

PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
AGENDA
FOR THE REGULAR MEETING OF
MONDAY, FEBRUARY 8, 2016 AT 7:00 P.M.
AT THE
LOWELL CITY HALL
CITY COUNCIL CHAMBERS
SECOND FLOOR
301 EAST MAIN STREET

1. CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS
 - a. January 11, 2016 – Regular Meeting
4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA
5. OLD BUSINESS
 - a. Zoning Changes for Grand Rapids Gravel – Further Discussion
 - b. 2016 Goals/Priorities
 - c.
6. NEW BUSINESS
 - a. New Union Brewery Site Plan and Special Land Use Review
 - b.
8. STAFF REPORT
9. COMMISSIONERS REMARKS
10. ADJOURNMENT

**OFFICIAL PROCEEDINGS
OF THE
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE
CITY OF LOWELL, MICHIGAN
FOR THE REGULAR MEETING OF
MONDAY, JANUARY 11, 2016, AT 7:00 P.M.**

1. CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL

The Meeting was called to order at 7:00 p.m. by City Clerk Susan Ullery and the Pledge of Allegiance was recited.

Present: Commissioners Dave Cadwallader, John Gerard, Shannon Hanley, Jim Salzwedel, Alan Teelander and James Zandstra.

Absent: Kelli Carney

Also Present: City Manager Mark Howe, City Clerk Susan Ullery and Andy Moore from Williams & Works

2. ELECTION OF OFFICERS

A. CHAIR

IT WAS MOVED BY SALZWEDEL to nominate James Zandstra as Chair for the Lowell Planning-Citizen Advisory Commission.

No further nominations were made.

IT WAS MOVED BY HANLEY and seconded by SALZWEDEL to elect James Zandstra as Chair for the Lowell Planning-Citizen Advisory Commission.

YES: 6. NO: 0. ABSENT: 1. MOTION CARRIED.

The meeting was turned over to Chair Zandstra.

B. VICE CHAIR

IT WAS MOVED BY HANLEY to nominate Dave Cadwallader as Vice Chair for the Lowell Planning-Citizen Advisory Commission.

No further nominations were made.

IT WAS MOVED BY CADWALLADER and seconded by HANLEY to elect Dave Cadwallader as Vice Chair for the Lowell Planning-Citizen Advisory Commission.

YES: 6. NO: 0. ABSENT: 1. MOTION CARRIED.

3. **EXCUSE OF ABSENCES**

IT WAS MOVED BY GERARD and seconded by SALZWEDEL to excuse the absence of Kelli Carney.

YES: 6. NO: 0. ABSENT: 1. MOTION CARRIED.

4. **REVIEW AND ADOPTION OF PLANNING COMMISSION RULES OF PROCEDURE.** The Commission reviewed the Rules of Procedure were reviewed.

IT WAS MOVED BY CADWALLADER and seconded by GERARD to adopt the Rules of Procedure as written.

YES: 6. NO: 0. ABSENT: 1. MOTION CARRIED.

5. **APPROVAL OF AGENDA.**

IT WAS MOVED BY HANLEY and seconded by CADWALLADER to approve the agenda as presented.

YES: 6. NO: 0. ABSENT: 1. MOTION CARRIED.

6. **APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF DECEMBER 14, 2015.**

IT WAS MOVED BY HANLEY seconded by GERARD that the minutes of the December 14, 2015 meeting be approved as written.

YES: 6. NO: 0. ABSENT: 1. MOTION CARRIED.

7. **PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA.** No comments were received.

8. **OLD BUSINESS**

a. **Zoning Changes for Grand Rapids Gravel.**

There was discussion regarding the steps the City must take before Grand Rapids Gravel can apply for the necessary special land use permit to extract natural resources from their property located at 2104 Bowes Street, SE.

The recommended next steps are to amend the City's official zoning map and to amend the Zoning Ordinance Text.

By general consensus, the Planning Commission agreed to continue to move forward with the proposed project.

9. **NEW BUSINESS**

a. **Public Hearing – Zoning Ordinance Amendment - Breweries.**

IT WAS MOVED BY GERARD and seconded by TEELANDER to open the public hearing regarding a Zoning Ordinance Amendment – Breweries.

