

**CITY OF WYANDOTTE
PLANNING COMMISSION**
Agenda for the Special Meeting
Thursday, September 5, 2013, at 6:30 p.m.
Council Chambers, Wyandotte City Hall

CALL TO ORDER:

COMMISSIONERS: Adamczyk Lupo
 Benson Parker
 Booms Pasko
 Duran Tavernier
 Krimmel

ALSO PRESENT _____

COMMUNICATIONS:

1. Communication from Kathy Gorsky, 2816 2nd Street, Wyandotte.
2. Council Resolution dated August 27, 2013, regarding the rezoning of the property at 2250 10th Street, Wyandotte.

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Motion by Commissioner _____, supported by Commissioner _____ to approve the minutes of Meeting of August 15, 2013.

OLD BUSINESS:

1. PUBLIC HEARING PC303- Request from Rich DeSana, operator of Captain's, for a Certificate of Occupancy for an outdoor café in the front of the property at 126 Oak Street, Wyandotte, Michigan. The property is located in the CBD District where the proposed café conflicts with Section 2202.S.2 of the Zoning Ordinance which states:

An outdoor cafe shall be permitted by the Planning Commission subject to the review and approval of a site plan in accord with section 2200.5 and after a public hearing in accord with Section 2201.C by the Planning Commission.

This item was held abeyance from the August 15, 2013, Planning Commission meeting. Mr. DeSana has revised the plan for the outdoor café located in the front of his business.

NEW BUSINESS:

None

PERSONS IN THE AUDIENCE:

OTHER BUSINESS:

BILLS AND ACCOUNT:

MOTION TO ADJOURN:

The next meeting of the Planning Commission will be held on Thursday, September 19, 2013.

City of Wyandotte
PLANNING COMMISSION
Minutes of the Thursday, August 15, 2013, Meeting
MINUTES AS RECORDED

The meeting was called to order by Chairperson Elizabeth A. Krimmel at 6:30 p.m.

COMMISSIONERS PRESENT: Adamczyk, Benson, Booms, Krimmel, Lupo, Pasko, Tavernier

COMMISSIONERS EXCUSED: Duran, Parker

ALSO PRESENT: Charles Leman
Peggy Green, Recording Secretary

COMMUNICATIONS:

None

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING:

MOTION BY COMMISSIONER TAVERNIER, supported by Commissioner Pasko to approve the minutes of the Regular Meeting of July 18, 2013. MOTION PASSED.

OLD BUSINESS:

None

NEW BUSINESS:

1. PUBLIC HEARING PC-072313 – Request from Phil Nagorski, (Applicant) and Joe and Gloria Hutcherson, (Owners) to rezone the property at 2250 10th Street, Wyandotte, Michigan (Lots 51-53 Welch Bros. Pulaski Blvd. Park Sub). It is proposed to rezone the property from RA (Residential Single Family District) to B-1 (Neighborhood Business District).

MOTION BY COMMISSIONER TAVERNIER, supported by Commissioner Benson, to recommend to the City Council that the rezoning of the property at 2250 10th Street, Wyandotte be DENIED for rezoning to Neighborhood Business District (B-1).

The rezoning of this property is not consistent with the Master Plan.

YES: Adamczyk, Benson, Booms, Krimmel, Lupo, Pasko, Tavernier

NO: None

ABSENT: Duran, Parker

MOTION PASSED

- 2. A. PUBLIC HEARING PC303**– Request from Rick DeSana, operator of Captain’s, for a Certificate of Occupancy for an outdoor café in the front of the property at 126 Oak Street, Wyandotte, Michigan. The property is located in the CBD District where the proposed café conflicts with Section 2202.S.2

MOTION BY COMMISSIONER LUPO, supported by Commissioner Booms to hold this request in abeyance until additional information can be received.

YES: Adamczyk, Benson, Booms, Krimmel, Lupo, Pasko, Tavernier
NO: None
ABSENT: Duran, Parker
MOTION PASSED

- 2. B. PUBLIC HEARING PC303**– Request from Rick DeSana, operator of Captain’s, for a Certificate of Occupancy for an outdoor café in the rear of the property at 126 Oak Street, Wyandotte, Michigan. The property is located in the CBD District where the proposed café conflicts with Section 2202.S.2 of the Zoning Ordinance

MOTION BY COMMISSIONER PASKO, supported by Commissioner Adamczyk, that the PLANNING COMMISSION OF THE CITY OF WYANDOTTE, that Special Approval #303 – requested by Captains for a Certificate of Occupancy for an Outdoor Café in the rear of 126 Oak 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 2202.S.: 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 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. The proposed enclosure fencing encloses the path of the means of egress for emergency egress from the building. A designated clear floor space path of 44” needs to be shown on the chair and table layout along with a minimum 44” wide gate with panic hardware located on the north end of the enclosure so that the swing of the gate opens towards the north.
10. Approval of a portable stage to be placed at a later date.

YES: Adamczyk, Benson, Booms, Krimmel, Lupo, Pasko, Tavernier
NO: None
ABSENT: Duran, Parker
MOTION PASSED

PERSONS IN THE AUDIENCE:

No persons in audience.

SPECIAL ORDER:

Election of Officers:

MOTION BY COMMISSIONER LUPO, Supported by Commissioner Pasko to appoint Commissioner Krimmel as Chairperson

YES: Adamczyk, Benson, Booms, Krimmel, Lupo, Pasko, Tavernier

NO: None

ABSENT: Duran, Parker

MOTION PASSED

MOTION BY COMMISSIONER KRIMMEL, Supported by Commissioner Booms to appoint Commissioner Pasko as Vice-Chairperson

YES: Adamczyk, Benson, Booms, Krimmel, Lupo, Pasko, Tavernier

NO: None

ABSENT: Duran, Parker

MOTION PASSED

MOTION BY COMMISSIONER TAVERNIER, Supported by Commissioner Booms to appoint Commissioner Lupo as Secretary

YES: Adamczyk, Benson, Booms, Krimmel, Lupo, Pasko, Tavernier

NO: None

ABSENT: Duran, Parker

MOTION PASSED

BILLS AND ACCOUNT:

MOTION BY COMMISSIONER PASKO, supported by Commissioner Tavernier to:

Pay Beckett & Raeder for Planning Consultant fee for August in the amount of \$700.00

Hours for Secretarial Services: 6/27/13 – 07/26/13 9 Total Hours

YES: Adamczyk, Benson, Booms, Krimmel, Lupo, Pasko, Tavernier

NO: None

ABSENT: Duran, Parker

MOTION PASSED

MOTION TO ADJOURN:

MOTION BY COMMISSIONER TAVERNIER, supported by Commissioner Booms to adjourn the meeting at 9:15 p.m.

PUBLIC HEARING - PC-072313 – Request from Phil Nagorski, (Applicant) and Joe and Gloria Hutcherson, (Owners) to rezone the property at 2250 10th Street, Wyandotte, Michigan (Lots 51-53 Welch Bros. Pulaski Blvd. Park Sub). It is proposed to rezone the property from RA (Residential Single Family District) to B-1 (Neighborhood Business District).

