



**Planning Commission Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Minutes – Wednesday, September 5, 2018 – 6:30 p.m.**

1. Call to Order

Chair Murphy called to order the regular meeting of the Planning Commission meeting at approximately 6:30 p.m. and reviewed the role and purpose of the Planning Commission.

2. Roll Call

At the request of Chair Murphy, City Planner Thomas Paschke called the Roll.

Members Present: Chair Robert Murphy; Vice Chair James Bull; and Commissioners, James Daire, Chuck Gitzen, Julie Kimble, Wayne Groff, and Peter Sparby

Members Absent: None

Staff Present: City Planner Thomas Paschke
Community Development Director Kari Collins
Senior Planner Bryan Lloyd

3. Approve Agenda

MOTION

Member Gitzen moved, seconded by Member Bull, to approve the agenda as presented.

Ayes: 7

Nays: 0

Motion carried.

4. Review of Minutes

a. August 1, 2018 Planning Commission Regular Meeting

Member Daire indicated on page 9, lines 389 and 390 “There’s probably a solution that can ~~compare~~ match the quality of the neighborhood round-a-about, ~~and the character of the neighborhood round-a-about.~~”

Chair Murphy stated in regard to line 645 to 648, they had a motion made and he did not believe it had a second. He also believed he did not accept the motion at that point in time because they were still in a public hearing. He wondered if the rest of the Commissioners remembered if that was correct.

Member Bull stated he looked at this closely and it talks about Chair Murphy asking to delay the motion until the Commission was able to discuss the item.

Member Daire did not believe the motion was seconded.

Chair Murphy asked staff if the motion is not seconded is that usually stated in the minutes. He thought the statement on lines 645-648 was correct but not complete. He moved to insert on line 649 that there was no second to the motion.

Member Bull thought line 657 it was asked to withdraw the motion and Member Daire indicated that was fine.

Chair Murphy indicated he would delete his suggestion to insert his suggestion on line 649.

Member Groff had a clarification on lines 135-136 to change the sentence to read “Last month he did not think the Commission felt they had enough information and the...”

Member Daire stated on line 832, “...Fairview they are considering a ~~big brew pub~~ that has sparked a text amendment.” Line 834 the word “~~raised~~” should be changed to “Razed”

MOTION

Member Daire moved, seconded by Member Groff to approve the August 1, 2018 meeting minutes as amended.

Ayes: 7

Nays: 0

Motion carried.

5. Communications and Recognitions:

- a. From the Public:** *Public comment pertaining to general land use issues not on this agenda, including the 2040 Comprehensive Plan Update.*

None.

- b. From the Commission or Staff:** *Information about assorted business not already on this agenda, including a brief update on the 2040 Comprehensive Plan Update process.*

None.

6. Public Hearing

- a. Request By The Community Development Department to Consider Zoning Code Text Amendments to §1001.10 Definitions and Table 1005-1 Table 1005-5, and**

Table 1006-1 Pertaining to Breweries, Taprooms, Brewpubs and Distilleries (PROJ17-Amdt35)

Chair Murphy opened the public hearing for PROJ17-Amdt35 at approximately 6:45 p.m. and reported on the purpose and process of a public hearing. He advised this item will be before the City Council

City Planner Paschke summarized the request as detailed in the staff report dated September 5, 2018. He reported at the City Council meeting the Council reviewed and tabled, directing staff to look into a number of other things and do some additional research and come back through the process with refinements to some of the same items the Commission had concerns with and also adding some additional definitions and clarifications. He noted distillery and tasting room was added into the categorization.

Mr. Paschke reviewed additional conditions that have been added to the Zoning Code Amendment.

Chair Murphy stated for clarification, in the original handout in the packet there is a table 1005-1 and there is also a handout that states table 1005-1 with accessory uses.

Mr. Paschke indicated that the table itself is three pages long and includes a plethora of different types of uses. These handouts are sections of that table.

Chair Murphy asked if in the packet both occurrences of tap room should be removed.

