

**City of Howell
Planning Commission
November 14, 2018
611 E. Grand River Avenue
Howell, MI 48843**

The regular meeting of the Planning Commission was called to order by Chairman Streng at 7:00 p.m.

COMMISSIONERS PRESENT: Paul Streng, Maryanne Vukonich, Mayor Nick Proctor, Jan Lobur, Robert Spaulding and Chelsea Dantuma.

COMMISSIONERS ABSENT: Erin Britten.

ALSO PRESENT: Community Development Director Timothy Schmitt and Deputy City Clerk Deanna Robson.

GUESTS: David Sito, Patrick Cleary, Dan Carpenter, Tim Wessel, Blythe Patterson, Sharon Fisher, Kathy Russell, Craig Gantner, Izabela Karski and Aaron Guild.

APPROVAL OF MINUTES, OCTOBER 17, 2018 REGULAR MEETING

MOTION by Lobur, SUPPORT by Vukonich, “To approve the October 17, 2018 regular Planning Commission meeting minutes as presented.” MOTION CARRIED (6-0).

CALL TO THE PUBLIC

None,

STAFF REPORT

Community Development Director Timothy Schmitt stated that the City’s sign ordinance could use a comprehensive review, although not a complete overhaul, in the near future. Commissioner Spaulding inquired about the cost for a sign review and whether it was included in this year’s budget. Mr. Schmitt responded that the review was not in the current budget, so the sign ordinance review may be postponed until next fiscal year. He added that staff does not expect the cost to exceed \$5,000.

Staff will present options for a solar energy ordinance at the next regular meeting. Chairman Streng asked that wind energy guidelines also be included in staff recommendation.

Staff was recently made aware of work at 325 Roosevelt, completed a walk through, and is compiling results.

There has been no information formally submitted for the next phase of development at Town Commons, and staff has not receive any communication from neighboring properties regarding concerns.

PUBLIC HEARING

#18-20 – 121 S WALNUT – SITE PLAN AND SPECIAL LAND USE – OLD POST BREWERY

Chairman Streng opened the public hearing at 7:05 p.m.

Community Development Director Schmitt displayed the site plan and noted that the property line does not include the parking area, which is inconsistent with information previously received, but was confirmed with a recent title search. The applicant has proposed a microbrewery in the space, which is part of the Central Business District and therefore requires Special Land Use approval. The applicant proposed some exterior changes including an outdoor seating area and flexible event space, neither of which is part of the public alleyway. The plan meets all general requirements, however staff recommended changes to the four proposed signs, including removal of one sign from the plans and allowing for the other two signs to remain on the vertical stack. Three of the proposed signs are above the roofline and require Special Land Use approval to proceed.

Mr. Schmitt added that review of the Micro Alcohol Production Ordinance was also on the meeting agenda for clarification of some of the definitions and to allow for operation of the business without requiring a brewpub licensing from the State of Michigan since it would meet the State definition of a microbrewery.

Discussion followed regarding off premise consumption as it relates to microbreweries.

Vice Chairperson Vukonich inquired about an accessible route into the building. Mr. Schmitt stated that staff has not yet performed a full code analysis, but believed that the building was accessible from the parking lot via a two stage ramp. He added that parking is difficult in the area, options were being explored by the City, and staff will need to conduct a traffic and parking study at some point in the future. Izabella Karski, The Think Shop Architects, 1420 Washington Blvd., Suite 430 in Detroit, stated that an American with Disabilities Act (ADA) accessible elevator will be added to the building, and the existing ramp will be rehabilitated to code for access from the parking lot to the building.

Craig Gantner, owner of the Old Post Office and residing at 3467 Hickory Nut Hollow in Howell, addressed the Commission and stated that he would like to regenerate the building and turn it into a microbrewery. He added that a State of Michigan brewpub license is retail liquor license for establishments where taverns are required and patrons can order mixed drinks.

Chairman Streng inquired about the total number of occupants. Mr. Gantner responded that the plans have gone through several iterations; the building will be required to have sprinklers; and he expects occupancy to exceed 99 people. Chairman Streng noted that staff needs the expected occupancy in order to determine the number of required parking spaces, adding that the nearby area is residential. Mr. Gantner confirmed that there is insufficient parking on site. Ms. Karski confirmed that occupancy inside the building was expected to be 124, including employees.

Discussion followed regarding: the owner's agreement with staff recommendations for grading; the retail component of the establishment (beer brewed on the premises would be sold by the

growler); the type of food that would be served (hamburgers and sandwiches); and the surface and planned use of the flexible outdoor space (grass, but possibly pavers or cornhole type games in the future).

Blythe Patterson, President of the Livingston Arts Council, stated that she were glad to have a new neighbor, but expressed concerns about the possible noise level due to live bands, etc. and competition with neighboring businesses. She suggested a barrier alongside alleyway and added that the Opera House was planning a renovation in 2020 and the alley will be busy and may need to be widened. Chairman Streng responded that the City has a noise ordinance if a problem occurs. Mr. Schmitt also added that there would be a gap between the patio space and the alley; the patio would have a standard deck rail; and the City has not had any problems anywhere else along the alley. He noted that the patio barrier at the Heart of Howell has but was built into the design.

Dan Carpenter, 110 W. Washington, expressed concerns regarding overflow parking near his residential neighborhood. He added that he did not feel that the City needs another brewery, also voicing about patrons overindulging and the impact on his son and other children in the neighborhood. Chairman Streng acknowledged his concerns and stated that a parking and traffic study is needed, especially as the downtown area grows.

