

ORDINANCE 742

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR OAK CREEK INVESTMENTS LLC IN THE GENERAL BUSINESS ZONING.

WHEREAS, Mike Hatton of Oak Creek Investments LLC applied for a Conditional Use Permit to establish a combination microbrewery and a craft distillery within an existing 4,800 square foot building to include indoor and outdoor venues with 32 parking spaces at 10160 S Naches Rd. Naches, Washington, 98937, on parcel no. 171404-44424 & 171404-44425 which is zoned General Business, and;

WHEREAS, the Naches Planning Commission, at their regular meeting on September 3, 2019 held an Open Record Public Hearing to receive evidence and public comments regarding the Conditional Use Permit request, and;

WHEREAS, the Naches Planning Commission has determined that the request complies with the Naches Municipal Code Title 17, and recommended approval of the permit with conditions as described in its Findings and Recommendation signed by Chairman Silvestri on September 4, 2019; and

WHEREAS, the Naches Town Council, held a Closed Record Public Hearing on September 9, 2019 and after consideration of the Planning Commission's written findings and recommendations, approved the Conditional Use Permit for property at 10160 S Naches Rd. in Naches, Washington, with conditions;

NOW, THEREFORE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NACHES, WASHINGTON:

The Naches Town Council hereby makes the following findings and conclusions with regards to the Oak Creek Investment LLC conditional use permit request:

LAND USE FINDINGS

1. The Commission **ADOPTS** the staff findings and report as to the existing use, zoning and comprehensive land use designation of subject and adjacent property.
2. The proposal is **COMPATIBLE** with the use of adjacent land.
3. The proposal is **COMPATIBLE** with the zoning of adjacent land.
4. The proposal is **COMPATIBLE** with the land use designation contained in the Town's comprehensive land use plan.
5. The proposal is **COMPATIBLE** with the development standards in the Town's zoning ordinance.

PUBLIC OPINION

1. The owners of the adjacent lands were **NEUTRAL** in their testimony regarding the proposal.
2. The applicant and/or property owner was in **FAVOR** of the application.

PUBLIC HEALTH, SAFETY AND GENERAL WELFARE

Factual Findings: The site is served by, or can easily be provided with, municipal water and sewage facilities. An adequate transportation system, including pedestrian facilities are currently provided at the site. Adequate police and fire protection exists within the Town Limits to accommodate the project.

Conclusions: Adequate provisions for public health, safety, and welfare have been made.

PUBLIC INTEREST

Factual Findings: The Town has adopted a comprehensive land use plan which designates the property as Commercial. The primary purpose of the designation is to provide areas suitable and desirable for all types of business and commerce necessary to meet the needs and requirements of the people of Naches and surrounding areas. The proposal is located within the appropriate zoning district, meets the goals and policies of comprehensive plan and meets the public interest by providing a new business in Naches that provides job and tourism opportunities.

Conclusions: The public interest is served by this proposal.

ENVIRONMENTAL REVIEW

Factual Findings: An environmental review is not required because the project is being completed in an existing building, within existing "use areas" of the property and using an existing parking lot. No new construction is proposed.

Conclusions: Adequate provisions for environmental impacts have been made through appropriate conditions of approval placed on the project.

TOPOGRAPHY AND NATURAL FEATURES

Factual Findings: The property is generally flat with a slight slop to the southeast and is appropriate for this project. No critical areas are being affected by this proposal, although the project lies within the 100-year floodplain of the Naches River which may affect future development of the property.

Conclusions: The existing property is suitable for the proposed project as detailed in the application.

SPECIFIC FINDINGS APPLICABLE TO THE CONDITIONAL USE PERMIT

A conditional use shall only be granted if the following such findings are made:

1. The proposed use in the proposed location will not be detrimental to other uses legally existing or permitted outright in the zoning district;

Findings - The land use, is proposed within an existing vacant structure located within the commercial zoning district that formerly housed a commercial tire center and general contractor, so the site has been used for commercial purposes in the past. Properties to the north, west and northeast are currently zoned General Business (GB) and the long-term plan is for those properties to be converted to commercial use, so those properties should not be detrimentally affected by the proposal. Other legally existing uses, not within the zoning district, should not be detrimentally affected because those properties have existed next to past commercial use of the property. Those uses are mainly residential in nature and are separated from the site by a major roadway (South Naches Road) and considerable distance between the uses (west and south). The areas between the existing residential uses and proposal also are infilled with substantial landscaping and native vegetation which provides a buffer between the uses. The proposed use should be less intensive than previous uses because the facility will mainly be a production facility. The proponent intends 24/7 access to employees of the facility to perform work duties which is typical for a business in the commercial zoning district. Hours of operation for the public are not indicated in the application but the proponent indicated to staff that the hours of operations for the public should be similar to other operating businesses located in the General Business zoning district.

2. The size of the site is adequate for the proposed use;

Findings - The size of the site is adequate for the proposed use because it provides approximately 1.5 acres of area for the land use, associated outdoor activities and required parking spaces.

3. The traffic generated by the proposed use will not unduly burden the traffic circulation system in the vicinity.

Findings - The proposal will not unduly burden the traffic circulation in the vicinity because the proposal has direct access to South Naches Road which is classified and constructed to an urban arterial. The project site has two road approaches, one of which will be used for business purposes only (north approach) and one which will be used by the public to access the parking lot (south approach). The project fronts on an improved roadway with curbs, gutters, sidewalks and illumination, so existing vehicle and pedestrian traffic should co-mingle well in the urban transportation system. The nearest public intersection (South Naches Road/US Highway 12) to the site is located approximately 350 feet north of the project. The intersection is signalized and

accommodates traffic in the immediate vicinity, including traffic using the site.