Mr. Paschke indicated tasting room should be removed, not tap room. Tasting Room as well as Tap Room would be moved to accessory use because that is what they are. He stated staff would like the Commission to review and discuss the text modifications and make a recommendation to the City Council.

Commission Gitzen wondered how noise would be handled. He asked if that was part of the hours of operation.

Mr. Paschke stated in one way, the other way which is standard to City Code and part of the property performance standard section that details a number of different environmental requirements, one of which is noise. Noise is mostly regulated by people calling and complaining. He noted there is not a decibel level specifically identified in City Code for noise.

Member Gitzen stated he was curious because the ordinance states 25 feet from a residence and a house 35 feet and may become an issue that comes up. He wondered why the rear of a business cannot have a patio, only the front or side.

Mr. Paschke stated it could be in the rear, but he was thinking the rear areas would be more for parking, given some of the other parking requirements. It will depend on the lot and utilizing some of the lots of similar design to the Fairview property where

front and side made more sense than the rear. He thought the Commission could add “rear” if they wanted to.

Member Gitzen asked for clarification on the parking.

Mr. Paschke reviewed the parking requirements with the Commission.

Chair Murphy asked on line 63 regarding employees, would that be only on-duty employees or could that be clarified to add on-duty after each.

Mr. Paschke stated from his perspective it would be the employees that are working whatever shifts there are however, if the Commission wanted to clarify or have staff clarify that it can be done.

Chair Murphy stated he would like some clarification, if possible.

Mr. Paschke indicated language would be added.

Member Daire asked for clarification on line 60, “shall be limited to no later than 9:00p.m.”, on line 63 “one space for each employee on site”.

Mr. Paschke stated line 63 could be worded that way or “one space for each employee on shift”, which is pretty standard when there is shift type of work.

Member Daire stated it was to indicate that staff was using a specific criterion as to establish the number of parking spaces rather than the total number of employee’s staff pointed out. He stated on page 3 of the handout there is an excerpt that includes “tasty room” which is to be deleted, which is in 1005-1, 1005-5 and 1006-1.

Mr. Paschke indicated all tasting rooms from the standard table of uses will be deleted.

Member Daire asked if the changes will be brought forward to the City Council.

Mr. Paschke stated that was correct, assuming this item moves forward.

Member Kimble asked how staff arrived at the 25 feet from residentially zoned for the patio.

Mr. Paschke stated if the Commission looks at a number of uses the City has, different types of uses and setback requirements, and if they look at the size of lots the City has, adding something greater than that would not allow patios to be utilized on a site. Currently the Code does not have requirements anywhere within it that would preclude someone from opening a restaurant at the Fairview site and having a patio anywhere on the property. The patio would have to be setback similar to an accessory structure which is 5 feet from a property line, no more than 10 with screening. In looking at some of those requirements and trying to come up with

something that was achievable on some of the City's smaller lots within Community or Neighborhood Business. It seemed logical to him to have the setback at 25 feet, especially if there is going to be a screening requirement and hours of operation.

Member Kimble thought 25 feet was close to a residential home. She understood it is confined somewhat by the time period of 9:00 p.m. and 10:00 p.m. She thought some of the items Mr. Paschke pointed out did make sense. She asked on line 61, what is table 10-19.

Mr. Paschke stated that is the parking chapter.

Member Kimble thought having a patio on the front or to the side of the structure with the unknown of potential sites, it would be a staff review and should be located where it makes the most sense. She asked what the reasoning was behind not permitted brew pub in table 1006-1, under the Commercial Uses in Industrial.

Mr. Paschke stated his reasoning was if the City is not allowing restaurants there then they should not be allowing a brew pub because it is essentially a restaurant brewing beer.

Member Kimble thought the brew pub concept is a little bit more aligned with a lot of industrial areas and are popping up all over in industrial areas. She thought it might be different than a typical restaurant or fast food place.

Member Daire thought it could be done with a Conditional use.

