

CITY OF NEW BALTIMORE PLANNING COMMISSION
MEETING MINUTES
TUESDAY, February 28, 2023 AT 7:30 P.M.
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Location: City of New Baltimore
36535 Green Street, New Baltimore, MI 48047

Present: Michael Wojciechowski, Chairperson
Ed Koneczny
Jack Dailey
Duane Gaedcke
Thomas Goldenbogen
Eric Haydamack
Laurie Huff
Stuart Meyer
Florence Hayman, Council Liaison
Jacob Dittrich, Council Liaison

Also Present: Tom Semaan, Mayor
Karen LaVere, Representing Cassin Planning
Bill Klaassen, Building Official

CALL TO ORDER: Chairman Wojciechowski called the meeting to order at 7:30 p.m.

ROLL CALL: Dailey, Gaedcke, Goldenbogen, Haydamack, Huff, Koneczny, Meyer and Wojciechowski were present.

PUBLIC DISCUSSION: – Micky Mellon, 36818 Main Street, asked what the Black Walnut is not in operation, what do they need to do. Girodat noted they are in the R-65 district, there are remedies that are legal. This cannot be solved at the planning commission.

APPROVAL OF MINUTES: 1/24/23

MOTION by Goldenbogen supported by Meyer to approve minutes as presented. No additional discussion.

MOTION carried.

APPROVAL OF AGENDA:

MOTION by Meyer supported by Haydamack to approve the agenda as presented. No additional discussion.

MOTION carried.

SITE PLAN ITEMS:

1. **Public Hearing, SALU #330-02-23, Dunkin Donuts, 37030 Multi-Tenant Retail Building with Drive-Thru, 37030 Green Street, Parcel # 06-09-13-281-030**

MOTION by Goldenbogen supported by Haydamack to open the public hearing at 7:36 p.m.

MOTION carried.

Chairman Wojciechowski noted we have the all the documents related to the public hearing.

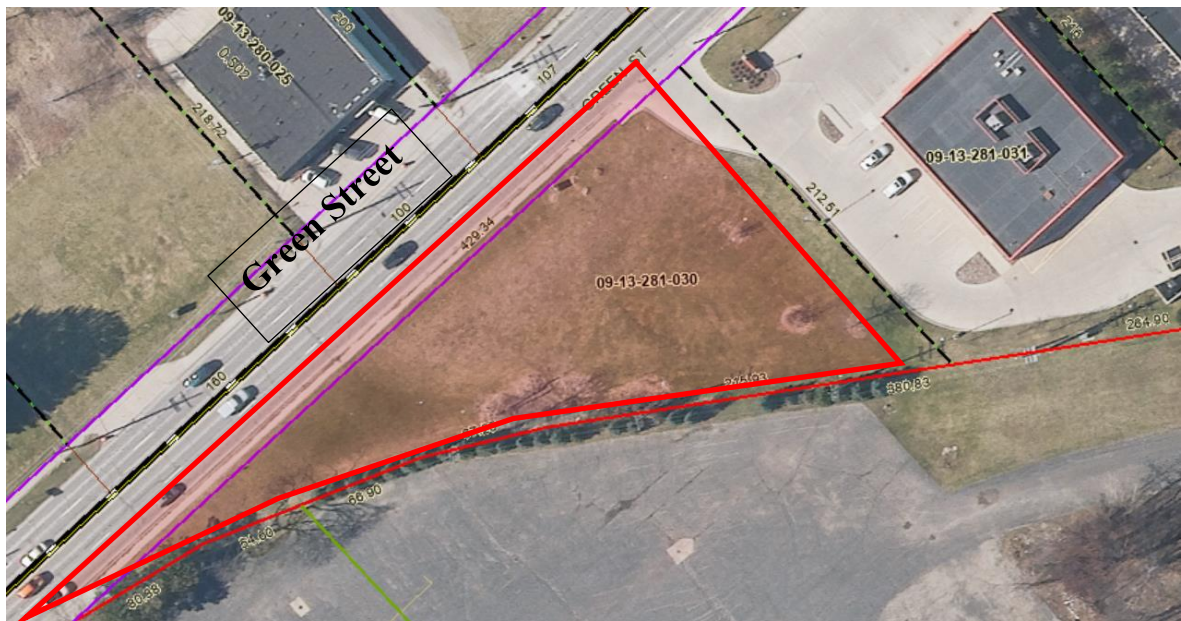
Karen LaVere, representing Cassin Planning Group provided Mr. Cassin's review and recommendation to the commission.

