

City of Wyandotte
PLANNING COMMISSION
Minutes of the Thursday, July 15 20, 2010, Meeting
MINUTES AS RECORDED

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

COMMISSIONERS PRESENT: Duran, Eberts, Krimmel, Lupo, Parker, Schultz, Tavernier

COMMISSIONERS EXCUSED: Hovis and Rockershausen

ALSO PRESENT: Charles Leman
Kelly Roberts, Recording Secretary

COMMUNICATIONS:

- MOTION BY COMMISSIONER TAVERNIER, supported by Commissioner Eberts, to receive and place on file communications 1 and 2.
MOTION PASSED.
- MOTION BY COMMISSIONER LUPO, supported by Commissioner Duran, to receive and place on file communication 3. Jody Chansuolme made a presentation to the Commission regarding the I.O.O. F. Temple Historical District

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING:

MOTION BY COMMISSIONER LUPO, supported by Commissioner Eberts to approve the minutes of the Regular Meeting of June 17, 2010. MOTION PASSED.

NEW BUSINESS:

1. PUBLIC HEARING – PC#060810 - Request from the City of Wyandotte and Tom and Donna Lengyel (Owners and Appellants) to rezone the property known as 580 Poplar and part of the Former 600-604 Poplar .

MOTION BY COMMISSIONER SCHULTZ, Supported by Commissioner Lupo to recommend to the City Council that the rezoning of the property at the 580 Poplar and part of the Former 600-604 Poplar, Wyandotte (All of Lot 6 except the west 15 feet and all of Lot 7 Wyandotte Land Co., Subdivision from Two Family Residential District (RT) to Single Family Residential District (RA) be approved.

The rezoning of this property conforms to the Adopted Master Plan for the City of Wyandotte.

YEAS: Duran, Eberts, Krimmel, Lupo, Parker, Schultz, Tavernier

NAYS: None

ABSENT: Hovis and Rockershausen

MOTION PASSED

2. PUBLIC HEARING – PC#062210 – Request from Carol Palzesny (Owner) and Dale Lemieux (Appellant) to rezone the property known as 1753 Ford Avenue (Lots 2, 3 and 4 West Park Subdivision) Lot Size 90' x 120'.

MOTION BY COMMISSIONER TAVERNIER, Supported by Commissioner Parker to recommend to the City Council that the rezoning of the property at the 1753 Ford Avenue be DENIED for rezoning from Office Service District (O-S) to General Business District (B-2), because rezoning this property would be spot zoning which the Commission is against. It was further resolved that the City Planner study the entire block and the Zoning Ordinance for a possible solution to allow the property owners use.

YEAS: Duran, Eberts, Krimmel, Lupo, Parker, Schultz, Tavernier

NAYS: None

ABSENT: Hovis and Rockershausen

MOTION PASSED

3. PUBLIC HEARING – PC#224 – Request from Dotte Pub, 116 Oak Street, Wyandotte for a Certificate of Occupancy for an Outdoor Café at 116 Oak Street, Wyandotte, in a CBD Zoning District

MOTION BY COMISSIONER TAVERNIER, supported by Commissioner Eberts that the Certificate of Occupancy for an Outdoor Café at 116 Oak, be hereby approved contingent on City Council approval on the basis of the following reasons:

The proposed outdoor café complies with all ordinance requirements or will comply with said requirements and the conditions below prior to use as an outdoor café. Further, during the public hearing for this application, there were no objections to the proposed project.

Said approval is subject to the following conditions:

1. The outdoor café is subject to all conditions applicable to an outdoor café on private property in the Central Business District (CBD) Zoning District, Section 2200.S.1 of the City of Wyandotte's Zoning Ordinance. The applicant is responsible for carefully reviewing, understanding and complying with the requirements of the ordinance.
2. If alcoholic beverages are served, the current Michigan Liquor Control Commission rules and regulations shall apply, and the applicant shall obtain all necessary approvals.
3. Compliance with all Police, Fire and City Engineer requirements attached, in minutes.
4. Use of the outdoor café shall be allowed from 11 a.m. to 12 midnight from March 15 through October 31.
5. The outdoor café shall comply with all applicable laws and regulations of the City, County, and the State.
6. Umbrellas to have name of establishment on the drip-tee only, no logo's for products.
7. Fence detail to be the same as Belicoso Café, 3030 Biddle Avenue, Wyandotte.
8. Table detail to be the same as Belicoso Café, 3030 Biddle Avenue, Wyandotte.
9. Approval by City Council for use of the public property is required.

YEAS: Duran, Eberts, Krimmel, Lupo, Parker, Schultz, Tavernier

NAYS: None

ABSENT: Hovis and Rockershousen

MOTION PASSED

4. PUBLIC HEARING – PC#225 – Request from Newton Company (Appellant and Owner) for a Certificate of Occupancy for four (4) apartments on the 2nd floor at 3005 1st Street, Wyandotte, in a CBD Zoning District where proposed conflicts with Section 2403.R.I.A. the Zoning Ordinance.

