

**Minutes of the Planning Commission
Of the City of Portland**

Held on Wednesday, March 22, 2017 at 7:00 P.M.
In Council Chambers at City Hall

Portland Planning Commission Members Present: Grapentien, Fitzsimmons, Williamson, Hinds, Clement, Kmetz, Culp

Staff: City Manager Gorman; City Clerk Miller; Zoning Consultant Eric Frederick

Guests: Jim & Kiley Hilligan of ConfluxCity Brewery Company, LLC; Doug Abel; Jeff Brinks of Williams & Works; John Lawrence of McDonald's

Chair Grapentien called the meeting to order at 7:00 P.M. with the Pledge of Allegiance.

Motion by Clement, supported by Fitzsimmons, to approve the Agenda as presented.
All in favor. Approved.

Motion by Fitzsimmons, supported by Clement, to approve the minutes of the February 8, 2017 regular meeting as presented.
All in favor. Approved.

Chair Grapentien opened the Public Hearing at 7:01 P.M.

City Manager Gorman presented the request made by Jim Hilligan for a Special Land Use Permit for the property at 135 Water St. (34-300-250-000-490-00), which is located within a flood plain, to build a parking lot for the development of a proposed brewery.

City Manager Gorman further stated that there will be no discharge of waste from the brewing process into the City's sewer system. All waste will be taken off site.

City Manager Gorman also stated that there will be other permits required outside the purview of the City of Portland related to the flood plain.

Part of the review of the site plan is also to ensure that the quiet, peace and enjoyment of the Abel's, whose property is adjacent to the proposed parking lot, is maintained.

Chair Grapentien noted that for the purposed of the Public Hearing the board is only concerned with the parking lot at this time.

Vice Chair Clement stated that she wanted to ensure that the paperwork is correct as the requirements are different for a microbrewery vs. brewery.

Zoning Consultant Frederick outlined the requirements as stated in Section 42-339(b) that each application is reviewed for the purpose of determining. He further stated there is no specific land use requirement for a parking lot, the purpose is to ensure that the proper permits are acquired.

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The Public Hearing was closed at 7:07 P.M.

The Planning Commission considered the request for a Special Land Use Permit for the property at 135 Water St. (34-300-250-000-490-00), which is located within a flood plain, to build a parking lot for the development of a proposed brewery.

Motion by Clement, supported by Fitzsimmons, to approve the Special Land Use Permit for the parking lot contingent on the ordinance requirements for a Special Land Use Permit being met as the Planning Commission goes through the site plan process.
All in favor. Approved.

The Planning Commission reviewed the site plan for ConfluxCity Brewing Company, LLC.

Chair Grapentien asked if the lots that this development will comprise will be legally joined.

Mr. Hilligan explained that all of the properties except the one that the rental house sits on will be legally joined.

Chair Grapentien inquired what the City standard curb requirement per the requirement in Section 42-408(d)(6)(e).

City Manager Gorman stated that a specific standard is not cited. These requirements are typically subject to approval by the City's engineers and City staff. City staff will ensure that this is addressed.

Chair Grapentien stated that Section 42-410 addresses access requirements for the driveway.

Mr. Hilligan stated that the existing curb cut will be moved further south so it will be further from the Abel's property.

Zoning Administrator Frederick stated that the existing curb cut is non-conforming and the new location will make it "less" non-conforming.

Chair Grapentien noted that the landscape buffers should be all along the property line.

Mr. Hilligan stated that a landscape buffer was not added in a certain area in order to meet the request of the Abel's to keep their view from their dining room window.

Chair Grapentien stated that this may create a problem with lights from night time traffic turning into the parking lot.

Mr. Hilligan stated that he'd be happy to add the same trees to keep the spacing and get within the 25 ft. requirement to keep the landscape buffer.

City Manager Gorman clarified that there will not be a fence; only trees.

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Zoning Consultant Frederick noted that Section 42-300(d)(5) is the clear vision triangle standard that addresses where a driveway meets a road.

