

City of Wyandotte
PLANNING COMMISSION
Minutes of the Thursday, April 17, 2014, Meeting
MINUTES AS RECORDED

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

COMMISSIONERS PRESENT: Adamczyk, Benson, Krimmel, Parker, Pasko, Tavernier

COMMISSIONERS EXCUSED: Booms, Duran, and Lupo

ALSO PRESENT: Ben Tallerico, City Planner
Kelly Roberts, Recording Secretary

COMMUNICATIONS:

1. MOTION BY COMMISSIONER PASKO, supported by Commissioner Parker to receive and place on file all communications.

YES: Adamczyk, Benson, Krimmel, Parker, Pasko, Tavernier

NO: None

ABSENT: Booms, Duran, Lupo

MOTION PASSED

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING:

MOTION BY COMMISSIONER PASKO, supported by Commissioner Parker to approve the minutes of the Meeting of March 20, 2014. MOTION PASSED.

OLD BUSINESS:

None

NEW BUSINESS:

1. PUBLIC HEARING #304 Request from Alvin Fritz/Alvis BBQ (Owner and Appellant) for a Certificate of Occupancy for an outdoor café at 3233 Biddle Avenue, Wyandotte, Michigan. The property is located in CBD Zoning District where the proposed café conflicts with Section 2202.S.2.

RESOLVED BY COMMISSIONER BENSON, supported by Commissioner Parker, that Special Approval #304 requested by Alvin Fritz/Alvis BBQ (Appellant and Owner) for A Certificate of Occupancy for an Outdoor Café at 3233 Biddle Avenue, 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 10 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. Approval by City Council for use of the public property is required. If approved by City Council liability insurance and property damage coverage naming the City of Wyandotte an insured party in an amount approved by the City's Financial Director is required.
8. Decorative fencing and gate to be of the exact same design, material and height so as to match Belicose Café at 3030 Biddle Avenue.
9. Width of the outdoor enclosed area fencing to be at least three (3) feet from curb and no more than 9'6" in width.
10. Approval by Wayne County and City of Wyandotte.
11. The fencing shall be removed from November 1st to March 14th of each year.

YES: Adamczyk, Benson, Krimmel, Parker, Pasko, Tavernier

NO: None ABSENT: Booms, Duran, Lupo

MOTION PASSED

2. PUBLIC HEARING #031114 – Request from Ronald Janiszewski, 1234 Ford Avenue, Wyandotte, (Owner and Appellant) to rezone the property at 1234 Ford Avenue, City of Wyandotte, County of Wayne, State of Michigan. (Lots 120 to 124 also Lot 175 Bennett's Blvd., Park Subdivision). Lot Size: 127' x 100'

MOTION BY COMMISSIONER PASKO, Supported by Commissioner Tavernier to recommend to the City Council that the rezoning of the property at 1234 Ford Avenue, Wyandotte (Lots 120 to 124 also Lot 175 Bennett's Blvd. Park Subdivision) be DENIED for rezoning to General Business District (B-2).

The rezoning of this property from Neighborhood Business District (B-1) to General Business District (B-2) is inconsistent with the Adopted Master Plan for the City of Wyandotte.

YES: Adamczyk, Benson, Krimmel, Parker, Pasko, Tavernier

NO: None ABSENT: Booms, Duran, Lupo

MOTION PASSED

3. PUBLIC HEARING #032414 - Request from Phyllis Harmon, (Owner) and Oak Club, Inc., (Appellant) to rezone the property known as 2957 11th Street, in the City of Wyandotte, County of Wayne, State of Michigan. (South 53 feet of Lots 13 and 14 Hurst & Post Subdivision, Block 282.) Lot Size: 53' x 60'

MOTION BY COMMISSIONER PASKO, Supported by Commissioner Parker to recommend to the City Council that the rezoning of the property at 2957 11th Street, Wyandotte (South 53 feet of Lots 13 and 14 Hurst & Post Subdivision, Block 282) be DENIED for rezoning to Neighborhood Business District (B-1).

The rezoning of this property from Two Family Residential District (RT) to Neighborhood Business District (B-1) is inconsistent with the Adopted Master Plan for the City of Wyandotte.

