

CITY OF NEW BALTIMORE PLANNING COMMISSION
MEETING MINUTES
TUESDAY, March 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
Peter Fromm
Florence Hayman, Council Liaison
Jacob Dittrich, Council Liaison

Also Present: Tom Semaan, Mayor
Ron Trombley, Mayor's Administrative Assistive
Stephen Cassin, City Planner
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, Fromm, Wojciechowski, Hayman and Dittrich were present.

PUBLIC DISCUSSION: – None

APPROVAL OF MINUTES: 2/28/23

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

MOTION carried.

APPROVAL OF AGENDA:

Wojciechowski added miscellaneous communication of Renewable Energy Academy discussion to agenda.

MOTION by Koneczny supported by Goldenbogen to approve the agenda as amended. 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**

Cassin noted the SALU was tabled at the last meeting until all the outstanding issues were addressed. He presented his second review and recommendation.

Special Land Use & Site Plan Review – Second 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)

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Property ID #: 09-13-281-030
 Project ID #: 330-02-23
 Review Date: March 20, 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'	16' (east)	✓
Maximum Height	35'	25'	✓

Maximum Impervious Surface Coverage	70%	69.7%	
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Items to be addressed: None

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.

In addition, Section 60-164 of the New Baltimore Zoning Ordinance requires a 9'6" minimum width for 90-degree angled parking spaces.

Items to be addressed: None

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: None

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: None; a loading-unloading is proposed in the southeast corner of the property.

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: None; the site plan has been revised to comply with this requirement.

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.

Items to be addressed: None; adequate space has been provided to allow a vehicle to exit the drive-through lane.

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: None; Documentation has been provided indicating compliance with these requirements.

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: None; the cross-access agreement has been provided.

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

The revised site plan and supporting documentation complies with the requirements of the zoning ordinance. Therefore, I recommend approval of the special land use subject to the Planning Commission's concurrence that the above-referenced special land use standards are met.

Cassin noted that when the time comes the sign will need planning commission approval. The Special Land Use requires the eight standards are met.

Haydamack noted the assessor comment regarding ownership, also thanked the applicant and noted they did a nice job of addressing all we asked for.

Goldenbogen asked if trees have to be installed, the trees result in having to fix the sidewalk.

Cassin stated you can waive the requirement or require something different.

Haydamack noted a streetscape is required.

Haydamack read PCE Engineering report and noted the following items from the report need to be shown on the plan.

- The Ingress/Egress easement for shared use of the driveway with Family Dollar shall be shown on the plan.
- Each Unit shall have its own water and sewer services which shall be shown on the plan.
- Plans shall indicate how storm water will be handled and detained.
- Existing Sanitary and Sidewalk Easements shall be shown on the plan.

These items being shown on the plan will be a stipulation to the approval and can be an administrative approval.

Konecny asked if the planning commission is concerned about the drive through traffic back up on Green Street?

Haydamack noted Dunkin Donuts does not do specialty coffee, and in the last meeting they noted the average time for a car in the drive-thru is 90 seconds.

Fromm asked if there will be signage on the site to yield traffic for the handicapped spaces, will there be access for handicapped at all times?

Cassin read the standards for vote by the Planning Commission:

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.

VOTE:

YES: Gaedcke, Goldenbogen, Haydamack, Huff, Konecny, Meyer, Wojciechowski, Dailey, Fromm

NO: None

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.

VOTE:

YES: Goldenbogen, Haydamack, Huff, Konecny, Meyer, Wojciechowski, Dailey, Fromm, Gaedke

NO: None

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.

VOTE:

YES: Haydamack, Huff, Koneczny, Meyer, Wojciechowski, Dailey, Fromm, Gaedke, Goldenbogen

NO: None

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.

VOTE:

YES: Huff, Koneczny, Meyer, Wojciechowski, Dailey, Fromm, Gaedke, Goldenbogen, Haydamack

NO: None

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.

VOTE:

YES: Koneczny, Meyer, Wojciechowski, Dailey, Fromm, Gaedke, Goldenbogen, Haydamack, Huff

NO: None

6. The proposed use has been designed to relate harmoniously with existing environmental, aesthetic, cityscape, and surrounding neighborhood amenities.

VOTE:

YES: Meyer, Wojciechowski, Dailey, Fromm, Gaedke, Goldenbogen, Haydamack, Huff, Koneczny

NO: None

7. The proposed use is so designed, located, and proposed to be operated that public health, safety, and welfare will be protected.

