

September 1, 2021 with the following six (6) findings and subject to the following three (3) conditions:

**Findings**

- A. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City Ordinances, standards, and requirements, can be met subject to the conditions noted below.
- B. Planning Commission modification to allow parking to be located between the building and the street.
- C. Planning Commission modification to allow a lesser percentage of primary materials.
- D. The proposed project will be accessed from Adams and South Boulevard., thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.
- E. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
- F. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.

**Conditions**

- 1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.
- 2. Provide a landscape bond in the amount of \$2,003,496, plus inspection fees, as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.
- 3. The plans must be revised to include a "right-in/right-out" entrance/exit onto Adams Rd. as approved by City staff.

## **NEW BUSINESS**

**2021-0384** Public Hearing and request for Conditional Use Recommendation - City File No. 21-023 - to allow sales for on premises alcoholic consumption in conjunction with distilling of spirits at Bitter Tom's Manufacturing, 2937 Waterview Dr., between Auburn Road and Adams Road, west of Leach Road, zoned REC-W, Regional Employment Center - Workplace, Parcel No. 15-30-377-011, Tom Bosley, Bitter Tom's Manufacturing, LLC, Applicant

*Chairperson Brnabic introduced the conditional use request for on-premises alcohol associated with the distilling of spirits at Bitter Tom's Manufacturing, 2937 Waterview Dr., between Auburn Rd. and Adams Rd., west of Lead Rd., zoned REC-W Regional Employment Center Workplace.*

*(Staff Report dated September 16, 2021 and site plans had been placed on file and by reference became a part of the record thereof).*

*Applicant - Tom Bosley - 139 Glendale Ct, Rochester, Michigan was in attendance.*

*Ms. Kapelanski explained the application for a tasting room as an accessory use to the primary use of distilling spirits at 2937 Waterview. Alcohol beverage sales for consumption on the premises is a conditional use in the REC zone districts. No exterior site changes are proposed and the hours of operation for the tasting room will be 9:00 a.m. to 6:00 p.m. Monday through Saturday. She noted the Planning Commission should consider the conditions noted in Section 138-2.302 of the zoning ordinance in determining whether or not to recommend approval of the conditional use permit to the City Council.*

*Ms. Kapelanski noted several public comment emails were received from Richard Osterhout, in which he asked whether there were any existing building code violations, about fire suppression and fire operations on the site. She noted that staff can certainly follow up about these concerns with the Building and Fire departments but they are not relevant to the conditional use request.*

*Mr. Bosley noted their primary operations onsite is the manufacturing of spirits, their secondary use would be the tasting operation, which would allow them to provide tours of their facility and to sell bottled spirits during the tour.*

*Chairperson Brnabic asked how many people could they accommodate on each tour, and how many tours would there be per day.*

*Mr. Bosley said it would be a maximum of 10 people per tour. He explained that he listed the hours of their manufacturing for the application, however the hours for the tasting would be only the weekends.*

*Chairperson Brnabic asked if Mr. Bosley would like to include those hours as part of the approval for this plan, for tours only on Friday and Saturday.*

*Mr. Bosley said based on the tours that they provide at other locations he can't see anything taking place on other days, since this would be a secondary use. He said in the metro area most of the tastings take place during the day on Friday or Saturday, aside from maybe a special event on a Friday or Saturday evening for example. He noted that the way the state law is written, it doesn't allow them to sell their spirits directly, they have to sell through distribution. So this would be an all-encompassing operation for them to allow them to have tasting and to sell some spirits also, rather than only selling through distribution.*

*Chairperson Brnabic noted the request is modified to request weekends only, plus a note about special events.*

*Mr. Hooper asked the applicant to point out the meeting area for the tour on the site plan.*

*Mr. Bosley explained the hashed portion of the building shown on the site plan is the area they will be licensed with the MLCC to serve alcohol, and the front portion of the building is office space. He said that a portion of the building is occupied by the owner, and they area a tenant. The building's main*

*manufacturing area is open space. He identified the location for parking and noted that there is a service door access for employees at the rear of the building.*

*Mr. Hooper noted it is a manufacturing facility with a side request to sell alcohol and have tours. He wished the sketch was better, and noted it's difficult to see what is there.*

*Mr. Bosley remarked that he also has a restaurant in Lake Orion, have to go through distribution however they are allowed to conduct some direct sales with some of the Governor's new rules. He explained that then he checked the box for the MLCC, after he got the manufacturing facility up and running, it was a last minute thing to get this application turned in.*

*Mr. Struzik asked Ms. Kapelanski what kind of remedies the City would have in the future if this turned out to be more of a tasting room. He noted that he had biked through the area and it would not be a great location for a bar.*

*Ms. Kapelanski explained that a tasting room would be accessory - if it would turn into 6- percent coming to a bar - would be nonconforming use would issue a code violation, court, etc.*

*Mr. Bosley commented that this would not turn into a restaurant or a bar, and also noted he has a shortage of staff.*

*Mr. Dettloff said that this request reminds him of how Valentine's started in Ferndale, and that business has been very successful. He asked the applicant how much seating there would be.*

