



Department of Planning and Economic Development

Staff Report to the Planning Commission

April 18, 2023

Modern Craft Winery within A/R Workshop Conditional Use

REQUEST	Conditional Use Recommendation
APPLICANT	Mr. Thomas Nixon Modern Craft Winery, LLC 108 S. Mackinac Road Au Gres, MI 48703
LOCATION	882 S. Rochester Road, west side of Rochester Road, north of Avon Road
FILE NO.	PCU2022-0007
PARCEL NO.	15-15-476-026
ZONING	B-2 General Business District with an FB Flexible Business Overlay
STAFF	Sara Roediger, Planning and Economic Development Director Chris McLeod, AICP, Planning Manager

Summary

In the fall of 2022, the applicant filed for a Conditional Use Permit to allow for alcoholic beverage sales for onsite liquor consumption at the proposed new location for Modern Craft Winery in the form of a wine tasting room within the existing tenant space at A/R Workshop.

Due to personal matters, the applicant was not able to attend the November 15, 2022 Planning Commission meeting. Then at the December 13, 2022 Planning Commission meeting, the applicant again requested the item be postponed due to potential issues obtaining a license through the Michigan Liquor Control Commission (MLCC). The applicant has now come back after resolving the issues with the MLCC and is again requesting conditional use approval for alcohol sales and consumption.

As noted, the applicant has filed for a Conditional Use Permit to allow for alcoholic beverage sales for onsite liquor consumption at the proposed new location for Modern Craft Winery, north of Avon Road, on the west side of Rochester Road in the South Hill Plaza. The proposed location will be a part of, and accessory too, the current A/R Workshop already located within the plaza. Based on the Modern Craft website, Modern Craft currently has 6 other tasting rooms within the state, the closest likely being in Wyandotte.

Alcoholic beverage sales for on premises consumption, accessory to a permitted use, requires a Conditional Use permit in the B-2 General Business District, after the Planning Commission makes a recommendation and City Council approval. The applicant is not requesting a quota license but rather will be pursuing a Michigan Wine Tasting room license as an extension to Modern Craft Winery, LLC's Small Winemaker license. This license allows Modern Craft to distribute products to a licensed Modern Craft Winery, LLC's offsite premise (proposed location) for the purposes of tastings and retail sales of alcohol that is manufactured at their production facility in Au Gres, MI.

The applicant has indicated that the hours of operation would correspond with the hours of the existing AR Workshop. The hours posted online for the Workshop vary depending on the day. Hours for the Workshop do not appear to extend past 9:00 p.m. at night or before 9:00 a.m. in the morning. Based

on the site’s location, the hours of operation should not be impactful to any neighboring properties.

Based on the application information provided, the applicant intends to employ up to two people. There will not be a designated “seating capacity” specific to the Modern Craft use, but rather the existing A/R Workshop patrons that are taking classes can taste and purchase wine as a part of their experience.

	Zoning	Existing Land Use	Future Land Use
Site	B-2 General Business District with an FB Flexible Business Overlay	Existing shopping center, Fit Body Boot Camp, Weight Watchers, Soccer World	Commercial Residential Flex 2
North	B-2 General Business District with an FB Flexible Business Overlay	McDonalds	Commercial Residential Flex 2
South	B-2 General Business District with an FB Flexible Business Overlay and I Industrial	Tim Hortons	Commercial Residential Flex 2 and Residential Office Flex
East	B-3 Shopping Center Business District with an FB Flexible Business Overlay (across Rochester Road)	Serra Buick / GMC of Rochester Hills (across Rochester Road)	Commercial Residential Flex 3 (across Rochester Road)
West	I Industrial	Lifetime Fitness	Residential Office Flex

General Requirements for Conditional Uses

Per *Section 138-2.302* of the Zoning Ordinance, there are five (5) areas of consideration for the Planning Commission for the discretionary decision of a conditional use. Each of the criterion are listed below in italics, followed by staff comments on the proposed conditional use’s compliance with each.

- 1. Will promote the intent and purpose of (the Ordinance).* The B-2 General Business District does support and promote this type of use.
- 2. Will be designed, constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use and the community as a whole.* The tenant space is currently occupied with a crafting use where patrons congregate and the sale and consumption of alcohol at this location can be seen as an ancillary use to the existing crafting use. In addition, the shopping center already has a restaurant use that also serves alcoholic beverages. Finally, with the limited hours and scale of the operation and surrounding land uses all being nonresidential in nature, it appears the proposed use is consistent with the surrounding uses in the shopping center and abutting sites.
- 3. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.* The space has been served adequately by all City services as the overall center has been in existence for some time. Any demands placed on the public infrastructure are already accounted for by the previous use.
- 4. Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.* There will be no detrimental, hazardous or disturbing

activity to the existing or future neighboring uses, persons, property or to the public welfare given the nonresidential nature of the immediate surrounding land uses and their intensity of operation as compared to the limited intensity and hours of the scope of the proposed business.

5. *Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.* There will be no additional requirements at a public cost for public facilities and services that would be detrimental to the economic welfare of the community.

The conditional use was noticed for a public hearing, and staff has not received any comments or concerns.

Summary

As part of the review for this project, the plans and supplemental documentation have been reviewed by staff. If the Planning Commission agrees that allowing alcoholic beverage sales for on premises consumption will be harmonious and compatible with the surroundings, below is a motion for consideration:

Motion to Recommend Approval of a Conditional Use

MOTION by _____, seconded by _____, 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.
-