



Agenda Item Summary

Meeting of: September 18, 2017

Agenda Item Title: Ordinance No. 116-2017-15 Second Reading

Submitted by: Christine Linfield, Planning & Zoning Director

Approved for submittal:


City Manager

Explanation of Agenda Item:

Second reading of Ordinance No. 116-2017-15 to amend Section 4.17B Central Business District (C-5), of the Chelsea Zoning Ordinance, to provide for a new special use category for the manufacturing of beverages not associated with a bar, lounge or restaurant. The following text amendment language was recommended by Keusch, Flintoft & Fink, PLLC.

"14. Manufacturing of beverages when it is in combination with a permitted use such as indoor retail sales, an establishment serving alcoholic beverages (tasting room) or a place of assembly (special event space). The amount of floor space allowed to be used by the manufacturing activities will be determined on a permit by permit basis depending on the size and nature of the building."

Fiscal or Resource Considerations: YES ___ NO x

Does this agenda item require the expenditure of funds? YES ___ NO x

If YES, are funds budgeted? YES ___ NO ___

Are staff or other resources required? YES ___ NO x

Advisory Board/Commission/Committee Action/Recommendation:

On 8/15/17, Planning Commission made a motion to recommend that City Council consider the proposed amendment contingent upon legal review. Motion was unanimously approved.

Staff Comments: If Ordinance 166-2017-015 is adopted, it will not go into effect until 20 days after publication in the local newspaper.

City Manager Comments/Recommendation:

City Manager Recommended Form of Motion:

Motion to accept the Second Reading and adopt Ordinance No. 166-2017-015.

Names and addresses of those to be notified:

David Salmon, Ugly Dog Distillery, 14495 N. Territorial Road, Chelsea, MI 48118

Attachments:

Draft Ordinance 166-2017-015

Keusch, Flintoft & Fink, PLLC 9/1/17 Memorandum

Draft Planning Commission 8/15/17 Minutes

Section 4.17 of the current zoning ordinance

All Agenda Item Summaries and any attachments are due in the City Clerk's Office by 5:00 p.m. on the Wednesday prior to the City Council meeting. If the Wednesday prior to the City Council meeting is a holiday, then the submission deadline is 5:00 p.m. on Tuesday.

ORDINANCE NO. 116-2017-15
AN ORDINANCE TO AMEND THE CHELSEA CITY ZONING ORDINANCE

The City of Chelsea ordains that the Chelsea City Zoning Ordinance, Ordinance No. 166, enacted pursuant to Public Act 110 of 2006 as amended, for the City of Chelsea is amended as follows:

SECTION 1. Amend Section 4.17 Central Business District (C-5), by adding the following text to Section 4.17B Permitted Uses:

“14. Manufacturing of beverages when it is in combination with a permitted use such as indoor retail sales, an establishment serving alcoholic beverages (tasting room) or a place of assembly (special event space). The amount of floor space allowed to be used by the manufacturing activities will be determined on a permit by permit basis depending on the size and nature of the building.”

SECTION 2. All remaining provisions and any amendments thereto of Ordinance No. 166 be the same are hereby reaffirmed and ratified.

SECTION 3. The within amendment shall be effective twenty (20) days after adoption and publication as prescribed by the Charter of The City of Chelsea, Michigan.

CERTIFICATION

The upon motion made by _____ and seconded by _____ said ordinance was adopted on the following vote:

AYES ___
NAYS ___

It is hereby certified that the foregoing Ordinance was adopted by the City Council of the City of Chelsea, Washtenaw County, Michigan, at a meeting of the Council duly called held on the _____ day of _____ 2017.

CITY OF CHELSEA

BY: _____

Laura Kaiser, Clerk

FIRST READING:
SECOND READING AND ADOPTION:
PUBLISHED:
EFFECTIVE:

KEUSCH, FLINTOFT & FINK, PLLC

ATTORNEYS AT LAW

119 SOUTH MAIN STREET

POST OFFICE BOX 187

CHELSEA, MICHIGAN 48118

TELEPHONE (734) 475-8671

FAX (734) 475-1622

JOHN R. KEUSCH (DECEASED)
YEARS OF PRACTICE 1993-2013

PETER C. FLINTOFT

MARIAH EVANS FINK

WEB SITE:
www.keuschlaw.com

E-MAIL:
flintoft@keuschlaw.com
mariah@keuschlaw.com

M E M O R A N D U M

TO: John Hanifan and Christine Linfield- City of Chelsea

FROM: Peter C. Flintoft, Mariah E. Fink – City Attorneys

DATE: September 1, 2017

RE: Zoning Text Amendment for Manufacturing of Beverages

Ugly Dog Distillery, LLC proposed a Zoning Ordinance Text Amendment related to its desire to relocate its business to the City of Chelsea.

