



156 East First Street
New Richmond, WI 54017
Ph 715-246-4268 Fax 715-246-7129
www.newrichmondwi.gov

November 13, 2015

TO ALL PLAN COMMISSION MEMBERS:

Jane Hansen	Ron Volkert
Rachel Greenwold	David Wilford
Kyle Hinrichs	Fred Horne
MaryKay Rice	Sarah Skinner (ex officio)

This is to notify you that there is a Plan Commission meeting scheduled for Thursday, November 19, 2015 at 5:00 p.m. in the Council Chambers of the Civic Center, 156 East First Street, City of New Richmond, WI.

AGENDA:

- 1. Roll Call**
- 2. Adoption of Agenda**
- 3. Approval of the Minutes of the Previous Meeting, November 3, 2015**
- 4. Amendments to Ordinance Section**
 - Section 2.** Table 3.g of the Zoning Ordinance (Industrial) is to be amended to add "Breweries/Distilleries; including tap room/tasting room as an accessory use" as a permitted use within the Z7 Districts.
 - Section 3.** Table 3.g of the Zoning Ordinance (Industrial) is to be amended to add "Breweries/Distilleries; including tap room/tasting room with a moderate restaurant license or catered food service" as a conditional use within the Z7 Districts.
- 5. Action on Public Hearing Agenda**
- 6. Communications and Miscellaneous**
- 7. Adjournment**

**Fred Horne,
Mayor**

cc:

The News	Northwest Cable	City Website
Nick Vivian	Mike Demulling	Bob Meyer
Tom Rickard	Dan Licht	Jim VanderWyst
Mark Samelstad	Beth Thompson	Steve Skinner
Nancy Petersen		

A majority of the members of the New Richmond City Council may be present at the above meeting.

Pursuant to State ex rel. Badke v. Greendale Village Board, 173 Wis. 2d 553, 494 N.W. 2nd 408 (1993) such attendance may be considered a meeting of the City Council and must be noticed as such, although the Council will not take action at this meeting.

If you need a sign language interpreter or other special accommodations, please contact the City Clerk at 246-4268 or Telecommunications Device for the Deaf (TDD) at 243-0453 at least 48 hours prior to the meeting so arrangements can be made.

PLAN COMMISSION MEETING
NOVEMBER 3, 2015 - 5:00 P.M.

Members Present: Fred Horne, Jane Hansen, Rachel Greenwold, Ron Volkert, MaryKay Rice
Kyle Hinrichs, David Wilford and Sarah Skinner (ex-officio)

Others Present: Beth Thompson, Tanya Reigel, Ray Rivard and Dan Licht

Fred Horne called the meeting to order and roll call was taken.

Jane Hansen moved to adopt the agenda as presented, seconded by Rachel Greenwold and carried.

Jane Hansen moved to approve the minutes of the previous meeting on September 9, 2015, seconded by David Wilford and carried.

Public Hearing

Fred Horne declared the Public Hearing open to discuss the following:

a) Amendments to Ordinance Section:

Section 1. Amending Section 117-41.C.1 of the Subdivision Ordinance to reduce the width of required drainage and utility easements for new lots from 12 feet to 10 feet.

Dan Licht explained the amendment for drainage and utility easements. The current ordinance requires 12 feet and the previous ordinance required 10 feet. Staff recommends changing this back to 10 feet, which is standard for utility easements.

Section 2. Table 3.g of the Zoning Ordinance (Industrial) is to be amended to add "Breweries/Distilleries; including tap room/tasting room as an accessory use" as a permitted use within the Z7 Districts.

Section 3. Table 3.g of the Zoning Ordinance (Industrial) is to be amended to add "Breweries/Distilleries; including tap room/tasting room with a moderate restaurant license or catered food service" as a conditional use within the Z7 Districts.

There was considerable discussion regarding a brewery having a food license and what type of food license should be allowed. It was the consensus of the Plan Commission to have the St. Croix County representative come to the next meeting to explain the different levels of licensing and to have John Moore come and explain his future plans as well.

Section 4. Table 6.d of the Zoning Ordinance (Z3 District – Setbacks Accessory Structure) is to be amended to not include off-street parking stalls and driveways.

Section 5. Table 6 of the Zoning Ordinance (Z3 District) is to be amended to establish setback requirements specific to off-street parking stalls and driveways.

Section 6. Table 10.d of the Zoning Ordinance (Z7 District – Setbacks Accessory Structure) is to be amended to not include off-street parking stalls and driveways.

Section 7. Table 10 of the Zoning Ordinance (Z7 District) is to be amended to establish setback requirements specific to off-street parking stalls and driveways.

Existing parking requirements are more restrictive than the proposed changes. Staff recommends changing the requirement to the language as stated in the draft ordinance included in your packet.

Section 8. Table 12 of the Zoning Ordinance (Telecommunications Towers and Antennas – Height Limitations By Zoning District) is to be amended to exempt antennas mounted on municipal water towers from height restrictions.