MOTION BY COMISSIONER SCHULTZ, supported by Commissioner Lupo that the Planning Commission approves the Certificate of Occupancy for four (4) apartments on the 2nd floor at 3005 1st Street from Newton Company (Owner and Appellant) provided the plans indicate a fire door, 1 hour stairwell rating, 2 hour floor/ceiling separation, sprinkler system which is to be approved by the Engineering and Building Department. Further this approval is subject to the approval of the resolution of the parking issue

YEAS: Duran, Eberts, Krimmel, Lupo, Parker, Schultz, Tavernier

NAYS: None

ABSENT: Hovis and Rockershousen

MOTION PASSED

5. PUBLIC HEARING – PC#227 – Request from Jackalope’s Bar & Grill (Appellant) and Bruce Chapin (Owner) for a Certificate of Occupancy for an Outdoor Café at 3530 Biddle Avenue, Wyandotte, in a PD Zoning District where the proposed conflicts with Section 2200.S.2

MOTION COMMISSIONER LUPO, supported by Commissioner Duran that the Certificate of Occupancy for an Outdoor Café at 3530 Biddle Avenue, Wyandotte be hereby approved on the basis of the following reasons:

The proposed outdoor café complies with all ordinance requirements or will comply with said requirements and the conditions below prior to use as an outdoor café. Further, during the public hearing for this application, there were no objections to the proposed project.

Said approval is subject to the following conditions:

1. The outdoor café is subject to all conditions applicable to an outdoor café on private property in the Central Business District (CBD) Zoning District, Section 2200.S.1 of the City of Wyandotte’s Zoning Ordinance. The applicant is responsible for carefully reviewing, understanding and complying with the requirements of the ordinance.
2. If alcoholic beverages are served, the current Michigan Liquor Control Commission rules and regulations shall apply, and the applicant shall obtain all necessary approvals.
3. Compliance with all Police, Fire and City Engineer requirements attached.
4. Use of the outdoor café shall be allowed from 7:00 a.m. to 12 Midnight from March 15 through October 31. If appellant wants extended hours, hours must be approved by the City Council.
5. The outdoor café shall comply with all applicable laws and regulations of the City, County, and the state.
6. Umbrellas to have name of establishment on the drip-tee only, no logo’s for products.
7. If the Appellant is proposing a fence the materials used to surround the proposed café should match the fencing utilized at Belicose Café at 3030 Biddle Avenue to develop a consistent standard in the CBD.

YEAS: Duran, Eberts, Krimmel, Lupo, Parker, Schultz, Tavernier

NAYS: None

ABSENT: Hovis and Rockershousen

MOTION PASSED

6. PUBLIC HEARING – PC#226 – Site Plan review for the allowable use of Tim Hortons/Coldstone Creamery Restaurant with Drive-Thru at the former 2704 Biddle/73 Superior, Wyandotte in a B-2 Zoning District.

MOTION BY COMMISSIONER SCHULTZ, supported by Commissioner Lupo

WHEREAS, the Planning Commission has received a recommendation from the Design Review Committee regarding the site plan for the proposed Tim Hortons Development at 2702 Biddle Avenue (Former 2704 Biddle/73 Superior) dated June 30, 2010; AND

WHEREAS, the Planning Commission has received a recommendation from the City Engineer dated July 7, 2010, regarding the site plan for the proposed Tim Hortons Development at 2702 Biddle Avenue (Former 2704 Biddle/73 Superior);

WHEREAS, on July 15, 2010, the Planning Commission of the City of Wyandotte, held a Public Hearing with proper notice;

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WYANDOTTE, to recommend to City Council that site plan for the project at 2702 Biddle Avenue (Former 2704 Biddle/73 Superior) be accepted and approved subject to the revisions as follows:

1. The cooper fixtures similar to the fixtures in the right-of-way in front of 81 Chestnut are approved as an approved equal to the halophane fixtures.
2. The outdoor café is subject to all conditions applicable to an outdoor café on private property in the Central Business District (CBD) Zoning District, Section 2200.S.1 of the City of Wyandotte's Zoning Ordinance. The applicant is responsible for carefully reviewing, understanding and complying with the requirements of the ordinance.
3. Use of the outdoor café shall be allowed from 11 a.m. to 12 midnight from March 15 through October 31.
4. The outdoor café shall comply with all applicable laws and regulations of the City, County, and the State.
5. Umbrellas to have name of establishment on the drip-tee only, no logo's for products.
6. Fencing and outdoor furniture to be utilized with the Outdoor Cafe is to be of the type as submitted to the Planning Commission at the public hearing on July 15, 2010.
7. Planning Commission approves the landscaping plan as submitted with the understanding that the deletion of the screening wall which is a part of the Purchase Agreement with the City of Wyandotte must be reviewed by the City Council.
8. Elevation with corbel columns to both sides of all windows similar to Taylor Store on Ecorse Road to be submitted to Design Review Committee for approval.
9. East elevation with entrance on right side is the approved elevation. Conflicting elevations are not approved.
10. Brick enclosure for dumpster areas to be 6 feet high and to match the brick of the building.
11. There will be no cut through of Superior Boulevard between Biddle and 1st Street. The goal is to minimize neighborhood traffic.
12. Northbound traffic could possibly stack at the light. If this becomes a problem, the County advised that they would install a left turn signal.
13. The two (2) tables outdoor seating arrangement is controlled by the number of on site parking spaces. i.e. more seating would require more parking.
14. The submitted revised sign location to be at northeast corner of site.
15. Trees planted in the greenbelt area on the south side of property to be planted as close together as possible. Plants on the Superior Boulevard side are required to be a clipped hedge.
16. Bike Stand required.

YES: Duran, Eberts, Krimmel, Lupo, Parker, Schultz Tavernier
NO: None
ABSENT: Hovis , Rockershousen
MOTION PASSED

PERSONS IN THE AUDIENCE:

None

SPECIAL ORDER:

Mr. Leman indicated that he would start to work on the changing of the zoning for the area on Ford Avenue from 15th to 17th Street as recommended by the Commission at this meeting.

