



CITY OF ALBION PLANNING COMMISSION

SPECIAL MEETING

MONDAY, NOVEMBER 28, 2016

COUNCIL CHAMBERS

7:00 P.M.

AGENDA

- I. Call To Order (Reminder: turn off cell phones)
- II. Roll Call of the Commission
- III. Approval of Prior Meeting Minutes –
 - A. November 28, 2016
- IV. Correspondence
- V. Public Hearing-Special Use Request of Albion Malleable Brewing Company
- VI. Order of Business
 - A. Formal Consideration of Special Use Permit (Case #2016-061) for proposed Micro Brewery, Small Wine Maker, and Open Front Structure for 416 (aka 420) South Superior Street. Albion Malleable Brewing Company
 - B. Update on 5 year (2017-2021) Comprehensive Plan – Phase 1
 - C. Excuse Absent Commissioners
- VII. Citizen Comments (Persons addressing the Planning Commission shall limit their comments to no more than 5 minutes. Proper decorum is required.)
- VIII. Adjournment

PLANNING COMMISSION PUBLIC HEARING PROCESS

- 1) The Planning Commission Chair opens the hearing
- 2) Chair summarized the process
- 3) Staff presents report on applicant's request
- 4) Chair reads any correspondence into the record
- 5) Public speaking portion of hearing
 - Individuals in support
 - Opposition speakers
 - Questions & rebuttal (directed through the Chair)
 - Public speaking portion of hearing closed
- 6) Finding of facts
- 7) Board begins deliberations
- 8) Motion is made
- 9) Roll call vote taken

Special Planning Commission
November 28, 2016

I. Call To Order

The November 28, 2016 Special Planning Commission was called to order at 7:00 p.m. by Chairperson Strander and a quorum declared.

II. Roll Call of the Commission

S Brown, T Pitt, G Strander, W Dick, G Strand, S Kipp, J Domingo, G Brown.

Staff Present: S Mitchell, City Manager; J Domingo, City Clerk; J Tracy, Director Building, Planning & Code Enforcement; D. Nelson, Special Projects and Council Member Elects J Spicer, M Lawler and S Brown.

Absent: None

III. Approval of Prior Meeting Minutes

- A. October 18, 2016
- B. November 15, 2016

T Pitt moved, S Brown supported, CARRIED, to approve the October 18, 2016 and the November 15, 2016 Planning Commission minutes as presented. (Voice Vote)

IV. Correspondence – None

V. Public Hearing-Comprehensive Plan-Phase I

Chairperson G Strander opened the Public Hearing at 7:05 p.m.

Rosalyn Jones gave the following brief overview of the Plan as follows:

- The process of working on the Plan began in the summer. The Planning Commission has worked on it for the past several months.
- Phase I of the Comprehensive Plan focuses on the goals and priorities of the community and provides a vision for the future.
- A community survey was conducted with approximately 200 participants. The results gave a pulse of the community.
- Four (4) town hall meetings were held on the Comprehensive Plan.
- The three biggest concerns were:
 1. Roads and streets- The City will be not only look at the visible infrastructure of the streets, but also the underlying infrastructure of

sewer and water mains. This also involves some financial constraints for the City.

2. Jobs- Albion needs to attract companies, retain current businesses, and help start-up companies grow. Workforce development will be an important component of the economic development strategy.
3. Healthcare and access to after hour urgent care-We need to look at existing partnerships and also be able to present a business case to health care systems for why they should locate an urgent care facility here in Albion.

Public Comments were as follows:

Lonnie Brewer-President, President, Double Vision, 200 N. Clinton St. Mr. Brewer stated Double Vision has been in the Albion downtown area for the past ten years and he would like to know how they can play a role in investing in the downtown and bring their vision of a community center to Albion. Their center will be open to everyone. He stated they have occupied their new building on N. Clinton Street for the past four years and they still have a few things that need to be done before they can open.

Commissioner Strander stated their business helps to stabilize the downtown.

Andy French, 702 E. Erie St, stated the plan is long overdue and whole heartedly endorses the Comprehensive Plan. He feels it gives the City a clear cut plan of where the City should be going in the next 3-5 years.

Jeanette Spicer, 1303 E. Michigan Avenue, stated she is supportive of the Comprehensive Plan and feels we need an after-hours urgent care here in Albion.

Marcola Lawler, 918 N. Berrien St, stated she spoke with a resident who is concerned with the streets, particularly Irwin Avenue so she would like to see that street addressed.

Chairperson G Strander closed the public hearing at 7:18 p.m.

Comments from the Commissioners were as follows:

Commissioner G Brown asked if the goals were ranked in order of priority.

Commissioner Strand stated he felt the goals were all high priorities and did not need to be ranked. As part of the planning process, he suggested that the Planning Commission monitor the progress of the Comprehensive Plan on a routine basis.

Commissioner S Brown asked if reviewing the goals and objectives of the Comprehensive Plan on a quarterly basis would be ok with the Commission.

G Strand moved, S Brown supported, CARRIED, to add clarification language in Appendix 1 as follows: State that all goals and objectives are not ranked but all are a high priority and will be reviewed by the Planning Commission on a quarterly basis for progress. (Voice Vote)

G Strand moved, S Brown supported, CARRIED, to strike the word "proposed" on page 40 for the Heritage River Water Trail as this is already an established project. (Voice Vote)

G Strand moved, S Brown supported, CARRIED, to change the Pottawatomie Resource and Development Council to the Pottawatomie Resource Conservation and Development Council. (Voice Vote)

G Strand moved, S Brown supported, CARRIED, to change Page 40-4th paragraph-second line should read-Trails are good "for" the health of local residents (Voice Vote)

G Strand moved, S Brown supported, CARRIED, to add ""Take all of the necessary steps to have Albion certified by the Michigan Economic Development Corporation as a Redevelopment Ready Community" to goals one (1) and three (3) as objectives. (Voice Vote)

T Pitt moved, G Strand supported, CARRIED, to change page 39, I-94 Business loop runs east not west on Austin Avenue. (Voice Vote)

Commissioner Brown asked what would be done to prevent some goals being done before others.

Commissioner Strander stated some goals may not be achieved. Each goal has a different timeline and the Planning Commission will review them on a quarterly basis to monitor progress.

Additional comments were received from City Manager Mitchell.

VI. Order of Business

A. Consideration/Approval of Recommendation of 5 year (2017-2021) Comprehensive Plan-Phase I to Albion City Council

T Pitt moved, S Brown supported, CARRIED, to Approve Recommendation of 5 year (2017-2021) Comprehensive Plan Phase I to Albion City Council with the following changes:

1. Add clarification in Appendix 1-State that all goals and objectives are not ranked but all are a high priority and will be reviewed by the Planning Commission on a quarterly basis for progress.
2. Page 40-strike “proposed” for the Heritage River Water Trail and this is already an established project.
3. The Pottawatomie Resource and Development Council should be the Pottawatomie Resource Conservation and Development Council.
4. Page 40-4th paragraph-second line should read-Trails are good “for” the health of local residents.
5. Page 43-Appendix 1-Add “Take all of the necessary steps to have Albion certified by the Michigan Economic Development Corporation as a Redevelopment Ready Community” to goals one (1) and three (3) as objectives.