Staff requested this change to remove the height limitation for antennas on water towers. The airport overlay district restrictions would still apply to height limits. This would remove the requirement to get a variance in order to place an antenna on a water tower over a certain height limit.

Section 9. Section 121-49.F of the Zoning Ordinance (Additional Building and Lot Regulations) is to be amended to provide greater flexibility to not require construction of sidewalks and trails on vacant existing lots of record at the time of development.

There was discussion regarding the sidewalk requirements in areas where it may not make sense to require a sidewalk. The City will be reviewing the sidewalk plan this winter. It was decided that this amendment will wait to be approved until the sidewalk plan is updated.

Section 10. Section 121-52.A.4 of the Zoning Ordinance (Parking Location Standards) is to be amended to provisions addressing off-street parking requirements within the Z6 District.

The intent in the downtown area is to encourage building from lot line to lot line; because of this flexibility is needed to count parking stalls abutting the parcel to satisfy the number required.

Section 11. Section 121-55.K.1.a of the Zoning Ordinance (Landscape Standards – alternative landscapes) is to be amended to remove references to required irrigation systems.

Language regarding irrigation requirements needs to be removed as it is not required anywhere else in the ordinance.

Fred Horne declared the Public Hearing closed. Jane Hansen moved to approve the text amendments excluding Sections 2, 3 and 9 which will be brought back to the Plan Commission at a later date, seconded by Kyle Hinrichs and carried.

Communications & Miscellaneous

Fred Horne stated that Brady's Brewhouse has closed.

MaryKay Rice moved to adjourn the meeting, seconded by Kyle Hinrichs and carried.

Meeting adjourned at 5:47 p.m.

Tanya Reigel
City Clerk



3601 Thurston Avenue N, Suite 100
Anoka, MN 55303
Phone: 763.231.5840
Facsimile: 763.427.0520
TPC@PlanningCo.com

MEMORANDUM

TO: Beth Thompson
FROM: D. Daniel Licht, AICP
DATE: 12 November 2015
RE: New Richmond – Zoning Ordinance; Breweries/Distilleries
TPC FILE: 164.01

BACKGROUND

City staff has brought forward proposed amendments of the Zoning Ordinance based on issues identified through review of recent development applications that requires action. These amendments include a text revision to make allowance for food service accessory to breweries and distilleries within the Z7 District. A public hearing to consider these amendments was held by the Plan Commission at their meeting on 3 November 2015. The Planning Commission closed the public hearing and tabled action on the proposed amendment related to breweries and distilleries in order to receive additional information.

Exhibits:

- A. Restaurant License Information/Application Form

ANALYSIS

The City approved site and building plans for Barley John's to construct a new brewery facility within the New Richmond Business and Technical Park. Breweries (and distilleries) are considered allowed processing uses within the Z7 District. At the time Barley John's site and building plans were reviewed, City staff noted the planned tap room and kitchen facilities and advised the business that restaurant uses were not allowed. The business indicated at the time that they intended to have only ready-made snacks such as nuts, meat/cheese trays or chips available. However, the business prepared to open with a much more extensive menu that required a restaurant license and was in conflict with the Zoning Ordinance.

City staff had drafted an amendment to Table 3 listing the allowed uses within each zoning district to specifically address breweries and distilleries within the Z7 District, which was reviewed at the public hearing on 3 November 2015. Under the language prepared initially by City staff, breweries or distilleries with or without a tap room or tasting room would be allowed as a permitted use within the Z7 District, whereas uses proposing to offer food service would be allowed subject to approval of a conditional use permit. The intent of the conditional use process for allowing expanded food service would allow opportunity for the Plan Commission to review the scale of the proposed food service relative to compatibility and appropriateness of the more consumer oriented use within the industrial park. The Plan Commission was concerned that this approach would potentially allow food

service to a greater extent than appropriate for the industrial park and could lead to inconsistent application of the limits to food service for individual businesses seeking a conditional use permit when considering the entire area zoned Z7 District.

The proposed amendment was tabled and City staff directed to obtain additional information regarding the licensing of restaurants and potential limitations that could be applied. City staff has talked with staff from St. Croix County Public Health, and met with representatives from Barley John's on 10 November 2015 to discuss the food service and licensure issue. St. Croix County Public Health Department provided the following information regarding the types of restaurant licenses issued by them through the Wisconsin Division of Health based on the type and complexity of food handling or annual food sales:

- **Prepackaged Food License:** Service of only prepackaged food items such as frozen pizzas or microwave sandwiches, and simple hotel continental breakfasts where the food is warmed without full kitchen facilities such as sinks and/or ventilation or minimum training requirements.
- **Full Restaurant License:** A full restaurant license requires at least one person attend a food safety class, and use the complexity of food handling to determine which of the three full restaurant license categories applies:
 - **Simple:** The preparation of food involves only opening a package of precooked products and assembling them to a sandwich, such as a facility that makes hot dogs or brats. The 9-hole golf course in New Richmond has this type of license.
 - **Moderate:** This is the largest category of license for restaurant by far most places have this type. This type of place can handle raw meats, hot hold foods, chop/dice/cook/ and process foods. This type, if they have grease producing equipment, will have a hood with fire suppression and grease interception. If the facility has large heat producing equipment, they will have a hood just for heat ventilation. Sub sandwich shops will fit into this category and they have pretty simple equipment layout without hood requirements. This license category is determined if they have one to four points on the complexity factor chart on the license application form, so there can be some variation on processing. Examples in the City of this license category are: Subway, McDonalds, Pete's Pizza, and Brady's.
 - **Complex:** Will have all the things that a moderate restaurant license has but they may also have a banquet facility, drive through, seating capacity of more than 50, and/or they may do catering. This license category will have a score of five or more points on the complexity factor chart on the license application form. Examples of a complex facility are Ready Randy's and the New Richmond 18-hole Golf course kitchen(s).

- **Retail Food License.** St. Croix County also issues a restaurant license through the Wisconsin Department of Agriculture, Trade and Consumer Protection based on the amount of annual sales for a food service for establishments such as grocery stores, gas stations, bakery, and delis. There are sub categories of licenses with this contract that are based on processing in regard to their total dollar of food sales per year as defined by state code. Examples of places in the City that have this type of license are Kwik Trip, Walmart, and Family Fresh. This type of license is not considered practical in application to an accessory use type restaurant that would be located in the Z7 District for a user such as Barley John's or 45th Parallel.

The City may utilize the license categories for a zoning based regulation of food service within the Z7 District. The City may also expand on these defined categories to suit the City's objectives and issues with allowing limited food service within the Z7 District including imposition of more stringent limits on the types of food served or equipment used under each type of restaurant license. To this end, City staff has outlined the following options:

1. Define "food service":

- a. Define food service per the license categories established by St. Croix County either as a "simple", "moderate", or "complex" food license as outlined above.

"Breweries/Distilleries; including tap room/tasting room with a moderate restaurant license as issued by St. Croix County or catered food service"

- b. Define food service using modified license categories from those established by St. Croix County. This approach would work best if it is considered that the desired level of food service falls between the existing license definitions established by St. Croix County (i.e. a "simple" license is too restrictive but a "moderate" license too broad). Proposed language to this effect is provided below:

"Breweries/Distilleries; including tap room/tasting room with kitchen facilities not including grease cooking and/or producing equipment having a moderate food license issued by St. Croix County or catered food service as an accessory use"

2. Permitted or Conditional Use:

- a. Breweries and distilleries with food service may be listed as a permitted use if the Plan Commission believes that the option chosen for defining the allowed food service is sufficient to address performance standards and compatibility issues of the use throughout the Z7 District. If established as a permitted use, a specific development would be subject only to administrative review and approval by the Development Review Committee.
- b. If the Plan Commission believes that additional oversight of a proposed brewery or distillery with food service is necessary beyond the limitations on the food service included as part of the definition of the use, then a conditional use permit process may

be required. The conditional use permit process would allow for Plan Commission review of specific development proposals for compliance with performance standards and compatibility with surrounding land uses on a case-by-case basis. The Plan Commission may impose additional limitations on the use through the conditional use permit if a finding is made that the proposed use creates potential for negative effects based on its specific circumstances and location.

RECOMMENDATION

City staff is requesting two actions from the Plan Commission. First, select an option defining the food service to be allowed as accessory to breweries and distilleries within the Z7 District. Second, select whether the defined food service accessory to a brewery or distillery within the Z7 District is to be allowed as a permitted or conditional use. City staff will prepare the formal ordinance amendment enacting the Plan Commission's recommendation for consideration by the City Council based upon its decisions on the two actions as outlined below.

POSSIBLE ACTIONS

Decision 1 – Define Food Service:

1. Motion to recommend defining food service accessory to breweries and distilleries within the Z7 District based on the **existing definition** of a moderate license as established by St. Croix County.
2. Motion to recommend defining food service accessory to breweries and distilleries within the Z7 District based on the **modified definition** of a moderate license established by St. Croix County to exclude grease cooking and/or producing equipment.

Decision 2 – Permitted or Conditional Use:

1. Motion to recommend allowing breweries and distilleries with accessory food service as a **permitted use** within the Z7 District.
2. Motion to recommend allowing breweries and distilleries with accessory food service as a **conditional use** within the Z7 District.

- c. Mike Darrow, City Administrator
Sarah Skinner, Building Inspector
Jeremiah Wendt, Public Works Director
Nick Vivian, City Attorney
Tanya Reigel, City Clerk
Laurie Diaby, St. Croix County Public Health