BILLS AND ACCOUNT:

MOTION BY COMMISSIONER DURAN, supported by Commissioner Eberts to:

1. Pay Beckett & Raeder for Planning Consultant fee for June 2010 in the amount of \$700.00
2. Hours for Secretarial Services: 6/03/10 – 7/02/10 14 Total Hours

YEAS: Duran, Eberts, Krimmel, Lupo, Parker, Schultz, Tavernier

NAYS: None

ABSENT: Hovis and Rockershousen

MOTION PASSED

MOTION TO ADJOURN:

MOTION BY COMMISSIONER EBERTS, supported by Commissioner Schultz to adjourn the meeting at 9:20 p.m.

PUBLIC HEARING – PC#060810 Request from the City of Wyandotte and Tom and Donna Lengyel (Owners and Appellants) to rezone the property known as 580 Poplar and part of the Former 600-604 Poplar .

Chairperson Krimmel opened the public hearing for comments.

There was no one that wanted to speak about this issue.

The Secretary informed the Commission that part of this property is City owned and combining the property would cause a large lot and if something were to happen to the existing home, with the current zoning, a multiple family could be built here.

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 request.

PUBLIC HEARING – PC 062210 - Request from Carol Palzesny (Owner) and Dale Lemieux (Appellant) to rezone the property known as 1753 Ford Avenue (Lots 2, 3 and 4 West Park Subdivision) Lot Size 90' x 120'.

Chairperson Krimmel opened the public hearing for comments.

Dale Lemieux prospective purchaser.

Mr. Lemieux informed the Commission that he was purchasing the property to open it as a party store and he cannot purchase it if it is not rezoned.

Mr. Leman explained to the Commission that the surrounding properties on the block are zoned OS and to rezone this property would be spot zoning which is illegal in Michigan.

Chairperson Krimmel asked if he would be selling beer and wine.

Mr. Lemieux indicated that he would be.

Mr. Leman indicated that the Commission could look at the entire block and see if it should all be rezoned to B-1 or B-2 but that could take some time. Mr. Leman further indicated that maybe the Commission could even look at the Special Uses in B-1 and make a change there.

Chairperson Krimmel explained the reason why B-2 might not be the proper zoning. Chairperson Krimmel reviewed the uses allowed in B-2 and she is not sure if all those uses should be allowed in that area.

Mr. Leman read the preamble of the B-2 Zoning District.

Mr. Leman stated that the concern is that if the property is rezoned to B-2 and Mr. Lemieux's business does not make it, the property could be turned into an auto reconditioning shop, which would not be desirable.

Carol Palzesny, Owner.

Ms. Palzesny stated that the property has been a party store for 22 years.

Mr. Leman explained the City went through and changed about 70 properties zoning a couple of years ago after much planning and review by the Commission.

Ms. Palzesny indicated that the store has only been closed since November 2009.

Chairperson Krimmel indicated that if the property is vacant for more than 6 months it goes back to the original zoning.

Ms. Palzesny stated that the property has never been used for office and that she wants to sell the business and she cannot wait 3 months for the Commission to look that the entire block.

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 request.

PUBLIC HEARING – PC#224 – Request from Dotte Pub, 116 Oak Street, Wyandotte for a Certificate of Occupancy for an Outdoor Café at 116 Oak Street, Wyandotte, in a CBD Zoning District

Chairperson Krimmel opened the public hearing for comments.

Daniel Holka, owner of Dotte Pub.

Mr. Holka indicated that adding this outdoor café will enhance the property.

Chairperson Krimmel read the letters received by the Fire Chief, Police Chief, and City Engineer.

Chairperson Krimmel asked Mr. Holka if he had applied to the Liquor Control Commission to serve liquor at the café.

Mr. Holka indicated that they were waiting to get the Planning Commission approval first.

Mr. Holka indicated further that they plan on putting up a black aluminum fence and they have not selected the furniture yet.

Mr. Leman indicated that the fence needs to match Belicose Café fence on Biddle Avenue.

Mr. Holka indicated that would be fine with them.

Commissioner Schultz indicated that the fence also needs to be removed during the winter.

Mr. Holka indicated that would not be a problem.

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

Three (3) communications were received regarding this request.

OFFICIALS

WILLIAM R. GRIGGS
CITY CLERK

ANDREW A. SWIECKI
CITY TREASURER

COLLEEN A. KEEHN
CITY ASSESSOR



MAYOR
JOSEPH R. PETERSON

CITY COUNCIL
TODD M. BROWNING
JAMES R. DESANA
SHERI M. SUTHERBY-FRICKE
DANIEL E. GALESKI
LEONARD T. SABUDA
LAWRENCE S. STEC

June 21, 2010

Planning Commission
City of Wyandotte
3131 Biddle Ave.
Wyandotte, Michigan 48192

RE: Proposed Outdoor Café @ 116 Oak Street

Commissioners,

I have reviewed the two proposed options for an outdoor café to be located at 116 Oak Street. I would object to any consideration of Option 1 because it would limit the clear path of entry and exit to and from the bar.

Option 2 would be acceptable with the following changes. Shift the proposed café location forward by one foot. This will allow for a six foot pedestrian right of way, a café approximately seven feet wide and allow for a two foot clearance at the curb. (Diagram modification is attached for your review.) Changes are being based on my site visit and actual measurements of the sidewalk. It is my opinion that two feet at the curb would be sufficient for persons to exit their vehicles.

Please feel free to contact the undersigned if you require anything further with regards to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael MacDonald". The signature is written in a cursive style and is positioned above a horizontal line.