There was continued discussion.

Member Frederick stated that it seems that all previous issues have been addressed based on previous meetings and conversations.

Zoning Consultant Frederick pointed out that any redeveloped facades that faces a public road must meet the 25% window requirement.

Vice Chair Clement asked if the whole site plan was being approved or just the parking lot.

Zoning Consultant Fredrick stated that the entire site plan is being considered.

There was discussion about the 25% window requirement and the site plan review process.

Zoning Consultant Frederick stated even though the site plan review process considers the site holistically there is still an obligation to meet other standards and requirements.

Mr. Hilligan stated that he is ready to get started on the project as soon as the building permit is approved. If the site plan is approved tonight he is hoping to begin within a couple of weeks.

There was continued discussion about the parking lot curbing.

City Manager Gorman will work with Mr. Hilligan and the City's engineers to determine what the standard is that should be met.

Motion by Clement, supported by Fitzsimmons, to approve the site plan as presented contingent on meeting the zoning requirements and staff approval of collateral issues.

All in favor. Approved.

The Planning Commission reviewed the site plan for McDonald's, LLC to demolish and reconstruct the existing McDonald's at 1432 E. Grand River Ave.

Jeff Brinks of Williams & Works presented the site plan and stated that it is the same plan as presented in September 2015. He is requesting it be reapproved as the initial approval is only valid for one year. The property issues that prevented earlier reconstruction have been resolved. McDonald's is hoping for late summer construction that should last less than 3 months.

Chair Grapentien commented that the site plan covers multiple parcels and inquired if the City needs to do anything to protect itself.

Zoning Consultant Frederick stated that the site plan should be considered as one unified development.

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Vice Chair Clement asked what would happen if the lease agreement between the property owners were to fall apart in a few years as that would create nonconforming lots.

Mr. Lawrence of McDonald's commented that representatives of McDonald's have went over the lease agreement with a "fine tooth comb". He further stated that McDonald's does not want to spend money on a project that could possibly fall apart. He stated that he believes the lease agreement is for a term of 30 years.

There was continued discussion.

Zoning Consultant Frederick explained how the lots are laid out and what the worst case scenario might entail. McDonald's would still have viable options to conduct business on the property it owns.

Chair Grapentien stated that the site plan should be reviewed as one site.

Zoning Consultant Frederick asked how many curb cut closures would occur.

Mr. Brinks stated that four curb cuts will be eliminated with this site plan.

Zoning Consultant Frederick noted that any side of a building facing the right-of-way must meet the 25% window requirement.

Chair Grapentien noted that the window requirement was discussed at length during the initial review of this site plan.

Zoning Consultant Frederick noted that new signs will have to come into compliance with the Sign Ordinance.

Motion by Fitzsimmons, supported by Culp, to approve the site plan for McDonald's USA, LLC at 1432 E. Grand River Ave. with the noted contingencies.
All in favor. Approved.

Under Comments, City Manager Gorman provided an update on developments in the community. The WODA Group continues to make significant progress on the Old School Manor project at 306 Brush St. The installation of the new windows made a substantial difference to the property. They are looking at a fall completion date for the 29 apartment units.

The EDC made a recommendation of approval of the purchase agreement for the potential Sparrow development on Cutler Rd. to the City Council at its last meeting. City Manager Gorman is waiting to hear back Sparrow's committee and then the document will be presented to City Council for their consideration. There is a stipulation that Sparrow will be the only health care provider on the property currently owned by the City at Grand River Ave. and Cutler Rd.

Muffler Man is expected to begin the redevelopment of their property on Grand River Ave. this Spring.

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The DDA has hired Tina Conner Wellman as the new DDA/Main Street Director. National Main Street will hold training at City Hall tomorrow. The public is invited to attend from 2:30 – 4:00 P.M.

Motion by Clement, supported by Fitzsimmons, to adjourn the meeting at 7:54 P.M.
All in favor. Approved.

Respectfully submitted,

Jason Williamson, Secretary