Chairperson Krimmel opened the Public Hearing and asked if there was anyone present who wished to speak about this public hearing.

Commissioner Pasko, Commissioner Adameczyk and Chairperson Krimmel read the communications received into the file.

Commissioner Tavernier read the preamble for the O-S and B-1 Districts.

Mr. Lemam read the uses allowed in the B-1 District.

Mr. Phil Nagorski, 1832 10th Street present.

Mr. Nagorski indicated that he would like the property rezoned for business use and is looking for office use and a space for personal training one-on-one. Mr. Nagorski indicated that he currently uses his home for an office and is looking for a building. Mr. Nagorski indicated that this would be secondary use. He currently works as a therapist in people's homes.

Mr. Nagorski stated that the business will be low traffic and no employees. Mr. Nagorski stated that he would use this as a supplemental to his current income, he has been in business for 20 years. Mr. Nagorski stated that the building is set up as a commercial building and the previous owner did not convert the building to single family and it could not be sold as a single family. Mr. Nagorski stated that if he does not buy the property, Mr. Nagorski stated it would probably stay vacant.

Cheryl Zielman, 1045 Mulberry, Wyandotte.

Ms. Zielman has lived in the area for 25 years, originally signed the petition, but after consideration opposes the zoning. Ms. Zielman stated that reason for not wanting the rezoning is because it is considered spot zoning. Ms. Zielman stated that the surrounding area is residential and the Master Plan states residential area. Ms. Zielman stated that when it was a business there was a lot of traffic and now it is gone and there is not a lot of street parking surrounding the building. Ms. Zielman stated that she encourages businesses in Wyandotte, but not in the neighborhoods. Ms. Zielman stated that the property is large enough for a large single family home.

Commissioner Lupo commented that Ms. Zielman sign the petition for the proposed change.

Ms. Zielman stated that she changed her mind and considered what could go there in the future.

Mr. Arnold Paciani, 2226 10th Street, Wyandotte.

Mr. Paciani stated that he lives north of the property, and can't understand why the City would consider this rezoning, there is a problem with parking in the neighborhood and this would just add to that problem. Mr. Paciani stated that most of the properties on 10th Street are rental units. Mr. Paciani stated that Mr. Nagorski is already using the building. Mr. Paciani continued further that there is a beauty shop across the street and there is no parking there. Mr. Paciani stated that the owners knew when it was changed to single family that it could not be changed back.

Mr. MacDonald, 1034 Mulberry, Wyandotte.

Mr. MacDonald stated that he is opposed to any business at this location. Mr. MacDonald stated that he has put a lot of money into his house and has lived there since 2002. Mr. MacDonald stated that Mr. Nagorski has been utilizing the building and there are people running up and down the street and Mr. MacDonald does not feel that this is a good location for this type of business. Mr. MacDonald stated he has put \$30,000 into his home.

Ms. Kathleen Behm, 2287 10th Street, Wyandotte

Ms. Behm stated that there is a parking issue in the neighborhood due to all the rentals and they are always parking in her driveway. Ms. Behm stated that the street is very busy now and with the installation of the stop sign has helped, but there is still a problem. Ms. Behm stated that Mr. Nagorski is supplying a good business, but it should not be at this location. Ms. Behm stated that there are other empty buildings in Wyandotte that would better suit Mr. Nagorski's needs and not in this neighborhood.

David Bodnar, 2243 10th Street, Wyandotte

Mr. Bodnar stated that he purchased his property in 2006 and when the business moved out and the owners changed to single family it helped with the traffic and parking in the neighborhood and all of this should be taken into consideration when thinking about rezoning this property.

Edna Masserant, 12998 Edison, Southgate, owner of the Hair Salon at 2268 10th Street on the corner across the street from the proposed rezoning.

Ms. Masserant stated that the previous owners used the building as a business and had a rental unit in the rear and there were parking problems. Ms. Masserant stated that she has no off street parking and if a business goes into this building it would cause a problem to her business.

Commissioner Benson asked if Ms. Masserant's property is a non-conforming use.

Ms. Masserant stated that she is taxed as a commercial property.

Mr. Leman stated that her use is grandfathered in as long as she operates the current business, once she stops using it as a hair salon, it would go back to residential.

Mr. Mike Sadowski, 1041 Cedar, Wyandotte

Mr. Sadowski indicated he has lived in the area for 32 years and has put \$100,000 into his home and he knew the business was there when he bought his home. Mr. Sadowski stated that he knows Phil and he will be a good business for the neighborhood.

Patricia Wisbang, 2235 10th Street, Wyandotte.

Ms. Wisbang stated that she is against the business in the neighborhood.

Mr. Paciani stated that he is concerned that Mike Sadowski is on the TIFA Board for the City and he should not be speaking about this.

Mike Radic, 1031 Mulberry, Wyandotte

Mr. Radic stated that he is opposed to the spot rezoning, he is in favor of small businesses, but not in neighborhoods.

Mr. Nagorski stated that he understands the concerns of the residents, but he has 6 kids and he lives in the neighborhood and believes this would be a good business in the area. Mr. Nagorski stated that he will be using a portion of the property as rental and the other part for his part-time business. Mr. Nagorski stated that he will be responsible for the inspection and bringing the property up to code. Mr. Nagorski stated that he will be a good neighbor and he would putting in parking as required by the Ordinance.

Commissioner Lupo asked how many parking spots would be required.

Mr. Nagorski stated that the Engineering Department indicated 9 spots and he would even consider paving the alley.

Mr. Leman asked if there would be a membership to go there.

Mr. Nagorski stated no membership.

Mr. Leman asked how many employees.

Mr. Nagorski stated just him.

Jerry Sabatowich, 2776 10th Street, Wyandotte

Mr. Sabatowich stated that he understands what the neighbors are saying, but Phil would be a good addition to the neighborhood and less of a problem than a party store.

Mr. Leman stated that if the property is rezoned it could be used as a party store in the future, if Mr. Nagorski business should fail.

Mr. Sabatowich stated that Mr. Nagorski will do what he says he will do.

Chairperson Krimmel asked again if there was anyone else present who wished to speak about this public hearing.

There being no more questions, the public hearing was closed.

Ten (10) communications and one (1) petition was received regarding this hearing.

A. PUBLIC HEARING PC303– Request from Rick DeSana, operator of Captain's, for a Certificate of Occupancy for an outdoor café in the front of the property at 126 Oak Street, Wyandotte, Michigan. The property is located in the CBD District where the proposed café conflicts with Section 2202.S.2.

Chairperson Krimmel opened the Public Hearing and asked if there was anyone present who wished to speak about this public hearing.

Rick DeSana, 2530 Medford, Trenton.

Mr. DeSana presented a presentation to the Commission on how the outdoor café will look.

Mr. DeSana stated that he would like to redesign the streetscape in the front and he has support of the neighboring businesses.

Mr. DeSana stated that the outdoor café would be similar to the café on Sycamore. Mr. DeSana stated that he has updated the building and is now looking to put in two (2) outdoor cafes one in the front and one in the rear. Mr. DeSana stated that he feels the café next door is kind of small and it is hard to serve food. Mr. DeSana stated that if the streetscape gets changed then the neighbors (Dotte Pub) could increase their café if they so wish.