YES: 6. NO: 0. ABSENT: 1. MOTION CARRIED.

A proposed zoning amendment is before the board to allow for a brewery/winery in the City. This amendment is proposed because there is an individual interested in opening a small brewing facility in the City and currently there is nothing in the Zoning Ordinance that sufficiently addresses or regulates this land use.

IT WAS MOVED BY CADWALLADER and seconded by HANLEY to close the public hearing.

YES: 6. NO: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY GERARD and seconded by SALZWEDEL to recommend adoption of the ordinance amendment.

YES: 6. NO: 0. ABSENT: 1. MOTION CARRIED.

10. **STAFF REPORT.** City Manager Howe congratulated Chairman Zandstra on his appointment and said he has enjoyed working with all of them over the years.

11. **COMMISSIONERS COMMENTS.** Commissioner Hanley announced her resignation from the Planning Commission. She explained she will now be serving on a board for a nonprofit organization called Open Table.

IT WAS MOVED BY CADWALLADER and seconded by HANLEY to adjourn at 7:40 p.m.

DATE:

APPROVED:

James Zandstra, Chair

Susan S. Ullery, City Clerk

MEMORANDUM

TO: Mr. Mark Howe
Lowell City Manager

FROM: Andy Moore, AICP

DATE: October 20, 2015

RE: Grand Rapids Gravel – Initial Steps

The purpose of this memorandum is to outline the steps the City must take before Grand Rapids Gravel can apply for the necessary special land use permit to extract natural resources from their property located at 2104 Bowes St SE. As you know, Grand Rapids Gravel has expressed interest in mining the property to create a pond, and eventually to construct a residential development adjacent to it.

The extraction of natural resources is permitted with special land use approval in the SR Suburban Residential district and in the FP Floodplain district. According to the Zoning Map, the Grand Rapids Gravel property is split-zoned, with the northern portion of the property zoned Industrial and the southern portion zoned Floodplain. Mining is not permitted in the Industrial district, but it is permitted as a special land use in the Floodplain district.

However, the Floodplain district is described clearly in Section 14.02 of the Zoning Ordinance as an overlay district that coincides with the 100-year floodplain, not as a standalone district as shown on the map. Further complicating matters is that the City's Zoning Map does not reflect the boundaries of the Floodplain district accurately. So the City has two issues to address on the Zoning Map: (1) the proper illustration of the 100-year floodplain overlay and (2) determining the appropriate underlying zoning districts for property currently zoned Floodplain.

The Floodplain Overlay also brings forward another unusual scenario that must be addressed. As you know, an overlay district typically adds an additional layer of regulation to address some special condition. Overlays are generally more restrictive than the underlying zoning district, so someone wishing to develop property within an overlay must comply with both the standards of the overlay and those of the underlying zoning district. Parts of the Grand Rapids Gravel parcel are zoned Industrial and are within the 100-year floodplain. Since the extraction of the natural resources is not allowed in the Industrial District, we will have a conflict where a land use (mining) is permitted by the overlay but prohibited in the underlying zoning district. To rectify this problem, it will likely be necessary to amend the Zoning Ordinance.

Once these two issues are resolved, the property owner could apply for a special land use permit to begin the mining process. If the special land use permit were granted, the City could then look to amend the Master Plan in the coming years to accommodate the proposed end use for the mining

operation, which would be residential homes. Once the Master Plan is amended, the City may rezone the property to permit the desired end use.

Next Steps. The following steps are recommended:

1. Amend the City's official zoning map to accomplish the following:

- a. Illustrate the 100-year floodplain as an overlay district, as stated in Section 14.02 of the Zoning Ordinance. The boundary of the overlay must coincide with the actual 100-year floodplain, as determined by FEMA. This can be accomplished using digital maps from FEMA and GIS.
- b. Rezone the property currently zoned Floodplain to another district as deemed appropriate by the Planning Commission. This will be necessary due to item a above, and can be accomplished at the same time.
- c. At the City's option, the map could further be edited and refined to illustrate all the rezonings that have occurred over the years that were never updated on the City's official maps. Betty Morlock and I worked on this some time ago, but I do not believe the new map was ever adopted by City Council. This would result in an accurate and up-to-date zoning map that includes all recent amendments.