Michael MacDonald, Fire Chief

Dotte Pub

116 OAK ST

OPTION #2

1275 sq ft

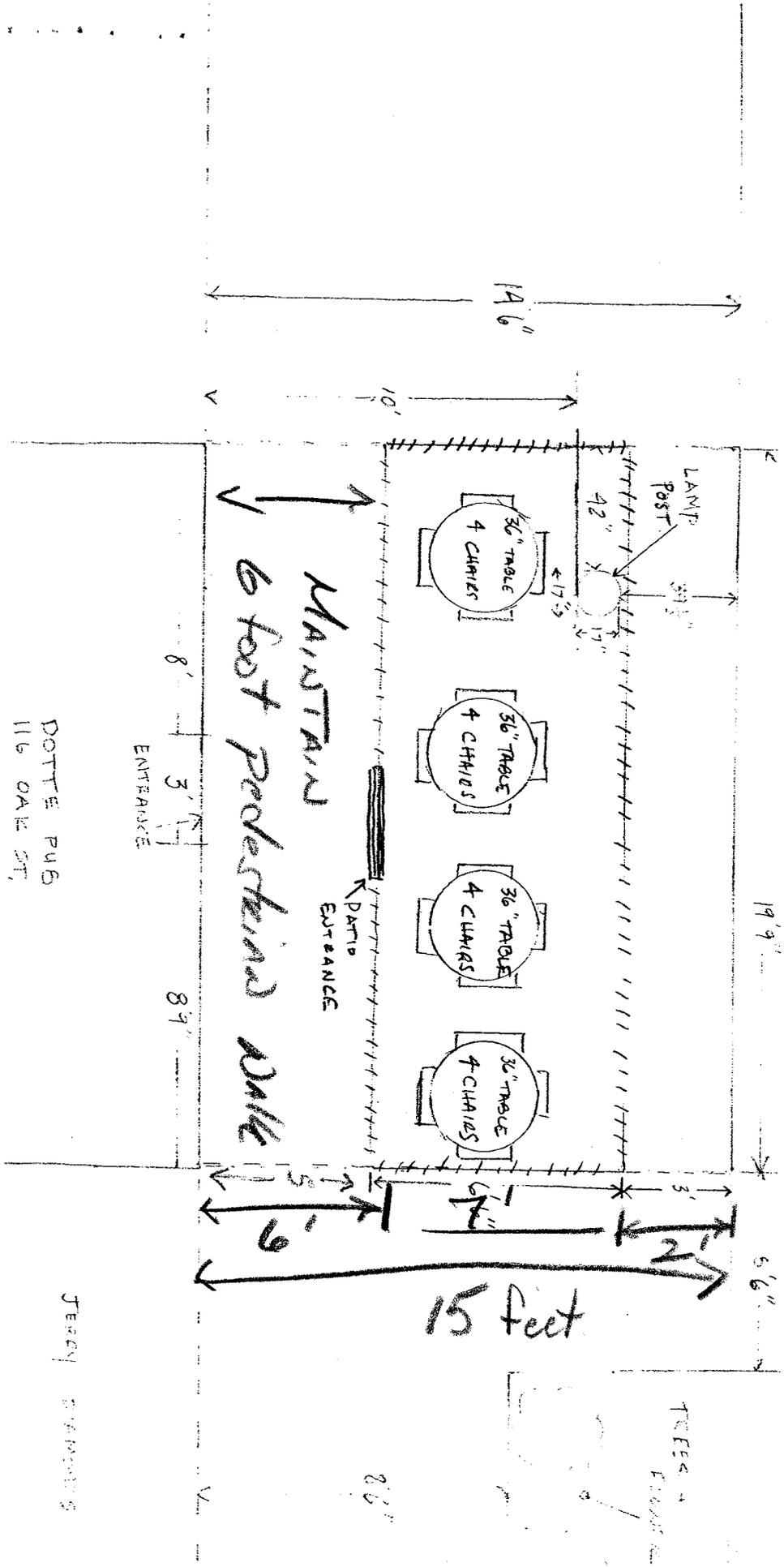
4 TABLES WITH 16 SEATS

OPTION #2

OAK ST.

PROPOSED 4' ALUMINUM
OR IRON FENCE

PATIO GATE



DOTTE PUB
116 OAK ST.

JEFFREY STAMPAUS

MAYOR
Joseph R. Peterson

CITY CLERK
William R. Griggs

CITY ASSESSOR
Colleen A. Keehn



CITY COUNCIL

Todd M. Browning
James R. DeSana
Sheri Sutherby Fricke
Daniel E. Galeski
Leonard T. Sabuda
Lawrence S. Stec

DANIEL J. GRANT
CHIEF OF POLICE

June 22, 2010

Kelly Roberts, Development Coordinator
Wyandotte Engineering Department
3131 Biddle Avenue
Wyandotte, MI 48192

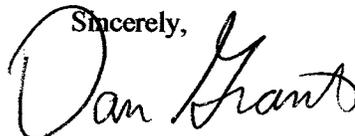
Dear Ms. Roberts:

SUBJECT: NEW OUTDOOR SERVICE – 116 OAK STREET

This letter is in response to your memo dated Monday, June 21, 2010 relative to the Outdoor Café application at Dotte Pub, 116 Oak Street, Wyandotte, Michigan. Upon verification that the proposed 36" set back from the curb (Option #2) provides adequate space for vehicular door clearance when parked on the north side of Oak Street in front of 116 Oak, I have no objection to the proposed "outdoor patio area," as illustrated on the engineering drawing submitted by the applicant, with the following conditions:

- The applicant meets all laws and ordinances as required by the Fire and Engineering Departments.
- Engineering approves Dotte Pub for use of the intervening property, which is 5' of City of Wyandotte's sidewalk separating the proposed outdoor café's defined area from said business.
- Approval is received from the Liquor Control Commission for an Outdoor Café.

Further, the police department recommends that Dotte Pub be reminded that an outdoor service permit allows the sale, service, and consumption of alcoholic beverages in a well-defined and clearly marked area outside of the licensed premises¹. Compliance with this provision is the responsibility of the licensed establishment, and failure to comply can result in the issuance of a violation.

