

PLANNING COMMISSION
Wednesday, August 21, 2019

#1 Call to Order

Planning Commission Chair Gorham 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 Gorham, Burslie, Woodward, Foley and Council Liaison Lambert. Commissioners Marohn and Duval were noted as absent. Community Development Director Chanski was also noted as present.

#2 Approval/Amendment of Agenda

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND WOODWARD, DULY CARRIED, TO APPROVE THE AGENDA.

#3 Approval of Minutes

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND WOODWARD, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD JULY 17, 2019.

MOTION AND SECONDED BY COMMISSIONERS WOODWARD AND GORHAM, DULY CARRIED, TO APPROVE THE MINUTES OF THE SPECIAL MEETING HELD AUGUST 7, 2019.

#4 New Business

4a. Conditional Use Permit Amendment – Mark Lelwica, Roundhouse Brewery

Community Development Director Chanski explained the original permit was issued May 2, 2016 for an outdoor patio at 1551 Northern Pacific Road. He stated the applicant wishes to increase the size of the patio area from 12' x 50' to 18.6' x 75.7'. He indicated the internal size of the taproom is 4,214 square feet and the ordinance states the patio cannot exceed 30% of the total customer floor area within the principle structure. The proposed size would bring the patio to approximately 1,405 square feet; which is about 141 square feet larger than allowed. He said the applicant stated there will be an additional restroom added to the facility and this will increase the floor space up to code requirements. He also indicated the condition of approval could be contingent upon the signed lease agreement. The Findings of Fact are shown below:

Findings of Fact

1. The current permitted patio is 12' x 50' for a total of 600 square feet.
2. As the internal area of the taproom is 4,214 square feet, the maximum allowable area for the patio is 1,264 square feet (30% of the total customer floor area within the principle structure).
3. The proposed patio expansion would bring the patio to approximately 1,405 square feet, 141 square feet more than the currently allowable area.
4. A customer service area of 4,683 square feet (an additional 469 square feet) would be needed to allow a patio of 1,405 square feet.

5. The applicant has stated that an addition of a bathroom should increase the floor space to the required levels.
6. The patio area would be fenced as requirement by the Zoning Code and State Building Code.
7. The increased patio area would be concrete like the current area.

The Chair opened the public hearing at 6:06 p.m.

The Chair recognized Mr. Mike Higgins, owner of the NP Center, who stated Roundhouse Brewery is a leased tenant on the property. He said currently the restroom is shared by the brewery and the storehouse, but he plans to build an additional restroom for the storehouse. He indicated the new area of the patio will extend up to the sidewalk.

The Chair recognized Mr. Dan Meyer, 16130 Birchwood Lane, Brainerd who is one of the operating partners of Roundhouse Brewery. He announced Roundhouse was recently voted Brainerd Lakes Area Best Brewery for the second year in a row. He would like to know if the approval could be in time for Oktoberfest that takes place September 19-22nd, with the understanding that the lease agreement paperwork may not be completed by that time. He said the brewery would like to install the fence around the area in time for the event or if the Commission would consider removing the condition in good faith.

It was determined that the applicant would be able to pour the cement foundation for the patio prior to the CUP approval; however, the patio could not be used by the public until it is officially approved. The other option is to apply for an Extension of Premises for the event.

The Chair closed the public hearing at 6:11 p.m.

Commissioner Burslie questioned the need for a CUP since the property is located on 45 acres and the brewery is not subdivided from the property.

Community Development Director Chanski indicated it may have been at the request of the Planning Commission in 2016 to address the brewery construction process and the alcohol component.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND BURLIE, DULY CARRIED, TO RECOMMEND APPROVAL OF THE AMENDED CONDITIONAL USE PERMIT BASED ON THE FINDINGS OF FACT AND TOTAL ALLOWABLE SPACE SHOULD BE BASED ON THE PROPERTY AS A WHOLE; NO CONDITIONS ARE NEEDED.

#5 Public Forum

The Chair opened public forum at 6:16 p.m.

