building;
- (e) The facility shall comply with all applicable fire, building, health and sanitation codes, and zoning regulations;
- (f) The facility shall comply with all applicable licensing and operational requirements of the state and county;
- (g) Craft breweries/craft distilleries shall maintain at least ten percent of the gross floor area of the facility for retail purpose;
- (h) No more than 500 proof gallons may be stored at a craft distillery premises at any one time;
- (i) Service trucks for the purpose of loading and unloading materials, equipment and product shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays;
- (j) Service trucks for the purpose of loading and unloading materials, equipment and product shall be restricted to 30 feet in total length;

Should the Planning Commission recommend moving forward with a public hearing to consider the amendments, it can be scheduled for October 18, 2017. The City Council can receive a recommendation for 1st ordinance reading considerations on November 6, 2017 and have 2nd ordinance reading consideration on November 20th.

Mark Ostgarden

From: Nate Grotzke <Nate.Grotzke@closeconverse.com>
Sent: Wednesday, August 23, 2017 12:13 PM
To: Mark Ostgarden
Subject: RE: Distillery

Mark –

To make it official, I will combine the emails:

Dear Mark/The City of Brainerd –

Our agency has received inquiries about having a micro distillery in the City of Brainerd. Our review of the Zoning Ordinance finds that brew pubs and taprooms are conditional uses in several commercial districts, however micro distilleries are not listed. We are requesting that the Planning Commission and City Council consider amending the Zoning Ordinance to permit micro distilleries in the same zoning districts as brew pubs and taprooms.

A micro distillery is defined, according to the Code of Federal Regulations (CFR), as a distilled spirits operation is any authorized distilling, warehousing, or processing operation conducted on the bonded premises of a distilled spirits plant that is qualified under 27 CFR 19.1

Definition of a microdistillery: According to the Minnesota State Statute 340A.101 Subd.17a, a "Microdistillery" is a distillery operated within the state producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year.

In addition to the manufacturing of spirits, a licensed micro distillery according to the Minnesota State Statute 340A.22 is allowed to sample on premise but limited to 15 mL per variety per person, not to exceed 45 mL per person per day. Furthermore, the municipality may issue a microdistillery cocktail room license which authorizes on-sale of distilled liquor produced by the distiller. A microdistillery may also be issued a license by the local licensing authority for off-sale of distilled spirits. The license may allow the sale of one 375 milliliter bottle per customer per day of product manufactured on site.

Thank you for considering our request.

Nate Grotzke, CCIM
Broker

Close~Converse Commercial Properties
521 Charles Street, Brainerd, MN 56401

P (218) 828-3334
F (218) 828-4330
C (218) 838-1000
Nate@CloseConverse.com
www.closeconverse.com

SECTION 62
B-3, CENTRAL BUSINESS DISTRICT

Section:

- 515-62-1: Purpose and Intent
- 515-62-2: Permitted Uses
- 515-62-3: Accessory Uses
- 515-62-4: Uses by Administrative Permit
- 515-62-5: Interim Uses
- 515-62-6: Conditional Uses
- 515-62-7: Lot Area and Setback Requirements
- 515-62-8: Building Height
- 515-62-9: Exterior Building Standards
- 515-62-10: Residential Restriction

515-62-1: Purpose and Intent. The purpose of this district is to encourage the continuation of a viable, traditional downtown area by allowing retail, service, office and entertainment facilities and public and semi-public uses as well as the allowance of second-story dwelling units located above such uses.

515-62-2: Permitted Uses.

- A. Government and public buildings, utilities and/or structures.
- B. Financial institutions such as banks and credit unions.
- C. Hospitality businesses limited to hotels, motels, conference/convention/reception facilities. Extended stay hotels and motels provided that:
 - a. The City of Brainerd will be notified prior to becoming an extended stay facility.
 - b. Stays are limited to 90 consecutive days.
 - c. All guest rooms which have facilities for both storage and food preparation less than 300 square feet of floor area are limited to a maximum of two (2) persons per room; however, for all such guest rooms greater than 300 square feet, one additional person shall be allowed per each 75 square feet of floor area up to a maximum of four (4) persons.
 - d. Kitchen facilities including a stove and oven are provided.
 - e. Each hotel and motel shall maintain daily written records reflecting the renting, letting, or other provisions of any of its rooms including check in and check out dates of each person over 18 years of age that rents, lets or is otherwise provided a room or occupies a room on an overnight basis. Such records shall be made available to the City of Brainerd upon request
- D. Liquor sales, on and off sale.

