

City of Wyandotte
PLANNING COMMISSION
Minutes of the Thursday, January 15, 2009, Meeting
MINUTES AS RECORDED

The meeting was called to order by Chairperson Elizabeth Krimmel at 7:00 p.m.

COMMISSIONERS PRESENT: Duran, Hovis, Kalmbach, Krimmel, Lupo, Rockershousen, Schultz

COMMISSIONERS EXCUSED: Eberts and Parker

ALSO PRESENT: Charles Leman, City Planner
Kelly Roberts, Recording Secretary

COMMUNICATIONS:

1. MOTION BY COMMISSIONER LUPO, supported by Commissioner Rockershousen, to receive and place on file all communications. MOTION PASSED.

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING:

MOTION BY COMMISSIONER ROCKERSHOUSEN, supported by Commissioner Schultz to approve the minutes of the Regular Meeting of November 20, 2008. MOTION PASSED.

NEW BUSINESS:

1. PUBLIC HEARING – PC#120908 - Request of 4560 GDMD, Inc., Geralddean Dow, Owner and Applicant to rezone the property at 4560 Biddle Avenue, Wyandotte It is proposed to rezone the property from Industrial District (I-1) to General Business District (B-2).

MOTION BY COMMISSIONER ROCKERSHOUSEN, supported by Commissioner Duran to recommend to the City Council that the following described property located in Wyandotte, County of Wayne, and State of Michigan be DENIED FOR REZONING:

North 14 feet of Lot 14 also Lots 15 and 16 exc. Ely pt. desc. As beg at Sly Cor Lot 14 Th N34Deg 05M 40S E 78.28 ft Th N75Deg 06M 20S W 57.40 ft. Th S34Deg 05M 40S W 28.80ft Th S30Deg 28M 50S W 31 ft Th S55Deg 54M 20S E 52.27 ft to POB also Ely and Sly ½ Adj Vac Streets and Lots 28 to 35 Incl. also Nly ½ adj. Vac Street also Wly. ½ Adj. Vac. Alley South Detroit Sub

REASON: Rezoning the property as requested is not consistent with the adopted Master Plan which designates this area for office use. Rezoning properties to a general business category would, in the opinion of the Planning Commission, be a step backwards in the Planning Commission's attempt to upgrade this area of the City of Wyandotte. Further, rezoning this property to B-2 would constitute spot zoning. The zoning ordinance defines spot zoning as "rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the objectives of the Wyandotte Master Plan".

YEAS: Duran, Hovis, Krimmel, Kalmbach, Lupo, Rockershousen and Schultz

NAYS: None

ABSENT: Eberts and Parker

MOTION PASSED

2. Bylaws for Planning Commission.

The Commission reviewed the draft of the Bylaws.

MOTION BY COMMISSIONER ROCKERSHOUSEN, supported by Commissioner Schultz to forward the draft Bylaws to the City Attorney for review and comment.

YEAS: Duran, Hovis, Krimmel, Kalmbach, Lupo, Rockershausen and Schultz

NAYS: None

ABSENT: Eberts and Parker

MOTION PASSED

3. The Commission received the Schedule of Meetings and Filing Deadlines for 2009 for the Planning Commission.

4. Mr. Leman submitted a letter to the Planning Commission indicating that the Vilican Leman will transition to Beckett & Raeder, Inc. as of February 1, 2009.

PERSONS IN THE AUDIENCE:

None

SPECIAL ORDER:

None

BILLS AND ACCOUNT:

MOTION BY COMMISSIONER ROCKERSHOUSEN, supported by Commissioner Lupo to:

1. Pay Vilican-Leman and Associates for Planning Consultant fee for September, October, November and December 2008 in the amount of \$2,800.00
2. Hours for Secretarial Services: 07-30-08 – 12/30/08 30.50 Total Hours

YEAS: Duran, Hovis, Krimmel, Kalmbach, Lupo, Rockershausen and Schultz

NAYS: None

ABSENT: Eberts and Parker

MOTION PASSED

MOTION TO ADJOURN:

MOTION BY COMMISSIONER DURAN, supported by Commissioner Lupo to adjourn the meeting at 7:45 p.m.

