



# City of Blaine Anoka County, Minnesota

Blaine City Hall  
10801 Town Sq Dr NE  
Blaine MN 55449

## Legislation Text

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File #: RES 13-065, Version: 3

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**ITEM:** \_\_\_\_\_ **DEVELOPMENT BUSINESS** - *Bryan K. Schafer, Planning and Community Development Director*

**CONDITIONAL USE PERMIT TO OPERATE AS A WINE MANUFACTURER IN A  
SEPARATE ROOM FROM THE HOME AT 4432 ST. ANDREWS DRIVE. KYLE  
ROGGENBUCK (CASE FILE NO. 13-0021/LSJ)**

Planning Commission (Public Hearing) 04/09/13  
City Council (Conditional Use Permit) 05/02/13  
City Council (Conditional Use Permit) 08/01/13

### Planning Commission

The Planning Commission voted unanimously to approve the conditional use permit. There were no comments at the public hearing.

Mr. Roggenbuck applied for and received a conditional use permit on May 2, 2013 that allowed him to operate a farm winery out of his home. Since that time, the State of Minnesota Alcohol Licensing Department has been in contact with the City Clerk with regard to the issuance of conditional use permits for farm wineries. Those discussions have led to the conclusion by the State that State requirements do not allow farm wineries to be located within urban residential zoning districts. The State has suggested the language included on the attached resolution to rectify the situation with regard to Mr. Roggenbuck's conditional use permit. Therefore the CUP is being presented for an amendment to the original review and approval. As a side note, the applicant has notified the City that he intends to manufacture no more 200 gallons per year.

Because the State license for this use will now allow a commercial winery the City Council should reconsider whether it is appropriate within residential districts in the City of Blaine. The idea of having a winery or a brewery within your home for recreational and occasional commercial sales is a relatively new phenomenon that has come about in recent years. The Council may want to consider whether or not the commercial aspect of this type of use should be allowed in residential districts given that there could be additional customer-related traffic, and an alcoholic substance is being created within residential areas. The CUP amendment that has been drafted is therefore more restrictive than the license issued by the state and any future enforcement issues are likely to rely more on the CUP than the state license.

The original staff report is listed below and was presented to the City Council at their May 2, 2013 meeting:

*Mr. Roggenbuck has notified the City that he intends to create a micro winery inside his home in the St. Andrews development. According to State Law governing such use, a conditional use permit must be issued for this use as he is considered a farm winery. Please see the attached State Statute regarding this use.*

*Because Mr. Roggenbuck is doing this out of his home, the City considers this a home occupation and can issue a conditional use permit for this use. If State law did not require a conditional use permit for his operation, the City would not normally need to process a conditional use permit for this home occupation because he meets the ordinance requirements for a home occupation with no c.u.p. required.*

*This winery is intended as an invisible hobby winery. There will be no signage, no on-site sales or tastings and no customer traffic. Mr. Roggenbuck envisions sales to friends and family, and to bars, restaurants and liquor stores.*

*The winery will be located in a small room off of the garage in the home. It appears that there will be three fermenters and wine storage in the room.*

By motion, approve the Resolution, if the City Council determines that this CUP amendment and use is appropriate in a residential zoning district.

#### **Attachments**

Zoning and Location Map

Floor Plan

State Statute

Narrative

TJB Homes Comment

Resolution 13-0065

**WHEREAS**, an application has been filed by Kyle Roggenbuck as Conditional Use Permit Case File No. 13-0021; and

**WHEREAS**, a public hearing has been held by the Blaine Planning Commission on April 9, 2013; and

**WHEREAS**, the Blaine Planning Commission recommends said Conditional Use Permit be approved; and

**WHEREAS**, the Blaine City Council has reviewed said case on May 2, 2013 and August 1, 2013.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Blaine that a Conditional Use Permit is hereby approved per MN State Statute 340A.315 to operate as a wine manufacturer in a separate room from the home at 4432 St. Andrews Drive based on the following conditions:

1. No home tastings, individual home sales or customer traffic is allowed with this home occupation.
2. Any modifications to the home occupation such as additional space requirements in the home will require further review of the conditional use permit.
3. No outside signage will be allowed.
4. Wine manufacturer to meet all state and federal license/permit requirements.
5. A walk-thru review is required with the City Building Official to review operation set-up and compliance with any building code requirements.
6. An annual walk-thru review (with fee) is required to determine that operation of the home occupation is consistent with the CUP
7. The wine manufacturer is limited to the production of not more than 200 gallons per year.
8. Previously approved Resolution 13-065 becomes null and void with the approval of this Resolution.

**PASSED** by the City Council of the City of Blaine this 1<sup>st</sup> day of August 2013.