Mr. Paschke stated it all depends because some of them may be actual breweries that offer food and not considered a brew pub. There is some differentiation in his mind. The difference between a brew pub and brewery is the restaurant component versus the brewery component.

Chair Murphy asked if the City had a standard in determining if a business is a brewery or a brew pub.

Member Kimble thought it might be determined on the quantity of beer produced but was not sure and might be a neat addition to Industrial. She stated it is hard to differentiate between some of the definitions.

Member Bull stated the way he reads the definitions is what is the principal business. The brew pub definition states it is a restaurant that also does some brewing versus a brewery or microbrewery that offers some food.

Member Kimble understood that, but she stated there is also the under/over 3500 which might not exactly align with some of the other parts of the description.

Senior Planner Lloyd stated restaurant is a specific term under licensing, there has to be a certain portion of its revenues from food as opposed to alcoholic beverages. The

definition obviously does not tie into the restaurant metric but for the sake of differentiating it could. Brewery's with tap rooms might have full service kitchens and still be a brewery first as opposed to a restaurant.

Member Sparby thought Commissioner Kimble had a good point a smaller brew pub might fit well into something like the industrial area so by categorically excluding them from industrial could be a potential disservice to not even have the door open for a potential use like that. He thought categorically excluding brew pub does not make a lot of sense because that could be a nice fit like some of the establishments in Minneapolis and other cities that have these in their industrial areas.

Member Kimble asked if it would make sense to propose it to be a Conditional Use so at least there is a bit more opportunity for evaluation. She thought it is possible, given the definitions, that the plus or minus 3500 might conflict with the other part of the definition for some because there is such a wide variety of these places now.

Member Bull indicated on line 37, he thought staff should make the definition of distillery consistent with the definition of brewery because this is facility that produces for sale those combinations. He would insert "for sale" after produces in the definitions. On line 40, Tasting Rooms, it talks about distilled spirits produced on the premises of the distillery and common ownership. They are talking about a different type of product where beer is not typically mixed with something, but a liquor could be mixed with other liquors to make a cocktail that does not necessarily have every ingredient produced at that location. He thought this becomes a bit limiting to those businesses. He thought they also needed in the Tasting Room, similar to the Tap Room, something that offers off sale consumption.

Member Bull agreed with Member Gitzen regarding limiting the patio to the front and side and agreed that depending on what the particulars are with the lot the patio could also be located in the back. Regarding screening on line 56, how does the City define compatible materials.

Mr. Paschke thought compatible materials means the City would look at the building itself and determining what is the best material to use to make the principal structure look good.

Member Bull noticed in the information there is a minimum height requirement but wondered if there was also a maximum height requirement for screening.

Mr. Paschke stated in the business districts he believed it was 6.5 feet and could go up to 8 feet. He would look into this.

Member Bull stated on line 62, parking, there is parking for Micro-Brewery and he wondered if that should be Taste Room and Tap Room rather than Micro-Brewery and Tap Room. He was not sure why they would be so concerned about the parking at a Micro-Brewery if it doesn't have a tap room with it and it does not include Tasting Room at all and may have the same constraints for customers.

Member Sparby indicated line 62 does not include a brewery either.

Member Bull stated he liked that Tap Room was being taken out of uses and putting it into accessory. Under Industrial Uses Brewery was added but Distillery was not, and he thought it should be added because there is not any capacity specifications for Distillery and it could be significant and producing for shipping and resale. Likewise, in Table 1006-1, he recommended adding Distillery there as well. He liked the idea of the Brew Pub being a Conditional Use in Commercial Uses.

Member Sparby indicated on line 18, when they define Micro Brewery there is a parenthetical that says, “or a Craft Brewery”. He thought that was confusing and unnecessary and should be stricken unless there was a good reason to keep it in. He thought a Brewery and a Micro-Brewery were potentially creating craft beverages. On Tap Room, he was unclear as to why the wording “by the brewer” was in there unless there was intent to define it, otherwise he suggested striking that language. Additionally, under Tasting Room there is a parenthetical saying “Distillery”, he was not sure if staff wanted to add some clarification stating, “Tasting Room only allowed for Distillery”. He would like better clarification of this. He would like more consistent definitions.

