

Village of Bellaire

PLANNING COMMISSION

Commissioners: Dan Bennett, Butch Dewey, Bill Drollinger, Fred Harris, and Don Seman

PLANNING COMMISSION MEETING MINUTES

March 14, 2018

5:00 p.m.

1. **Call to Order:** Chairman Drollinger called the meeting to order at 5:00 p.m.
2. **Roll Call Attendance:**
 - Present:** Dan Bennett, Butch Dewey, Fred Harris and Bill Drollinger
 - Absent:** Don Seman
 - Staff Present:** Lori Luckett, Zoning Administrator
 - Also Present:** John Sych, Networks Northwest and Chad Munger, Mammoth Distillery
3. **Public Comments:** None presented.
4. **Approval of Minutes:** The minutes of the February 6, 2018 meeting were approved.
 - Motion by Commissioner Harris, seconded by Commissioner Bennett, to approve the minutes of the February 6, 2018 meeting as written. Motion carried by unanimous voice vote.**
5. **Unfinished Business:**
 - a) **Five Year Master Plan – Notice of Intent to Plan:** John Sych, Community Planner, Networks Northwest addressed the planning commission. He explained that the Notice of Intent to Plan included in the packet was required by the Planning Enabling Act in Michigan to provide notice to surrounding communities and entities. The notice also states that the draft plan will be provided to them for review, comment, and to provide feedback. Mr. Sych explained that the village council had approved the creation of a Master Plan Committee that would open up the planning process beyond members of the planning commission to engage other people. This committee is a working committee that will gather public input and information that will assist in the development of a survey and draft master plan. The planning commission will hold a public hearing and recommend a plan that will ultimately go to the village council for approval. There was discussion whether the review process was required by law. Mr. Sych explained that master plans must be reviewed every five years. He noted that a lot of things have happened since 2008, this was a probably a good time to get feedback on a plan for the next 10 to 20 years going forward. Commissioner Dewey stated that he had worked on the two previous master plans. He expressed his appreciation to have a professional planner helping develop a master plan. Mr. Sych provided a synopsis of his planning credentials noting that he has been a professional planner for 28 years. Prior to his current position, he was the Planning Director for Grand Traverse County. This process is intended to get the community's vision of where it wants to go in the future.
6. **New Business:**
 - a) **Site Plan Review – Mammoth Distillery:** Chairman Drollinger noted the members each had a packet. Chairman Drollinger requested that the applicant information in the staff report be incorporated into the minutes by reference. *Applicant: Mammoth Distilling LLC; Current Property Owner: John Boutselis and Jennifer Boutselis, 7050 Busey Rd., Canal Winchester, OH 43110; Property Owner after closing: Paws North Properties, 2070 S. East Torch Lake Dr., Bellaire, MI 49615 ; Applicant's Address: 2070 S. East Torch Lake Dr., Bellaire, MI 49615*

Chad Munger from Mammoth Distillery was given an opportunity to address the planning commission. Mr. Munger explained that he was applying to make sure that he could get the federal and state permitting needed for this site. It would be the third location for a tasting room. Currently there are locations in downtown Central Lake

and Traverse City. This would be an extension of the federal distillery permit from the official address at NE Torch Lake Drive, Central Lake Township into Bellaire. Under federal liquor licensing, Mammoth Distilling is allowed to have accessory buildings within a 10-mile radius of the official address. He is requesting a change of use to an eating/drinking establishment that would include a cocktail lounge, merchandise, and a small kitchen. He said it would be like Short's, serving the products made instead of beer. He explained that he makes beer in Central Lake but would not do that at this location. Wine and cider are sold in Traverse City but would not be sold at this location. He explained that if the property closes it would be owned by Paws North Properties LLC, which would then lease the site to Mammoth Distilling LLC. The lease must include a provision that states it is okay to manufacture distilled spirits at this location. Mr. Munger stated that manufacturing would not be done; the only thing that will be on this site will be a bonded area containing two wooden barrels for the aging of spirits. Zoning Administrator Luckett noted that the property is located in the Central Business District. Applicant is aware that distilleries are not allowed in the Central Business District and that spirits may not be manufactured at this site. This is not the first time Mr. Munger has requested a location within the village. Under the previous ordinance, it was not allowed. People were concerned about the smell and what is associated with manufacturing. Mr. Munger explained that he holds two federal distilled spirits plant licenses, two federal manufacturing licenses. One on NE Torch Lake Drive. The other in Traverse City, which is a full licensed distillation plant. He owns property in the Warehouse District that is smaller. He does not do any production there but has a bonded distilled area within the tasting room. There are five barrels that sit on a commercial steel rack and age, which is enough of the process to grant a license. Zoning Administrator Luckett noted that Fire Chief Shumaker has approved a fire preplan.