Tim Wessel, 304 S. Walnut, stated that he understood the controversy surrounding the property at which he resides, and noted his opinion of the hypocrisy of denying a Special Land Use for six females choosing sobriety versus approving the use for a business where over 100 people are going to be drinking. He stated that he was a pastor who was 30 years sober, and was concerned about parking and drunk drivers.

Chairman Streng closed the public hearing at 7:34 p.m.

MOTION by Vukonich, SUPPORT by Proctor, “To approve the Site Plan and Special Land Use application (#18-20) for 121 S Walnut, parcel id number 4717-36-307-020, to allow a new microbrewery to occupy the existing building, to construct a new patio on the north side of the building, and to approve the wall signs as shown, subject to the following conditions:

- 1. The construction shall meet all applicable ordinance standards.**
- 2. Modification of the plans to meet all comments in the Engineering Review letter dated November 8, 2018.**
- 3. Approval of signs on the south and east sides of the vertical stack on the building.”**

MOTION CARRIED (6-0).

NEW BUSINESS

MICRO ALCOHOL ORDINANCE

Community Development Director Schmitt introduced the topic and stated that the changes to the Micro Alcohol Production ordinance would not need to be passed in order for the Old Post Brewery to operate legally; the changes will just allow the business to follow a different licensing path. He added that previous Planning Commission concerns were in reference to production scale; and therefore staff now proposed striking the unnecessary and superfluous definitions at the state level, limiting the scale of large operations to industrial districts.

Chairman Streng noted that he reviewed the minutes from previous Planning Commission meetings regarding this topic and did not find any information or opinions contrary to current staff recommendations.

Planning Commission consensus was to ask staff to schedule a public hearing for the revised ordinance at the December 19, 2018 meeting.

#18-19 – VACANT HIGHLAND ROAD – PRELIMINARY PLAN REVIEW – HEARTLAND DENTAL

Community Development Director Schmitt stated that the preliminary plan was for development of a dental clinic on the last outlot at Crossroads Town Center. He noted the reasonable compromise to not surround the proposed building by parking because the location is not a square corner, adding that it would be slightly further north than the buildings to the west. The property is zoned mixed use district (MXD); it was presented as a preliminary Planning Commission review; and a public hearing would be scheduled at the December meeting if there were no substantial changes from the Commission. Staff made recommendations regarding the building accent materials, the parking lot, site circulation and landscaping. Pursuant to the requirements of the MXD, the applicant will need to amend the condominium documents. The applicant has requested more parking than what is required by code, resulting in more front parking than permitted by code, and will likely need a variance similar to the one previously requested by Lake Trust Credit Union. Rear parking would be difficult due to lot configuration.

David Soto, Atwater Group, 162 West Grand, Suite 300, Chicago, IL, stated that the proposed building will be a state of the art dental facility. The applicant currently has 850 locations nationwide and prefers to be located near grocery store chains. They believe this to be a complementary use for the property, with a different type of traffic than the fuel center. The lot is irregularly shaped with a curvature of the lot lines. Mr. Soto described how the proposed building will be positioned on the property via on screen displays. He pointed out neighboring businesses with similar building materials and distributed a design board containing samples. The HVAC equipment will be screened on the roof.

Vice Chairperson Vukonich inquired about the project architect and informed Mr. Soto that they must be licensed in the State of Michigan.

Discussion followed regarding parking as well as the traffic entrance and egress from the building.

Patrick Cleary, Boss Engineering, 3121 E. Grand River, Howell, stated that the proposed building would be located on the northeast corner of the site.

Mr. Soto added that the dental office hours would be Monday through Friday, 8 a.m. until 5 p.m., with Saturday morning hours possible in the future; the practice would be appointment based; the applicant hopes to capture clients for life, as a neighborhood practice with dental services provided to all age groups; practitioners would range from experienced dentists to recent dental school

graduates; and specialty dental services would also be offered. Parking will be located to the west of the building.

Chairman Streng asked if the applicant had any concerns to communicate, and Mr. Soto responded that they just need to ensure they had a Michigan licensed architect.

Commissioner Spaulding added that staff provided a number of comments regarding the preliminary plans. Mr. Cleary responded that several of the comments regarding the condominium documents and grading will be worked out in the next step of the process and the dumpster will be moved in line with the building. A larger landscaping buffer has been created and they are considering adding landscape islands for consistency with the rest of the development; moving the proposed location of trees to be more consistent with City ordinance; taking advantage of existing vegetation; and using landscaping for screening of electrical equipment, etc. He noted that the applicant would request a waiver for the 100 foot project perimeter, which is the standard for the MXD and would significantly impact the usability of the site due to its configuration.

Community Development Director Schmitt noted that the applicant will provide a response letter to staff comments, adding that the plans would be brought back to the Planning Commission for a formal review and public hearing.

#18-21 – 1026 EAST GRAND RIVER – LOT SPLIT

Community Development Director Schmitt displayed property surveys and noted that staff has not received any information regarding how the split will affect the previously approved plans for the Soapy Bucket, however, the request meets all applicable standards.

MOTION by Lobur, SUPPORT by Vukonich, “To approve the land division application (#18-21) for 1026 East Grand River and 160 Catrell, parcel ID numbers 4717-36-400-041 and 4717-36-400-040, to transfer a 20 foot by 132 foot triangle of land from 160 Catrell to 1026 East Grand River Avenue.” MOTION CARRIED (6-0).

MOTION by Spaulding, SUPPORT by Vukonich, “To excuse Commissioner Britten from the November 14, 2018 Planning Commission meeting.” MOTION CARRIED (6-0).

MOTION by Vukonich, SUPPORT by Spaulding “To adjourn the meeting at 8:08 p.m.” MOTION CARRIED (6-0).

Deanna Robson, Deputy City Clerk