4. The other characteristics of the proposed use are compatible with those of other uses in the neighborhood or vicinity;

Findings - The proponent has tried to design the facility to have the least amount of impact on adjoining properties and neighbors as possible. The public seating and gathering areas have been limited to the inside of the building and the east and west sides of the building as far north on the property as possible. The outdoor event area will be limited to the west side of the structure and in the parking lot near the western seating/gathering area for food trucks. The property is proposed to be fenced to keep the public on the property and within those seating and gathering areas. Fences will be installed as each area is developed. This site also is surrounded by undeveloped portions of adjoining properties and separated by large distances that include landscaping and native vegetation which promote compatibility between the existing uses and proposed use.

5. Adequate buffering devices such as fencing, landscaping or topographic characteristics protect adjacent properties from adverse effects of the proposed use, including adverse visual and auditory effects;

Findings - The proponent intends to place a 6-foot high black chain-link fence along the north and west property lines, as well as a similar cross fence along the south sides of the west and east seating and gathering areas. This is intended to keep patrons within those areas. Other fencing shown on the site plan is located around the parking lot and is shown as split rail. The proponent indicated to staff that fencing will occur in phases as each phase of the project is completed. Gates will be placed at the two entrances to the site to prevent trespass when the facility is closed.

6. The other uses in the vicinity of the proposed site are such as to permit the proposed use to function properly;

Findings - Other uses in the area will have little-to-no effect on this proposal. The project site has direct access to an urban arterial, so traffic impacts should be minimal within the immediate vicinity. Since the proponent is limiting seating and gathering areas to portions of the property where they have the least impact on adjoining properties, no adverse impacts are expected to occur.

7. That the proposed use complies with other requirements under this title;

Findings - The proposal is consistent with Title 17, the Town's zoning code. No variances are being requested and the proposal meets all development standards. Any change of use or occupancy will be conducted through the building permit process as the project is developed. Based on this, staff believes the proposal complies, or will comply, with all

other requirements under this title and other Town titles as well.

8. Any other similar consideration that may be appropriate to a particular case.

Findings - None

CONCLUSIONS

Based upon consideration of the above factors and the specific findings, applicable to the project and the conditional use, the proposal is **CONSISTENT** with the criteria, purpose and intent of the Town of Naches Zoning Ordinance, Conditional Use Criteria and Comprehensive Plan.

REASONS FOR APPROVAL OR DENIAL: Based on the findings of fact above, it is in the Town's interest to **APPROVE** the conditional use.

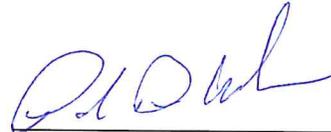
RECOMMENDATION

Consistent with the findings and conclusions, the Town of Naches Planning Commission recommends **APPROVAL** of the Conditional Use Permit proposal by Oak Creek Investments, LLC to establish a 4,800 square foot microbrewery, craft distillery and ancillary uses as described in the application subject to the following conditions of approval:

1. The project must be completed in substantial compliance with the project description and site plan submitted with the application and in compliance with the General Business zoning district.
2. Building permits must be acquired, as required by the Town, as each phase of the project is developed.
3. Fencing, as indicated in the application, must be installed at each phase prior to the opening of any outdoor seating and/or gathering space.
4. Fencing associated with the south parking lot shall be installed within 3 years of the opening of the parking lot for public use.
5. The business is permitted to operate daily and there are no restrictions on the hours of operation.
6. Outdoor events, where music or other activities which produce loud noises, must cease operation at 10pm.
7. Any sign proposed for the project must comply with the Town of Naches Sign Ordinance – Chapter 17.22.

8. All parking associated with this project must occur on site. The south parking lot must be constructed in compliance with Chapter 17.36.050, which requires parking lots to be constructed of durable surfaces maintained adequately for all weather use. Parking lot lighting, if provided, shall not shine or create glare in any residential zone or any adjacent dwelling.
9. All storm water must be retained on site. A storm water plan prepared by an engineered licensed in the State of Washington must be prepared and submitted to the Town of Naches meeting the Town's engineering standards.
10. All natural drainage ways must not be altered or impeded.
11. The business must comply with the Town's requirements for sewage/waste water discharge into the Town's Sewage Treatment Facility.
12. The project must be completed within 5 years of approval, unless extended by the Town Administrator and/or Town Mayor.

**PASSED BY THE TOWN COUNCIL OF THE TOWN OF NACHES,
WASHINGTON, this 9th day of September, 2019.**



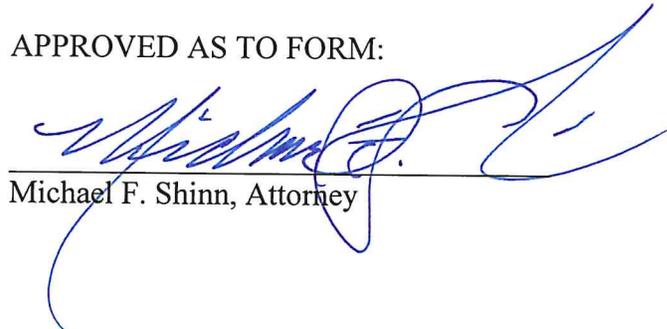
Paul Williams, Mayor

ATTEST:



Elvira Birrueta, Clerk/Treasurer

APPROVED AS TO FORM:



Michael F. Shinn, Attorney