

UNAPPROVED MINUTES

Planning Commission
Meeting September 15, 2016

City of Wyandotte
PLANNING COMMISSION
Minutes of the Thursday, September 15, 2016, Meeting
MINUTES AS RECORDED

The meeting was called to order by Chairperson Stan Pasko at 6:30 p.m.

COMMISSIONERS PRESENT: Adamczyk, Benson, Duran, Lupo, Mayhew, Parker, Pasko, Rutkowski, Sarnowski

COMMISSIONERS EXCUSED: None

ALSO PRESENT: Ben Tallerico
Kelly Roberts, Recording Secretary

COMMUNICATIONS:

None

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING:

MOTION BY COMMISSIONER BENSON, supported by Commissioner Parker to approve the minutes of the Meeting of August 18, 2016. MOTION PASSED.

OLD BUSINESS:

1. Amendments to the City of Wyandotte Zoning Ordinance Article XXII Special Land Uses, Section 2201 General Provisions Sub-Section H Revoke Special Land Use and Section 2202 Special Land Use Designated Sub-Section S Outdoor Cafés.

Chairperson Pasko indicated that the City Council has referred back to the Commission the proposed changes to the Outdoor Café Ordinance. Chairperson Pasko indicated that the Commission would review each section along with the communication from the City Engineer and City Attorney and the following was duly adopted:

- **Section 2202.S.1** Change to: The permitted hours of operation are from 7:00 a.m. to 12 midnight Monday thru Sunday with extended hours to 2:00 a.m. on 3rd Fridays, Street Art Fair and events approved by Resolution by City Council. All other changes to this section are approved as presented.
- **Section 2202.S.2** – All proposed changes were accepted and approved.
- **Section 2202.S.3** – All proposed changes were accepted and approved.
- **Section 2202.S.4** – All proposed changes were accepted and approved.
- **Section 2202.S.5** – All proposed changes were accepted and approved.
- **Section 2202.S.6** – Add the following underlined wording to this Section, “Consideration for approval for use of any public area shall be limited to public property that is situated with fifty (50) feet of the extended property boundaries of property owned by applicant. Any public outdoor café not within the road right-of-way may also require a written lease as determined by the City Council.
- **Section 2202.S.7** – All proposed changes were accepted and approved.
- **Section 2202.S.8** – All proposed changes were accepted and approved.
- **Section 2202.S.9** – Add the following: Any fence abutting public right-of-way or in public right-of-way must be of black metal material. Shop draws plans shall be provided with each application for fencing and all furniture on any outdoor café for review by the Planning Commission.

- **Section 2202.S.10** – All proposed changes were accepted and approved.
- **Section 2202.S.11** – Add the following sentences: “All outdoor cafes shall apply annually to the Planning Commission for approval. A public hearing will be required only if a written complaint is received by the Planning Commission in the previous year. The Engineering and Building Department will be responsible to receive written complaints concerning an outdoor café and said complaints shall be forwarded to the Planning Commission. The City Council will approve an application checklist which will include yearly fees for application review, inspections, use of public area and review of insurance. This checklist will be utilized for inspection by the Engineering and Building Department. The yearly fee will be established by City Council Resolution.”

YES: Adamczyk, Benson, Duran, Lupo, Mayhew, Parker, Pasko, Rutkowski, Sarnacki

NO: None

ABSENT: None

MOTION PASSED

NEW BUSINESS:

2. **PUBLIC HEARING PC516-** Request from Wyandotte Beer Company, Tom Elsesser, owner and appellant, for a Certificate of Occupancy for an Outdoor Café at 3016 1st Street, Wyandotte, Michigan, in the CBD Zoning District, which conflicts with Section 2202.S.2 of the City of Wyandotte Zoning Ordinance.

RESOLUTION BY COMMISSIONER LUPO, Supported by Commissioner Mayhew; RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WYANDOTTE, that Special Approval PC516 – request by Wyandotte Beer Company, Tom Elsesser (Owner and Appellant) for A Certificate of Occupancy for an Outdoor Café at 3016 1st Street, Wyandotte, Michigan, be hereby approved contingent upon 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 in the Central Business District (CBD) Zoning District, Special Land Uses, 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. Outdoor café to be constructed in accordance with the site plan submitted by Owner indicated as A-1 and A-2 dated August 16, 2016.
3. If alcoholic beverages are served, the current Michigan Liquor Control Commission rules and regulations shall apply, and the applicant shall obtain all necessary approvals.
4. Compliance with all Police, Fire and City Engineer requirements attached.
5. Use of the outdoor café shall be allowed from 7:00 a.m. to Midnight from March 15 through October 31.
6. The outdoor café shall comply with all applicable laws and regulations of the City, County, and the State.
7. Umbrellas to have name of establishment on the drip-tee only, no logo’s for products.
8. Fence to be stained cedar.
9. Tables and chairs to be black iron.

YES: Adamczyk, Benson, Duran, Lupo, Mayhew, Parker, Pasko, Rutkowski, Sarnacki

NO: None

ABSENT: None

MOTION PASSED

3. **PUBLIC HEARING PC517-** Request from Captains, Rick DeSana, owner and appellant, for a Certificate of Occupancy for revision to the approved Rear Outdoor Café by adding two (2) fire features at 126 Oak Street, Wyandotte, Michigan, in the CBD Zoning District, which conflicts with Section 2202.S.2 of the City of Wyandotte Zoning Ordinance.