Mr. DeSana stated that the cafes will be constructed and run in accordance with all City Ordinances.

From the desk of...

Jerome J. Sabatowich

2776 Tenth Street
Wyandotte, MI 48192
July 25, 2013

To Whom It May Concern:

Phil Nagorski is a personal trainer who specializes in working with people who, like myself, are physically challenged. He also works with young athletes who are trying to get into shape.

In the three years that Phil has been working with me, he has often spoken to me about his dream to have his own facility with special equipment that his clients need but cannot afford (e.g. a stationary bike for people in wheelchairs, a tilt table for individuals who cannot stand on their own, parallel bars so those who have had knee replacements can learn to walk again, exercise equipment, etc.). Phil now has an opportunity to make that dream a reality if the property at 2250 Tenth Street is rezoned.

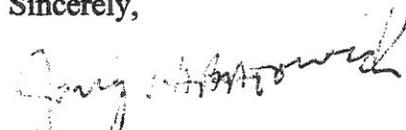
Since Phil will be working only with individuals and small groups, parking should not be an issue because there are other businesses on the same street that have a similiar number or less parking spaces (e.g. the barber shop across the street and Vinewood Bakery). Furthermore, neighbors will not have to worry about cars arriving too early in the morning or too late at night because his commitments to his wife and six children make appointments with his clients at odd hours impossible.

Nor should traffic be a problem. Anyone who has lived on Tenth Street (as I have for ten years) should be used to the extra car volume from Our Lady of Mt. Carmel Church and Schools. The few extra cars that will travel down the street due to Phil's facility will be negligible in comparison.

I believe that Phil Nagorski will be a good neighbor who will take care of and improve the property. As a businessman, he knows the value of good relationships with his neighbors and he shows a willingness to work with others to solve problems.

Finally, there are no other facilities in Wyandotte or neighboring cities like the one that Phil is proposing. I think it would be good for Wyandotte to have a business like this within its city limits.

Sincerely,



Jerry Sabatowich

I would like to read a statement on behalf of my parents: Joe and Gloria Hutcherson

We would like to rezone the property to a B1 Business so that we can sell this property. The property holds little value as a residential single family home because it is a commercial structure. We made a mistake rezoning it to residential. We thought we were going to save ourselves some money but we were wrong, and now the building might sit there unless we can sell it. We are not in a position to put any more money into the building and we are now in Tennessee where we will have to stay to take care of our property here.

Unfortunately if the timing was better we would not be here to rezone this property, because it would still have a Business zoning.

We really feel good about selling it to Phil Nagorski.

Phil is a Wyandotte guy who is raising his family right down the street. We know how he runs his business and can vouch for his integrity.

We regret the fact that we are in this position, but selling the property to Phil Nagorski provides the city, the community, the neighborhood and us the best opportunity available.

No one wants to see this property vacant and we know Phil will take great care of it and run a very professional business and be a great neighbor.

E/W LOT (APPROXIMATE)

ALLEY BARRIER

1'-3"

29'-1 1/2"

N/S LOT (APPROX.)
92'-3"

PROPOSED
OFF-STREET
PARKING

24'-11"

2-CAR
GARAGE

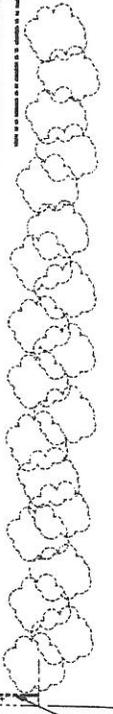
24'

DECK

16'-2"

30'-2"

106'-6"



WOODEN
FENCE

80'-7"

2 BDRM
~~APT.~~
OFFICE
AREA

2250 10TH STREET

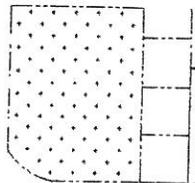
THERAPY AREA

35'-8"

16'-1"

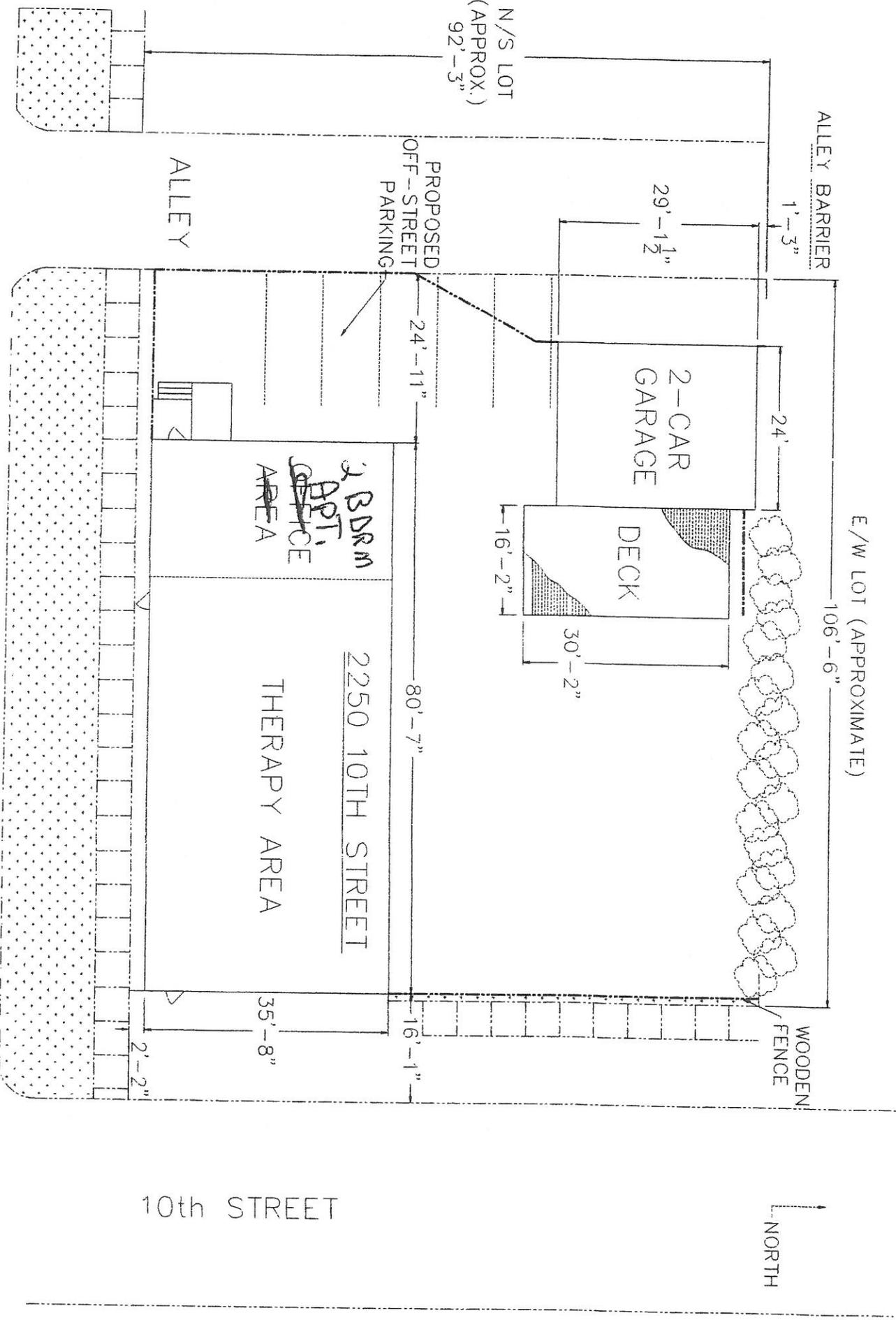
2'-2"

ALLEY



MULBERRY STREET

10th STREET





PHIL'S FITNESS THERAPY

www.trainerforce.net/fitnesstherapy

www.healthylifestylesvending.healthychoicevendor.com

PHIL NAGORSKI

734-285-1542

734-673-5705

Rezoning of 2250 10th

Neighborhood Petition of agreement to the zoning of the property of 2250 10th to be zoned a business property.