*Mr. Bosley responded that there would be space for 10 to 12 people. He stated that people would not want to stay for a long time. He noted that this is secondary to their restaurant for the manufacturing of spirits.*

*Mr. Dettloff asked what types of spirits they would be serving, and whether they would be serving any food. He asked whether the applicant had yet applied with the MLCC, and remarked that this is a cool idea but the sketch needs to be more refined.*

*Mr. Bosley replied that like at his Bitter Tom's distillery in Lake Orion they would be serving bourbon, whiskey, and some rum and vodka. He stated that they would not be doing any cooking, and they would serve something like pretzels.*

*Mr. Dettloff asked if they are distilling at all presently.*

*Mr. Bosley replied that they do not sell the product in Lake Orion now.*

*Chairperson Brnabic Opened the Public Hearing.*

*Ms. Kapelanski summarized an email received from Richard Osterhout not in favor of granting the Conditional Use.*

*Seeing no further public comment, Chairperson Brnabic Closed the Public Hearing.*

*Mr. Kaltsounis questioned whether this can be called bourbon if it's not made in Kentucky. He explained that he used to work down the street from the Wood Reserve, and he used to work on Waterview Dr. He suggested revising the conditions for approval of this request, to include approval for the public hours of operation from 9:00 a.m. - 6:00 p.m. Friday and Saturday including special events, and for the applicant to provide a revised sketch before the City Council meeting.*

*Mr. Bosley said that the government changed the rule about calling these spirits bourbon instead of whiskey.*

*Mr. Kaltsounis noted that he would like to revise the second condition in the packet, for the hours of operation within the tasting room, to be 9:00 a.m. to 6:00 p.m. on Friday and Saturday, including special events. He asked the applicant if he agrees with these conditions. He noted he will add an extra condition that the applicant submit an updated and revised sketch to staff prior to the City Council meeting.*

**A motion was made by Kaltsounis, seconded by Dettloff, that this matter be Recommended for Approval to the City Council Regular Meeting,. The motion carried by the following vote:**

**Aye** 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Bowyer, Weaver, Neubauer and Struzik

**Excused** 1 - Gaber

**Resolved**, in the matter of City File No. 21-023 (Bitter Tom's Manufacturing, LLC), the Planning Commission recommends to City Council Approval of the Conditional Use to allow sales for on premises alcoholic beverage consumption, based on documents dated received by the Planning Department on August 3, 2021 with the following findings.

**Findings**

- A. The proposed use will promote the intent and purpose of the Zoning Ordinance.
- B. The building has been designed and is proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.
- C. The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs.
- D. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.
- E. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.

F. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

**Conditions**

1. City Council approval of the Conditional Use.
2. Public hours of operation for the tasting room will be between 9:00 a.m. - 6:00 p.m. Friday and Saturday, including special events.
3. The applicant must submit a revised and updated sketch to City staff for inclusion in the City Council packet, to address Planning Commission comments.

**2021-0385**

Public Hearing and request for Conditional Use Recommendation - City File No. 21-007 - to allow a restaurant with a drive-thru, as a part of a two-story mixed use building consisting of first floor commercial/retail space and office space on the second floor, for Rochester Avon Partners LLC, located at 945 and 975 S. Rochester Road, northeast corner of Rochester Rd. and Avon Rd., zoned B-2 General Business District and B-5 Automotive Service Business District with an FB-3 Flexible Business Overlay, Parcel Nos. 15-14-351-011 and 15-14-351-012, Doriad Markus, Rochester Avon Partners LLC, Applicant

*Chairperson Brnabic introduced the request to allow a restaurant with a drive-through as part of a two story mixed use building, consisting of first floor commercial and retail space and office space on the second floor for Rochester Avon Partners LLC, at 945 and 975 S. Rochester Rd., at the northeast corner of Rochester and Avon Rd. The property is zoned B-2 General Business District, B-5 Automotive Service Business District, and with an FB-3 Flexible Business Overlay.*

*(Staff report dated September 16, 2021, site plans and elevations had been placed on file and by reference became a part of the record thereof).*

*Present for the applicant were Doraid Markus, Rochester Avon Partners; Rachel Smith with PEA Group, and Brian Burnham with Rogvoy Architects.*

*Ms. Kapelanski reviewed the request for a 27,000 sq. ft. two story mixed use building for the northeast corner of Rochester and Avon Rds. The current zoning designations are B-2, B-5 with the FB-3 overlay, and the applicant is developing under the FB-3 overlay, which permits the retail and office uses and require a conditional use approval for the proposed drive thru. She noted the applicant is requesting several modifications to the ordinance requirements including a greater front yard setback, and to allow façade transparency of less than 70% for the east and south facades. The plans presented show that the tree replacement requirements have been met.*

*Mr. Markus explained that the project site includes an existing Citgo gas station and a parcel that was obtained from Comerica Bank. They will be demolishing two structures, getting rid of the 1950s gas station and the old office building. The new building will be two stories, with retail on the bottom and offices on the top floor. There will be an entrance at the rear of the building for the offices. Parking in front of the building would be saved for the retail tenants. Mr. Markus said that they would keep access to the site from Avon Rd. but other driveways*