Chairman Drollinger began the review indicating that the property is located at 109 N. Bridge. Zoning is Central Business District. The Master Plan Use: The Existing Land Use Map on page 4-2 of the Master Plan identifies the parcel as Commercial. The Future Land Use Map on page 7-2 of the Master Plan identifies the parcel as Village Commercial. The property is PIN 05-41-010-111-00, described as LOT 34, BLK H PLAT OF THE VILL OF BELLAIRE

Chairman Drollinger requested that the following three paragraphs of the staff report be incorporated into the minutes by reference.

The premises, Mr. B's, is a mixed-use commercial property. The lower level is used for retail space. The upper level contains two apartments. The site plan review application requests a change of use of the retail space from Retail outlet with gross floor area of 5000 square feet or less to Eating/Drinking Establishment (w/o drive through). The two apartments in the upper level will remain.

Mammoth Distilling LLC is a limited liability corporation authorized to do business in Michigan and for which Chad Munger is the resident agent. Mr. Munger has an accepted offer to purchase the premises. A copy of the Buy and Sale Agreement to verify authorization for this application has been provided. The sale of the property is contingent upon Purchaser securing all necessary permits and approvals for an off-site tasting room. If the requested change of use is approved, the Local Government Approval Resolution will be requested. If the resolution is approved by the village council, Applicant must secure approval/licensure from the Michigan Liquor Control Commission. Applicant has a project completion date of November 29, 2018.

The property is classified as commercial and is located within the Central Business District wherein Eating/Drinking Establishments (w/o drive through) are permitted. Upper floor dwellings are also permitted in this district. Applicant intends to maintain the upper floor dwellings for long-term rentals. The total building is 3296 square feet. The first floor is 2800 square feet. There are no front or side setbacks in the Central Business District. The rear setback is 5'. The minimum lot area is 2500 square feet and minimum lot width is 25 feet. The maximum height of a structure is 3 stories and 35'. (Article 4, Section 4.03 Schedule of Regulations) A tasting room is considered an eating/drinking establishment. Food processing services, including breweries and distilleries, are allowed by right in the Manufacturing District and by special use in the Village Commons and Commercial Districts. (Article 4, Section 4.02 Table of Land Uses by Zoning District) Applicant is aware that distilleries are not allowed in the Central Business District. State licensing allows "Spirit Tasting Rooms" to be located off the distillery licensed premises where the Small Distiller may offer free tastings and sell for off premise consumption only, spirits made by the Small Distiller. (Michigan Small Distiller License Requirements

and General Information, MLCC) To satisfy the licensing requirement, Applicant proposes to designate an area for spirits aging wherein two 53-gallon wooden barrels containing 120 proof spirits will be stored.

Applicant proposes to remodel the lower level to include a bar and seating area, an area for the sale of trademarked merchandise, two restrooms, a kitchen, an office, and a storage area. In addition to operating as a tasting room, salads and sandwiches will be offered. Proposed hours of operation: noon to 10:00 p.m. in the off-season; noon to midnight during the summer. There will be a maximum of six staff on any given shift. Applicant will be making changes to the façade and changing the sign. Applicant has contacted MDOT and will need a permit to work in the right-of-way.

Please note that there are two parking spaces behind the building, not four and a loading area. Applicant will have two 55 gallon covered containers, not one 5-yard trash bin.

Chairman Drollinger identified the list of exhibits included in the packet: Exhibit 1 Village of Bellaire Master Plan; Exhibit 2 Village of Bellaire Zoning Ordinance including Map; Exhibit 3 Site Plan Review Application Packet: a) Application-Site Plan Review Application and Checklist and Site Plan, b) Google Map, c) Project Description, d) Site drawing; Exhibit 4 Antrim County Property Information for Parcel 05-41-010-111-00; Exhibit 5 Antrim County Current Property Class Map; Exhibit 6 Photographs – Google Earth Aerial; Façade and Rear of Building.

The planning commission considered each standard for approval as read by Chairman Drollinger.

SECTION 6.05 SITE PLAN APPROVAL STANDARDS

Each site plan shall conform with the applicable provisions of this Ordinance and the standards listed below:

- A. The site plan shall comply with the Village of Bellaire Master Plan and any other applicable Village adopted planning documents.