I understand that Phil Nagorski would like to run his business of Post Rehabilitation therapy and Personal Training out of this building.

I support his idea of Rezoning this property.

Name

address

Raura Saches

1042 Mulberry Wyandotte

Thomas Quinn

1066 Mulberry Wyandotte

Donald L. Ray II

1100 MULBERRY, WYANDOTTE

Bob Cray

1121 MULBERRY, WYANDOTTE

VERONICA MAKOWSKI

1069 Mulberry Wyandotte

Shirley Kiester

1055 Mulberry Wyandotte

Cheryl Zielman

1045 mulberry Wyandotte

Emanuel Galbraith

2263 10th Wyandotte

Virginia Bartuski

2286 10th Wy.

Gene Miller

2286-10th Wy.

Kevin Conway

2286 10th Wy

Mark A. Bal

2287 10th Wy



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I support his idea of Rezoning this property.

Name	address
<u>Michael Sawowski</u>	<u>1041 CEDAR WYANDOTTE MI 4819</u>
<u>Joe Hughes</u>	<u>2214 10th St. Wyandotte 4819</u>
<u>GAROLD VALIE</u>	<u>2214 10th St. Wyandotte 4819</u>
<u>ALEX DIBISKAWSKI</u>	<u>1039 MULBERRY WYAN. 4819</u>
<u>Paul Dowling</u>	<u>1019 CEDAR</u>
<u>Denny Suppala</u>	<u>2300 10th #1 Wyandotte 4819</u>
<u>John Dolis</u>	<u>2309 10th WYA</u>
<u>Ravanne Berrow</u>	<u>2322 10th wyandotte</u>
<u>Kathy Berrow</u>	<u>2322 10th wyandotte</u>
<u>Glenda Vann</u>	<u>2333 10th Wyandotte</u>
<u>Patricia Farrell</u>	<u>2317 10th Street Wyandotte</u>
<u>Amy Coffee</u>	<u>2316 10th Street Wyandotte</u>



PHIL'S FITNESS THERAPY

www.trainerforce.net/fitnesstherapy

www.healthylifestylesvending.healthychoicevendor.com

PHIL NAGORSKI

734-285-1542

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I understand that Phil Nagorski would like to run his business of Post Rehabilitation therapy and Personal Training out of this building.

I support his idea of Rezoning this property.

Name

address

Brandi Coover

2376 10th Wyandotte 48192

Theresa Cleveland

2405 10th Wyandotte 48192

2286-10th Street
Wyandotte, Michigan
734-283-5423

July 12, 2013

Re: Rezoning of 2250-10th Street

Mr. Peterson, Mayor and City Council

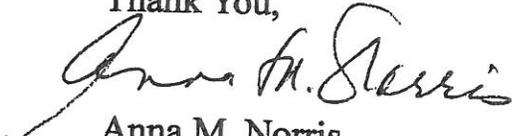
I am writing this on behalf of Mr. Phillip Nagorski. I recently learned of Phil's plan of starting a business at 2250th Street. I feel that "Phil's Fitness Therapy" would be a very positive business for this area.

I have known Phil for numerous years. I first met him as a fitness trainer for a fitness group. Although I had to drop out due to health reasons, I know that he has continued to work in the fitness field and is very eager to bring his services to this area.

I have been a Wyandotte resident, 2286-10th street, since the early 1980's. With the exception of the past few years, 2250-10th has always been a business establishment without any problems to the neighborhood.

The city of Wyandotte has a long history and reputation of supporting small businesses. I feel this is why our city has survived where other cities have failed. "Phil's Fitness Center" would be a stable small business and a positive for our neighborhood and our city.

Thank You,


Anna M. Norris

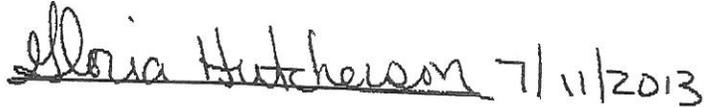
July 11, 2013

We are the owners of 2250 10th Street and have an agreement to sell the property to Phillip Nagorski contingent upon the re-zoning of the property for business use.

We give Phillip Nagorski the permission and/or agree for him to apply for re-zoning.



Joe Hutcherson



Gloria Hutcherson

Rec 8/15/1
PG# 072313

I am opposed to the rezoning of 2250 10th Street, Wyandotte, Michigan from the Single Family Residential (RA) to General Business District (B1).

Thank you,

Patricia A. Wisborg
2235-10th St.
Wyandotte, Mich.

Rec - 8/12/13
PC# 072313

I am opposed to the rezoning of 2250 10th Street, Wyandotte, Michigan
from the Single Family Residential (RA) to General Business District (B1).

Thank you,

Kathy Bercau
2322 10th
Wyandotte, Mich
48192

PC#072313

I am opposed to the rezoning of 2250 10th Street, Wyandotte, Michigan from the Single Family Residential (RA) to General Business District (B1).

Thank you,

John Dms

2309 10TH STREET
WYANDOTTE

PC# 072313

I am opposed to the rezoning of 2250 10th Street, Wyandotte, Michigan from the Single Family Residential (RA) to General Business District (B1).

Thank you,

Joe + Lily Ratliff

2301 10 Street lower unit

Wyandotte, MI

48192

PC# 072313

I am opposed to the rezoning of 2250 10th Street, Wyandotte, Michigan
from the Single Family Residential (RA) to General Business District (B1).

Thank you,

2301 10th upper
Wyandotte mi. 48192

Jacy & Chuck ~~Greathouse~~

PC# 072313

I am opposed to the rezoning of 2250 10th Street, Wyandotte, Michigan from the Single Family Residential (RA) to General Business District (B1).

Thank you,

Mark & Kathleen Behm
2287 10th St
Wyandotte Mich 48192

PC#07231

I am opposed to the rezoning of 2250 10th Street, Wyandotte, Michigan from the Single Family Residential (RA) to General Business District (B1).

Thank you,

Nicolas Qadeback

2283^{10th}

Wyandotte MI 48192

Commissioner Tavernier stated that the Sycamore outdoor café did not require the streetscape to be changed. Commissioner Tavernier also stated that public parking was not removed which is what is being proposed. Commissioner Tavernier continued that you need to consider parking for the apartment building and the other businesses on the block.