Member Sparby stated regarding the setback, is the 25 feet structure to structure or property line to the beginning of the structure of the patio.

Mr. Paschke indicated the setback starts at the property line and would at the end of the beginning of the patio, the surface of the patio.

Member Sparby stated the code also states, “From a residentially zoned or used property”, and wondered if there was a difference between the two.

Mr. Paschke stated there was. There could be residential uses that have been guided Other Comprehensive Plan Designations and zoned differently but are in residential use. He noted there are a few properties like that in the City and will continue to be so and staff is trying to include every type of property.

Member Sparby stated in regard to parking spaces, one space for every two seats in the Tap Room, which is heightening the standard. He thought these to be more casual places from a restaurant where there would be more foot traffic. He thought there should be equal or a little less stringent might be potentially what the City wants at the brew type locations. Additionally, on the table he was confused because there are four things, Brew Pub, Brewery, Micro-Brewery and Distillery along with accessory uses but in 1005-5 there is Industrial Uses that only covers Brewery and 1006-1 there is brewery only covered under manufacturing and brewery is not listed under Commercial Uses which he did not know if it was intentional or not but he thought these sections needed to be fleshed out to make sure the City is covering everything in each table.

Mr. Paschke indicated it was intentional that brewery was not listed under Commercial Uses.

Public Comment

No one came forward to speak for or against this request.

Commission Deliberation

Chair Murphy stated there were several discussions for changes.

Mr. Paschke thought the Commission could table this discussion until the next meeting to allow staff to take all of the changes discussed and compile a clean version for the Commission to review.

Chair Murphy liked that idea. He also noted Table 1019 would be changed for parking standards and should be brought back as well.

Page 2

Lines 18-21

Member Sparby asked to strike the parenthetical of “or Craft Brewery”.

Lines 25-30

Mr. Paschke thought “by the brewer” was requested to be stricken.

Member Sparby agreed unless there was some definition of brewers, he did not see a reason why it should be included.

Member Kimble asked if it made sense for staff to review Minneapolis and St. Paul Codes as well to see what is being done there.

Mr. Paschke stated requirements cannot be found in Minneapolis or St. Paul Zoning Codes as it relates to definitions and those types of things. He noted he did contact St. Paul and they regulate them much differently.

Lines 37-39

Member Bull indicated inserting “for sale” to the word produces.

Member Kimble thought there was a State Statute regarding this and should be considered.

Mr. Paschke stated he would confirm with State Statutes whether the words “for sale” can be included.

Lines 40-42

Member Sparby indicated on line 40 striking the parenthetical.

Member Bull was not sure how-to word “sell spirits on the premises”, because the distillery may be selling cocktails that include distilled spirits not on the premises or they should distinguish the principal ingredient would need to be in the cocktail.

Mr. Paschke indicated he understood the intent the Commission was trying to achieve there.

Chair Murphy thought Member Bull previously mentioned off sale.

Member Bull stated something such as “for sale for off premise consumption as permitted”.

Chair Murphy thought that would be off-sale in general. He wondered if that applied to Tasting Rooms.

Mr. Paschke indicated he was not sure on the State of Minnesota that it is but thought it was something the businesses are trying to get passed but he would check on it and bring it back to the Commission.

Lines 50-52

Chair Murphy stated there was some discussion on where to place the patio.

Member Gitzen thought the end of the sentence could be stricken after “permitted”.

Member Kimble asked how the Commission felt about the 25 feet.

Member Gitzen thought it was appropriate and Mr. Paschke’s comments were appropriate and made sense. He stated he would like to have more but did not want to limit it too much.

Chair Murphy agreed.

Lines 53-58

Member Gitzen wondered if the following sentence could be included “any screened fence or wall should be constructed of attractive permanent material and approved by the Planning Department”. This would leave it open more to the business and Planning Department as to what is appropriate or not.