- E. Office business – clinic such as general medical clinics, medical labs, mental health providers, chiropractors, dentists, orthodontia, oral surgeons, opticians, physical therapy and other out-patient treatment.
- F. Office business – general such as professional administrative or clerical service operations such as attorneys, financial advisors, insurance, travel and real estate.
- G. Personal services limited to barber shops, beauty salons, nail salons, tanning salons, therapeutic massage, spas, tattooing, tailoring/alterations, and schools/training centers for such uses.
- H. Recreational businesses - indoor.
- I. Restaurants – sit down, take out or delivery.
- J. Retail businesses contained within a principal building.
- K. Decorating and photography studios.
- L. Business, vocational, colleges, and universities located above first floor.
- M. Business when conducted entirely within a building.
- N. Theaters – except drive-in.
- O. Cultural facilities such as museums, art centers or art institutes.
- P. Repair services limited to jewelry and radio and television/small appliance repair shops, household items, electronics, shoe repair, upholstery or locksmith.
- Q. On-site service businesses limited to tailoring, dry cleaners, self-service laundry and copy centers.
- R. Music, art, decorating, photography and dance studios.
- S. Health clubs.
- T. Essential services as regulated by Section 36 of this Ordinance.
- U. Self-service Laundromat with dry cleaning pick up and drop off.

515-62-3: Accessory Uses.

- A. Uses incidental to the principal uses such as off-street parking as regulated by Section 17 of this Ordinance.

- B. Loading and unloading areas subject to the provisions of Section 23 of this Ordinance.
- C. Signs as regulated by Section 37 of this Ordinance.
- D. Fences as regulated by Section 19 of this Ordinance.
- E. Radio and television receiving antennas, satellite dishes, TV Receive Only (TVRO) three (3) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers as regulated by Section 35 of this Ordinance.

515-62-4: Uses by Administrative Permit.

- A. Temporary/seasonal outdoor promotional events and sales provided that:
 - 1. Such activity is targeted toward the general public and includes grand openings, warehouse sales, sidewalk sales, inventory reduction and liquidation sales, and seasonal merchandise sales.
 - 2. The maximum term of the event shall not exceed fourteen (14) consecutive days, with a maximum of four (4) permits per calendar year for each use. Consecutive permits may be issued.
 - 3. Parking and display areas associated with the use shall not distract or interfere with existing business operations or traffic circulation patterns.
 - 4. The site shall be kept in a neat and orderly manner and display of items shall be as compact as possible so as to not interfere with existing business, parking or driveway operations.
 - 5. Sales products, trailers, temporary stands, etc. shall be located on an asphalt or concrete surface as approved in the Administrative Permit.
 - 6. Temporary outdoor seasonal sales uses (with a valid Administrative Permit) may have one (1) on-site temporary sign not to exceed twenty-four (24) square feet in area and not more than six (6) feet in height.
 - 7. A daily clean up program shall be presented as part of the Administrative Permit application.
- B. Personal wireless service antennas as regulated by Section 35 of this Ordinance.

515-62-5: Interim Uses.

A. None.

515-62-6: Conditional Uses.

A. Residential and non-residential uses within one (1) building provided that:

1. Residential and non-residential uses shall not be contained on the same floor and no residential use shall be located on the first floor.
2. Residential and non-residential uses shall have separate entrances and exits.

B. Non-enclosed areas for dining and/or serving alcohol when accessory to a restaurant and/or bar provided that:

1. The applicant submits a site plan in accord with Section 5 of this ordinance that includes information demonstrating the location and type of all tables, refuse receptacles, and wait stations.
2. Access shall be provided only via the principal building.
3. The size of the area is restricted to thirty (30) percent of the total customer floor area within the principal structure.
4. The area is screened from view from adjacent residential uses in accordance with Section 20 of this Ordinance.
5. All lighting shall be hooded and directed away from adjacent residential uses in accordance with Section 18 of this Ordinance.
6. The applicant demonstrates that pedestrian circulation is not disrupted as a result of the area by providing the following:
 - a. Minimum clear passage zone for pedestrians at the perimeter of the restaurant shall be at least five (5) feet without interference from parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights, parking meters, or the like.
 - b. Overstory canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven (7) feet above sidewalk.
7. The area is surfaced with concrete, bituminous, decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.
8. Storage of furniture shall not be permitted outdoors between November 1 and March 31. Outdoor furniture that is immovable or permanently fixed or attached

to the sidewalk shall not be subject to the storage prohibition of this section. However, any immovable or permanently fixed or attached furniture shall be approved as part of the conditional use permit application.

9. Additional off-street parking may be required pursuant to the requirements set forth in Section 22 of this Ordinance based on the additional seating area provided by the area.
10. Closed lid refuse containers are to be provided.
11. So as to deter the free passage of any person or substance beyond the barriers of the non-enclosed areas, a barrier at a minimum of thirty-six (36) inches made of wood, vinyl, wrought iron, brick or natural stone, planters or other approved material shall be provided.

