

Wells, Chris

From: John [REDACTED]
Sent: Sunday, April 23, 2017 6:28 PM
To: Tucker, Matthew; Wells, Chris
Cc: mnaboard; Rummel, Marsha; Hastings Cameron; Firchow, Kevin
Subject: Re: MNA letter re: Imaginary factory at 1401 Northern Court

Chris & Matt,

The MNA Board discussed this issue extensively at Thursday's meeting and decided to continue to support Hasting's application despite City staff's refusal to support the provision that the conditional uses be tied to the current applicant.

The Board has seen project "creep" as owners and operators change and is not happy at leaving it solely up to City staff to decide when a change in operations was significant enough to require a re-application for conditional uses. Conditional Use permitting is, in some cases, the only opportunity for the neighborhood to review and weigh-in on a project.

Neighborhood support for Conditional Uses for a project are based on many factors that are most fully characterized during the applicants discussions with the neighborhood. Things such as an applicant's stated willingness to work with neighbors over quality of life issues, such as smell or noise, play a large role. Those commitments by the applicant to the neighborhood are rarely incorporated in the final decision by the Plan Commission. When a business owner changes, those commitments to the neighborhood are lost. In many cases, it is only through renewed Conditional Use permitting that those understandings between the owner and the neighborhood are reestablished.

The neighborhood board wants to meet with City staff to better understand staff's reluctance to incorporate our requested limit on the tenure of Conditional Uses. We hope that we can work with City staff to come up with language that can be incorporated in future Conditional Use permits that would provide the neighborhood an opportunity for project review when the operation changes in ways that the neighborhood considers significant.

The Board felt that, at this point, we will not go-to-the-mat on this issue but want a discussion with staff and **want our request for discussion of additional limits on the tenure of Conditional Uses be acknowledged in the record of the Plan Commissions decision.** If that can be reflected in the record, without further discussion on Monday, then we agree to the project being placed on the consent agenda. Let us know.

thanks,
john

Wells, Chris

From: Rummel, Marsha
Sent: Monday, April 24, 2017 1:41 PM
To: Wells, Chris; Stouder, Heather; Hastings Cameron
Cc: [REDACTED]; Allen, Roger; MNABoard@marquette-neighborhood.org; Strange, John; Monks, Anne
Subject: PC #13 1401 Northern Court

Dear Plan Commission members-

I support the conditional use application for the Imaginary Factory. Unfortunately I won't be able to attend the Plan Commission meeting tonight as I have Finance Committee.

Regarding the application before you tonight, I held a neighborhood meeting March 8. Over a dozen people attended. I have participated in subsequent discussions with the MNA preservation and development committee, the MNA Board and the applicant. The main issues were the hours of operation for the tasting room, capacity, concerns about smells from the production process and disposal of waste. All the concerns were addressed to my satisfaction.

A couple of unresolved issues remain that may not be germane to your decision, at this time.

1. I asked staff to review the zoning code to clarify whether we should add "tasting rooms" as an accessory use to a distillery.
2. The issue of craft alcohol production is complex. The applicant must satisfy state and federal rules. State rules exempt the distillery use from local municipal liquor licensing requirements. Yet it is not always clear, from the city perspective, where on the continuum of mixing and making a product a particular application may fall. According to staff, this application may have to go to ALRC to seek a tavern license, which appears to contradict state law. We need to have a clear understanding of this issue since there is a growing trend of distilleries and wineries in the city.
3. MNA would like to have a follow up meeting with staff on the question of transferability of conditional uses. They have withdrawn their recommendation to require nontransferability of the CU. They support the application before you. Since the CU process is the way the neighborhood has to give public input on some uses, there is understandable hesitation to let the decision revert to an administrative function, if the current owners sell the business to an entity that promises to meet the exact standards of the first CU. In my opinion, when alcohol service is in the mix because of the tasting room function, it should be a policy decision to review the CU if the ownership changes.

Thanks again for your service to the city and your careful review of proposals that come before you.

Regards-

Marsha