The Planning Commission finds:

1. The Existing Land Use Map in the Master Plan identifies the property as Commercial. The Future Land Use Map identifies the parcel as Village Commercial. (Exhibit 1)
2. The parcel is located in the Central Business District (CBD). (Exhibit 2)
3. There are no minimum front or side setbacks. The minimum rear setback is 5'. (Exhibit 2)
4. The requested use (eating/drinking establishment) is a permitted use. (Exhibit 2)

**Motion by Commissioner Dewey, seconded by Commissioner Bennett, that this standard has been met.
Motion passed by unanimous voice vote.**

- B. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

The Planning Commission finds:

1. The Applicant will be occupying space within an existing building in the Central Business District (CBD). (Exhibit 3)
2. The footprint of the building will not be altered. (Exhibit 3)

3. Adjacent properties in the Central Business District are developed.

**Motion by Chairman Drollinger, seconded by Commissioner Harris, that this standard has been met.
Motion passed by unanimous voice vote.**

- C. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas. Landscape elements shall minimize negative impacts. Landscaping, buffering, and screening shall conform with the requirements of this Ordinance.

The Planning Commission finds:

1. This standard is not applicable to the request under consideration.

Motion by Commissioner Harris, seconded by Commissioner Bennett, that this standard is not applicable to the request under consideration. Motion passed by unanimous voice vote.

- D. Special attention shall be given to proper site drainage so that removal of storm waters will not increase off-site sedimentation or otherwise adversely affect neighboring properties.

The Planning Commission finds:

1. This site is located in the Central Business District. (Exhibit 2)

2. The site is fully developed. (Exhibit 3)

3. There is no proposal to change or develop the property that would affect storm water runoff. (Exhibit 2, Section 3.16)

**Motion by Commissioner Dewey, seconded by Chairman Drollinger, that this standard has been met.
Motion passed by unanimous voice vote.**

- E. The site plan shall provide reasonable, visual, and sound privacy for the proposed development, as well as the adjacent properties. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

The Planning Commission finds:

1. This application is for a change of use for a portion of an existing building. (Exhibit 3a)

2. The property is adjacent to other commercial uses. (Exhibit 3)

**Motion by Commissioner Bennett, seconded by Commissioner Dewey, that this standard has been met.
Motion passed by unanimous voice vote.**

- F. A fire and safety preplan review shall be required and coordinated by the applicant with the Bellaire District Fire Department chief or his/her designee.

The Planning Commission finds:

1. The Applicant has coordinated the fire and safety preplan with Fire Chief Shumaker and provided approval. (Exhibit 2)

**Motion by Commissioner Harris, seconded by Commissioner Bennett, that this standard has been met.
Motion passed by unanimous voice vote.**

G. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access.

The Planning Commission finds:

1. Emergency access is available off North Bridge Street and North Bridge Lane. (Exhibit 5)

Motion by Chairman Drollinger, seconded by Commissioner Dewey, that this standard has been met.

Motion passed by unanimous voice vote.

H. Every building or dwelling unit shall have access to a public street, private road, walkway, or other area dedicated to common use.

The Planning Commission finds:

1. Applicant will be occupying an existing building; streets and walkways are established. (Exhibit 5)

Motion by Commissioner Dewey, seconded by Commissioner Harris, that this standard has been met.

Motion passed by unanimous voice vote.

I. Walkways shall be provided, separate from the road system, where feasible.

The Planning Commission finds:

1. Applicant will be occupying an existing building adjacent to established walkways. (Exhibit 5)

Motion by Chairman Drollinger, seconded by Commissioner Harris, that this standard has been met.

Motion passed by unanimous voice vote.

J. Exterior lighting shall be designed and arranged so that it is deflected away from adjacent streets and adjoining properties, and shall be directed downward so as not to unnecessarily illuminate the night sky. Flashing or intermittent lights shall not be permitted.

The Planning Commission finds:

1. Applicant intends to add LED lighting mounted on the rear of the building. (Exhibit 3)

2. A light may be added to the façade to illuminate a wall-mounted sign.

3. Outdoor lighting shall comply with Article 3, Section 3.10. (Exhibit 2)

Motion by Commissioner Bennett, seconded by Chairman Drollinger, that this standard has been met.

Motion passed by unanimous voice vote.

K. The proposed arrangement of vehicular and pedestrian routes shall respect the pattern of existing or planned streets and nonmotorized pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way.

The Planning Commission finds:

1. Applicant will be occupying an existing building, vehicular and pedestrian routes are established. (Exhibit 4)

Motion by Chairman Drollinger, seconded by Commissioner Bennett, that this standard has been met.

Motion passed by unanimous voice vote.

L. All streets shall be developed in accordance with Village specifications.

The Planning Commission finds:

1. This standard is not applicable to the request under consideration.

Motion by Commissioner Dewey, seconded by Commissioner Harris, to waive this standard, as it is not applicable to the request under consideration. Motion passed by unanimous voice vote.

M. All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting streets, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.