The Commission concurred.

Member Sparby asked if it was necessary to have it approved by the Planning Department because he thought the patio plans would need to be approved anyways.

Member Gitzen indicated he wanted to get rid of the “compatible and those used in construction of the principal structure.” He thought they were looking for something that is attractive and permanent. He wanted the Planning Department to weigh in and indicate what is being constructed is appropriate.

Member Bull stated much of what the City has been moving to with the Code is putting the definitions in the application process, so the Planning Department can manage that as conditions warrant changes without having to come back to change City Code.

Member Sparby stated he liked language that described what needs to be done rather than just stating “approved by the Planning Department”.

Member Gitzen stated he wanted to leave this one vague because he thought a lot of these might be repurposed buildings. This may be a different type of structure and may not be as easy as if building from scratch.

Member Sparby asked if they should leave that language in and including the wording “and approved by the Planning Department”.

Member Gitzen stated he would strike the words “compatible with those used in construction of the principal structure” and add “and approved by the Planning Department”. He would like to leave this vague due to repurposed buildings being used.

Member Sparby thought the sentence Member Gitzen wanted stricken is an instruction to the Planning Department so they can determine the compatibility.

Member Groff thought there needed to be some flexibility with the Planning Department. As long as the structure is attractive and permanent and appropriate for use.

Member Kimble indicated she was comfortable with Member Gitzen’s change.

Member Bull concurred.

Chair Murphy directed staff to follow Member Gitzen’s change.

Line 59-60

Chair Murphy noted staff would insert “no later” before 9:00 p.m.

Lines 61-62

Chair Murphy indicated the Commission would see a revised copy of table 1019 at the next meeting.

Member Bull stated on line 62, he thought Micro-Brewery and Tap Room should be Tap Rooms and Tasting Rooms.

Chair Murphy asked Mr. Paschke if he agreed with the clarification.

Mr. Paschke stated lines 61-62 is indicating that 63-65 is the amendment to take place and there are no other changes proposed to parking. 63-65 goes into table 1019 and he will figure out how to insert that and include it. As it relates to that requirement, he would have to give it some consideration as to whether or not they have specific requirements for a brewery for parking, micro-brewery and he would agree that tasting rooms and tap rooms would be where they would want to have the one space for every two seats.

Member Sparby noted some of the businesses have large open spaces where people stand around and don't necessarily sit so if there is some kind of congregation space that could be included. He did not think it needed to be addressed in parking.

Mr. Paschke stated that item is very tough to regulate and identify because a Fire Marshall will look at a space and give it a maximum occupant load which typically much different than what seating capacity is and without having a way to inspect and to determine whether or not the business is needing more space, the simplest way is to regulate based on seating.

Chair Murphy also noted something needed to be included in regard to employee per shift.

Page 3

Chair Murphy asked if Distillery was going to be added under Industrial Uses.

Mr. Paschke stated if the Commission agrees Distillery can be put it in under the same as a brewery.

Chair Murphy indicated he did not see any dissent from the Commission.

Member Sparby asked if Micro-Brewery would be included in Industrial Uses as well.

Member Kimble stated she did not understand the difference in Industrial Uses in the different sections. She indicated she understood what the different sections are doing but she did not understand why the use would be different.

Mr. Paschke reviewed the Industrial Use differences in the sections. He stated staff would clarify this item.

Table 1006-1

Chair Murphy noted Mr. Paschke would add Distillery to the table. He thought a Brew Pub would not be permitted in Industrial.

The Commission agreed and thought it should be Conditional Use.

Chair Murphy indicated Tasting Room would be removed from the table.

MOTION

Member Bull moved, seconded by Member Gitzen to table the item to the October Planning Commission meeting for review of a revised packet.

Ayes: 7

Nays: 0

Motion carried.