B. Approve 2017 Meeting Dates

T Pitt moved, S Brown supported, CARRIED, to Approve 2017 meeting dates as presented. (Voice Vote)

C. Excuse Absent Commissioners

No action was necessary as all Commissioners were present.

VIII. Citizen Comments

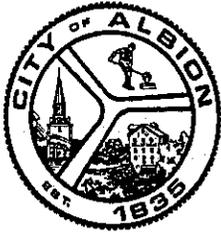
Comments were received from Rosalyn Jones who stated the Chair of the Planning Commission would need to sign the inside (or back) cover of the Comprehensive Plan before sending to Council for approval.

Commissioner Pitt thanked all involved for the hard work on the Comprehensive Plan.

IX. Adjournment

J Domingo moved, G Strand supported, CARRIED, to adjourn the meeting. Meeting adjourned at 7:50 p.m.

Recorded By: Jill Domingo, City Clerk



CITY OF ALBION

Department of Planning, Building, Code Enforcement
112 W. Cass Street, Albion, Michigan 49224
Office: (517) 629-7189 Fax: (517) 629-7189

City of Albion Planning Department Report

Planning Commission

December 20, 2016

Subject property: 416 S. Superior Street a.k.a. 420 S. Superior Street

Parcel Number: 51-001-092-00

Zoned: B2 Central Business District

Property owner and mailing address of record per City of Albion Assessor's record:

Albion Malleable Brewing Company
2055 Aberdeen Court
Rochester, Michigan 48306

Applicant:

Albion Malleable Brewing Co. LLC
P.O. Box 449
Albion, MI.

Reference: Request special use for proposed microbrewery, small wine maker and open front facade/building.
Special use case: #2016-061

Currently Approved Zoning: Subject property located at 416 a.k.a. 420 S. Superior Street is zoned B2 located in B2 Central Business District. Subject address has received zoning approval for Tavern and Restaurant as a permitted use, Sec. 20-223, zoning permit number #2016-060. Parking required calculated at one (1) space for every three (3) seats for a total of thirty (30) required parking spaces (*Ch. 30, Division 2.*). In review of no on-site parking, zoning approved as per Sec. 30-226, with use of public parking located on street, use of public parking lot (*approx. 30 spaces*) located at 110 W. Ash Street adjacent to subject property, and use of public parking lot's (*approx. 40 spaces*) located at 117 & 119 E. Ash Street within walk distance to subject property.

Project Narrative submitted by Albion Malleable Brewing Co. LLC.

The current zoning for 416 a.k.a. 420 S. Superior St. allows for tavern/pub use, which is the proposed use under application submitted and has been approved, zoning permit #2016-060. In addition to the tavern use, the following special usage is requested per Sec. 30-223, (2) Uses permitted by special use permit b.5. and d...

- Production of food product – microbrewery & small wine maker. Beer and wine products produced on site are a defining feature for Michigan's popular microbreweries, and increase tourism and traffic where such businesses are located
- Open front – the current façade windows will be replaced with roll-up doors to allow for open front café-style when weather permits. This has added benefit for downtown attractiveness, encourages use and interaction of Superior St. as a pedestrian hub, and encourages foot traffic.

Findings: Subject property is an existing two story structure, request for said special use for Microbrewery, small wine maker and open front façade, fall under Sec. 30-223, (2) b. & b.5.:

- Light assembly, fabrication, processing, repair, warehousing, and/or wholesaling, wholly within an already existing structure; *including, but not limited to:* Manufacturing (including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products).
- Restaurants and taverns in which patrons are served outdoors or in open-front building, and wherein said establishment does not extend as an internal part of, or accessory thereto, any service of a drive-in nature.

Planning Department Recommendation:

- In review of applicable sections of zoning ordinance, it is of the opinion of the Planning Department to approve special use request for microbrewery and small wine maker, contingent on said applicant/owner obtaining license/permit as required by local, state and / or federal law for said use.
- In review of applicable section of zoning ordinance, it is of the opinion of the Planning Department to approve special use request for open front building.

John Tracy
Director of Planning, Building, Code Enforcement

12-08-16

Special Use: In order for planning commission to make a decision to approve, grant approval with conditions, or deny, it is important for planning commission members to review and understand compliance standard requirements for special use and applicable zoning.

Special Use – Compliance with standards required

General standards. Review the particular circumstances of the special use request under consideration in terms of the following standards, and approve special use only upon finding in compliance with each of the following standards, as well as applicable standards established elsewhere in chapter 30.

- (a) The special use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area and natural environment.
- (b) The special use shall not change the essential character of the surrounding area.
- (c) The special use shall not interfere with the general enjoyment of adjacent property.
- (d) The special use shall not be hazardous to the adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.
- (e) The special use shall protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- (f) The special use shall be adequately served by essential public facilities and services or is shall be demonstrated that the person responsible for the proposed special use shall be able to continually provide adequately for the services and facilities deemed essential to the special use under consideration.
- (g) The special use shall not place demands on public services and facilities in excess of current capacity unless proper provision is made for an increased capacity of those services and facilities.
- (h) The special use shall be consistent with the intent and purpose of chapter 30 and the objectives of any currently adopted master plan.

Competent authority (planning commission) may impose conditions on the approval of the special use which are necessary to ensure compliance with the standards for approval stated in this section, and any other applicable standards contained in chapter 30. Such conditions shall be considered an integral part of the special use permit and shall be enforced by the zoning administrator.

Approval of a special use permit shall be valid regardless of change of ownership, provided all terms and conditions of the permit are met by any subsequent owner or user.



CITY OF ALBION—APPLICATION FOR SPECIAL USE PERMIT

City of Albion Planning Department (517) 629-5535

Cornerstone Inspection Services (269) 729-9244

Application Instructions: Complete all sections of this form. Type or use black ink. No application will be considered submitted or processed by the Planning Department until a complete application and all required documents are received.

Required Documents:

- Twelve sets of plans, drawn to scale in black line or blueprint, showing the:
 - ◆ shape and dimensions of the lot to be built upon or to be changed in its use,
 - ◆ exact location, size, and height of all buildings or structures (including fences) on the lot,
 - ◆ location of sidewalks, public streets, and curb cuts,
 - ◆ location and dimensions of improved driveways and parking areas.
- Proof of payment for zoning permit application fee.

Fee: \$200 Plus Consultant Charge: Actual Cost

Additional Instructions: The applicant, or a representative with a letter of authority or power of attorney for the applicant, must be present at a meeting of the Albion Planning Commission and at a public hearing concerning this application.