Sincerely,

Daniel Grant
Chief of Police

cc: Clerk's Office

¹ R 436.1419 - Outdoor Service

OFFICIALS

William R. Griggs
CITY CLERK

Andrew A. Swiecki
CITY TREASURER

Colleen A. Keehn
CITY ASSESSOR



MAYOR
Joseph R. Peterson

COUNCIL
Todd M. Browning
James R. DeSana
Sheri Sutherby Fricke
Daniel E. Galeski
Leonard T. Sabuda
Lawrence S. Stec

MARK A. KOWALEWSKI, P.E.
CITY ENGINEER

June 21, 2010

Elizabeth A. Krimmel, Chairperson
Planning Commission
City of Wyandotte
City Hall
Wyandotte, Michigan

RE: Proposed Outdoor Café at
116 Oak Street

Dear Mrs. Krimmel:

After review of submitted Option 1 and Option 2 for an outdoor cafe at 116 Oak Street the following applies. Option 2 provides a more viable outdoor café layout as it allows normal pedestrian traffic. Option 1 presents three (3) problems. The first is having to jog 90 degrees around a pole with a 39 ½" distance from the curb. The Second is potential interference from car doors. The Third is that it directs pedestrians to walk on bricks rather than a concrete sidewalk.

There are no details of the fence type or tables being proposed for this outdoor café and this should be clarified before approval.

I recommend that the Planning Commission chose Option 2 as the best option. Therefore, a proposed Resolution is attached for your consideration. If the Planning Commission approves said outdoor café it must also received approval from the City council since it is within the public right-of-way.

If you have any questions, please feel free to contact the undersigned.

Very truly yours,

A handwritten signature in black ink that reads "Mark A. Kowalewski".

Mark A. Kowalewski
City Engineer

MAK:kr
Attachment
cc: C.D. Development
Dotte Pub

PUBLIC HEARING – PC#225 – Request from Newton Company (Appellant and Owner) for a Certificate of Occupancy for four (4) apartments on the 2nd floor at 3005 1st Street, Wyandotte, in a CBD Zoning District

Chairperson Krimmel opened the public hearing for comments.

Gilbert Rose, Partner of Newton Company, Owner.

Mr. Rose indicated that there is approximately 4,000 square feet of space available on the 2nd floor above Willow Tree and it is not desirable for commercial use. Mr. Rose stated further that he is working with Wayne County Home Program to get funding for this project. Mr. Rose stated that the State has waived the requirement for an elevator. Mr. Rose explained that there is no place to provide parking and he would be attending the Zoning Board meeting next week for a variance.

Mr. Leman reviewed the Ordinance for Special Use in the CBD with the Commission. Mr. Leman further indicated that if Mr. Rose's tenants are parking in the City lots it would be hard for snow removal.

Commissioner Duran indicated that Mr. Rose is on the Zoning Board's agenda for next week.

Mr. Rose indicated that this project would be a \$300,000 investment in Wyandotte.

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 request.

PUBLIC HEARING – PC#227 – Request from Jackalope’s Bar & Grill (Appellant) and Bruce Chapin (Owner) for a Certificate of Occupancy for an Outdoor Café at 3530 Biddle Avenue, Wyandotte, in a PD Zoning District.

Chairperson Krimmel opened the public hearing for comments.

Chairperson Krimmel read the letters from the Fire Chief, Police Chief and City Engineer read into the record.

Bruce Chapin, Owner of Jackalope’s Bar & Grill – 3530 Biddle Avenue

Mr. Chapin indicated that he is requesting an outdoor café just like the previous bar (PC#224) Dotte Pub. Mr. Chapin indicated that he has not decided on the railing or awning yet.

Commissioner Eberts indicated that Mr. Chapin has plenty of room for the outdoor café.

Mr. Leman asked how the café would be serviced.

Mr. Chapin stated that it would be from the front door for now, but a window would be put in the future.

Commissioner Tavernier asked if the café would be in the grass area.

Mr. Chapin indicated yes, and that he would lose 6 parking spaces, because he did not want people parking in front of the café.

Commissioner Tavernier asked if the landscaping would be reused somewhere else on the site.

Mr. Chapin stated yes.

Commissioner Lupo asked what the hours of service would be.

Mr. Chapin stated that he would like it to be until 2:00 a.m. and shut off the music by midnight.

Commissioner Lupo stated that the Commission and the City Council would need to approve extending the hours.

Mr. Chapin stated that the speakers would not be on the back or side of the building just in the front.

Commissioner Duran asked about the fence type.

Mr. Chapin stated that he was not sure, but it would be wrought iron, and he is not sure of the height.

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

Three (3) communications were received regarding this request.

MAYOR
Joseph R. Peterson

CITY CLERK
William R. Griggs

CITY ASSESSOR
Colleen A. Keehn



CITY COUNCIL
Todd M. Browning
James R. DeSana
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Daniel E. Galeski
Leonard T. Sabuda
Lawrence S. Stec

DANIEL J. GRANT
CHIEF OF POLICE

July 6, 2010

Kelly Roberts, Development Coordinator
Wyandotte Engineering Department
3131 Biddle Avenue
Wyandotte, MI 48192

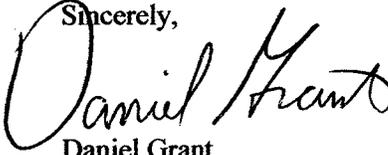
Dear Ms. Roberts:

SUBJECT: NEW OUTDOOR SERVICE – 3530 BIDDLE AVENUE

This letter is in response to your memo dated Monday, June 28, 2010 relative to the Outdoor Café application at Jackalope's Bar and Grill LLC, 3530 Biddle Ave., Wyandotte, Michigan. I have no objection to the proposed "outdoor patio area," as illustrated on the engineering drawing submitted by the applicant, with the following conditions:

- The applicant meets all laws and ordinances as required by the Fire and Engineering Departments.
- Approval is received from the Liquor Control Commission for an Outdoor Café.