The Proposed Amendment is to Section 4.17 Central Business District (C-5) of the City's Zoning Ordinance. The purpose of the amendment is to provide for a new special use category in the C-5 district for the manufacturing of beverages not associated with a bar, lounge or restaurant.

The C-5 District is "designed to encourage a lively social environment and economically viable downtown with a wide variety of uses..."

Currently, the C-5 District allows manufacturing of beverages when accessory to a bar, restaurant, or lounge. The proposal by Ugly Dog is for manufacturing of beverages in combination with a tasting room, retail sales and special events.

Indoor retail sales is a Permitted use in the C-5 district.

Establishments serving alcoholic beverages is a Permitted use in the C-5 district.

Banquet, dance, lodge, and union halls, private clubs, and other similar places of assembly is a Permitted use in the C-5 district.

It would be appropriate then to allow this type of use as a Special use when combined with one of the Permitted uses listed in this section of the Ordinance.

The Planning Commission recommended the approval of the text amendment contingent on legal review. After review and discussions with City staff, we propose that the following language be added to Section 4.17 B Special Uses as subparagraph 14:

14. Manufacturing of beverages when it is in combination with a permitted use such as indoor retail sales, an establishment serving alcoholic beverages (tasting room) or a place of assembly (special event space). The amount of floor space allowed to be used by the manufacturing activities will be determined on a permit by permit basis depending on the size and nature of the building.

PLANNING COMMISSION MINUTES
AUGUST 15, 2017
CHELSEA MUNICIPAL BUILDING COUNCIL CHAMBERS
311 S. MAIN STREET, CHELSEA MICHIGAN

DRAFT

NAMES OF THOSE PRESENT: Larry Ledebur (Chair), Erik Larsen (Vice Chair), Sarah Haselschwardt (Secretary), Geoffrey Voshel, Steve Parker, Peter Shaw, and Claire Robinson.

MEMBERS ABSENT: George Olsen

MEMBERS VACANT: None

OTHERS PRESENT: Cheri Albertson (City Council Liaison), David Salmon (CEO Ugly Dog Brewery), David Hughes (Vanston/O'Brien, Inc), Anne Nauts (Chelsea Rotary), Paul Schissler (Chamber of Commerce Board VP), Monica Monsma (Chamber of Commerce Executive Director), Andy Koha (Chelsea House Victorian Inn), Lorna Tackwell (Chelsea Rotary President), Tom Tackwell, Bridget Favre, Lisa Carolin (Chelsea Update), Marcia White (City Council), Christine Linfield (City Staff) and Karen Gilmer (Assistant Clerk).

CALL TO ORDER

Chair Ledebur called the meeting to order at 7:00 pm.

APPROVAL OF THE AGENDA

MOVED by Shaw, SECONDED by Haselschwardt, to approve the agenda. All Ayes. Motion Carried.

APPROVAL OF MEETING MINUTES

MOVED by Larsen, SECONDED by Robinson, to approve the meeting minutes for 7/18/17. All Ayes. Motion Carried.

PUBLIC HEARINGS

David Salmon introduced himself and briefly presented why he would like his proposed text amendment to be approved.

David Hughes, Monica Monsma, Andy Cohan, Anne Naught and Paul Schissler all got up and spoke in support of the proposed text amendment.

UNFINISHED BUSINESS

MOVED by Voshel, SECONDED by Shaw, to remove from the table the Combined Preliminary & Final Site Plan for Chelsea Family Dentistry. All Ayes. Motion Carried.

Hughes discussed updated plans for the Chelsea Family Dentistry parking lot. Hughes hired a Landscape Architect to help with the landscaping. Discussion followed by the board members in regards to a 6 ft high black chain link fence behind and a decorative aluminum picket fence by Palmer Auto Service surrounding the landscaping. The decorative aluminum picket fence will provide more screening and less openness with the color matching the chain link fence. The Site Plans can be approved by City staff contingent upon staff clearing up some questions/contingencies on pages 1 & 2 of report.

MOVED by Robinson, SECONDED by Shaw to approve the Combined Preliminary & Final Site Plan for Chelsea Family Dental parking lot contingent upon pages 1 & 2 of the Staff Report list of contingencies (A-J specifically including the move to a non-tilt model light fixture in the parking lot and the reinstating catch basin 1 on south portion of parking lot) as well as the consistency of materials from the trash enclosure which will now include manufactured stone and brick to match the front of the building as well as the consistency of dark aluminum open like product on the south facing fence that divides the property from the Chelsea Palmer lot and staff discretion regarding the trees at the east side of South Street should there only be room in the utilities for one. All Ayes. Motion carried.