FOR OFFICE USE ONLY

Permit #:
2016-061

Stamp here for "Date Received"
RECEIVED
NOV 15 2015

Received by: _____

Deposit to Account #101-400-483.00

Stamp here for "Paid"
PAID
NOV 15 2015

Amount: _____

Stamp here for "Approved/Deny"

Date: _____

1. Property Information:

Property Zoned:

| | | |
|--|--|---|
| Street Address: <i>Use Complete Street Address, e.g. 101 North Main Street</i> | | Parcel Number |
| 420 S. Superior St | | |
| Zoning District | Parcel Type: | |
| B-2 | <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial |
| | <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Other (describe) |

2. Owner Information:

| | | |
|--|-----------------------|--------------|
| Name: <i>Include Contact Person If Applicable</i> | | Phone |
| Albion Malleable Brewing Co LLC - Ben Wade | | 517-945-3735 |
| Street Address: <i>Use Complete Street Address, e.g. 101 North Main Street</i> | City, State Zip Code: | |
| PO Box 449 | Albion, MI 49224 | |

3. Applicant Information:

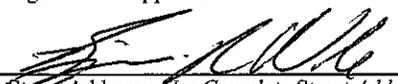
| | | |
|--|-----------------------|--------------|
| Name: <i>Include Contact Person If Applicable</i> | | Phone |
| Albion Malleable Brewing Co, LLC - Ben Wade | | 517-945-3735 |
| Street Address: <i>Use Complete Street Address, e.g. 101 North Main Street</i> | City, State Zip Code: | |
| PO Box 449 | Albion, MI 49224 | |

4. Proposed Use of Site - See attached

Attach additional pages describing the present and proposed uses of the property for which a new zoning classification is requested. Explain reasons why the applicant believes a Special Use Permit should be granted.

5. Certification

I hereby certify that I am the owner of record of the named property, or that the special use permit is requested by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, I agree to allow members of the Albion Planning Commission and Planning Department staff to inspect the site as a part of the consideration of this request. I hereby affirm that if this special use permit is granted, I will comply with all general and specific special-use conditions required by the Planning Commission under the zoning ordinances. However, I retain the right to decline the special use permit if I find those conditions unacceptable. Finally, should a special use permit be granted, I shall apply for and receive all applicable permits before beginning any construction.

| | | |
|--|---|------------------|
| Signature of Applicant:  | Phone 517-945-3735 | Date 11/12/16 |
| Street Address: Use Complete Street Address, e.g. 101 North Main Street 420 S. Superior St (P.O. Box 449) | City, State, Zip Code Albion, MI 49224 | |

For Planning Department Use Only

6. Evaluation and Determination

PUBLIC NOTICE

| | | |
|--|---|---------------------------------|
| Public Notice in Newspaper 12-01-2016 | Letter to Nearby Properties 12-01-2016 | Public Hearing Date 12-20-16 |
|--|---|---------------------------------|

PUBLIC HEARING

| | |
|---|--|
| Planning Commission Action (In Favor, Opposed) | Date Applicant was Notified of Commission Decision |
|---|--|

PLANNING DEPARTMENT APPROVAL/DENY

| | |
|-----------|-------|
| Signature | Date |
| Notes | Stamp |

City of Albion – Application for Special Use Permit

The current zoning for the site at 420 S. Superior St. allows for tavern/pub use, which is the proposed use under the application being submitted (taproom for Albion Malleable Brewing Company). In addition to the tavern use, the following special usage is requested per Sec. 30-223, (2) Uses permitted by special use permit, b.5. and d...

- Production of food product – microbrewery & small wine maker. Beer and wine products produced on site are a defining feature for Michigan’s popular microbreweries, and increase tourism and traffic where such businesses are located.
- Open front – the current façade windows will be replaced with roll-up doors to allow for open front café-style when weather permits. This has added benefit for downtown attractiveness, encourages use and interaction of Superior St. as a pedestrian hub, and encourages foot traffic.
- Outdoor beer garden – Designated outdoor seating areas will increase traffic during warm weather months and bring visible downtown activity to Albion.



City of Albion

Planning, Building and Code Enforcement

112 W. Cass Street

Albion, Michigan 49224

Office: 517-629-7189

Email: jtract@cityofalbionmi.gov

**NOTICE OF PUBLIC HEARING
BEFORE THE CITY OF ALBION
PLANNING COMMISSION**

**TUESDAY, DECEMBER 20, 2016, 7:00 P.M. COUNCIL CHAMBER, LOCATED ON
THE UPPER LEVEL OF CITY HALL, 112 W. CASS STREET, ALBION, MICHIGAN**

PLEASE TAKE NOTICE that the Albion Planning Commission will give formal consideration to a Special Use permit application #2016-061 for Albion Malleable Brewing Company property located at 416 a.k.a. 420 S. Superior Street, P.N.: 51-001-092-00. Said address is currently approved for use by right for a tavern & restaurant. Albion Malleable Brewing Company submitted application for special use for proposed microbrewery and small wine maker. And open front structure, replace current façade windows with roll-up doors to allow for open front café-style when weather permits, and open outdoor beer garden.

As required and subject to B-2 Central Business District Zoning:

- Chapter 30, Section 30-223, B site Development, (2) Uses permitted by special use permit.
- b. Light assembly, fabrication, processing, repair, warehousing, and/or wholesaling, wholly within an already existing structure; including but not limited to:
- b.5. Manufacturing (including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products).

All concerned citizens are encourage to be present at this meeting to express their opinions on this matter, as public input is an important element in the Board's deliberations.

To comply with the American Disabilities Act. (ADA), any citizen requiring accommodations to attend this meeting/function, and or obtain this notice in alternate formats, please contact the City Manager's office at (517) 629-5535 at least five (5) business days prior to the meeting/function.

Copies of information on the proposed Special Use are available in the City Manager's office Monday-Friday from 8:00 a.m. to 5:00 p.m... Written comments or suggestions regarding this matter are also welcome and should be directed to the Planning, Building, Code Enforcement office at City Hall, by no later than 5:00 p.m., on December 20, 2016.

John Tracy

Director of Planning, Building, Code Enforcement

DIVISION 7. B-2 CENTRAL BUSINESS DISTRICT

Section 30-221. Scope.