Chairperson Krimmel opened the Public Hearing for comments.

Patrick Benson, 4644 Biddle Avenue, Wyandotte.

Mr. Benson asked what property was being rezoned. Mr. Benson asked if it was a building and parking lot or just the building.

Mr. Mark Dow, Owner, Present.

Mr. Dow stated that it is the building and parking lot up to where the sign is.

Mr. Leman asked why Mr. Dow is requesting the property to be rezoned.

Mr. Dow stated that the property is for sale and they have tried for 1 year to attract people but nothing has worked. Mr. Dow stated that no one goes down to that end of town. Mr. Dow stated that now he has a buyer who wants the property to be rezoned.

Mr. Leman asked if the buyer was present.

Mr. Dow stated no, but he is on his way.

Mr. Benson stated that he is not opposed to this rezoning.

Commissioner Lupo asked if there were any conditions on the sale or was the rezoning the only condition.

Mr. Dow stated that the purchaser only asked that the property be rezoned.

Chairperson Krimmel confirmed that Mr. Dow wants the property rezoned so he can sell the property.

Mr. Dow that is correct.

Commissioner Duran asked what the use is going to be.

Mr. Dow explained it would be a gentleman's club.

Chairperson Krimmel reviewed the area and indicated that the Master Plan had been reviewed and updated 5 years ago and allowing this rezoning would be spot zoning.

Mr. Dow explained that he has had the property for sale since he purchased it and no one until now, has been interested in purchasing it. Mr. Dow further explained that they have put a lot of money into the property.

Mr. Leman defined spot zoning as: rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the objectives of the Wyandotte Master Plan.

Mr. Dow explained that the area they want rezoned is a dead area and does not have that much traffic.

Chairperson Krimmel indicated that the property should be kept the way it is, because it meet the Master Plan objectives.

Mrs. Dow explained that is not fair to them, they will lose the bar and it needs to be rezoned. Mrs. Dow continued that they have put \$1 million dollars into the property and if they can change the zoning they can sell it.

Mr. Leman indicated that not being able to sell the property is not because of the Master Plan.

Mrs. Dow stated that when they purchased the property they were lied to by the previous owners. Mrs. Dow explained that the previous owners were the 10th owners in 30 years and they (Mr. and Mrs. Dow) were never made aware of that.

Mrs. Dow does not understand why it can not be rezoned to business.

Mr. Leman stated that it would be spot zoning and that is not good to do as far as a planning point.

Mrs. Dow stated that the Commission should look at the economy, properties are not selling and Wyandotte is not helping them. Mrs. Dow explained that the adjacent properties are an animal hospital and a bank and they are business uses, not industrial use.

Mr. Leman stated that if they were to sell for a different use they would be going through the same process as you are now. Mr. Leman stated that currently they are legal non-conforming.

Mrs. Dow stated that if they came in for a change they would have to do the same thing.

Mr. Leman stated that maybe if they came as a group of property owners for rezoning, that would not be spot zoning.

David Draper, Attorney for the proposed purchaser. Mr. Draper stated that he understands the Commission's reviews and he will take the necessary steps for his client. Mr. Draper stated further that the area is really not a true industrial district and the uses are mostly business. Mr. Draper continued that he would contact the City Attorney and see if something could be worked out so it is a win-win situation.

Mr. Tony Segraza, proposed purchaser. Mr. Segraza indicated that he would like to have a cabaret license at this location and the property needs to be zoned B-2.

Chairperson Krimmel asked if it would be a bar/restaurant.

Mr. Segraza indicated that it would be a bar with a cabaret license. Mr. Segraza indicated that he wants to be fair and work with the City.

Chairperson Krimmel indicated that the bar, as it is zoned now can stay.

Mr. Segraza stated that the current zoning does not allow a cabaret license unless the property is rezoned.

Chairperson Krimmel asked if there were any other persons who wished to speak on this issue. There being none, the public hearing was closed.

No communications were received regarding this hearing.