Mr. DeSana stated that the improvements outweigh the loss of the off street parking.

Commissioner Tavernier indicated that City Council would need to approve this.

Mr. DeSana stated that he was directed to present the outdoor café to the Planning Commission first.

Les Salliotte, 2304 18th Street, Wyandotte.

Mr. Salliotte stated that the post office will be closing soon and they are only really busy during the holidays.

Commissioner Tavernier stated that he did not hear that they were closing.

Mr. DeSana stated that you are alone talking about 4 or 5 parking spots and there is a public parking lot across the street. Mr. DeSana stated that with changing the streetscape you get a functional café at his location and next door.

There was a discussion about the parking on the block.

Commissioner Tavernier stated that the DDA should approve the plan and asked if Mr. DeSana had presented this plan to them.

Mr. DeSana stated no, not yet.

Chairperson Krimmel stated that if the adjacent café at the Dotte Pub changes, they would need to get Planning Commission approval.

Commissioner Lupo asked if Mr. Desana would comply with the requirements of the Police, Fire and Engineering Department.

Mr. DeSana stated yes.

Commissioner Tavernier indicated that the Dotte Pub should apply separately and not with Mr. DeSana's request.

Mr. DeSana indicated that he talked to all the businesses on the block and they signed the petition.

Commissioner Booms indicated that Mr. DeSana should measure out how many parking spots would be removed and come back to the Commission and then the Dotte Pub would have time to also submit paperwork.

Mr. DeSana stated that they (Dotte Pub) did sign the petition and the change of the streetscape would make their café even better.

Commissioner Lupo indicated that at this time there is not enough information for the Planning Commission to proceed.

Chairperson Krimmel stated that maybe Mr. DeSana should get City Council approval to expand the streetscape.

Mr. DeSana stated that he would consider changing the café and not change the streetscape at this time.

Chairperson Krimmel stated that this should be held in abeyance and Mr. DeSana could present a new plan.

Chairperson Krimmel asked again if there was anyone else present who wished to speak about this public hearing.

There being no more questions, the public hearing was closed.

No communications were received regarding this hearing.

B. PUBLIC HEARING PC303– Request from Rick DeSana, operator of Captain’s, for a Certificate of Occupancy for an outdoor café in the rear of the property at 126 Oak Street, Wyandotte, Michigan. The property is located in the CBD District where the proposed café conflicts with Section 2202.S.2 of the Zoning Ordinance.

Chairperson Krimmel opened the Public Hearing and asked if there was anyone present who wished to speak about this public hearing.

Mr. Bruce Yinger, 117 Chestnut, Wyandotte.

Mr. Yinger stated that he applauds all the efforts that has gone into this building and as long as they comply with all the noise and lighting ordinance, he has no problem with the rear outdoor café.

Mr. DeSana reviewed the layout of the rear café with the Commission.

The Commissioners discussed the layout of the rear café to the adjacent building.

Mr. Leman asked if they had a layout of the parking lot.

Mr. DeSana stated not yet.

Commissioner Benson indicated that the Dotte Pub is part of the Edinger Apartment Building and there is no rear entrance as far as he knows.

Commissioner Booms commented that there could be an issue with people hopping the fence.

Mr. DeSana stated that there would be a gate to get into the café and the café would comply with all ordinances.

Chairperson Krimmel asked again if there was anyone else present who wished to speak about this public hearing.

There being no more questions, the public hearing was closed.

No communications were received regarding this hearing.

Hearing A



Date:

To The Honorable Mayor
and City Council
Wyandotte, MI 48192

Dear Mayor and City Council Members:

We, the undersigned citizens, most respectfully petition your Honorable Body to eliminate the parking on the north side of Oak Street between 1st Street and the Wyandotte Post Office Driveway; and in support of a new streetscape funded by Rickles Entertainment LLC/DBA Captains, 126 Oak Street, Wyandotte.

NAME	ADDRESS
James P. ...	112 Oak
J K H	Prominent D & C Development, Co.
John K. Hawley	22333 Allen Road 112-116 Oak St.
	Wyandotte, MI 48183
Dan Hill	Daniel Hillier OWNER 116 OAK ST.

*WARNING: Any circulator knowingly making a false statement in the above certificate or any person not a circulator who signs as such or any person or signs a name other than his own as circulator, is guilty of a misdemeanor.

I, the undersigned circulator of the above petition, assert that I am qualified to circulate this petition, that each signature on the petition was signed in my presence, that to the best of my knowledge and belief each signature is the genuine signature of the person purporting to sign said petition.

CIRCULATOR Reed P. DeJ...
signature

ADDRESS 126 OAK street

PHONE NUMBER 810-423-1591

DATE 8/13/13

Subject: Re: Oak Street / Street Scape

Date: Thursday, August 15, 2013 12:27:18 PM Eastern Daylight Time

From: marlap@comcast.net

To: Rick Desana

Rick-you have my signature, however my computer is acting up and I can't email it back to you. Marla Price

From: "Rick Desana" <rickydesana@gmail.com>

To: marlap@comcast.net

Cc: "Les Salliotte" <LesSalliotte@aol.com>

Sent: Thursday, August 15, 2013 11:29:26 AM

Subject: Oak Street / Street Scape

Doctor Price,

My name is Rick DeSana and myself and Les Salliotte are the owners of the building and business at 122-128 Oak street. I hope that you are happy with the renovations and upgrades to the street. I am writing you to get your signed approval for a new street scape in front of our place and The Dotte pub. I have attached the plans and pictures for your review.

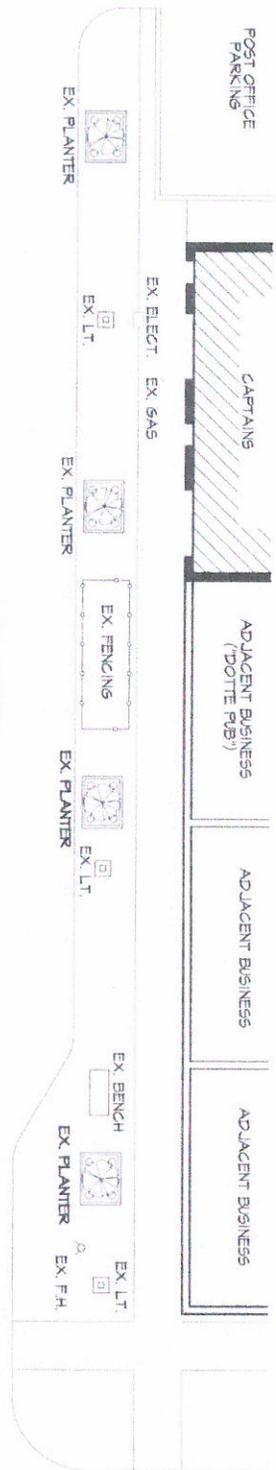
While meeting with the city this week it was brought to my attention that it would be in our best interest to have a petition signed by neighboring businesses because of the significant change it would bring to the street. The biggest change is that some, if not all parking spaces out front would be eliminated. I have been able to get the support of the John Howey the Landlord from the the Edinger, The Dotte Pub, and Salon Mischa. Also, the owners of the Dotte Pub and Salon Mischa. If you could review and if you have any thoughts or concerns please let me know. You can reach me anytime at 810-423-1591.