Special Land Use & Site Plan Review

Project Name: Dunkin Donuts Multi-Tenant Retail Building
Zoning: GC – General Commercial
Location: 37030 Green Street (southerly side of Green Street, southwest of County Line Road)
Property ID #: 09-13-281-030
Project ID #: 330-02-23
Review Date: February 19, 2023

Proposal

The subject property contains 0.85 acres of land and is currently zoned GC – General Commercial. The applicant requests site plan and special land use approval to construct a 6,329-square-foot building, which will be used for a Dunkin Donuts carryout restaurant (including drive-thru) and general retail tenant space. Access will be provided through an existing driveway that straddles a property line shared by the adjacent Family Dollar development.



Compliance with the New Baltimore Zoning Ordinance

For the site plan to be approved, it must be compliant with the relevant provisions of the New Baltimore Zoning Ordinance, which are detailed below:

Dimensional Requirements

	Required	Proposed	Compliant
Front Yard Setback (Green Street)	90' from the centerline of the road	90'	✓
Rear Yard Setback	15'	25'	✓
Side Yard Setback	15'	10' (east)	X
Maximum Height	35'	25'	✓
Maximum Impervious Surface Coverage	70%	69.7%	✓

Items to be addressed:

The plan needs to be revised to reflect the proper side yard setback.

Parking Requirements

Parking calculations for the retail portion of the building are based upon one space per 250 square feet of floor area, and parking calculations for the Dunkin Donuts carryout restaurant are based on the number of employees plus the amount of floor space devoted to customers.

Although the plan indicates that the parking requirements have **not** been met, I am unable to determine the degree of the deficiency since floor plans have not been provided.

In addition, Section 60-164 of the New Baltimore Zoning Ordinance requires a 9'6" minimum width for 90-degree angled parking spaces. The parking space widths, shown on the plan, are indicated as 9 feet.

Items to be addressed:

Floor plans need to be submitted.

The number of required parking spaces does not meet ordinance requirements.

The width of the parking spaces does not meet ordinance requirements.

Landscaping Requirements

The applicant has submitted a landscape plan (Sheet SP 3.0) that meets the requirements of Section 60-187 of the New Baltimore Zoning Ordinance.

Items to be addressed: None

Trash Container

The site plan indicates an approximate 9' x 13' trash container enclosure on the southeastern portion of the property, which will be serviced from the adjoining property. The enclosure will be gated and constructed of masonry to match the exterior of the Dunkin Donuts.

Items to be addressed:

Off-Street Loading and Unloading

Section 60-166 of the zoning ordinance requires that a minimum 10' x 50' loading and unloading area must be provided.

Items to be addressed:

No loading and unloading area has been shown. This must be indicated on the site plan, at a location that does not interfere with vehicular traffic and parking.

Sidewalks and Pathways

Section 60-63 (e) of the zoning ordinance requires a 10-foot-wide pathway along the Green Street frontage. This pathway shall consist of 8 feet of concrete and 2 feet of brick pavers.

Items to be addressed:

The required pathway needs to be indicated on the plan.

Drive-thru Facilities

Section 60-219 of the zoning ordinance specifies that drive-thru service shall be permitted only if a satisfactory traffic pattern for the drive-thru lane can be established. In this regard, it is essential that vehicles needed to exit the drive-thru lane be allowed to do so. The proposed drive-thru lane indicates a "bump-out" that lessens the width of the lane, and restricts vehicular maneuverability.

Items to be addressed:

Revise the site plan to eliminate the bump-out or widen the drive-thru lane at that location.

Lighting

The applicant has submitted lighting plan which indicates that lights will be placed on 20' tall light poles. However, the screening the lights to eliminate nuisances to surrounding properties and right-of-way has not been addressed.

Furthermore, Section 60-189 (9) of the zoning ordinance requires construction of street lighting along Green Street pursuant to city standards.

Items to be addressed:

Provide details on how all site lighting will be shielded. Installation of street lighting in compliance with city specifications.