The Chair recognized Mr. John Burton, 1334 Hillview Forest Rd, East Gull Lake, who owns a four-plex at 317 Bluff Avenue. He indicated back in 1942, the building was originally a five-unit rental building. Since that time, his family changed it to a four plex and he would like to change it back to a five-plex rental.

The Chair closed the public forum at 6:19 p.m.

#6 Old Business

6a. Set Date for Comprehensive Plan Workshop

Community Development Director Chanski stated the sole purpose of the workshop is to review the comprehensive plan. He said any input or suggestions will be brought back to the committee for consideration.

The Commission decided to hold the workshop on Wednesday, September 11, 2019 at 6:00 p.m.

6b. Comprehensive Plan – Call for Public Hearing

Community Development Director Chanski indicated the public hearing is a part of the state statute to allow the public the opportunity to comment on the plan.

MOTION AND SECONDED BY COMMISSIONERS BURSLIE AND LAMBERT, DULY CARRIED, TO CALL FOR A PUBLIC HEARING ON SEPTEMBER 18, 2019 AT 6:00 P.M. TO CONSIDER INPUT FOR THE COMPREHENSIVE PLAN.

6c. Proposed Lighting Ordinance Language

Community Development Director Chanski stated the only revision that was made from the last Planning Commission meeting was the statement shown in 4a. *“If the bulb/light source is fully shielded from view by an observer standing on ground level **at the nearest property line**, an increase in light source height to a maximum of twenty (20) feet may be allowed by Conditional Use Permit.”*

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND BURSLIE, DULY CARRIED, TO RECOMMEND APPROVAL OF THE AMENDMENTS TO THE LIGHTING ORDINANCE STANDARDS.

Community Development Director Chanski stated this revision does not affect lighting in the public right of ways.

6d. Legal Nonconforming Rentals

Community Development Director Chanski indicated the issue was discussed originally at the June meeting when a nonconforming rental that had never been registered with the City came into view. He stated there are several duplexes and multi-family rentals that are legal nonconforming rentals in the City. He said the Commission requested various options for handling the issue and he reviewed the following with the Commission.

- o Update the R-1 Single-Family Residential District zone to include multi-family housing
- o Establish a resolution granting all existing multi-family units within R-1 zones conforming status
- o Grant one-time amnesty to all current legal nonconforming multi-family units within R-1 zones, allowing them to register currently unregistered units but not granting conforming status

Commissioner Burslie stated he struggles with the definition of expansion of legal nonconformities. He said for example, under the ordinance, the owner of a duplex in an R-1 zone cannot build a garage on the property. He indicated he interprets this as the nonconformity is not being increased by adding more units – it is simply the addition of an accessory structure to an existing property. He stated he would like to see the ordinance amended to allow rental of pre-existing units.

Community Development Director Chanski explained in that situation, Section 515-15 Non-Conforming Lots Building Uses could be amended by removing #6b: *“A nonconforming residential use that had a rental license expire (more than 365 days from date of license expiration) cannot be reestablished as a nonconforming use.”*

Commission discussion took place.

Community Development Director Chanski stated by removing the above mentioned statement from the ordinance, there may be a larger level of conformity among those property owners that are defined as “ghost rentals” (a structure that has operated as a rental but is not registered with the City).

Commissioners have directed staff to draft various language amendment options and return to the Commission for further discussion.

#7 Commissioner’s Questions/Comments

Commissioner Gorham indicated he saw an article in the Star Tribune regarding the planning department in the city of Grand Marais. He said the city had posted photos of yards from various residents and asked for public comments.

Commissioner Lambert announced she attended a ribbon cutting for a new business that has opened on South 6th Street called Creative Corner.

Commissioner Foley stated he just learned the Last Turn Saloon remodeled the upstairs into a game room.

#8 Community Development Director’s Report

Community Development Director Chanski announced the public comment period for the comprehensive plan is open through September 7, 2019. Everyone is encouraged to read through the plan online and submit comments.

#9 Adjourn to Planning Commission Workshop September 11, 2019

The Chair adjourned at 7:12 p.m.

Don Gorham, Planning Commission Chair