The provisions of this division shall apply to the B-2 central business district with said boundaries described as:

Beginning at the intersection of E. Ash Street and S. Ionia Street; thence west to a line 38 feet west of the west line of Lot 9, Block 64 of the Original Plat; thence north to the centerline of the vacated alley in said block; thence west to east line of lot 2 in said block; thence north to the centerline of W. Erie Street; thence west to the centerline of S. Clinton Street; thence north to south line of Lot 5, Block 62, of the Original Plat; thence west to the west line of said lot 5; thence north to the centerline of W. Porter Street; thence west to a line 19.42 feet west of the west line of Lot 7, Block 51, of the Original Plat; thence north to the centerline of the alley in said block; thence east to the center of Lot 4 of said block; thence north to the centerline of W. Center Street; thence west to the west line of Lot 8, Block 50, of the Original Plat; thence north to the centerline of the alley in said block; thence east to the centerline of S. Clinton Street; thence north to the centerline of Michigan Avenue; thence east to the centerline of N. Superior Street; thence south to a line which is 95.5 feet south of the south line of the railroad right-of-way (measured along the east right-of-way line of Superior Street); thence east 109.5 feet (from the centerline of Superior Street); thence south 68' -10' east approximately 145 feet to the west line of the City (Water Works) property; thence south to the Kalamazoo River; thence southeasterly along the Kalamazoo River to the north line of Lot 17 of the "Assessor's Replat of Mill Reserve and Block 48 of the Original Plat"; thence west to a line which is 14 feet east of the west line of Lot 16 of said plat; thence south to the centerline of East Erie Street; thence west to the centerline of S. Ionia Street; thence south to the place of beginning.

(Ord. No. 1987-4, § 2, 4-6-87)

Section 30-222. Intent.

The B-2 Central Business Districts is intended to provide for a variety of retail and office services which serve the needs of a consumer trade area that extends beyond the corporate boundaries of the city. This district is characterized by intense pedestrian activity and a unified architectural scale.

The district regulations are designed for these purposes:

- (1) To promote convenient comparison shopping by pedestrians for retail goods and business, professional, and personal services.
- (2) To provide for the stability of retail development by encouraging a continuous retail frontage and by prohibiting automotive related uses and services.

- (3) To provide for more employment in the district and to promote the full utilization of downtown buildings, including the second or third floors for possible residential use.

The essential interpretation of activities is given precedence in the regulations and future planning of this district over any desire to permit automobiles to come directly to each establishment. Non retail uses are compatible with the purpose of this district as long as adequate and convenient parking can be provided for within the common parking element, ensuring the ease of pedestrian movement from both retail and non-retail uses. Amended by ordinance #2005-10, 6/15/05

- (4) To protect the district from over congestion of the traffic pattern, while providing adequate automobile access to, and parking in, the area.
- (5) To protect and enhance the value of property within the district.
- (6) To promote development which is compatible with the existing historic character of the district.

The essential interdependence of activities is given precedence in the regulation and future planning of this district over any desire to permit automobiles to come directly to each establishment. Non-retail uses are compatible with the purposes of this district as long as adequate and convenient parking can be provided for retail activity, the ease of pedestrian movement can be ensured, and the quality of life can be protected.

(Code 1980, § 20.21-1; Ord. No. 1987-4, § 2, 4-6-87)

Section 30-223. Permitted uses.

In the B-2 Central Business District, no buildings or land shall be used and no structure shall be erected, altered, or used except for either one or several of the following uses by right, permitted special uses, and/or lawful accessory uses.

- (1) Uses permitted by right. The following may be operated as a use by right, provided that any such use, including storage, is conducted on the premises within a completely enclosed, existing building unless otherwise specified below:
 - a. Any generally recognized retail business which supplies commodities on the premises including, but not limited to: antiques or second-hand goods, apparel and accessories, household appliances, automobile parts or accessories, bicycles, books, business equipment and supplies, cameras, drugs and medical equipment and supplies, flowers, foods and grocery items, furniture, garden supplies, gifts, hardware, jewelry, liquor (by package only), luggage, mail-order goods, musical instruments and appliances, shoes, sporting goods, toys, wall and-floor coverings.
 - b. Any personal service establishment including, but not limited to: beauty parlors, barber shops, interior decorators, locksmiths, photographers, repair shops

(electronics, shoes, watches, etc.), tailor shops, laundries, dry cleaners, and wherein said establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in nature.

- c. Restaurants and taverns in which patrons are served while seated within an enclosed building, and wherein said establishment does not extend as an integral part of, or accessory thereto, any service of a drive in nature.
- d. Offices characterized by personal, on-premise service of customers, including, but not limited to financial, insurance, real estate, travel agencies, public utilities, and medical or dental clinics and laboratories.
- e. Public and quasi-public buildings, including, but not limited to: fraternal organizations, clubs and lodge halls, libraries, municipal offices, and museums.
- f. Banks and other financial institutions, with drive-in facilities permitted only when said drive-in facilities are incidental and accessory to the principal function.
- g. Commercial recreation facilities which conduct business within a completely enclosed building, including, but not limited to: movie theaters, skating rinks, concert and dance halls, etc., where alcoholic and/or nonalcoholic beverages may be served, provided:
 - 1. That establishments which serve non-alcoholic beverages be limited to the same hours of operation of those which are permitted to serve alcoholic beverages.
 - 2. That all related building, fire, and safety codes be met.
- h. Offices and retail showrooms of plumbers, electricians, decorators, or similar trades. Storage of non-retail materials and the making, assembling, remodeling, repairing, altering, finishing, or refinishing of its products or merchandise shall be permitted, provided that:
 - 1. These activities are completely enclosed within the premises occupied by said establishment.
 - 2. These activities are clearly accessory to sales and display activities.
 - 3. In all cases, the first story premises facing upon or visible from any abutting street may not be used for other than retail display and associated office space.
- i. Studios or business schools, including, but not limited to: dance, music, art, and voice schools and studios.
- j. Bakeries, confectioneries, delicatessens, and other carryout food service

establishments without drive-in facilities, provided that noise and odor levels shall not exceed those levels which are in keeping with the retail uses within the district.

- k. Apartment units and/or multiple-family residences, only in already existing structures, provided that there shall be no dwelling units in basements, nor shall first-story dwelling units be permitted in structures designed and built with commercial storefronts. Conversion of existing space on the second or third floors for the new residential use shall be subject to special use approval. ~~amended by Ordinance #2005-10, 6/15/2005~~
- l. Radio and television broadcastings studios excluding transmission facilities.
- m. Mechanical amusement arcades, provided that any such establishment shall comply with Chapter 3 of the Code of Ordinances.
- n. Public parks and plazas.

(A) *Permitted uses with conditions.*

Bed and Breakfast Inns Operations

~~Ordinance #2000-03, 3/6/2000. Note: Section 30-223 (1)(A)(a)(A-F) added~~

Building requirements.

Applicants shall submit a site and floor plan of the residential dwelling unit illustrating that the proposed operation meets all zoning ordinance requirements.

Bed and breakfast operations shall be confined to an existing single-family dwelling unit which is the principal dwelling unit on the property.

The dwelling unit in which the bed and breakfast operation takes place shall be the principal residence of the operator, and the operator shall live on the premises when the bed and breakfast operation is active. The operator shall not let out the principal residence.