Thank you for your time.

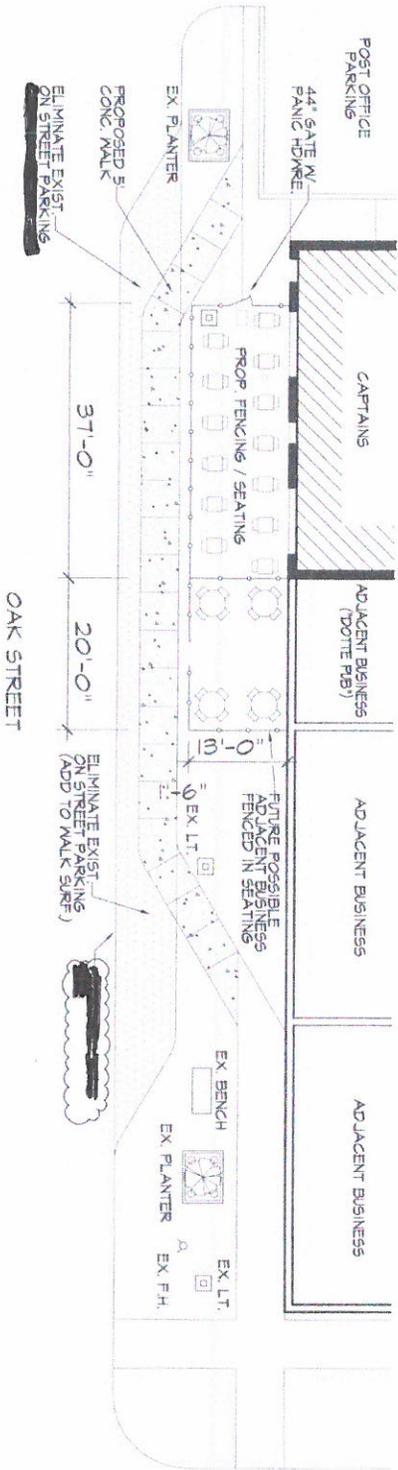
Sincerely,

Rick DeSana

810-423-1591



EXISTING STREETSCAPE PLAN
1/6" = 1'-0"

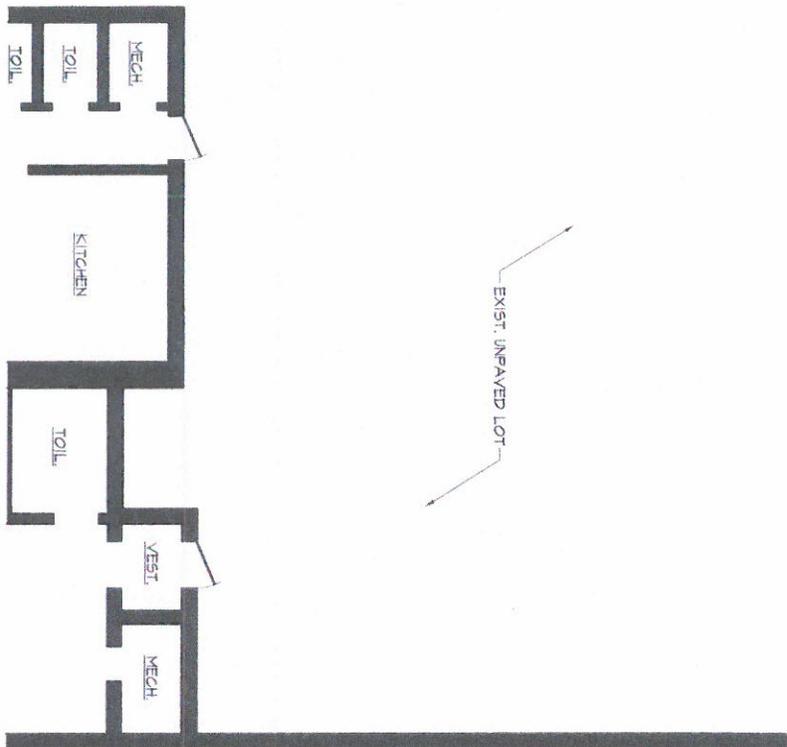


PROPOSED STREETSCAPE PLAN
1/6" = 1'-0"



NOTE: SEE SHEET 'C' FOR ADDITIONAL INFORMATION

POST OFFICE PROPERTY

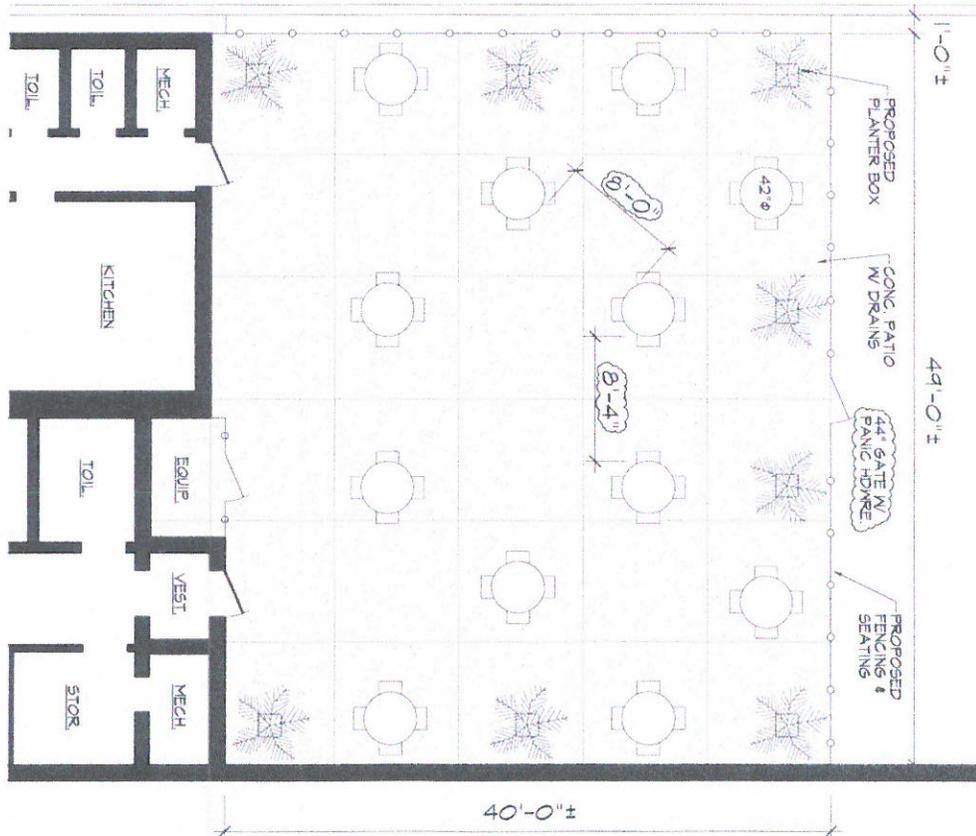


EXISTING PARKING LOT PLAN

1/8" = 1'-0"



POST OFFICE PROPERTY



PROPOSED PATIO PLAN

1/8" = 1'-0"



To: Betty Krimmel, Madam Chairperson,
Members of the Planning Commission for the City of
Wyandotte

From: Kathy Gorsky, 2816 Second Street, Wyandotte

Re: Dedication

I wish to commend all members of this commission for their dedication to the City of Wyandotte. You spend many hours studying material set before you, discussing the material and checking the feasibility of the various works according to state and city codes.