Barrier Openings shall be spaced such that visibility is allowed but the passage of an alcoholic beverage through an opening to a person that is not within the non-enclosed area is prohibited.

12. The primary access and egress will be from the main premises or structure and no other access or egress will be allowed other than those required as emergency exits. The outdoor sale area will be defined or structurally constructed so as to prohibit the free passage of any person or substance beyond said area.
 13. Smoking in the area, if allowed by the business owner, is permitted provided the area is in compliance with the Minnesota Freedom to Breathe Act of 2007.
 14. The Building Official shall review the suitability of the area in light of the applicable fire, building, and life safety codes and the adequacy of the proposal to provide for the safety of persons on the premises.
 15. There shall be no amplified live music allowed in the area except in the case of special event, which requires a permit from the City. Music shall be kept to a level that is not intrusive to surrounding property.
 16. All licenses required for serving alcohol specified in city code Chapter XIII shall be obtained.
- C. Planned Unit Developments (PUDs) without first floor residential, as regulated by Section 11 of this Ordinance.
- D. Private clubs and lodges provided that:
1. Off-street parking and access is provided in compliance with Section 22 of this Ordinance.

2. Off-street loading and service entrances are provided as regulated by Section 23 of this Ordinance.
- E. Places of worship above the first floor.
- F. Commercial day care facilities are regulated by Section 29 of this Ordinance.
- G. Parking structures provided that the first floor contains a business use.
- H. Brew Pub Off-Sale. A brewer with an off-sale malt liquor license subject to the provisions of Minnesota Statutes 340A and the following:
1. No outdoor storage.
 2. No odors from the brewery facility shall be perceptible beyond the property line. If such odors occur, the brewery facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control standards.
- I. Brew Pub On-Sale. A brewer with an on-sale malt liquor license subject to the provisions of Minnesota Statutes 340A and the following:
1. No outdoor storage.
 2. Comply with the requirements of 515-62-6B for outdoor serving.
 3. No odors from the brewery shall be perceptible beyond the property line. If such odors occur, the brewery shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control standards.
 4. On-site sale of wine or spirits is permitted in accord with Minnesota Statutes and Brainerd City Code XII.
- J. Brewery with Taproom On-Sale. A brewer with an on-sale brewery taproom license for the "On-Sale" of malt liquor produced on the licensed premises subject to the provisions of Minnesota Statutes 340A and the following:
1. No outdoor storage.
 2. Comply with the requirements of Brainerd City Code 515-62-6B for outdoor serving, if applicable.
 3. No odors from the brewery shall be perceptible beyond the property line. When such odors occur, the brewery shall take appropriate measures to reduce or mitigate any

odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control standards.

K. Brewery with Taproom Off-Sale. A brewer with an off-sale brewery taproom license for the “off-sale” of malt liquor produced on the licensed premises subject to the provisions of Minnesota Statutes 340A and the following:

1. No outdoor storage.
2. A taproom for malt liquor “off-sale” produced on-site shall require an “on-sale” taproom room license from the City of Brainerd, according to the City Code section II.
3. Comply with the requirements of Brainerd City Code 515-62-6B for outdoor serving, if applicable.
4. No odors from the brewery shall be perceptible beyond the property line. When such odors occur, the brewery shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control standards.

L. MICRODISTILLERIES WITH COCKTAIL ROOM. MICRODISTILLERIES WITH A COCKTAIL ROOM SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES 340A AND THE FOLLOWING:

1. NO OUTDOOR STORAGE.
2. A COCKTAIL ROOM SHALL REQUIRE AN “ON-SALE” LICENSE FROM THE CITY OF BRAINERD, ACCORDING TO THE CITY CODE SECTION XII.
3. COMPLY WITH THE REQUIREMENTS OF BRAINERD CITY CODE 515-62-6B FOR OUTDOOR SERVING, IF APPLICABLE.
4. NO ODORS FROM THE BREWERY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. WHEN SUCH ODORS OCCUR, THE BREWERY SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS.

DEFINITION TO ADD TO ZONING ORDINANCE SECTION 2

MICRODISTILLERY. A FACILITY FOR DISTILLING SPIRITS NOT TO EXCEED 40,000 PROOF GALLONS IN A CALENDAR YEAR. IT MAY INCLUDE A COCKTAIL ROOM AND RETAIL SPACE TO SELL SPIRITS TO PATRONS ON THE SITE.

515-62-7: Lot Area and Setback Requirements. Minimum lot area, width, setback, and height requirements are not applicable. A thirty (30) foot setback shall be required for buildings located adjacent to residentially zoned property.

515-62-8: Building Height: Not more forty-five (45) feet unless otherwise granted under a Conditional Use Permit.

515-62-9: Exterior Building Standards. As regulated in Section 17 of this Ordinance.

515-62-10: Residential Restriction: First floor/street level residential uses are prohibited.