Each dwelling utilized as a bed and breakfast inn operation shall comply with the provisions of Chapter 18 and shall comply with those provisions of the State Construction Code, the Electrical Code, the Property Maintenance Code, the Mechanical Code and the Fire Prevention Code applicable to dwellings and lodging houses.

No building or structure either on the premises of the bed and breakfast inn operation or on the property adjacent thereto shall be removed in order to provide for parking for the bed and breakfast inn operation.

No bed and breakfast inn operation shall have on its premises any restaurant which is open to the general public any store or any separate gift shop.

No portion of any bed and breakfast inn operation shall be operated in any accessory structure.

All such bed and breakfast inn operation shall be designed, constructed, operated and maintained so as to be compatible with the surrounding neighborhood.

Annual inspection by the zoning administrator, fire chief and building inspector shall be required.

Bed and breakfast operations shall be limited to five (5) guest sleeping rooms.

A structure or premise utilized for a bed and breakfast inn operation must have at least two (2) exits to the outdoors from such structure or premise.

The main structure of the bed and breakfast inn operation shall have a minimum floor area space of two thousand (2,000) square feet, excluding garage and basement, with a maximum of forty (40) percent of that space designated as a sleeping room. Sleeping rooms shall be a minimum size of one hundred (100) square feet for two (2) occupants with an additional thirty (30) square feet for each additional occupant, to a maximum of four (4) occupants per room if that sleeping room unit has a private bathroom.

Each sleeping room used for the bed and breakfast inn operation shall have a separate hard wired smoke detector alarm. (Battery operated smoke detectors are prohibited)

Lavatories and bathing facilities shall be available to all persons using any bed and breakfast inn operation.

In no case shall there be fewer than two (2) shared bathrooms for every four (4) sleeping rooms.

B. Site Development.

Minimal outward modification of the structure may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which the bed and breakfast inn operation is located.

Refuge container areas shall be fully enclosed and have a minimum of fifteen (15) square foot enclosure area with an overall height of not more than five (5) feet.

Cyclone fencing is prohibited for any use.

Screening requirements shall be reviewed on an individual basis when residential use is adjacent to a Bed and Breakfast Inn Operation.

Parking requirements.

One off-street parking space shall be provided for the owner-occupant and one additional off-street parking space for each sleeping room designated for bed and breakfast inn operation use.

Municipal parking may be used to facilitate required parking if permission is granted by city council. (sec. 82-126 Definition of Downtown parking)

Required parking shall be located only in the side and rear yard areas.

Security lighting is permitted, but shall be restricted to a maximum height of fifteen (15) feet.

Signs.

A bed and breakfast inn operation shall be permitted only one non-animated non-illuminated exterior sign attached to the principal structure or one free-standing sign located not less than five (5) feet from the property line, have an overall face area of six (6) square feet, and indirect lighting may be allowed with permission from planning commission.

Additional Conditions.

Guest register: Each operator shall keep a list of names and dates of stay of all persons staying at the bed and breakfast inn operation. Such list shall be available for inspection by city officials at any time.

Length of stay: The maximum stay for all customers of a bed and breakfast operation shall be fourteen (14) continuous days.

License for Bed and Breakfast Inn Operations:

Required, License:

No person shall operate, lease, rent or occupy a bed and breakfast inn, as that term is defined under section: 30-4 of the zoning ordinance, unless there is a current, valid license issued by the city clerk in the name of the owner for the specific bed and breakfast inn operation. A license issued pursuant to this section shall be issued for a bed and breakfast inn operation and shall at all times be displayed by the owner in a conspicuous place within the bed and breakfast inn. The license shall only be issued

upon compliance with the requirements of the section: 30-223 of the Zoning Ordinance and the City Code, after inspection by the city and shall be valid for a period of one year from the date of issuance.

Required, Inspections:

The inspections required by subsection (1) above shall be conducted by the city annually prior to the issuance or re-issuance of the license and shall determine the following:

Compliance with the State Construction Codes applicable to dwellings and lodging houses.

Compliance with the requirements of section: 30-223 of the Zoning Ordinance and the City Code.

Compliance with the definition of bed and breakfast inn operation as set forth in section: 30-4 of the Zoning Ordinance.

Compliance with such health and sanitation standards as may from time to time be enacted by the city, Calhoun County and or the state.

Compliance with all other requirements of the Code.

(2) *Uses permitted by special use permit*, subject to the review and approval of the planning commission. The following uses shall be permitted in the B-2 Central Business District, subject to the review and approval of the Planning Commission according to Article II, Division 5 (section 30-81 through 30-85) of this chapter. No special use permit for any such use shall be issued without the applicant first having obtained proof or certification of compliance with state and local barrier-free and fire safety construction codes from the city building inspector. Any special use permit shall be subject to the standards contained in [sections] 30-81 through 30-85, and subject further to the conditions hereinafter imposed for each use:

- a. Any use which involves the construction of a new structure and/or exterior structural additions to existing structures which constitute an increase of fifty (50) a per cent of the gross square footage of any story of said existing structure, provided that this new construction fulfills the intent of this district by complying with the following requirements:
 1. The structure shall be used for a permitted or special use within this district. {amended by Ordinance #2005-10, 6/15/2005}
 2. In order to promote convenient comparison shopping by pedestrians, the maximum front and side setbacks for the new building shall be the average of the corresponding setbacks of the adjacent structures, as measured from the common property lines.

3. In order to promote development which is compatible with the district's historic character, any facade on any new construction under this subsection shall incorporate building materials, colors, and proportions which are compatible with those of the existing buildings within the district.
 4. In order to promote convenient pedestrian access, any automobile entry or parking on the site shall be confined to the rear or side of the site.
 5. Adequate automobile parking, as determined for each specific use must be either readily available in existing public facilities, as defined by capacity within the common parking element, or provided for by the owner in conjunction with the proposed new development. {amended by Ordinance #2005-10, 6/15/2005}
- b. Light assembly, fabrication, processing, repair, warehousing, and/or wholesaling, wholly within an already existing structure; including, but not limited to:
1. Crating and packing service;
 2. Dry cleaning and laundry plants serving more than one outlet;
 3. Electronic assembly and repair;
 4. Furniture cleaning and refinishing shops;
 5. Manufacturing (including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products);
 6. Mini-warehouses or storage facilities;
 7. Mirror supply and refinishing shops;
 8. Pest control establishments;
 9. Printing and publishing, including the processing thereto.

Provided that:

10. Any such use which occurs on the first story must be in conjunction with a related use-by-right which is conducted by the same establishment within the same building. The first story premises facing upon or visible from any abutting street shall be used only for that use-by-right, in an area of not less than five hundred (500) square feet.
11. Any such use which has no related use-by-right shall not be permitted on the

first story.