2. Amend the Zoning Ordinance Text. The text of the Ordinance should be amended to eliminate the conflict where the Floodplain Overlay is less restrictive than the underlying district. Depending on how the zoning map is amended in item 1 above, this could be a relatively simple process.

The approach outlined above should also be reviewed by the City Attorney, as his input will be important to insure the appropriate process is followed.

We believe that step 1 could be accomplished by the end of 2015, with the text amendment being approved by March or April, assuming there are no obstacles and that we start soon and work diligently. Once those two steps are completed, the applicant could then apply for a special land use permit once the map and text amendments are effective.

Please feel free to contact me if there are questions or concerns.

c: Ms. Sue Ullery, City Clerk
Mr. Dick Wendt, City Attorney

MEMORANDUM

TO: City of Lowell Planning Commission

FROM: Andy Moore, AICP

DATE: December 9, 2015

RE: **Zoning Amendment – Floodplain and Mineral Extraction**

The purpose of this memorandum is to review a proposed zoning amendment that addresses the City's floodplain district and allows for mineral extraction in the Industrial District in the City. As you know, this amendment is proposed because of conflicts between the Zoning Ordinance and map, particularly with regard to the property at 2104 Bowes Road owned by Grand Rapids Gravel. A summary of the amendment is below:

Section 1 of the proposed amendment allows for mineral extraction activities in the Industrial District as a special land use.

Sections 2, 3 and 4 of the proposed amendment amend the various parts of Chapter 14 of the Zoning Ordinance pertaining to the Floodplain District. The purpose of these amendments is to remove the various conflicts between the language of Chapter 14 and the zoning map, which we discussed at the November Planning Commission meeting.

- Section 2 simply changes the name of the chapter to state that it is an overlay district.
- Section 3 is a more notable change that permits all uses permitted in the underlying zoning districts, subject to the requirements of the overlay.
- Section 4 removes the "special land use" provisions for the Floodplain district, since special land uses would now be permitted in accordance with the underlying zoning district (see section 3 above). Instead, all the regulations that are currently in Section 14.04 have been retained (with some modest changes) and the title of this section has been renamed to "Additional Standards for Development."

I have also included a draft zoning map for your review. It reflects all the changes recently made to the map. Additionally, it illustrates proposed zoning for all the properties that are entirely or partially zoned "floodplain" presently (see dark blue outline). The colors within the properties zoned floodplain are my suggestions for how they should be rezoned. The map also shows the actual boundaries of the 100 year floodplain as an overlay so the underlying zoning districts are clearly visible.

I am looking forward to discussing this with you further on Monday. As always, please feel free to contact me if there are questions.

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 16-__

AN ORDINANCE TO AMEND SECTION 13.03, "SPECIAL LAND USES" OF CHAPTER 13, "I – INDUSTRIAL DISTRICT," THE TITLE OF CHAPTER 14 "F-1 FLOODPLAIN DISTRICT," SECTION 14.03, "USES PERMITTED BY RIGHT" OF CHAPTER 14 "F-1 FLOODPLAIN DISTRICT," AND SECTION 14.04, "SPECIAL LAND USES" OF CHAPTER 14 "F-1 FLOODPLAIN DISTRICT" OF AND TO APPENDIX A, "ZONING," OF THE CODE OF ORDINANCES OF THE CITY OF LOWELL

Councilmember _____, supported by Councilmember _____, moved the adoption of the following ordinance:

THE CITY OF LOWELL ORDAINS:

Section 1. Amendment of Section 13.03 of Chapter 13. Section 13.03, "Special Land Uses," of Chapter 13, "I – Industrial District" of Appendix A, "Zoning," of the Code of Ordinance of the City of Lowell is amended by adding the following subsection J:

J. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.

Section 2. Amendment of Title of Chapter 14. The title of Chapter 14, "F-1 Floodplain District," of Appendix A, "Zoning," of the Code of Ordinance of the City of Lowell is amended to read as follows:

CHAPTER 14. F-1 FLOODPLAIN OVERLAY DISTRICT

Section 3. Amendment of Section 14.03 of Chapter 14. Section 14.03 “Uses permitted by right,” of Chapter 14, “F-1 Floodplain District” of Appendix A, “Zoning,” of the Code of Ordinance of the City of Lowell is amended to as follows:

Section 14.03 Uses permitted ~~by right~~.