Further, the police department recommends that Jackalope's Bar and Grill LLC be reminded that an outdoor service permit allows the sale, service, and consumption of alcoholic beverages in a well-defined and clearly marked area outside of the licensed premises¹. Compliance with this provision is the responsibility of the licensed establishment, and failure to comply can result in the issuance of a violation.

Sincerely,

Daniel Grant
Chief of Police

cc: Clerk's Office

¹ R 436.1419 - Outdoor Service

OFFICIALS

WILLIAM R. GRIGGS
CITY CLERK

ANDREW A. SWIECKI
CITY TREASURER

COLLEEN A. KEEHN
CITY ASSESSOR



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DANIEL E. GALESKI
LEONARD T. SABUDA
LAWRENCE S. STEC

June 28, 2010

City of Wyandotte
Planning Commission
3131 Biddle Ave.
Wyandotte, Michigan
48192

RE: Proposed Outdoor Café @ 3530 Biddle Avenue

Commissioners,

I have reviewed the application and site plan submitted by Jackalope's Bar and Grill, LLC to operate an outdoor café and have no objection to the granting of this request.

Please feel free to contact the undersigned if you require anything further with regards to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael MacDonald". The signature is written in a cursive style with a horizontal line underneath.

Michael MacDonald, Fire Chief

OFFICIALS

William R. Griggs
CITY CLERK

Andrew A. Swiecki
CITY TREASURER

Colleen A. Keehn
CITY ASSESSOR



MAYOR
Joseph R. Peterson

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Lawrence S. Stec

MARK A. KOWALEWSKI, P.E.
CITY ENGINEER

July 2, 2010

Elizabeth A. Krimmel, Chairperson
Planning Commission
City of Wyandotte
Wyandotte, Michigan

RE: Proposed Outdoor Café at
3530 Biddle Avenue

Dear Mrs. Krimmel:

The undersigned has reviewed the plan and application submitted for the proposed outdoor café for the above captioned property and the following applies. The café will be located on private property. However, there is no indication as to whether it will be fenced in or not. If the Appellant is proposing a fence the materials used to surround the proposed café should match the fencing utilized at Belicose Café at 3030 Biddle Avenue to develop a consistent standard in the CBD.

In accordance with the Outdoor Café Ordinance cafés may be set up and used from March 15 through October 31 with hours of operation from 7:00 a.m. to 12 Midnight. The Appellant has indicated the hours to be from 7:00 p.m. to 2:00 a.m. This would require approval by the Commission and City Council. It should be noted that the decibel levels are not to exceed 50 DBA between 8 p.m. and midnight or 55 DBA between 7 a.m. and 8 p.m. which shall constitute a violation of the Code.

Further, if alcohol is going to be serviced on the café a Commercial Inspection by the Engineering Department will be required for the entire property including the inside bar area.

A proposed Resolution is attached and if you have any questions, please feel free to contact the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark A. Kowalewski'.

Mark A. Kowalewski
City Engineer

MAK:kr

PUBLIC HEARING – PC#226 – Site Plan review for the allowable use of Tim Hortons/Coldstone Creamery Restaurant with Drive-Thru at the former 2704 Biddle/73 Superior, Wyandotte in a B-2 Zoning District

Chairperson Krimmel opened the public hearing for comments.

Mark Kellenbergher, representative of Tim Hortons, present

Mr. Kellenbergher reviewed the site plan with the Commission, which also included the landscape plan, outdoor café area and furniture, and lighting. Mr. Kellenbergher indicated that he has reviewed these plans with the Design Review Committee and they have approved same.

Mr. Kellenbergher indicated that they will be using the same brick on the dumpster enclosures as on the building. Mr. Kellenbergher stated further that the lights will be the same as the lighting in front of 81 Chestnut, the City's Art Center. Mr. Kellenbergher indicated that those types of lights will be all that they use on the site.

Mr. Leman asked about the wall between the building and the property to the south.

Mr. Kellenbergher indicated that when the property at former 73 Superior was sold it was required to be a wall, but they we have met with the adjacent property owner and she would like a berm. Mr. Kellenbergher indicated that they will need to go to City Council to have this requirement amended.

Mr. Leman stated that he has no problem with the change, but the plants should be closer together.

Mr. Kellenbergher indicated that would not be a problem.

Mr. Leman further indicated that there is no by-pass lane on the side of the drive-thru.

Mr. Kellenbergher indicated that was correct there is no code requiring one.

Mr. Leman stated that the Commission could require that.

Mr. Leman further indicated that the plants along the Superior Boulevard need to be spaced closer together so that it is will be a clipped hedge.

Mr. Kellenbergher stated that they would comply with that.

Commissioner Lupo asked about the exit/entrance onto Biddle Avenue, if there becomes a traffic problem how would that be handled.

Mr. Kellenbergher stated that the City Engineer has reviewed these plans with the County and they do not see that there will be any issues, but if there is the County would change the light at Superior.

Commissioner Tavernier asked about the sign on the building.

Mr. Kellenbergher stated that the sign would have a white background instead of red. Mr. Kellenbergher stated that a red background would blend in with the building and the white background will look nicer.

Commissioner Eberts asked about the style of lights.