YES: Adamczyk, Benson, Krimmel, Parker, Pasko, Tavernier

NO: None ABSENT: Booms, Duran, Lupo

MOTION PASSED

4. PUBLIC HEARING #030414 – Request from the City Engineer to amend the following Sections of the City of Wyandotte Zoning Ordinance:

Article XXIV – General Provisions, Section 2408 Signs, Section (F) Permitted Signs by Zoning District Sub-Section 1 (h) concerning attention-getting devices in the CBD Central Business District and Article XXIV – General Provisions, Section 2408 Signs, Section (F) Permitted Signs by Zoning District Sub-Section 2 (j)(1) concerning attention-getting devices in the O-S, B-1 and B-2 Districts

MOTION BY COMMISSIONER PARKER, supported by Commissioner Pasko to recommend to the City Council that the changes to Article XXIV – General Provisions, Section 2408 Signs, Section (F) Permitted Signs by Zoning District Sub-Section 1 (h) concerning attention-getting devices in the CBD Central Business District and Article XXIV – General Provisions, Section 2408 Signs, Section (F) Permitted Signs by Zoning District Sub-Section 2 (j)(1) concerning attention-getting devices in the O-S, B-1 and B-2 Districts of the Sign Ordinance as presented to the Commission at the regular meeting be approved.

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

PERSONS IN THE AUDIENCE:

No persons in audience.

SPECIAL ORDER:

None

BILLS AND ACCOUNT:

MOTION BY COMMISSIONER BENSON, supported by Commissioner Pasko to:

Pay Beckett & Raeder for Planning Consultant fee for April in the amount of \$700.00
Hours for Secretarial Services: 03/05/14 – 04/04/14 13 Total Hours

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

MOTION TO ADJOURN:

MOTION BY COMMISSIONER BENSON, supported by Commissioner Parker to adjourn the meeting at 8:00 p.m.

PUBLIC HEARING – #304 Request from Alvin Fritz/Alvis BBQ (Owner and Appellant) for a Certificate of Occupancy for an outdoor café at 3233 Biddle Avenue, Wyandotte, Michigan. The property is located in CDB Zoning 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.

Al Fritz, Owner, present.

Mr. Fritz explained that he owns the adjacent bar/restaurant Gizzmo's and that he wants permission to have an outdoor café like the one at Gizzmo's.

Chairperson Krimmel indicated that the outdoor café at Gizzmos is very nice.

Commissioner Benson asked Mr. Fritz if he was going to change the façade of the building.

Mr. Fritz indicated that the plan is in the Engineering Department and he is waiting for their review and the Design Review Committee's review.

Chairperson Krimmel stated that the plan was sent to both the Police and Fire Department for their review and their comments are attached. Further, because the outdoor café is on Biddle Avenue Mr. Fritz would also need City Council approval and Wayne County approval.

Mr. Fritz stated that he is aware of the approvals needed from City Council and County.

Commissioner Benson asked if the outdoor café would be opened after the building is completed and the restaurant is opened.

Mr. Fritz stated that is correct. Mr. Fritz just wanted to get the approvals.

Chairperson Krimmel indicated that the Liquor Control Commission would also need to approve the liquor license for the outdoor café.

Mr. Fritz stated that he will get their approval.

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

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

Communications were received from Police, Fire and Engineering Department regarding this hearing.

PUBLIC HEARING #031114 – Request from Ronald Janiszewski, 1234 Ford Avenue, Wyandotte, (Owner and Appellant) to rezone the property at 1234 Ford Avenue, City of Wyandotte, County of Wayne, State of Michigan. (Lots 120 to 124 also Lot 175 Bennett's Blvd., Park Subdivision. Lot Size: 127' x 100')

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

Mr. Ronald Janiszewski, Owner, present.

Mr. Janiszewski stated that property was zoned B-2 when the building was constructed as a car wash and when he purchased it. Mr. Janiszewski continued that he was not notified that the zoning had changed and Mr. Janiszewski thinks it was changed about 8 years ago. Mr. Janiszewski further stated that he has a tenant that wants to rent the building and it needs the property to be zoned B-2 for the proposed use.

Chairperson Krimmel asked Mr. Janiszewski if he would be running the business.

Mr. Janiszewski stated no.