VOTE:

YES: Wojciechowski, Dailey, Fromm, Gaedke, Goldenbogen, Haydamack, Huff, Koneczny, Meyer

NO: None

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.

VOTE:

YES: Dailey, Fromm, Gaedke, Goldenbogen, Haydamack, Huff, Koneczny, Meyer, Wojciechowski

NO: None

MOTION by Haydamack support by Goldenbogen to send SALU #330-02-23, Dunkin Donuts, Multi-Tenant Retail Building with Drive-Thru, 37030 Green Street, Parcel #06-09-13-281-030 to City Council for approval contingent on items 1,3 and 4 of PCE engineering report dated March 20, 2023 are met.

**FOR THIS MOTION: YES - Haydamack, Goldenbogen, Fromm, Gaedke, Huff, Koneczny, Meyer, Wojciechowski, Dailey,
NO - None**

MOTION Carried.

Wojciechowski stated this will be on the April 10, 2023 City Council Agenda.

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

Cassin noted the Site Plan was tabled at the last meeting so the plans could be updated to show the proposed exterior improvements. He presented his second review and recommendation.

Site Plan Review – Revised March 24, 2023

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 buildings 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.

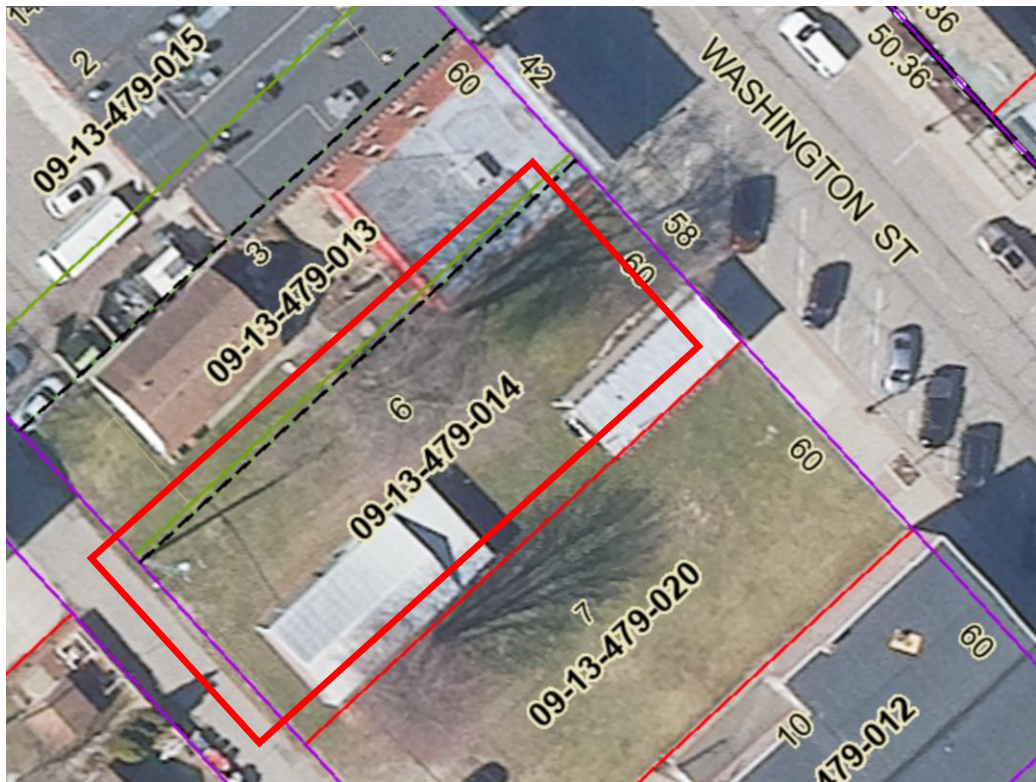
General Comments:

- 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.
- The previously site plan has been revised to add the following exterior improvements:
 - An outdoor patio (approximately 2,000 square feet) which will be enclosed with a 6’ high wood fence in the rear, and a 42” high aluminum decorative fence along Washington Street.
 - Two parking spaces (including one which is ADA compliant) which will be accessed from the alley through a proposed gravel drive. **I recommend that the parking access lane be paved with concrete similar to the loading/unloading area and the dumpster area.**
 - A concrete loading and unloading area, accessed from the rear alley.
 - A screened trash dumpster, accessed from the rear alley.
 - A concrete walkway from the alley to the proposed tasting room.
- 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.
- The building elevation drawings indicate shielded exterior lighting attached to the main building.