Mr. Kellenbergher indicated that the lights would match the lights that are around the Masonic Temple Art Center at 81 Chestnut. Mr. Kellenbergher stated further that this will be the only light style that there will be throughout the project.

Corki Benson, Secretary Garfield Neighborhoods United.

Mrs. Benson stated that she has brought some concerns from residents in the neighborhood and some of the questions have already been answered. Mrs. Benson is concerned about additional traffic on Superior Blvd., especially if an entrance to Tim Hortons will be provided off Superior in addition to the main entrance on Biddle. Mrs. Benson stated that there will be additional foot traffic with the Purple Heart across the street. Mrs. Benson continued that the homes in the area old homes, and she hopes that the Commission will appreciate the traditional designs of the home and work with Tim Hortons on their building façade design. Mrs. Benson stated that it is not unreasonable to ask a new business to fit into the older traditional neighborhoods style.

Mrs. Benson questioned the lighting for the project and hoped it would not be the "freeway" lighting. Mrs. Benson recommended old fashion lamp post lighting.

Mrs. Benson asked about the alley which was vacated by the City Council and questioned the use of the drive-thru.

Mr. Kellenbergher indicated that the building will look like the store in Taylor.

Chairperson Krimmel asked about the fence around the outdoor café.

Mr. Kellenbergher indicated that it will match the other fence for outdoor cafes. Mr. Kellenbergher further indicated that the furniture on the outdoor café will match the Purple Heart Memorial benches.

Commissioner Tavernier indicated that they might think about having a bike stand installed.

Mr. Kellenbergher stated that it is not on the plan, but he would have no problem adding it into the plan.

Richard Greaves, 2732 Biddle, Wyandotte present.

Mr. Greaves indicated that he lives to the south of this development and he is very happy with the berm instead of a brick wall. Mr. Greaves further indicated that the trees should be planted closer together so it will be like a wall.

Mr. Greaves further indicated that he is also concerns about the drainage of the property. Mr. Greaves indicated that his property is lower than the proposed development. Mr. Greaves stated that he is sure that they will work with him to make sure that there will not be drainage onto his property.

Commissioner Schultz indicated that this had been discussed with the City Engineer.

Mr. Leman indicated that the trees on the berm should be planted closer together.

Mr. Benson, 404 Vinewood, Wyandotte.

Mr. Benson indicated that the development looks nice, but he is concerned about the exit and entrance on Superior and the traffic that might cause especially in the morning. Mr. Benson stated that the traffic will be increasing at Garfield School due to the closing of Taft. Mr. Benson indicated that maybe it should just be an exit onto Superior.

Janette Nagel, 249 Vinewood, Wyandotte.

Ms. Nagel indicated that she has been living in Wyandotte for 2 ½ years and loves Wyandotte. Ms. Nagel is very concerned about the historical flavor of this development. Ms. Nagel indicated that she feels that the Planning Commission should insist on keeping this development with the historical feel of this area.

Ms. Nagel feels that this development is too modern for the area, with the museum, two (2) other historical buildings on the next block and the Masonic Temple Art Center around the block.

Ms. Nagel further indicated that there is a home to the south and the drive-thru is on that side of the building and the owner of the home will have fumes of the cars going into her home all day and night long. Ms. Nagel indicated that she probably won't even be able to open the windows on that side of the home.

Ms. Nagel indicated that the Commission should make them move the drive-thru to the other side of the building.

Ms. Nagel stated further that this development does not meet the standards of Wyandotte and that Wyandotte should not settle for just anything.

Mr. Leman indicated that Design Review Committee has reviewed this plan and have made comments and they have been incorporated into this design. Mr. Leman further indicated that there are members of Planning Commission, Museum, DDA, and the WBA on that Committee.

Ms. Nagel indicated that there should be more historical items on the building.

Commissioner Schultz indicated that they have been through a very extensive review with the Design Review Committee.

Commissioner Parker indicated that putting architecture items on a new building could demean the architecture of the area. Commissioner Parker indicated that it is like a bow on a box.

Ms. Nagel indicated that she disagreed.

Gina Conti, 2732 Biddle Avenue, Wyandotte.

Ms. Conti indicated that she is opposed to this 24 hour drive-thru. Ms. Conti indicated that she meet with the Mayor, City Engineer and Tim Hortons and she did agree that the landscaping would be better than a brick wall.

Ms. Conti indicated further that her home was built in 1801 and she does not have central air conditioning and she will not be opening the windows on that side of her home.

Ms. Conti indicated that she did approve of the changes that Tim Hortons has made to the plans, but she does not want to see the drive-thru go in.

Commissioner Tavernier read into the record the letter received regarding this appeal.

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

One (1) communication was received regarding this request.

City of Wyandotte

Planning Commission

#PC225

We are sending our comments re the certificate of occupancy for Tim Horton's at Biddle and Superior.

We have concerns for this commercial establishment to be in OUR neighborhood.

I present the quote in the News Herald:

"Today, city planners emphasize the importance of pedestraian friendly downtown districts with green space, outdoor gathering spots, iconic landmarks and historic preservation.'

If this is good enough for downtown, it

surely is DOUBLY good for a residential
street such as Superior Blvd.