- A. Any use permitted in the underlying zoning district, whether by right or by special land use, shall be permitted within the Floodplain Overlay District in accordance with the standards and regulations of the underlying zoning district.
- B. The standards of this Chapter shall also apply to any use proposed in the Floodplain Overlay District. Where there is a conflict between the provisions of this Chapter and another applicable Section of this Ordinance, the more restrictive provisions shall control.

Section 4. Amendment of Section 14.04 of Chapter 14. Section 14.04 “Special Land Uses,” of Chapter 14, “F-1 Floodplain District” of Appendix A, “Zoning,” of the Code of Ordinance of the City of Lowell is amended to as follows:

Section 14.04 Additional Standards for Development.

- A. Development, including the erection of structures and placement of manufactured homes, within the floodplain overlay district ~~a flood hazard area~~ shall not occur except ~~upon issuance of a zoning compliance permit~~ in accordance with the requirements of this ordinance and the following standards:
 - 1. The requirements of this chapter shall be met.
 - 2. The requirements of the underlying zoning district and applicable general provisions of this ordinance shall be met;
 - 3. All necessary development permits shall have been issued by appropriate local, state, and federal authorities, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Natural Resources under authority of Act ~~451 245~~, of the Public Acts of ~~1994 1929~~, as amended. Where a development permit cannot be issued prior to the issuance of zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.
 - 4. The proposed use and/or structure ~~use pattern and structure proposed to accomplish said use~~ shall be so designed as not to reduce the water impoundment capacity of the floodplain or significantly change the volume or speed of the flow of water.

5. Utilities, streets, off-street parking, railroads, structures, and buildings for public or recreational uses shall be ~~may be permitted when~~ designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety, and welfare.

B. Specific base flood elevation standards:

1. On the basis of the most recent available base flood elevation data all new construction and substantial improvements shall have the lowest floor, including basements, elevated at least one (1) foot above the flood level; or for nonresidential structures, be constructed such that at or below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that these standards are met and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the base flood in the location of the structure. Such certification shall be submitted as provided in this ordinance and shall indicate the elevation to which the structure is floodproofed.
2. The most recent flood elevation data received from the Federal Insurance and Mitigation Administration (FIMA) shall take precedence over data from other sources.

Section 5. Publication. After its adoption, the Deputy City Clerk shall publish this ordinance or a summary thereof, as permitted by law, along with its date of adoption in the *Lowell Ledger*, a newspaper of general circulation in the City, at least ten (10) days before its effective date.

Section 6. Effective Date. This ordinance shall take effect ten (10) days after it, or a summary thereof, as permitted by law, along with the date of its adoption, is published in the *Lowell Ledger*, a newspaper of general circulation in the City.

YEAS: Councilmembers _____

NAYS: Councilmembers _____

ABSTAIN: Councilmembers _____

ABSENT: Councilmembers _____

ORDINANCE DECLARED ADOPTED.

Dated: _____

Susan Ullery
City Clerk

CERTIFICATION

I, the undersigned City Clerk of the City of Lowell, Michigan (the "City"), certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held on _____, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents and its effective date, was published in the *Lowell Ledger*, on _____, 2016. I further certify that the above ordinance was entered into the Ordinance Book of the City on _____, 2016, and was effective _____, 2016, ten (10) days after publication.

Dated: _____, 2016

Susan Ullery
City Clerk

**Planning Commission Goals/Priorities
2015**

1. Master Plan – due for an update
2. Review maximum building height
3. Review each district and its setbacks
4. Residential Zoning Districts – Lessen setbacks in Historic District (R2 and R3)
5. Lot Coverage Standards/Nonconforming Lots – Very Strict – Specifically in the C3 District.
6. Consider Accessory Dwellings in certain districts (R-2 and R-3)
7. Requirements for parking spaces – Possible thoughts to a new formula based on “area population’s”.
8. Comprehensive review of ordinance

2016

1. What is considered to be a hard surface?

Request Number: _____

Filing Fee: _____



301 East Main Street
Lowell, Michigan 49331
Phone (616) 897-8457
Fax (616) 897-4085

APPLICATION FOR SITE PLAN REVIEW / SPECIAL LAND USE

- All drawings must be sealed by an architect, engineer or surveyor unless waived by the Zoning Administrator.
- 15 copies of the site plan must be submitted to the City Manager's office no later than four weeks before the Planning Commission meeting to allow adequate staff review.
- The Planning Commission meets the fourth Monday of the month at 7:00 p.m. where plans are approved, rejected or modified.
- Preliminary plans may be presented for Planning Commission comment, but no final approval is given until all required conditions are met.
- After approval, public works and building permits must be secured before construction may commence.