Mr. Tallerico, the City Planner, read the allowed uses in the B-2 zoning district and read the preamble to the B-2 zoning.

Mr. Tallerico indicated that that following uses would be allowed:

Wholesale and retail activities; Indoor sales for new automobiles, boats and recreation vehicles; Minor automobile repair; Automobile car wash, when completely enclosed in building; Bus passenger stations; Governmental offices or other governmental uses; Clinics; Tattoo and body piercing; Self-service laundry and dry cleaning establishments; Bowling alleys; Parking lots and parking structures; Utility and public service facilities; Stores that sell alcoholic beverages; Accessory structures and uses customarily incidental to any of the above permitted uses, provided such structures and uses are located on the same zoning lot with a permitted use.

Special uses.

The following uses may be permitted by the planning commission subject to the conditions hereinafter imposed in Article XXII for each use and subject to the review and approval of a site plan in accord with section 2607 and after a public hearing in accord with section 2608 by the planning commission: Outdoor cafe zoned B-2 and abutting Eureka, Biddle Avenue or east of Biddle Avenue only; Satellite antenna; Pool halls and amusement arcades; Bed and breakfast dwelling; Automobile service station with major vehicle repair; Motels; Commercial outdoor recreation; Outdoor sales space for new or used automobiles, trucks, recreational vehicles, mobile homes and boats; Churches, private clubs and lodge halls; Funeral homes; Drive-in and drive-through restaurants; Auto wash; Marina and boat livery facilities

Commissioner Adamczyk asked if there could be a conditional rezoning for this use only.

Mr. Janiszewski stated that the use would be detailing and tires for automobiles. The previous tenant was a tobacco shop and that use did not need to be rezoned.

Chairperson Krimmel stated that once the property is rezoned that any uses allowed in that district would be allowed to go in there. Chairperson Krimmel stated that the Commission reviewed the Master Plan as required just months ago and at that time, the Commission did not want to make any changes to this area.

Mr. Tallerico stated that rezoning the property to B-2 would be inconsistent with the recently adopted Master Plan.

Mr. Janiszewski stated that it was zoned B-2 and changed to B-1 without him knowing.

Chairperson Krimmel stated that there are uses in the B-2 District that should not be allowed on Ford Avenue since there is residential adjacent to the property.

Mr. Janiszewski stated that if the property is not rezoned it would limit the uses of this property.

Commissioner Benson asked Mr. Janiszewski if he had plans to remodel the building.

Mr. Janiszewski stated that there are 10' x 10' doors on each end of the building and the building was not changed since the car wash use was there. Mr. Janiszewski indicated that no changes to the building were needed.

Commissioner Benson stated that he could see cars outside if this use is allowed.

Mr. Janiszewski stated that he has a tenant on the 2nd floor and he would not allow that to happen.

Commissioner Pasko stated that if the rezoning is approved, any of the uses mentioned by Mr. Tallerico would be allowed on this property in the future, if the proposed use being asked for today leaves.

Chairperson Krimmel agreed.

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

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

No Communications were received regarding this hearing.

PUBLIC HEARING #032414 - Request from Phyllis Harmon, (Owner) and Oak Club, Inc., (Appellant) to rezone the property known as 2957 11th Street, in the City of Wyandotte, County of Wayne, State of Michigan. (South 53 feet of Lots 13 and 14 Hurst & Post Subdivision, Block 282.) Lot Size: 53' x 60'

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

The Oak Club Members present James Humenik, Gary Polonczyk, Stan Tyrybon and Brian Mead.

Mr. Humenik indicated that they have been in Wyandotte and serving the Wyandotte Community for 65 years at 822 Oak Street. Mr. Humenik indicated that they lost their lease for that building and need to relocate, and they want to stay in Wyandotte.

Mr. Humenik indicated that the previous use of the building at 2957 11th Street was a church, hall and bar and they are working with PLAV to utilize their parking lot on Oak and 11th Street.

Chairperson Krimmel stated the Oak Club would need to get it in writing with PLAV to allow the use of parking to be used as their parking. Chairperson Krimmel continued that there is no off street parking on the property.

Mr. Humenik stated that is correct currently they have just a verbal with PLAV and are waiting for the Planning Commission recommendation.