7. Project File 0037: 2040 Comprehensive Plan Update

a. Review Abutting Future Land Use Categories In Draft 2040 Comprehensive Plan Updates of Neighboring Communities And Review Feedback Received On Roseville's Draft 2040 Comprehensive Plan Update (PROJ0037)

Chair Murphy opened the public hearing for PROJ0037 at approximately 7:49 p.m. and reported on the purpose and process of a public hearing. He advised this item will be before the City Council

Senior Planner Lloyd indicated this item is not listed as a public hearing.

Chair Murphy closed the public hearing for PROJ0037 at approximately 7:49 p.m., indicating there should not have been a public hearing for this item.

Senior Planner Lloyd reported on May 21, 2018, Roseville's City Council authorized staff to distribute Roseville's draft 2040 Comprehensive Plan Update to the 21 local governments, State offices, and other organizations identified as "affected jurisdictions" required to review Roseville's plan.

Mr. Lloyd summarized the request as detailed in the staff report dated September 5, 2018.

Member Bull stated he was confused when he received this item about what the Commission is going to do with it. He wondered if staff wanted their feedback and to discuss what actions are being taken.

Mr. Lloyd indicated that was correct.

Member Bull asked if this item was being shared on the website for the public.

Mr. Lloyd stated it is on the website for the public to view.

Member Gitzen asked for clarification on what “active living Ramsey communities” is, what the organization is.

Mr. Lloyd stated he could not clarify what the organization is, but it is a Ramsey County office that deals with, in parts, transportation matters such as living streets and people have opportunities to walk and bicycle in addition to drive or taking transit. They also branch out into other recreational opportunities beyond the practical cycling or walking. It is part of their group of 21 effective agencies that are required to have the opportunity to review the City’s plan. Ramsey County, as a whole County body and Ramsey County Parks and Recreation Park Board and this Active Living Board is neither of those specifically. This is not a part of the City’s required review group but that does not make it any less valuable or any less worth considering.

Mr. Lloyd reviewed the 2040 future land use comparison maps with the Commission.

Chair Murphy asked in regard to Maplewood’s Future Land Use Mixed use-Community designated area he saw housing on the right side of the line and business and he asked if that was congruent with Roseville’s visioning plan for the area.

Mr. Lloyd stated it is a much more simplified version than the St. Paul node. He thought the end result is effectively similar and like Roseville’s mixed-use designation. It is primarily a commercial area and is developed that way today. It can accommodate high density residential. He noted he has not seen anything in Maplewood’s Comprehensive Plan for something that would directly reflect the visioning project that was being done but he did not see it being in congruent with that.

Chair Murphy asked if it was a lot of uses lumped under one label.

Mr. Lloyd indicated that was correct, it was a bunch of mixed uses in one area.

Mr. Lloyd continued with his review of 2040 future land use comparison maps with the Commission.

Member Daire stated in regard to Minneapolis proposed land use, does the possibility of their going 10 stories for structures in the purple area present any red flags.

Mr. Lloyd did not think so. The only land use particularly sensitive to tall buildings are short residential buildings and given the nearest areas of Roseville to there are Interstate Highway rights of way and large industrial property along with the golf

course, he thought any great height there would not have any adverse effects on people's experience with Roseville.

Member Daire asked if the Met Council would have anything to say about the proximity of that production processing land use in its for to Lauderdale.

Mr. Lloyd stated the Met Council could conceivably have an issue, but he indicated there was an area in that community that had an Industrial District as well. He stated there is a good block or two of distance but was not sure how the zoning in Lauderdale would treat the height of buildings there.

Chair Murphy believed both the Commission and the City Council promised the citizens another public hearing on the plan and he wondered what the timeline for this would be. He wondered if the next meeting they could receive a timeline on the upcoming dates. He was also in favor of having an additional Planning Commission meeting in November to review this.

Mr. Lloyd stated he would get the Commission a timeline and bring this forward at future meetings.

8. Adjourn

MOTION

Member Bull seconded by Member Sparby to adjourn the meeting at 8:15 p.m.

Ayes: 7

Nays: 0

Motion carried.