1. Street Address and/or Location of Request: 400 W MAIN ST LOWELL, MI 49331
2. Parcel Identification Number (Tax I.D. No.): #41-20- 41-20-02-346-002
3. Applicant's Name: UNION ESTATES LLC Phone Number 616 485 9812
Address: PO Box 1005 ADA MI 49301
Street City State Zip
Fax Number 616 Email Address TYLER.VELTING@GMAIL.COM
4. Are You: ☐ Property Owner ☐ Owner's Agent ☐ Contract Purchaser ☐ Option Holder
5. Applicant is being represented by: TYLER VELTING Phone Number 616 485 9812
Address: PO Box 1005 ADA MI 49301
6. Present Zoning of Parcel C3 Present Use of Parcel C3
7. Description of proposed development (attach additional materials if needed):
RENOVATION OF CURRENTLY VACANT BUILDING FOR THE PURPOSE OF ADDING
A BREWERY AND TASTING ROOM.

The facts presented above are true and correct to the best of my knowledge.

Signature: [Signature] Date: 1-11-16

Type or Print Your Name Here: TYLER VELTING

Property Owner Approval: As owner I hereby authorize the submittal of this application and agree to abide by any decision made in response to it.

Owner

[Signature]
by: KCP

Date

Section 17.03 of the City of Lowell Zoning Ordinance specifies that to approve a special land use, the Planning Commission must find that the request meets the following standards. Please describe how the proposed project would meet each standard.

A. Each application shall be reviewed for the purpose of determining that the proposed special land use meets the following standards and, in addition, that each use of the proposed site will:

1. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;
THE RENOVATIONS INTENDED FOR THE CURRENTLY VACANT BUILDING WILL BE CHARACTERISTIC TO THE SURROUNDING BUILDINGS IN THE DOWNTOWN AREA. WE LOOK TO ENHANCE THE OVERALL CHARACTER WITH RENOVATIONS INSIDE + OUT.
2. Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities;
THE OPERATIONS WILL NOT CREATE ANY EXCESSIVE NEED FOR PUBLIC SERVICES. DUE TO THE SIZE OF THE OPERATION IT WILL BE CONSISTENT WITH OTHER SERVICES OF OTHER BUSINESSES OF COMPARABLE SIZE.
3. Not create excessive additional requirements at public cost for public facilities and services; and
SIMILAR TO ANSWER # 2, OUR OPERATION WILL NOT CREATE EXCESSIVE NEEDS RELATING TO PUBLIC COST, FACILITIES AND SERVICES.
4. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
WE FORESEE NO DETRIMENTAL EFFECTS TO PEOPLE, PROPERTY OR GENERAL WELFARE.

Section 17.04 of the City of Lowell Zoning Ordinance lists specific standards pertaining to special land uses that must be met. Please respond to those standards below as it pertains to the proposed project, describing how the standards would be met by this proposal:

AS IT RELATES TO THE PROPOSED CITY ORDINANCE REGARDING BREWERIES WE LOOK TO MEET ALL OF THE STANDARDS DESCRIBED, INCLUDING: 1. LOCATED AT LEAST 200 FT FROM RESIDENTIAL AREA, 2. DESIGNED AND OPERATED TO MINIMIZE POTENTIAL NEGATIVE IMPACTS ON ADJACENT PROPERTIES, 3. DELIVERY VEHICLES WILL HAVE ADEQUATE MANEUVERING SPACE, 4. HOURS OF OPERATION WILL BE CONSISTENT WITH SIMILAR LOCAL BUSINESSES, 5. HOLD AND MAINTAIN ALL APPLICABLE FED, STATE, COUNTY AND LOCAL PERMITS, 6. PARKING AND LOADING AREAS WILL BE PROVIDED ON SITE.