Thank you for your consideration,
Alfred Lawrence / Caroline Lawrence
Alfred and Caroline Lawrence

263 Superior Blvd.

734 720 0717

OFFICIALS

William R. Griggs
CITY CLERK

CITY TREASURER
Andrew A. Swiecki

Colleen A. Keehn
CITY ASSESSOR



MAYOR
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Lawrence S. Stec

July 7, 2010

PLANNING COMMISSION

Elizabeth A. Kimmel, Chairperson
Planning Commission
City of Wyandotte
3131 Biddle Avenue
Wyandotte, Michigan

RE: Site Plan for Tim Hortons/Coldstone Creamery Restaurant
With Drive-Thru at the former 2704 Biddle/73 Superior
Wyandotte, Michigan

Dear Chairperson Kimmel:

The undersigned has reviewed the plans submitted by Mark Kellenberger, Planner for Tim Hortons, and found the following:

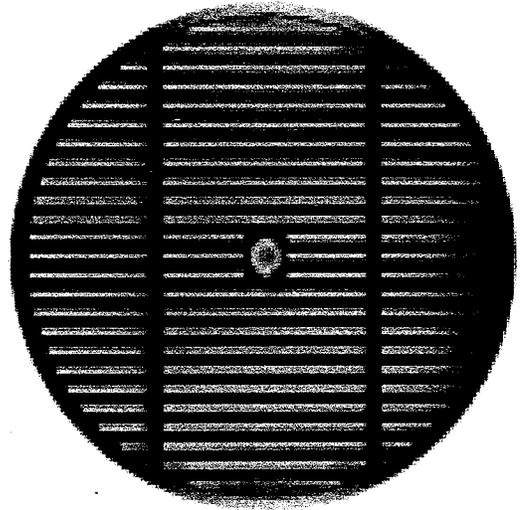
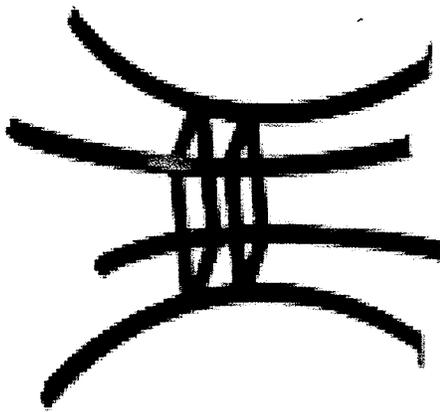
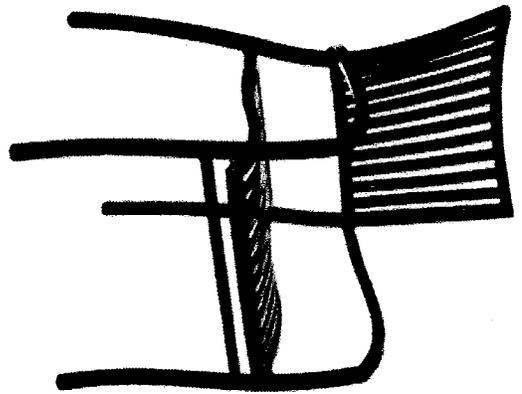
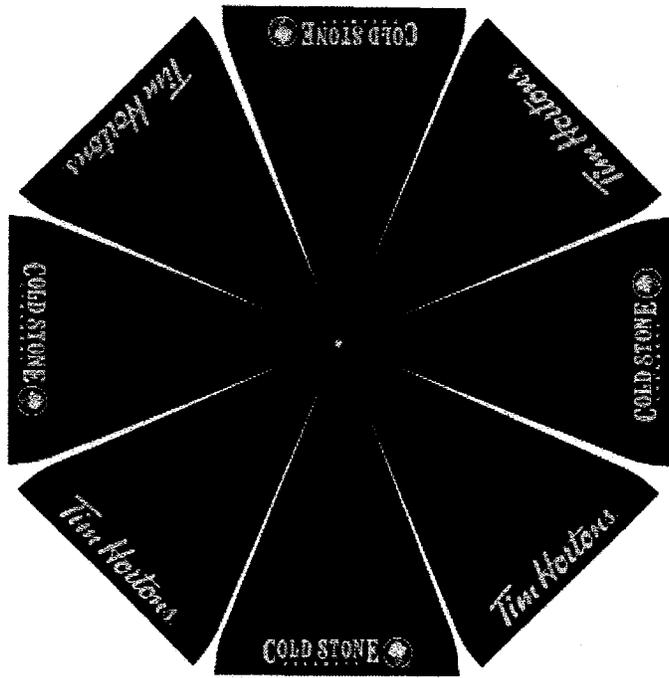
1. The City currently specifies a Halophane decorative light fixture in the Wyandotte Zoning Ordinance. Recently, Municipal Service installed similar Cooper fixtures in the right-of-way in front of 81 Chestnut. I have requested the specifications from Municipal Service several times so the City can approve these light fixtures as an approved alternative, but to date I have not received them. It is hopeful Municipal Service can supply this information before our meeting dated July 15, 2010. If the alternate specifications are received and acceptable to the Planning Commission, I suggest the Cooper fixtures be accepted as an approved equal to the Halophane fixtures.
2. The Applicant has agreed to comply with the Outdoor Café Ordinance Section 2200 Paragraph 5. Applicant has been advised to provide pictures or drawings to sufficiently describe the type of fencing and outdoor furniture to be utilized with the Outdoor Cafe.
3. The Purchase Agreement between Oak Wyandotte, LLC and the City of Wyandotte for the former 73 Superior, states in paragraph 18, "Purchaser is required to construct a screening wall which is to be constructed of brick". The wall is to be constructed of brick to match the building and is shown along the south property line adjacent to the residential property. If the wall is not included in the project, then the City Council would be required to approve this change.

Very truly yours,

Mark A. Kowalewski
City Engineer

Enclosure

cc: Mayor Joseph R. Peterson
Johnson & Anderson, 4494 Elizabeth Lake Road, Waterford, MI 48328
Joseph Daly, Daly Real Estate Services, 100 Maple, Wyandotte, MI 48192
Mark Kellenberger, Tim Hortons



Submitted 7/15/10
to the Commission