Chairperson Krimmel again stated that the City would need it in writing and be made part of the file.

Mr. Humenik stated that the club was started originally to help with athletic programs for Mt. Carmel School. Now that the school is closed, the club will be helping the Wyandotte Athletic Program.

Mr. Humenik continued that the building is really set up for the use that they want to use it for and they understand that the parking needs to be worked out.

Chairperson Krimmel asked if the Church still has services in the building.

Mr. Humenik stated that he believes there are 10 off street parking spots and there are no church services at this time in the building. Mr. Humenik further stated that they already have the LCC approved for their liquor license, they are just waiting for the City's approval.

Mr. Tallerico asked if they have 177 members as stated on their application.

Mr. Humenik stated that currently they have 62 but once they have a building they expect to have around 170.

John and Mary Stoyka, owners of the property at 984 Elm Street. Mr. and Mrs. Stoyka indicated that they have lived on this block for many years when the use of the club/bar and church and there has always been a parking problem for the neighborhood. Mr. Stoyka continued that the neighborhood does not need any more cars parking on the street.

Mr. Stoyka did state that the church is still in the building and having services.

Mr. Stoyka stated that even if they get the parking lot on 11th and Oak, their members will be parking on the street it is closer to the building to park on the street than in the parking lot.

Mr. Stoyka stated that they are surrounded by buildings that sell alcohol and they have been having Police issues and they do not want to see another bar/club in the neighborhood.

Chairperson Krimmel asked how long have they lived in the neighborhood.

Mr. Stoyka stated 46 years.

Mr. Stoyka stated that the church could not make it with no parking and asked how do you think a club will do.

Virgil Maiani, 1051 Elm Street, present.

Mr. Maiani stated that he is opposed to this rezoning because the use is not consistent with the adopted Master Plan. Mr. Maiani continued that there is a parking problem in the neighborhood.

Commissioner Pasko read the notice of non-conformance and the notice was made part of the file.

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

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

No Communications were received.

PUBLIC HEARING #030414 – Request from the City Engineer to amend the following Sections of the City of Wyandotte Zoning Ordinance Article XXIV – General Provisions, Section 2408 Signs, Section (F) Permitted Signs by Zoning District Sub-Section 1 (h) concerning attention-getting devices in the CBD Central Business District and Article XXIV – General Provisions, Section 2408 Signs, Section (F) Permitted Signs by Zoning District Sub-Section 2 (j)(1) concerning attention-getting devices in the O-S, B-1 and B-2 Districts.

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

Commissioner Benson asked why the ordinance does not allow temporary banners on outdoor cafes fencing.

Mr. Tallerico stated that he spoke with the City Engineer and when the Sign Ordinance was adopted, this got drop off in error.

Commissioner Parker stated that he does not feel that banners should be allowed on the fence of outdoor cafes. Commissioner Parker continued that he did not want to see banners all along Biddle Avenue.

Commissioner Tavernier stated that he remembers this issue before City Council and the DDA did not want to see banners on fences of outdoor cafes.

Mr. Tallerico also stated that feather signs are also not allowed.

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

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

No Communications were received.

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Kelly Roberts

From: jcarley jcarley <jcarley@wyan.org>
Sent: Tuesday, April 01, 2014 11:35 AM
To: Kelly Roberts
Subject: Re: Outdoor Cafe at 3233 Biddle Avenue
Attachments: SKMBT_C35140401113100.pdf

Kelly

I have no objections

On Wed, Mar 19, 2014 at 9:03 AM, Kelly Roberts <kroberts@wyan.org> wrote:

Claude, Chief Grant and Chief Carley:

Could you please review the attached plan for an Outdoor Café at 3233 Biddle Avenue. Please return your comments to me by April 1, 2014.