12. Levels of traffic, noise, smoke, vibrations, odor, fumes, and glare shall not exceed those levels which are in keeping with the retail uses within the district.
 13. No separate entrance to the front of the building shall be constructed for any such use.
- c. Hotels, provided that any unit shall contain not less than two hundred and fifty (250) square feet of floor area.
 - d. Restaurants and taverns in which patrons are served outdoors or in an open-front building, and wherein said establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in nature.
 - e. Off-street parking facilities as a principal use, subject to section 30-226 and 30-228, and Article V, Division 2 and Division 3 (sections 30-311 through 30-327) of this chapter.
 - f. Off-premise business signs, provided that any such sign comply with the standards of Article V, Division 4 (sections 30-341 through 30-372) of this chapter.
 - g. Apartment units and/or multiple family residences in new structures or through conversion of existing structures provided such use is located on the second or third floor of the building and each unit has separate kitchen and bathroom facilities. {amended by Ordinance #2005-10, 6/15/2005}
- (3) Accessory uses, which are clearly incidental and customary to and commonly associated with the operation of the uses by right.
- a. Business signs which pertain only to the principal permitted use on the premises, provided that any such sign comply with the standards of Article V, Division 4 (sections 30-341 through 30-372) of this chapter.
 - b. Off-street parking and loading areas which pertain only to principal permitted use on the premises, according to sections 30-226 and 30-228, and Article V, Division 2 and Division 3 (sections 30-311 through 30-327) of this chapter.
 - c. Mechanical amusement devices, provided that the number of said devices shall not exceed four (4), and all requirements for such devices in Chapter 3 of the Code of Ordinances have been met.
 - d. Dumpsters for the temporary storage of refuse.

(Code 1980, § 20.12-2; Ord. No. 1985-2, § 2, 5-6-85; Ord. No. 1985-11, § 2, 10-7-85; Ord. No. 1987-4, § 2, 4-6-87)

Section 30-224. Height of structures.

No use or accessory use structure permitted by right or by special use permit shall exceed four (4) stories or fifty (50) feet in height, whichever is taller.

(Code 1980, § 20.12-3; Ord. No. 1987-4, § 2, 4-6-87)

Section 30-225. Lot area and yard requirements.

The following minimum requirements shall be observed:

- (1) *Lot area.* No minimum lot area shall be required for use by right or accessory use structures.
- (2) *Front yard.* No front yard is required.
- (3) *Side yard widths (each side yard).* None required, except adjoining any R district, then not less than one-half the height of the building but not less than fifteen (15) feet in any case.
- (4) *Rear yard.* The depth of a rear yard for buildings not exceeding three (3) stories shall be ten (10) feet, plus two and one-half (2 1/2) feet for each additional story.

(Code 1980, § 20.12-4)

Section 30-226. Off-street parking and loading space requirements.

In the B-2 Central Business District, no building shall be erected or structurally altered, and no land or building shall be used unless adequate off-street parking and/or loading space is provided and maintained [as required under section 30-228 and Article V, Division 2 and Division 3 (sections 30-311 through 30-327) of this chapter] on the premises operated for such use, or on other nearby premises provided and maintained by the proprietors of such use. In the event such adequate space is not available, municipal lots may be utilized for off street parking and/or loading, subject to the approval of the zoning administrator according to generally accepted parking ratios, and subject further to such rules and regulations as the chief of public safety and the city manager or the city council shall determine.

(Code 1980, § 20.12-5; Ord. No. 1987-4, § 2, 4-6-87)

Section 30-227. Permitted signs.

See chapter 64 Signs.

The provisions of Article V, Division 4 (sections 30-341 through 30-372) shall be in full force and effect in this district.

(Code 1980, § 20.12-6; Ord. No. 1987-4, § 2, 4-6-87)

Section 30-228. Site development standards.

In the B-2 Central Business District, all buildings or land shall be used, and all structures shall be designed, erected, altered, or used in compliance with the following site development standards:

- (1) Any such use, including storage, is conducted on the premises within a completely enclosed building unless otherwise specified within this division.
- (2) Levels of traffic, noise, smoke, vibrations, odor, fumes, and glare shall not exceed those levels which are in keeping with the retail uses within the district.
- (3) All parking lots or areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
- (4) All lighting shall be shielded from adjacent properties
- (5) Access shall be provided so as not to conflict with the adjacent business uses or adversely affect the traffic flow.
- (6) When any such use abuts the side and/or rear line of a lot in any R district a compact evergreen hedge, solid wall or treated wood fence not less than five (5) feet in height shall be maintained at the property line.
- (7) All parking and loading areas, including outdoor display areas, shall be subject to Article V, Division 2 and Division 3 (sections 30-311 through 30-327) of this chapter, provided, however, that in the event of a conflict between said sections and this section, the stricter requirement shall prevail.

(Ord. No. 1987-8, § 2, 4-6-87)

Sections 30-229--30-240. Reserved.

Albion Malleable Brewing Company

Resolution 2016-66: Support of application for a
Micro Brewery license under MCL 436.1109(3) and a
Small Wine Mker license under MCL 436.1111(10).

Project Description



- Owners
 - Charles Moreau, Benjamin Wade, John Rogers
 - w/investment from New Albion Impact Group (NAIG)
- Albion Malleable Brewing Company will be a production microbrewery and taproom located in Albion, MI
- Site will occupy 3600 square feet located at 420 South Superior Street
- Taproom will serve only beer produced on premises. Future expansion will add production of cider and mead.
- Taproom will include seating and service areas as well as a small kitchen with limited menu
- Major Construction 2017
- Projected open Q3 2017

Project Timeline

2016

- ✓ Purchase Building
- ✓ Architectural Design
- Demolition
- Completion of Fundraising
- Selection of General Contractor

2017

- Major Construction
- Application for Micro Brewery License
- Brewhouse purchase & fabrication
- Hiring and training of staff
- Projected open Q3 2017

Potential Impact on City of Albion

- 750K to 1M investment in new business in Downtown Albion
- Strategically located as anchor on south end of Superior Street
- Creates foot traffic between downtown businesses
 - Bohm Theater
 - Courtyard by Marriott Hotel
- Opportunities for strategic partnerships with other Albion initiatives
 - Albion Food Hub
- Creating jobs
 - Potential for up to 15 full-time equivalent positions in first year
 - Additional jobs to accompany growth

Micro Brewer License in Michigan

A "Micro Brewer" license, as defined by MCL 436.1109(3), is issued by the Commission to a person located in Michigan to manufacture no more than 60,000 barrels per year and sell to licensed wholesalers, beer produced at the licensed brewery facility.