Signage

A proposed monument sign has been indicated within the front yard setback along Green Street, but details have not been provided.

Items to be addressed:

Although not required at the time of site plan approval, all signage will require approval from the Planning Commission prior to erection.

Access Agreement

The development intends to share an existing driveway with the adjacent property. Furthermore, the adjacent property will be utilized by vehicles exiting the drive-thru, entering and exiting the three southeasterly parking spaces, and servicing the trash dumpster.

Items to be addressed:

The applicant must provide the appropriate cross-access agreements.

Special Land Use Standards

In addition to compliance with the above-referenced zoning requirements, the Planning Commission prior to granting Special Land Use approval must also find that each of the following special land use standards is met:

1. The proposed special land use will be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
2. The use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements, routes of traffic flow and parking lot circulation, proximity and relationship to intersections, adequacy of sight distances, location, and access to off-street parking and provisions for pedestrian traffic, with particular attention to minimizing pedestrian-vehicle conflicts.
3. The proposed use will be designed so that the location, size, intensity, site layout, and periods of operation of the proposed use eliminate any possible nuisance emanating therefrom which might be objectionable to the occupants of any other nearby uses.

4. The proposed use will be designed so that the proposed location and height of buildings or structures and location, nature, and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
5. The proposed use will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, the convenience of access by prospective patrons, continuity of development, and the need for particular services and facilities in specific areas of the city.
6. The proposed use has been designed to relate harmoniously with existing environmental, aesthetic, cityscape, and surrounding neighborhood amenities.
7. The proposed use is so designed, located, and proposed to be operated that public health, safety, and welfare will be protected.
8. The proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and other permitted land uses in the zoning district.

Recommendation

I **cannot** recommend approval of the site plan/special land use until each of the above-referenced deficiencies is addressed.

Steven Kolber, 828 Davis St, Evanston, Illinois, representative for the applicant stated they received the comments on Thursday and the new drawing provided shows the changes made to the site. We have noted the 15' property line setback on the East, adjusted the parking space sizes. Dunkin Donuts will be drive-thru only and will have a walk up only window. The square footage of Dunkin Donuts will be 1,413 as shown on the print, the remaining square footage will be used for retail space. The sidewalk to the East will carry the length of the parcel and we will accommodate street lights. We have the existing access agreement that was done in 2012.

Chairman Wojciechowski read all correspondence received from City Department Heads and Project Control Engineering into the record.

Haydamack noted the planners review covered all items.

Chairman Wojciechowski asked for public or commission comments. Koneczny noted the monument sign appears to encroach onto the sidewalk. Kolber noted that is not the intent, and it will be corrected. Chairman Wojciechowski noted the sign is a separate matter and will need planning commission approval.

Haydamack stated floor plans need to be submitted showing how the retail space will be separated.

Kolber noted we do not show the separation because we do not know who the tenants will be and how much space they will need. We show the gross square footage, it could be up to four tenants.

Meyer asked if you have four tenants with 1,000 sq ft each will there be enough parking at gross figures? Haydamack noted it may reduce the number of spaces required. Kolber noted the habitable space may be reduced depending on who they lease too, we will have to be cautious about who we lease to.

Chairman Wojciechowski asked Ms. LaVere if this is correct? LaVere stated that was correct.

Dailey noted if they require more parking than they have provided, they will not receive a Certificate of Occupancy.

**MOTION by Goldenbogen supported by Huff to close the public hearing at 8:01p.m.
MOTION carried.**

Dailey asked Chairman Wojciechowski what the applicant needs to bring to the next meeting. Chairman Wojciechowski stated we need new drawings with everything on them, they will be reviewed again, we also need the cross-access agreement. LaVere noted that all items need to be included on the drawings.

2. Site Plan #331-022-23, Tashmoo Distilling Company, 51043 Washington, Parcel #06-09-13-479-014

Karen LaVere, provided Mr. Cassin's review and recommendation to the board.

Site Plan Review

Applicant: Christopher Ross
Location: 51043 Washington Street
Zoning District: Central Business
Property ID: 06-09-13-439-014
Property Size: 0.2 acre
Date of Review: February 19, 2023
Action Requested: Site Plan Approval for Tashmoo Craft Distillery and Tasting Room

The applicant is seeking site plan approval to renovate and occupy a vacant building at 51043 Washington Street with a craft distillery and tasting room. The property is zoned CBD – Central Business District, which is an appropriate zoning district for the use.

