

## UNFINISHED BUSINESS

**2022-0424** Request for Conditional Use Recommendation - File No. PCU2022-0007 - to allow alcoholic beverage sales for on-premises consumption for Modern Craft Winery to take place within A/R Workshop, 882 S. Rochester Rd., zoned B-2 General Business District with an FB Flexible Business Overlay, Parcel No. 15-15-476-026, Thomas Nixon, Modern Craft Winery LLC, Applicant

*Request for Conditional Use Recommendation - File No. PCU2022-0007 - to allow alcoholic beverage sales for on-premises consumption for Modern Craft Winery to take place within A/R Workshop, 882 S. Rochester Rd., zoned B-2 General Business District with an FB Flex Business Overlay, Parcel No. 15-15-476-026, Thomas Nixon, Modern Craft Winery LLC, Applicant.*

*(Staff Report dated 4/18/23, Staff Report dated 12/13/22, Applicant request to postpone dated 12/05/22, Staff Report dated 11/15/22, Applicant's letter, Floor plan, Survey & lease agreement, PC Regular Minutes dated 12/13/22 and 11/15/22, and Public hearing notices dated 04/18/23 and 11/15/22 had been placed on file and by reference became a part of the record thereof.)*

*Chairperson Brnabic introduced this item for the Conditional Use Recommendation for alcohol sales for on-premises consumption for Modern Craft Winery within A/R Workshop, 882 S. Rochester Rd., zoned B-2 General Business District with an FB Flex business overlay. She invited the applicants up to the presenter's table.*

*Mr. McLeod presented the Staff Report, noting that this request for sales and consumption of alcoholic beverages has been on agenda two different times. He reviewed the overall zoning pattern of surrounding properties, which are generally B-2 General Business District with the FB overlay, and with Industrial zoning to the west but he noted that property is Lifetime Fitness. He explained this is a bit of a unique request because the alcohol sales and consumption would be in conjunction with the existing business, AR Workshop. He noted they will provide tastings and retail sales. He said under the state regulations this is not a Class C liquor license but it is a wine tasting license which allows for these offsite distributing sites and locations. He reviewed the surrounding properties and noted they are all nonresidential in nature. He reviewed the conditional use review criteria and said that he would be able to answer any of the commissioners' questions.*

*Chairperson asked Mr. Nixon for his presentation.*

*Mr. Nixon said that he is the owner of Modern Craft Winery and thanked the commissioners for their patience with regard to this case. He introduced Jen Amin and Kimberly Berlin as the owners of AR Workshop. He explained that Modern Craft has been in business for 12 years and they were one of the first businesses in the state to explore this type of relationship. He noted that their wine is manufactured in Au Gres, MI. He said that they have a strong track*

*record of maintaining their relationships; the workshop provides the activity and Modern Craft provides the wine.*

*Ms. Amin said that they have offered workshops for people to build small wood projects and crafts for six years, and wine enhances the experience. She said they worked with Fieldstone Winery in the past and they are excited to now work with Modern Craft Winery.*

*Chairperson Brnabic opened the Public Hearing at 7:11 p.m., and noted that one was also held in November but this meeting was re-noticed since time has gone by. Having received no speakers' cards she closed the Public Hearing. She asked the commissioners for any comments.*

*Dr. Bowyer asked if patrons can bring their own wine currently and asked the applicant if he brought any samples. She noted that it looks like a perfect fit and partnership and said that she supports the request.*

*Mr. Dettloff asked whether the wine would be made on the premises. He asked if the space can be rented for functions and how the state LCC monitors operations. He thanked the applicant for choosing Rochester Hills and wished him good luck.*

*Mr. Nixon responded that the wine is made in Au Gres but their license allows them to distribute from their warehouse and then do tastings. With regard to the LCC, he said that their first step is to get approval from the city and then they go to the state. Then if they get a license it is on the state's radar to monitor, and they also work with the local police department. He said there would be an inspection yearly just like for a bar or a grocery store.*

*Ms. Denstaedt asked if there will be opportunities for tastings aside from while people are doing the projects.*

*Mr. Nixon responded that there would be.*

*Mr. Hooper asked who serves the wine.*

*Mr. Nixon responded that they have a participation agreement which allows them to have a third party to manage serving the wine under their license. He said that allows them to share profits, and they do quarterly audits of compliance according to their codes and the local codes. He explained that the license is in their name and Modern Craft is responsible for any citations, although for any fines it depends.*

*Mr. Dettloff asked if this is a new license and asked how long that will take.*

*Mr. Nixon responded that it may take up to 6-9 months but hoped it would be faster than that.*

*Mr. Hooper moved the motion in the packet to recommend approval for the*

*conditional use request.*

*After the voice vote for the conditional use request, Chairperson Brnabic announced that the motion had passed unanimously.*

**A motion was made by Hooper, 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 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Struzik and Weaver

**Excused** 1 - Neubauer

**Resolved**, in the matter of File No. PCU2022-0007 (Modern Craft Winery in conjunction with A/R Workshop), the Planning Commission recommends to City Council Approval of the Conditional Use to allow sales for on premises alcoholic beverage consumption associated with and ancillary to a crafting use, based on documents received by the Planning Department on September 29, 2022 with the following findings:

**Findings**

1. The proposed use will promote the intent and purpose of the Zoning Ordinance.
2. The use within the larger shopping center is proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate 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.
3. The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs and a unique experience for residents.
4. The proposed use 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.
5. The proposed use should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare as the surrounding existing and proposed land uses are all of a commercial and industrial nature.
6. 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.