williams&works

engineers | surveyors | planners

MEMORANDUM

To: City of Lowell Planning Commission
Date: January 22, 2016
From: Andy Moore, AICP
RE: New Union Brewery Site Plan and Special Land Use Review

Mr. Tyler Velting has submitted an application for site plan review and special land use approval to open a brewery at 400 West Main Street, at the southwest corner of Hudson and West Main. The subject property measures about 132'x84' and is within the C-3 Zoning District. The purpose of this memorandum is to review the site plan and special land use application pursuant to applicable standards of the City of Lowell Zoning Ordinance.

Background. The applicant has proposed to open a contract brewery in the existing building at 400 West Main Street. The facility would brew specialty beer and deliver the product to customers. The facility would also include a tasting room as an accessory use where the public could taste beer. The facility is permitted as a special land use in the C-3 district, the text of which was recently amended to include breweries and wineries.

Site Plan Review. With regard to the site plan, we have the following comments:

Setbacks and Dimensional Requirements. The subject parcel has an area of about 11,088 square feet and a width of 84 feet. The minimum requirements of the C-3 district are a minimum area of 20,000 square feet and a minimum width of 100 feet, so the subject property is a legally nonconforming lot. Section 4.01(B) allows for nonconforming lots to be used as specified for the zoning district in which it is located, provided that no side yard is reduced to less than five feet and setbacks are met. The rear yard setback is nonconforming in that it is only 18 feet, where 35 is required. Further, the existing property is also nonconforming in that it exceeds the 60% of the lot coverage requirement.

However, because the applicant is proposing no changes to the size of the building, nor is he proposing to increase the degree of nonconformance, past practice has been to consider such uses as meeting the terms of the Zoning Ordinance. However, the applicant would not be able to expand the size of the building or make any alterations that would increase the degree of nonconformance.

Landscaping. Landscaping has not been proposed. Because no changes to the site are proposed, and because there are fewer than twelve spaces on the site (this does not include deferred parking), additional landscaping is not required. However, the applicant has provided a drawing supplied by MDOT with the additional right turn lane (from eastbound Main Street to southbound Hudson Street) that will contain some landscaping along the edge of the roadway.

Lighting. No additional lighting is proposed. This should be confirmed with the applicant. Any lighting that is proposed must be downward facing and fully cut-off in compliance with the Zoning Ordinance.

Parking/Circulation. The applicant has proposed seven parking spaces on the site plus an additional thirteen deferred spaces directly to the west of the building, on the adjacent

property. There is no minimum amount of parking required for the site, so the Planning Commission should discuss if the amount of parking is acceptable. "Deferred parking" is a parking area that would not be constructed immediately, but would be constructed if additional parking for the site is necessary. No other buildings would be permitted to be constructed in the accessory parking area.

Since the deferred parking area is proposed to be constructed on the adjacent parcel, a letter approving this area as deferred parking from the adjacent property owner is needed. If the lot is constructed, a more permanent instrument permitting the lot, such as an easement, would be necessary. This can be addressed as a condition of approval.

Special Land Use Review. Section 17.03,A of the Zoning Ordinance sets forth four standards that the Planning Commission must find are met before approving a proposed special land use. Those standards, along with our comments, are as follows:

1. [The proposed special land use shall] Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

Remarks: The proposed brewery would be located within an existing building on the site, and no significant exterior alterations are proposed. The applicant has indicated that the primary purpose of the business would be to brew beer and deliver it off-site to customers. While a tasting room is proposed, the applicant has indicated that this would be very limited in its hours and would be accessory to the production aspect of the business. The Planning Commission may find that this standard is met.

2. [The proposed special land use shall] Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities.

Remarks: The proposed use is sufficiently served and is accessible by transportation and emergency services. An enclosed dumpster is proposed on the southwest portion of the property. The Planning Commission may find that this standard is met.

3. [The proposed special land use shall] Not create excessive additional requirements at public cost for public facilities and services; and

Remarks: It is not anticipated that proposed use would require many public services. The Planning Commission may find that this standard is met.