- May sell beer to manufacturers to licensed Michigan wholesalers who may resell it to licensed Michigan retailers.
- May have multiple brewing facilities. Each brewing facility located in Michigan requires a separate Micro Brewer license.
- In determining the 60,000-barrel limit for a Micro Brewer, the combined production of all brewing facilities, including those located outside Michigan shall be considered.
- A Micro Brewer that produces in total 30,000 barrels of beer or more per year may sell its beer for on-premises consumption at not more than three of the micro brewers licensed locations in Michigan.
- A Micro Brewer that has more than one licensed brewery premises may sell for on-premises consumption beer that it has produced at one licensed brewery premise at any of its other licensed brewery locations
- May offer free samples to consumers from the brewery facility.
- May sell beer to manufacturers to consumers for on-premises consumption from the brewery premises without any additional license.
- May sell beer to manufacturers to consumers for off-premises consumption (take-out) from the brewery premises with no additional license.
- May not sell beer directly to retail licensees. All distribution to retailers must be done through wholesalers unless Micro Brewer meets the definition of a "qualified micro brewer" under MCL 436.1203 (14)(j) who may self-distribute to retail accounts.
- Must enter into an exclusive territory agreement with each wholesaler.
- Must obtain a "Brewer's Notice" from the Alcohol, Tobacco, Tax & Trade Bureau (TTB).

Small Wine Makers License in Michigan

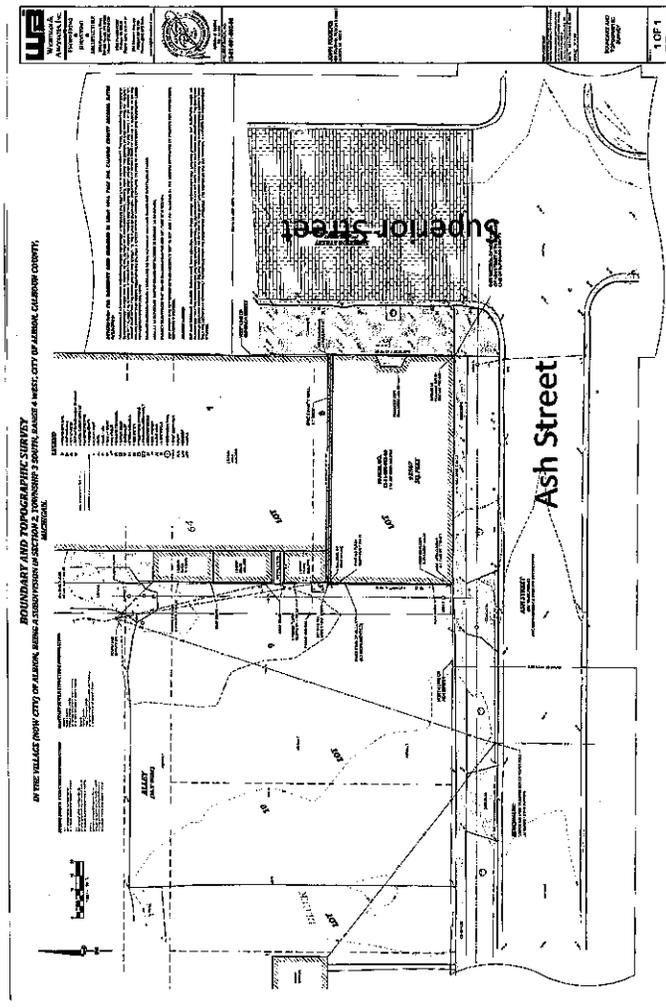
A **“Small Wine Maker”** means a Wine Maker that manufactures or bottles not more than 50,000 gallons of wine in 1 calendar year.

- MCL 436.1111(10)

A **Wine Maker/Small Wine Maker License:**

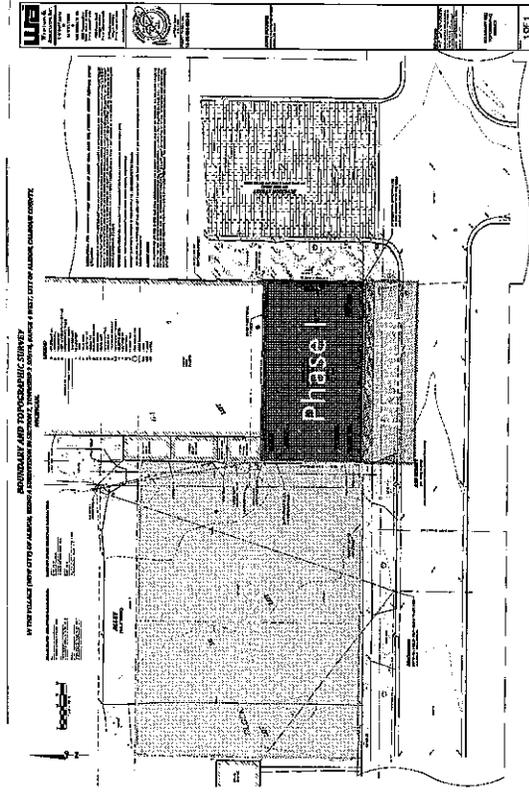
- May sell wine they manufacture to licensed Michigan wholesalers and to licensed Michigan retailers.
- May offer free or may include a charge for samples to consumers from the winery premises.
- May sell wine they manufacture directly to consumers for off-premises consumption (take-out) from the winery premises.
- May sell wine they manufacture to consumers for on-premises consumption at the winery in conjunction with a restaurant at the winery premises.
- Must obtain a “Wine Producer’s” Basic Permit from Alcohol, Tobacco Tax and Trade Bureau (“TTB”).
- \$100.00 annual license fee for Wine Maker; \$25.00 annual license fee for Small Wine Maker. License renews annually on May 1. License fee may not be prorated for part year licensure and is payable at the time of initial application.

As-is Site and Topographic Survey



Proposed Site Plan

- Phase 1
 - Building Renovation
 - Brewery & Taproom
- Phase 2
 - Move sidewalk & Curb south into Ash St.
 - Create café seating between building and sidewalk
- Phase 3
 - Combine existing lot with East Alley & strip of land to west
 - Repave & Create curbs & planting boulevard