I applaud your concern for all those who appear before you. Your questions and discussions show deep concern.

Citizens appreciate your in-depth study and time spent in their behalf . Because of the above being so evident, citizens are pleased to have this welcoming and just commission.

Thank You,

Kathy Gorsky

OFFICIALS

William R. Griggs
CITY CLERK

Todd M. Browning
CITY TREASURER

Thomas R. Woodruff
CITY ASSESSOR



JOSEPH PETERSON
MAYOR

COUNCIL

Sheri M. Sutherby-Fricke
Daniel E. Galeski
Ted Miciura Jr.
Leonard T. Sabuda
Donald C. Schultz
Lawrence S. Stec

August 27, 2013

RESOLUTION

Planning Commission
3200 Biddle Avenue
Wyandotte, Michigan 48192

By Councilman Lawrence S. Stec
Supported by Councilwoman Sheri M. Fricke

RESOLVED by the City Council that Council CONCURS with the recommendation of the Planning Commission to DENY the rezoning of the property at 2250-10th Street Wyandotte from RA (Residential Single Family District) to B-1 (Neighborhood Business District) ; as it is not consistent with the Master Plan of the City of Wyandotte.

YEAS: Councilmembers Fricke Miciura Sabuda Schultz Stec
NAYS: Councilman Galeski

RESOLUTION DECLARED ADOPTED

I, Maria Johnson, Deputy City Clerk for the City of Wyandotte, do hereby certify that the foregoing is a true and exact copy of a resolution adopted by the Mayor and Council of the City of Wyandotte, at the regular meeting held on August 26, 2013.


Maria Johnson
Deputy City Clerk

CC: City Engineer

City of Wyandotte
Outdoor Café Application

PC#303

REQUIRED INFORMATION:

Name of individual/business: Rickles Ent. LLC DBA - Captains

Individual/business address: 126 OAK street

Address of sidewalk/street occupancy: 126 OAK street

Phone Number: (810) 423-1591 Fax: () Email: rickydesana@gmail.com

Property owner if other than applicant: Rick Desana Les Sallio He-owners

Name of planner, engineer, architect or agent: JEFF Kret

Café Location: On Public Property on Private Property

Dates of proposed occupancy: ASAP Seasonal (3/15 thru 10/31) Partial (thru)

Hours of proposed occupancy: 10 AM thru 12 PM

Capacity of existing establishment: 135 people (with seating) 55 people (without seating)

Capacity of proposed outdoor café: 16 people (total number of seats)

Area of occupancy in square feet: 282 sq ft; dimensions 6 x 45

Will alcoholic beverages be served at the outdoor café: Yes No

Zoning of property CBD

DIAGRAM OF SIDEWALK CAFÉ:

Please attach a separate 8-1/2" x 11" sheet (or larger) illustrating the proposed café area. Show existing sidewalk, buildings, curb, existing improvements in the right-of-way, i.e. lamp posts, street trees and guards, benches, mailboxes, etc., an unobstructed clear area for pedestrian passage along sidewalk (a minimum of 60" wide), proposed area for tables and chairs, number of tables and chairs, and details of the proposed perimeter barrier. Diagram should be of a scale 1" = 10' (or other appropriate scale.) For additional requirements, please refer to the Zoning Ordinance and the Outdoor Café Ordinance pertaining to the zoning of the property.

PURPOSE:

Purpose of sidewalk occupancy Outdoor cafe

INSURANCE:

For outdoor cafes on public property, Applicant covenants and agrees to hold harmless from, indemnify, and defend the City, its agents, officers and employees against all suits, demands, claims, judgments, liens, cost of repair or replacement of any damaged public facilities, or costs, attorney fees and expenses which may arise out of, result from or be caused by Applicant's outdoor café.

Applicant covenants and agrees to strictly comply with all terms and conditions of the Outdoor Café Ordinance, all other ordinances and requirements of State and Federal laws, and further understands and agrees that the Planning and Rehabilitation Commission in its sole and absolute discretion, may approve, deny or set any conditions or limitations on any outdoor café which may be approved. Further, regarding an outdoor café on public property (including but not limited to public sidewalks and public right-of ways), the City Council may approve, deny or set any conditions or limitations on any outdoor café on public property which may be approved, or may at any time rescind or revoke any approval, in the City's sole discretion, all without recourse or remedy by the Applicant, or liability of the City.

PdR#47351

Dated this 22 day of August, 2013

Witnesses:

Signature _____
Printed Name: _____

[Signature]
Applicant's Signature
Printed Name: Rick Desautels

Signature _____
Printed Name: _____

GRANT OF LICENSE & INSURANCE REQUIREMENTS FOR AN OUTDOOR CAFÉ ON PUBLIC PROPERTY

(1) General Liability

An Outdoor Café on public property shall carry comprehensive general liability insurance, including premises and all operations, through companies licensed and admitted to do business in Michigan, which shall provide protection from all claims of damage or injury, including death to persons and property which may arise out of, result from or be caused by licensee's use of occupancy of the premises or its operations conducted thereon with occurrence and aggregate limits of not less than \$2,000,000 of comprehensive general liability insurance coverage. The certificates and policies of the required comprehensive general liability insurance shall provide and be endorsed as follows:

"The City of Wyandotte, its officers and employees are additional insureds. The coverage is primary to the City and not contributing or pro rata with any other insurance or similar protection (e.g. risk management association) which is or may not be available to or carried by the City."

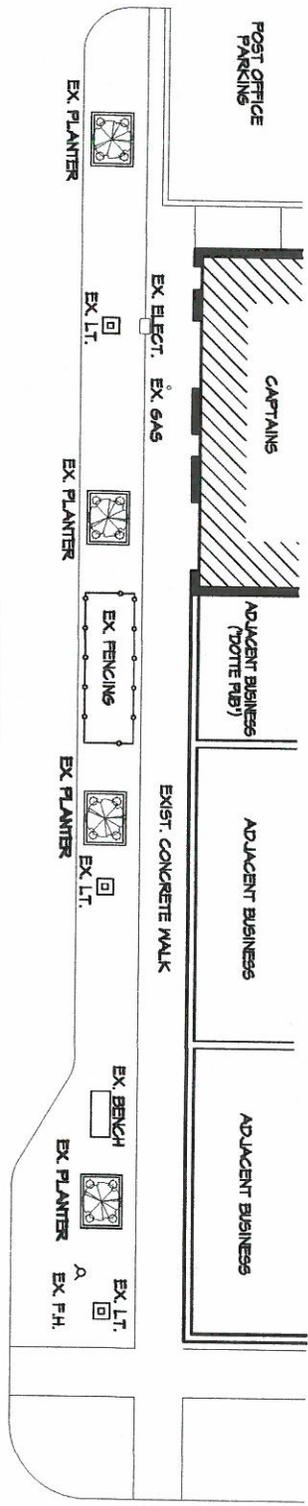
(2) Liquor Liability (if applicable)

A Grant of License for an Outdoor Café on public property shall carry liquor liability insurance with combined limits of not less than \$500,000 insuring for any and all damage and liability which may be caused by, related or arise out of sale, furnishing, giving, distribution or consumption of alcoholic beverages on the premises.