The Planning Commission finds:

1. Applicant will be occupying a building located in the Central Business District (CBD). (Exhibit 2)

2. Parking requirements in Article 3, Section 3.14 do not apply to the Central Business District (CBD) (Exhibit 2)

3. There are two onsite parking spots intended for tenant use. (Exhibit 6)

Motion by Commissioner Bennett, seconded by Chairman Drollinger, that this standard has been met. Motion passed by unanimous voice vote.

N. Residential and nonresidential development shall not include unnecessary curb cuts and shall use shared drives and/or service drives where the opportunity exists unless precluded by substantial practical difficulties.

The Planning Commission finds:

1. The Applicant will be occupying an existing building in the Central Business District (CBD). (Exhibit 2)

2. This standard is not applicable to the request under consideration.

Motion by Commissioner Harris, seconded by Commissioner Dewey, to waive this standard, as it is not applicable to the request under consideration. Motion passed by unanimous voice vote.

O. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.

The Planning Commission finds:

1. Applicant will be occupying an existing building with utilities, including water and sewer, established. (Exhibits 3)

Motion by Commissioner Bennett, seconded by Chairman Drollinger, that this standard has been met. Motion passed by unanimous voice vote.

P. Site plans shall conform to all applicable requirements of state and federal statutes, and approval may be conditioned on the applicant receiving necessary state and federal permits before the Zoning Permit is issued.

The Planning Commission finds:

1. Interior alterations/improvements shall be permitted by the Antrim County Construction Code Enforcement Department.

2. Applicant shall confirm with MDOT whether a right-of-way permit is required. If required, a copy must be provided to the village. (Exhibit 5)

3. The use of space for spirits tasting is contingent upon Applicant securing the appropriate permits and approvals. Copies of such approval shall be provided to the village.

A motion was made by Commissioner Bennett and supported by Chairman Drollinger, that the standard had been met. There was discussion that manufacturing/distillation is not allowed at this district. Spirits aging in wooden barrels may be the final step in the process; it is not actively making spirits. Zoning Administrator Lockett indicated that she had spoken with village legal counsel about the matter. Spirits aging in wooden barrels is distinguishable from the actual manufacturing process.

**Motion by Commissioner Bennett, seconded by Chairman Drollinger, that this standard has been met.
Motion passed by unanimous voice vote.**

Q. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment, including:

1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground water, lakes, streams, rivers, or wetlands.
2. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.
3. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

The Planning Commission finds:

1. Applicant states that no hazardous or flammable materials will be stored on site. (Exhibit 3)
2. Two 53-gallon wooden barrels for aging 120 proof spirits will be stored on the premises. (Exhibit 3)
3. The International Fire Code, Section 5701.2 Flammable and Combustible Liquids does not apply to the storage of distilled spirits and wines stored in wooden barrels and casks. (See 2015 International Fire Code, <https://codes.iccsafe.org/public/document/IFC2015/chapter-57-flammable-and-combustible-liquids>)

**Motion by Commissioner Harris, seconded by Commissioner Dewey, that this standard has been met.
Motion passed by unanimous voice vote.**

Zoning Administrator Lockett explained that approval of a sign might also be granted as part of the site plan approval process. Applicant is proposing a wooden, wall-mounted sign, no more than 20 square feet in size. A picture of a sign from the Central Lake tasting room was provided. Until an inspection is complete, Applicant has not determined whether there is electrical service on the façade. Should Applicant wish to install lighting for the sign, it must comply with Article 3, Section 3.10. A proposed motion was reviewed. The site plan request for change of use was approved based on the findings of fact and site plan review standards.

Motion by Commissioner Bennett, seconded by Commissioner Dewey, to approve , based on the findings of fact and the site plan review standards, the requested change of use from retail outlet with gross floor area of 5000 square feet or less to eating/drinking establishment (w/o drive through) with interior modifications identified on the attached plan. Exterior modifications to the façade may include removal of metal from awning and installation of a wall-mounted sign not to exceed 20 square feet. A copy of the MDOT permit allowing work in the right-of-way shall be provided to the village. Exterior lighting above the sign and on

the rear of the building must comply with Article 3, Section 3.10. Operation of the tasting room is subject to Applicant receiving approval for this location from the Michigan Liquor Control Commission. Motion passed by unanimous voice vote.

b) **Watrous Estates LLC:** Applicant has requested the matter be considered at the May 1, 2018 meeting.

7 Correspondence/Reports

a) **Zoning Administrator's Report:** Zoning Administrator Luckett provided a written report of the permits issued from the last meeting.

8. Adjournment: Meeting adjourned at 5:40 p.m.

Minutes compiled by:
Lori Luckett, Zoning Administrator & Recording Secretary

Approved: _____
William Drollinger, Chairman

Date: _____