General Comments:

- The applicant intends to renovate the interior of the main building for utilization as a tasting room, and to renovate the accessory building as a craft distillery.
- Exterior renovations of main building are proposed. It is unclear from the submitted application, whether exterior renovations of the accessory building are anticipated.
- The plans indicate no additional renovations/improvements to the property
- The floor plan sketch indicates the tasting room will provide 20 seats for patrons. Standing room availability will be based on occupancy determined by the fire department.

- Additional parking has not been provided. It is anticipated that the parking demand will be accommodated through on-street parking within the downtown.
- Although signage has been shown on the plans, a separate sign application (including approval from the Planning Commission) will be required.

Recommendation: I recommend approval subject to compliance with all building, engineering, fire, and Michigan Liquor Control Commission requirements.



2022 Aerial View of Subject Property



Photo of Subject Property from Washington Street.

Applicant Chris Ross, 8646 Anchor Bay Drive noted this will be a craft distillery with a tasting room in the old barber shop. We have to get recommendation and approval from the historical commission for the exterior of the building. The distillery will be in the pole building, we will be painting, adding new doors, concrete parking and fencing. The fencing is required by the Michigan Liquor Control Commission and the ATF, we have received our craft distiller's permit. We will not be doing any mashing at this location; we will bring in grain neutral spirits and barrel finish it at this site. The license allows up to 60, 000 gallons and the state license allows us to distribute 3,000 gallons per year.

Chairman Wojciechowski asked if the applicant saw the comments from Bill Bade? Ross stated he has spoken with Mr. Bade and advised we will not be discharging anything into the city sewer.

Koneczny asked about the outdoor patio area? Ross stated the outdoor area will be poured exposed aggregate, there will be no outdoor bar, customers will order inside and can take their drinks onto the patio.

Mayor Semaan noted the side lot falls within the social district. Ross stated when the State of Michigan did the investigation for the tentative approval it was noted that a 42" fence would be required along the sidewalk and at the rear of the location for outdoor consumption.

Hayman asked if they are planning on being part of the social district? Haydamack stated they will not be able to, there is no access from the sidewalk, there is not a gate.

Meyer noted there are no additional improvements shown on the site plan.

Ross noted we have not included anything else until we have been to the historical commission. We were looking for input from this board. We are hoping to move forward with some of the items on the inside until we have input for the exterior.

Chairman Wojciechowski stated we want to see everything on the plan including the streetscape, lighting, move the sign out of the sidewalk and add bathroom in the distillery.

Haydamack asked if there will be any odor from what you are doing? Ross stated this is a closed loop system the process will be from tote to tote, to bottle, there is no waste.

Chairman Wojciechowski asked if the applicant knows what volume of water they will be using? Ross stated we will only need tap water; we do not know the exact number of gallons. We will be using a chiller and reverse osmosis. That water will only be used for tempering.

Klaassen noted a bathroom is required in the distillery. Ross stated the bathroom will be located next to the office in the distillery.

Haydamack noted there is a concrete walkway past the distillery, will you be adding concrete for the loading area? Ross stated the 24-to-36-month plan is to add onto the distillery and tasting room, we have proposed gravel to avoid tearing up concrete in the future.

Haydamack read correspondence from Project Control Engineering into the record and all Department Head correspondence.

**MOTION by Haydamack supported by Goldenbogen to table until final drawings are submitted showing all required items.
MOTION carried.**

MISCELLANEOUS COMMUNICATIONS:

Election of Officers:

The Planning Commission held the Election of Officers with the following results:

Chair Wojciechowski

1st Vice-Chair Haydamack

2nd Vice-Chair Meyer

Secretary Goldenbogen

Vice Secretary Huff

Committee Assignments

The Planning Commission committee assignments stayed the same as last year.

Huff stated the DDA Election of Officers resulted in all staying the same. Country Fest is July 7th and 8th.

ADJOURNMENT:

MOTION by Haydamack supported by Meyer to adjourn at 8:48 P.M. No additional discussion by the commission. MOTION carried.