4. [The proposed special land use shall] Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

Remarks: The use will generally be conducted indoors except for occasional loading and unloading of materials. It is not expected that the use will generate excessive traffic, noise, smoke, fumes, glare or odors. While breweries do often generate odors during fermentation, the site plan indicates that these odors would be directed to the south, away from adjacent residential buildings. The Planning Commission may find that this standard is met.

Section 17.04(DD) of the Zoning Ordinance sets forth several standards specifically with regard to a winery/brewery. Those standard are as follows:

1. A brewery/winery shall be located on a parcel at least two hundred (200) feet from any residentially zoned property.

2. Sites shall be designed and operated to minimize potential negative impacts on adjacent properties, such as odors, vibration, smoke, dust, fumes, and similar potential impacts.
3. The applicant shall demonstrate that all trucks and delivery vehicles be provided with adequate maneuvering areas on the lot. Maneuvering shall not be permitted on adjacent property or in a public right-of-way.
4. Approval may include the establishment of hours of operation for a brewery/winery.
5. A brewery/winery shall obtain and maintain all applicable federal, State, and local permits and upon request, furnish copies of applicable permits to the City.
6. The applicant shall demonstrate that adequate parking and loading areas are provided on the site.

We note that the closest residentially zoned property is located about 250 feet to the north of the proposed brewing facility. We believe the other standards have been met, or can be met as a condition of approval.

Recommendation. At the February 8 public hearing, the Planning Commission should carefully consider the comments from the applicant and the public regarding the proposed use. Subject to those comments, we believe the Planning Commission can approve the proposed special land use for New Union Brewing with the conditions noted below. The motion for approval should incorporate the standards of Section 17.04A and 17.04DD, and the remarks in this memorandum may be used as a basis for such approval. Suggested conditions include:

1. No demolition or earthwork shall be undertaken on the site until a building permit has been issued consistent with this site plan approval.
2. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
3. The applicant and the site shall at all times comply with local standards and ordinances.
4. Any proposed signage or lighting must be reviewed and approved by the Zoning Enforcement Officer prior to construction/placement of such signage or lighting.
5. The Planning Commission may set hours of operation on the tasting room, if desired.
6. The Planning Commission accepts the proposed parking configuration as proposed. However, if the Zoning Enforcement Officer or other agent of the City determines that the parking is insufficient, the applicant shall be required to construct the deferred parking area. Prior to construction of such deferred parking, the applicant shall provide an easement or other written agreement, if a form acceptable to the City, which authorizes construction and use of the deferred parking area for the winery/brewery. A permit shall be required for the construction of the deferred parking lot, and all standards of Chapter 19 shall apply.
7. The Planning Commission considers the lot and building to be legally nonconforming. Expansion of the facility in such a way that increases the degree of nonconformance is not permitted.
8. Any other conditions deemed necessary by the Planning Commission.

As always, please feel free to contact me with questions or comments.