- The only parking provided on the site are the two previously mentioned (alley accessed) spaces. 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:

Based upon the above, I recommend approval of the site plan subject to compliance with all building, engineering, fire, and Michigan Liquor Control Commission requirements, and the parking access drive from the alley be paved with concrete instead of utilizing gravel as proposed.



2022 Aerial View of Subject Property



Photo of Subject Property from Washington Street.

Haydamack thank the applicant and noted they did a nice job of addressing all we asked for. The assessor commented on the legal property owner, that will need to be addressed.

Wojciechowski noted we received a comment regarding the sanitary sewer system.

Haydamack stated that is the same comment that was received with the first review.

Chris Ross, 8646 Anchor Bay Drive, Clinton Township, MI noted the patio area will be exposed aggregate.

Dittrich asked about the gravel driveway.

Ross noted that we have proposed two phases and the gravel will eventually all be concrete.

Haydamack asked if the planning commission should consider a time restriction for the second phase? A time restriction could force them into the second phase, if they are not ready.

Ross stated they can leave all the grass.

Haydamack noted we have ordinances about no gravel parking.

Fromm noted the gravel is just behind the handicap parking and asked if there is anyway to move the gravel area back so handicapped customers do not have to be in the gravel?

Fromm also noted there will be no gate in the front?

Ross stated the Michigan Liquor Control Commission requires a gate in the front.

Mayor Semaan noted it may be your advantage if you apply to be in the social district.

Fromm asked if there will be any type of odor or gas that will anyone may pick up or notice? Will the floor of the building being able to handle the weight of the products?

Ross stated many have heard about odor from distilling but that is in the larger facilities in the South.

Fromm asked about an eye wash station and also if back flow preventers would be installed so nothing can get back into the water system?

Ross noted there will be an eye wash station and back flow preventers will be installed.

MOTION by Haydamack supported by Huff to approve Site Plan #331-02-23, Tashmoo Distilling Company, 51043 Washington, Parcel #06-09-13-479-014 contingent on compliance with all building, engineering, fire, and Michigan Liquor Control Commission requirements.

FOR THIS MOTION: YES - Haydamack, Huff, Koneczny, Meyer, Wojciechowski, Dailey, Fromm, Gaedcke, Goldenbogen

NO - None

MOTION carried.

Haydamack advised the applicant you will need to return to the planning commission for signs.

Wojciechowski advised the applicant the project is approved, noted they will still need to go to the Historic District Commission.

Ross stated they have been to the Historic District Commission; the commission found the building was a non-contributing structure and they had no objections.

MISCELLANEOUS COMMUNICATIONS:

Renewable Energy Academy

Dailey commented this looks interesting and he would like to attend if the city could do it here.

Mayor and board discussed dates and times.

MOTION by Goldenbogen supported by Dailey to schedule Renewable Energy Academy on April 13, 2023 @ 3:30 p.m. at City Hall

MOTION carried.

Committee reports

Huff stated the DDA has applied for a placemaking grant, they want to look at a bandshell in the Walter and Mary Burke Park. On August 1, 2023 the Anchor Bay Jazz Orchestra will be performing, details will follow. The Country Festival is moving forward. The DDA recently held their election of officers and all stayed the same.

Mayor Semaan stated the Michigan Department of Natural Resources Waterways Grant Application for the Walter and Mary Burk Boat Slip Extension and Pier Extension project final draft will be completed tomorrow morning and will be submitted by the end of the week.

Mayor Semaan noted the Roads& Bridges/Public Utilities Committee will hold a meeting in April to discuss the Capital Improvement Plan (CIP), after the meeting a meeting with all department heads will be scheduled at a later date. Recommend asking new Planning Commission member Peter Fromm to be a part of these meetings.

Chairman Wojciechowski stated plans have been provided for the planning commission to review of the Downtown Parking Improvements.

The board discussed many items, including green spaces, what areas make sense for parking, parking blocks, sidewalks, identifying sectors where it would make sense to add parking,

Chairman Wojciechowski asked if the planning commission wants to form a work study group for parking. If so what date.

Mayor Semaan and the board agreed to hold a workshop meeting on Thursday April 13, 23 at 6:30 p.m. following the Renewable Energy Academy.

ADJOURNMENT:

MOTION by Goldenbogen supported by Huff to adjourn at 8:24 P.M. No additional discussion by the commission. MOTION carried.

Lisa Hall, Recording Secretary