NEW BUSINESS

Zoning Ordinance No. 166 Text Amendment Section 4.17

Linfield went over staff reports and the Planning Commission had questions regarding listing the 6,000 square feet cap in the language but decided to leave language as is for Legal Review.

MOVED by Robinson, SECONDED by Voshel, to send to City Council the proposed revised language of Zoning Ordinance No. 166 Section 4.17B Special Uses as presented contingent upon Legal Review. All Ayes. Motion carried.

DISCUSSION-None

PUBLIC PARTICIPATION – None

ADJOURNMENT

MOVED by Robinson, SECONDED by Haselschwardt, to adjourn the meeting. All Ayes. Motion Carried.

Meeting adjourned at 8:05 pm.

Respectfully Submitted,

Karen Gilmer
Assistant Clerk

ZONING DISTRICT

SECTION 4.17 CENTRAL BUSINESS DISTRICT (C-5)

This district is intended to be used in that area of the City which has been designated as the Central Business District in the City's adopted Comprehensive plan where municipal parking facilities are available within reasonable walking distances.

The C-5 Central Business District is intended to provide for a traditional mixture of small office buildings, specialty retail stores, entertainment, public spaces and related activities that are mutually supporting and serve the needs of the City and surrounding communities. The districts regulations are designed to encourage a lively social environment and economically viable downtown with a wide variety of uses, including residences in upper floors, in a pedestrian oriented setting, with common parking.

A. PERMITTED USES

1. Any use permitted in the Neighborhood Commercial District.
2. Business schools; including dance schools, music schools, and art schools.
3. Indoor retail sales establishments.
4. Establishments serving food and/or alcoholic beverages, but not including drive-in types or drive-up windows.
5. Clubs and lodges.
6. Photography studios.
7. Banquet, dance, lodge, and union halls private clubs, and other similar places of assembly.
8. On-site signs in accordance with the regulations in Article 6.
9. Accessory uses or structures, including seasonal outdoor displays and sales subject to section 5.13.
10. Essential services and structures of a non-industrial character.

B. SPECIAL USES

1. Retail sales in which both a workshop and a retail outlet or showroom are required such as plumbing, electrician, interior decorating, dressmaking, tailoring, upholstering, home appliance and similar establishments of similar

ZONING DISTRICT

4.17 Cont.

CENTRAL BUSINESS DISTRICT (C-5)

character subject to the provision that not more than 50 percent of the total useable floor area of the establishment shall be used for servicing, repairing, or processing activities.

2. Hotels.
3. Drive-up windows for financial institutions when said use does not create any traffic or safety problems. ATM's (automatic teller machines) and twenty-four-hour ready tellers which are separate from a financial institution are permitted.
4. Churches and other buildings for religious worship.
5. Automobile service stations, subject to the following:
 - a. The curb cuts for ingress and egress may not be permitted at such location that will tend to create traffic hazards in the streets immediately adjacent thereto. Such curb cuts shall be no less than 25 feet from a street intersection (measured from the right-of-way).
 - b. There shall be provided, on those sides abutting a residential district, a completely obscuring wall.
6. Showroom and sales of new automobiles and the display and sale of used cars when in conjunction with a showroom and sales of new units thereof; and repair of same when in conjunction with a showroom and sales of new units thereof.
7. Funeral homes and mortuary establishments not including crematoriums.
8. Theaters.
9. Printing establishments.
10. Residences above the ground floor.
11. Child care centers, subject to the conditions of Section 5.11.
12. Parks.
13. Manufacturing of beverages when accessory to a bar, restaurant or lounge.

ZONING DISTRICT

4.17 Cont.

**CENTRAL BUSINESS DISTRICT
(C-5)**

C. REGULATIONS AND STANDARDS

1. No minimum lot size or front, side, or rear yards are required in this district provided Section 7.10, Off-Street Loading and Unloading Requirements is complied with.
2. Uses in this district shall be exempt from the provisions of Section 7.01 Off-Street Parking Requirements, if said use is located within 500 feet of municipal parking facilities. The distance shall be measured in a straight line from the center of a municipal parking lot to the nearest building line of said use.
3. Off-street loading and unloading facilities shall be provided in accordance with Section 7.10, Off-Street Loading and Unloading Requirements.