2015 Staff Reports

<u>Open Date</u>	<u>Close Date</u>	<u>Address</u>	<u>Name/Business</u>	<u>Subject</u>
02/11/2015	03/13/2015	835 W. Main	Pete Richards	Store
02/24/2015	03/13/2015	2475 Gee Drive	Scott Barriger	Inground pool
03/23/2015	03/30/2015	1030 Hunt	John Ingersoll	Accessory Building
03/24/2015	03/24/2015	820 N. Jefferson	Karie Scudder	Fence
03/30/2015	03/30/2015	115 S. Broadway	King Mlling	Upgrade/Cell Tower
03/31/2015	03/31/2015	1405 Laurie Gail	Kaitlin Shive	Fence
04/01/2015	04/01/2015	806 N. Jefferson	Ron Stanford	Fence
04/08/2015	04/15/2015	741 Grindle	Thomas Read	Demo
04/28/2015		520 Spring	Cody Moore	Fence
05/04/2015	05/08/2015	325 S. Division	David Crandall	Deck
05/06/2015	05/08/2015	1320 E. Main St.	Moose Lodge	Fence
05/11/2015	5/11/2015	257 Donna	Elizabeth Sparks	Fence
05/11/2015	05/12/2015	316 North	Charles May	Addition
05/12/2015	05/12/2015	1320 Highland Hills	Allen Edwin Homes	New Home
05/13/2015	05/14/2015	168 S. Center	Eric Bouwhuis	Fence
05/14/2015	05/14/2015	2204 Gee Drive	Herb Vanderbilt	Shed
05/19/2015	05/26/2015	815 N. Hudson	Anthony Hall	Unattached garage
05/19/2015	07/06/2015	1300 Highland Hill	Allen Edwin Homes	New Home
05/20/2015	07/06/2015	1281 Highland Hill	Allen Edwin Homes	New Home
05/27/2015	05/29/2015	315 Alden Nash	Tim Jankowski	Accessory Building
05/12/2015	05/28/2015	2255 Gee Drive	Tim Bruce	New Home
06/01/2015	06/24/2015	2212 Gee Drive	Brian Koetje	New Home
06/12/2015	06/12/2015	812 Grindle	Josh Peterman	Shed
06/17/2015	07/07/2015	741 Grindle	Thomas Read	Lot Split
06/18/.2015	06/23/2015	612 N. Monroe	Ronald Steffens	Repair
06/11/2015	06/23/2015	750 Hillside Ct.	Alan Hovinga	Sun Porch
06/30/2015	07/08/2015	1580 Carol Lynne	Brian Darling	Garage
07/07/2015	07/07/2015	800 Bowes	Mark Mundt	Inground Pool
07/10/2015	07/10/2015	1105 Bowes	Scott Macpherson	Shed
07/10/2015	07/10/2015	1105 Bowes	Scott Macpherson	Fence

07/13/2015	07/14/2015	925 S. Hudson	Todd Wood	Deck
07/13/2015	07/14/2015	925 S. Hudson	Todd Wood	Roof/Siding
07/20/2015	07/22/2015	2401 Bowes	William Sanborn	Shed
07/21/2015	07/22/2015	1695 Gee Drive	Kurt Holznerer	Accessory Building
07/16/2015	08/04/2015	12142 Bowes	GR Gravel Co.	Demo
08/07/2015	08/07/2015	429 N. Washington	Tim Van Laan	Remodel
08/11/2015	08/13/2015	1462 Sibley	Dennis Walsh	Fence
08/17/2015	08/25/2015	2212 Gee Drive	Bernie Deliever	Pool
08/24/2015	08/31/2015	726 Lafayette	Ron Wells	Porch
08/27/2015	08/31/2015	609 Lafayette	Rachel DeVries	Shed
09/01/2015	09/01/2015	1015 Beech	Tina Collins	Roof
09/02/2015	09/02/2015	1301 Sibley	Luis Luna	Shed
09/02/2015	09/02/2015	1334 Highland Hills	Allen Edwin Homes	New Home
09/18/2015	09/22/2015	517 Spring	Tim Kurzhals	Demo/Garage
09/25/2015	09/25/2015	1011 N. Hudson	Diane McNaughton	Demo/Garage
09/25/2015	09/25/2015	1011 N. Hudson	Diane McNaughton	Garage
09/16/2015	10/07/2015	724 Riverside	John Hruska	Roof
09/24/2015	09/24/2015	604 E. Main	John Gilbert	Deck
09/29/2015	10/16/2015	1340 Highland Hills	Allen Edwin Homes	New House
10/07/2015	10/07/2015	221/223 W. Main	LowellArts!	Roof
10/08/2015	10/08/2015	171 S. West	Diane Merriman	Roof
10/16/2015	10/16/2015	517 Spring	Tim Kurzhals	Garage/Addition
12/01/2015	12/01/2015	718 Lincoln Lake	James Miles	Addition
12/01/2015	12/01/2015	322 N. Washington	Ferman Const./Ricards	Addition
12/11/2015	12/11/2015	424 Elm	Bob Hulst	Fire/Remodel

2016 Staff Reports

<u>Open Date</u>	<u>Close Date</u>	<u>Address</u>	<u>Name/Business</u>	<u>Subject</u>
01/06/2016	01/06/2016	106 W. Main	Jack Reedy	Deck
01/06/2016	01/06/2016	1326 Highland Hills	Allen Edwin Homes	New Home
01/15/2016	01/15/2016	800 Bowes	Mark Mundt	Remodel