Thank you

Kelly Roberts

City of Wyandotte

3200 Biddle Avenue 2nd Floor

Wyandotte, MI 48192

Direct No. 734-324-4555

Fax No. 734-324-4535

MAYOR
Joseph R. Peterson

CITY CLERK
William R. Griggs

TREASURER
Todd M. Browning

CITY ASSESSOR
Thomas R. Woodruff



DANIEL J. GRANT
CHIEF OF POLICE

#304

CITY COUNCIL

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

TO: Kelly Roberts, Development Coordinator

DATE: March 19, 2014

FROM: Daniel J. Grant, Chief of Police

SUBJECT: OUTDOOR CAFÉ REQUEST – 3233 Biddle Avenue

CC: Clerks Office

This correspondence is in response to your e-mail dated Wednesday March 19, 2014 relative to the Outdoor Service application at Alvi's BBQ, 3233 Biddle Avenue, Wyandotte, Michigan. I have no objections if the proposal for front outdoor service area is 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 Alvi's BBQ for use of the intervening property at the front of the building which is 30' long which is the width of the building front and a depth of 9' 6" which is proposed for the front sidewalk area.
- Since the proposed outdoor service area is adjacent to Gizmo's, 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.
- The proper permits are obtained from Wayne County for use of their easement area.

Further, the police department recommends that Alvi'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

#304

OFFICIALS

William R. Griggs
CITY CLERK

Todd M. Browning
CITY TREASURER

Thomas R. Woodruff
CITY ASSESSOR



MAYOR
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COUNCIL
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Lawrence S. Stec

MARK A. KOWALEWSKI, P.E.
CITY ENGINEER

April 1, 2014

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

RE: Proposed Outdoor Café at
3233 Biddle Avenue

Dear Mrs. Krimmel:

The undersigned has reviewed the plan and application submitted for the proposed outdoor café at the above captioned property and the following applies. The undersigned has no objection to the location of this café. However, the proposed fence and gate 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.

Also, 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 liquor is going to be sold in the café a Commercial Inspection by the Engineering Department will be required for the entire property including the inside restaurant area. This request will also require approval of the City Council and Wayne County because the use is on public property.

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

Very truly yours,


Mark A. Kowalewski
City Engineer

MAK:kr

cc: Al Fritz, 19095 Parke Lane, Grosse Ile, MI 48138

#032414

**DEPARTMENT OF ENGINEERING AND BUILDING
CITY OF WYANDOTTE, MICHIGAN**

NOTIFICATION

Nonconformance of Proposed Building or Occupancy

Date: March 4, 2014

Appellant or agent:

Oak Club Inc.
867 5th Street
Wyandotte, Michigan 48192

Owner:

Phyllis Harmon
2957 11th Street
Wyandotte, Michigan 48192

RE: 2957 11th Street, Wyandotte, Michigan 48192

In accordance with Section 2006 of the Zoning Ordinance, you are hereby notified that your application, dated February 12, 2014, for a **Certificate of Occupancy for a Social Club/Lounge at 2957 11th Street**, on Lots 13 and 14 Hurst and Post's Subdivision, in a RT Zoned District does not comply with Section 500 and Section 2403.R.5.h of the Ordinance, which requires:

Section 500:

Private Clubs or Lodge Halls are not a principal use permitted or a special land use permitted in a RT Zoning District.

City records indicate that this building has been occupied as an Odd Fellows Private Club and Lodge Hall and the Polish Army Veterans Post 95 dating back to 1963 when building was built for this use. In 2002, a Certificate of Occupancy was approved and the property was used as a church which is an allowable use in a RT Zoning District. The approval of the church as a conforming use voided the previous nonconforming use as a private club or lodge hall.

Section 2403.R.5.h Off Street Parking Requirements:

Private Clubs or Lodge Halls: Whichever of the following requires the greatest amount of parking spaces:

1. One (1) space per club member and one (1) space per guest.
There are 176 members of club and an un-determined number of guests. Resulting in a minimum of 176 parking spaces required.
2. One (1) space per occupancy permitted as determined by the 2009 Michigan Building Code (MBC) based on plans submitted by the occupant.
Utilizing occupancy load table 1004.1.1 of the MBC 2009 requires one (1) per 15 square feet for un-concentrated tables and chairs at 2,451 square feet of building for a total occupancy load of 164 people could exist, or 164 parking spaces. (Plans not submitted.)
3. One (1) space for each 100 square feet of usable floor area.
At 2,451 square feet of building divided by 100 would result in 25 parking spaces.

Therefore, the greatest amount of parking required would be 176 parking spaces whereas zero (0) parking spaces are provided.



Mark A. Kowalewski
City Engineer