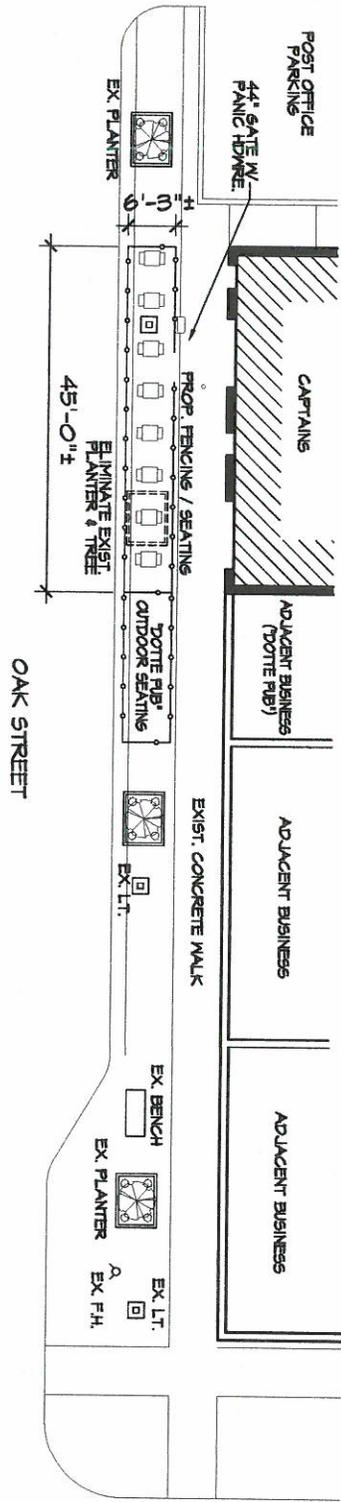
(3) Proof of Insurance

Proof of required insurance is not required when applying for an Outdoor Café on public property, but will be required prior to a Grant of License being issued by the Department of Legal Affairs. The applicant must also execute a Hold Harmless Agreement with the City of Wyandotte prior to the issuance of a Grant of License.

Office Use Only		Notes:
Public Department Approval: <input checked="" type="checkbox"/> Yes ___ No	Date: <u>8/27</u> , 20 <u>13</u>	_____
Fire Department Approval: <input checked="" type="checkbox"/> Yes ___ No	Date: <u>8/27</u> , 20 <u>13</u>	_____
Eng/Bldg. Department Approval: <input checked="" type="checkbox"/> Yes ___ No	Date: <u>8/27</u> , 20 <u>13</u>	_____
Insurance Certification on File: ___ Yes ___ No	Date: ____, 20__	_____
Hold Harmless Agreement Executed: ___ Yes ___ No	Date: ____, 20__	_____
Grant of License Issued: Yes ___ No ___	Date: ____, 20__	_____



EXISTING STREETSCAPE PLAN
1/16" = 1'-0"



PROPOSED STREETSCAPE PLAN
1/16" = 1'-0"



DATE	SHEET
AUG. 20, 2018	X

OFFICIALS

William R. Griggs
CITY CLERK

Todd M. Browning
CITY TREASURER

Thomas R. Woodruff
CITY ASSESSOR



MAYOR
Joseph R. Peterson

COUNCIL
Sheri Sutherby Fricke
Daniel E. Galeski
Ted Miciura, Jr
Leonard T. Sabuda
Donald C. Schultz
Lawrence S. Stec

PLANNING COMMISSION

August 27, 2013

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

RE: Proposed Outdoor Café
in the front of 126 Oak Street

Dear Mrs. Krimmel:

The undersigned has reviewed the plan and application submitted for the proposed outdoor café in front of the above captioned property and the following applies.

1. There are no details of proposed fencing or tables.
2. The plan needs to show the distance from the flow line of the curb to the fence. It is recommended 32 inches clear to prevent a car door from swinging out and hitting the fence.
3. Since the proposed café is located in the City right-of-way, City Council approval will be needed.

Therefore, a proposed Resolution is attached for your consideration. If you have any questions, please feel free to contact the undersigned.

Very truly yours,

Mark A. Kowalewski
City Engineer

Jeffery Carley
Fire Chief

MAK/JC:kr

Attachment

cc: Rick DeSana, Captains

MAYOR
Joseph R. Peterson

CITY CLERK
William R. Griggs

TREASURER
Todd M. Browning

CITY ASSESSOR
Thomas R. Woodruff



CITY COUNCIL

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Leonard T. Sabuda
Donald C. Schultz
Lawrence S. Stec

DANIEL J. GRANT
CHIEF OF POLICE

TO: Kelly Roberts, Development Coordinator

DATE: August 27, 2013

FROM: Daniel J. Grant, Chief of Police

SUBJECT: NEW OUTDOOR SERVICE – 126 OAK STREET

CC: Clerks Office

This correspondence is in response to your e-mail dated Tuesday August 27, 2013 relative to the Outdoor Service application at Captain's, 126 Oak Street, Wyandotte, Michigan. In regards to the proposed rear service area on the north side of the building, there are 2 parking lots to the rear of the building on the north side of the alley which create a significant distance to the homes on Chestnut Street and should alleviate any concerns related to excessive noise. I have no objections if the proposal for front and rear outdoor service areas are approved as illustrated on the engineering drawings 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 Captain's for use of the intervening property at the front of the building which is 45' long which is the width of the building front and 6' 3" wide which is proposed for the front sidewalk area.
- Since the proposed outdoor service area is adjacent to the Dotte Pub, the license holder must assure that the fencing/barrier between the two areas is maintained so there will be no movement of patrons between the two licensed areas while in possession of alcoholic beverages.
- Approval is received from the Liquor Control Commission for an Outdoor Café.

Further, the police department recommends that Captain's 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.

¹ R 436.1419 - Outdoor Service

PROPOSED RESOLUTION PLANNING COMMISSION
09/05/13

RESOLUTION BY COMMISSIONER

RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WYANDOTTE, that Special Approval #303 – requested by Captains (Owner and Appellant) for:

A Certificate of Occupancy for an Outdoor Café in front of 126 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 2202.S.2: 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 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.
10. A minimum of 32" clearance would be required from the curb flow line to the proposed south outside edge of the 5' walk. This distance is required to prevent the out word swing of the vehicle door from encroaching into the walk.
11. The elimination of existing planter and tree not approved.
12. ADDITIONAL REQUIREMENTS FROM PUBIC HEARING

I move adoption of the foregoing resolution.

Commissioner

Supported by Commissioner

YEAS:

NAYS:

ABSENT:

MOTION PASSED