Architects

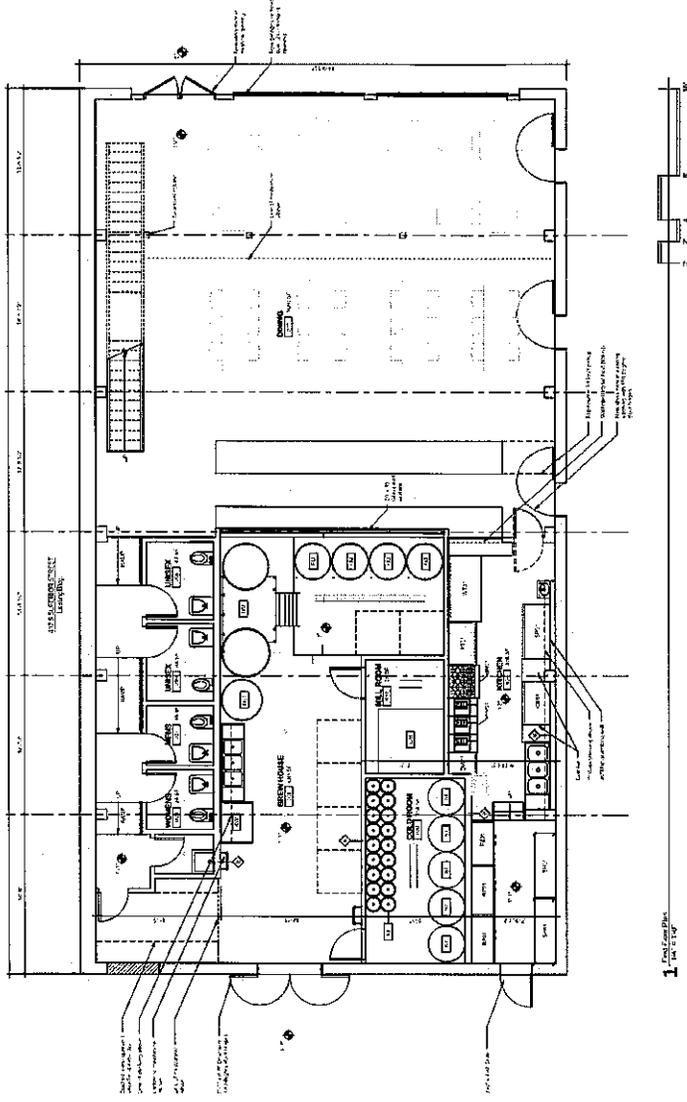
- Architects
 - Chris Talsma
 - Mark Filoramo
 - Karoline Mocarski
- 1726 NORTH ELSTON
AVENUE #226,
CHICAGO, ILLINOIS 60
642

- <http://www.filoramotalisma.com/>

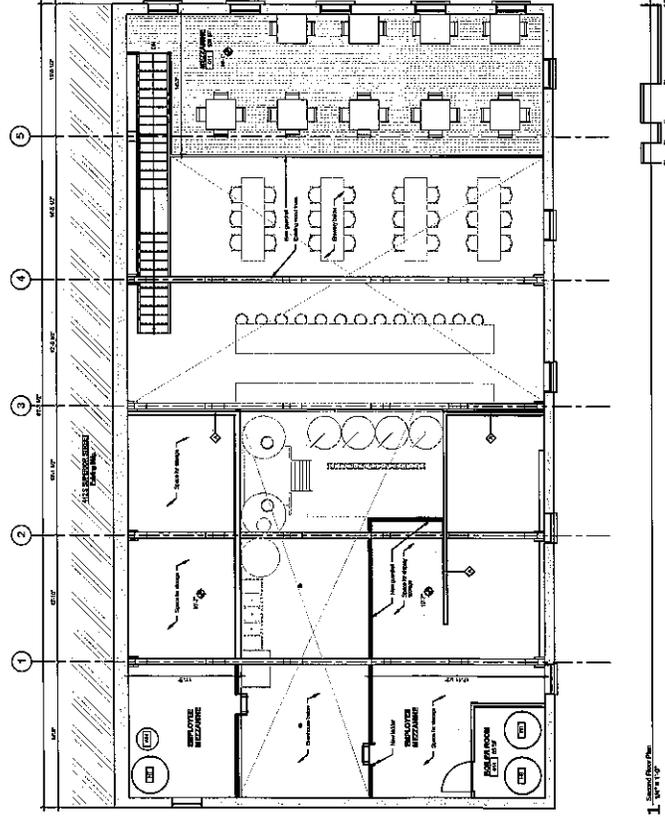
FILORAMO TALSMA
ARCHITECTURE

Preliminary First Floor Plan

- Front half provides seating for approximately 85 patrons
- Back half houses brewery, kitchen, restrooms and receiving

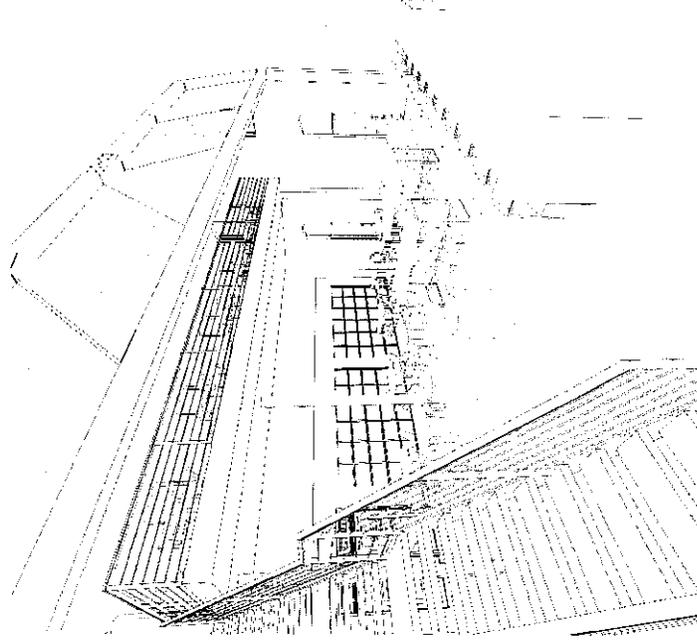
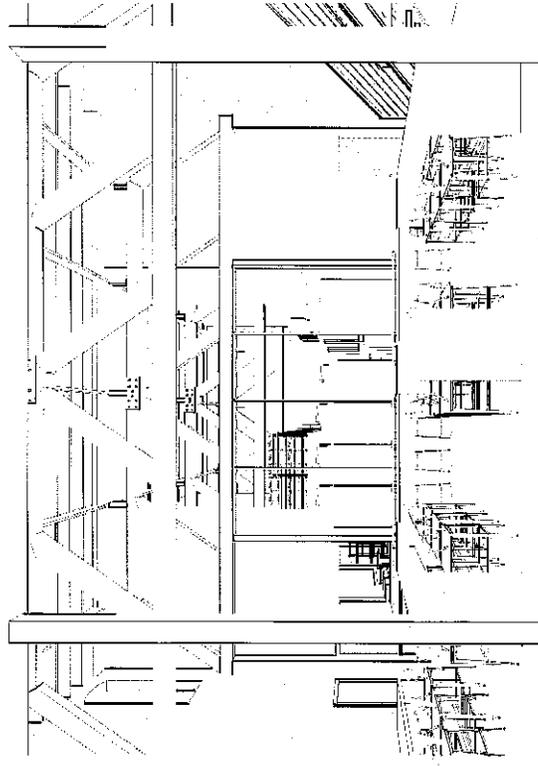


Preliminary Second Floor Plan



- Customer mezzanine overlooking taproom and brewery

Taproom Interior



FILORAMO TAL SMA
ARCHITECTURE

Mezzanine