RESOLUTION BY COMMISSIONER ADAMCZYK, Supported by Commissioner Mayhew, RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WYANDOTTE, that Special Approval PC517 – request by Captain’s (Owner and Appellant) for a Certificate of Occupancy for an Outdoor Café on private property at 126 Oak, Wyandotte, Michigan 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, Special Land Uses, 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. Outdoor café to be constructed in accordance with the site plan submitted by Owner indicated as drawing Sheet 1, Captains – Ornamental Fire Feature, dated September 8, 2016 and Sheet 1, Captain’s Firepits, dated May 6, 2014.
3. If alcoholic beverages are served, the current Michigan Liquor Control Commission rules and regulations shall apply, and the applicant shall obtain all necessary approvals.
4. Compliance with all Police, Fire and City Engineer requirements attached.
5. Use of the outdoor café shall be allowed from 7:00 a.m. to midnight from March 15 through October 31.
6. The outdoor café shall comply with all applicable laws and regulations of the City, County, and the State.
7. Umbrellas to have name of establishment on the drip-tee only, no logo’s for products.
8. Fence to be 6 feet in height and of a material to be maintenance free.
9. Table layout to be as indicated on Sheet 1, Captains – Ornamental Fire Feature dated September 8, 2016.
10. Use of port-a-potty is permitted during special events only, not to be stored on property
11. The Fire Chief has determined the occupancy load for the rear outdoor café to be 75 persons and a sign shall be posted in a conspicuous place indicating same. Occupancy shall be within area encompassed by planters on the south, west and east sides of patio.
12. Tables and chairs are to be as indicated on Sheet 1, Captain’s Firepits.

YES: Adamczyk, Benson, Duran, Lupo, Mayhew, Parker, Pasko, Rutkowski, Sarnacki

NO: None ABSENT: None

MOTION PASSED

4. **PUBLIC HEARING** – To consider changes to the City of Wyandotte Zoning Ordinance to permit Medical Marijuana Facilities at Businesses or Industrial Locations within the City of Wyandotte by amending the following Sections:
- ARTICLE II – Definitions, Section 201
 - ARTICLE XIV – B-2 General Business District, Section 1401 Special Uses
 - ARTICLE XV – I-1 Industrial District, Section 1501 Special Uses
 - ARTICLE XXII – Special Land Uses, Section 2202 General Provisions, adding Section OO – Medical Marijuana Facility.

MOTION BY COMMISSIONER SARNACKI, Supported by Commissioner Benson,

RESOLVED BY THE WYANDOTTE PLANNING COMMISSION that a Public Hearing was held on September 15, 2016, regarding a new Ordinance for Medical Marijuana Facilities at Businesses or Industrial Locations within the City of Wyandotte regarding changes to the following Sections of the Ordinance:

- ARTICLE II – Definitions, Section 201
- ARTICLE XIV – B-2 General Business District, Section 1401 Special Uses
- ARTICLE XV – I-1 Industrial District, Section 1501 Special Uses
- ARTICLE XXII – Special Land Uses, Section 2202 General Provisions, adding Section OO – Medical Marijuana Facility.

AND WHEREAS, public comments were received; AND

WHEREAS, the State of Michigan is reviewing legislation regarding Medical Marijuana Facilities;

NOW THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommends to the City Council that the Medical Marijuana Facilities Ordinance regarding Section 201, Section 1401, Section 1501 and Section 2202 be hereby ADOPTED; AND

The City Attorney reviews the proposed changes from the State of Michigan and that the City's Ordinance adequately addresses any changes made by the State.

YES: Benson, Duran, Lupo, Mayhew, Parker, Pasko, Rutkowski, Sarnacki

NO: Adamczyk ABSENT: None

MOTION PASSED

PERSONS IN THE AUDIENCE:

- Al Fritz, 3233 Biddle Avenue, Wyandotte. Mr. Fritz asked the Commission if his tables and chairs on his outdoor patio need to be changed. Mr. Fritz indicated that he spent a lot of money to buy this furniture and it matches the flavor of the restaurant.

Chairperson Pasko indicated that this time there are no changes to the outdoor café and Mr. Fritz outdoor café is in compliance. Chairperson Pasko indicated that he could not speak about what will happen in the future.

- Les Salliotte, 2827 2nd Street, Wyandotte. Mr. Salliotte indicated that different tables and chairs look good. Mr. Salliotte also indicated that moving the outdoor café has made a big difference and there is 36" between the fence and the street which is what is required.
- Rick DeSana, 126 Oak Street, Wyandotte. Mr. DeSana indicated that he can't continue to stay quiet about his businesses. There are other businesses doing the same thing he does and nothing is mentioned. Mr. DeSana indicated that he took decibel readings with a Police Officer, as a witness, at the back alley of the bar and in the public right of way on Chestnut Street in front of Mr. Hurst's property. The readings were below the requirement. Mr. DeSana indicated further that he has not had any police calls in the last 6 weeks. Mr. DeSana indicated that moving the front café has really helped to control his patrons.
- Commissioner Benson made a motion to forward the communication from Mr. Hurst regarding public hearing PC517 to the Police Department for review and report back. No one supported this motion.

SPECIAL ORDER:

Mr. Tallerico asked the Commission if they would like a monthly report updating the Commission on various changes in law. The Commission indicated that they would like to have this report.

Mr. Tallerico indicated that the State requires that the Commission submit a yearly report to the City Council. Chairperson Pasko indicated that the Secretary will complete this task yearly.

BILLS AND ACCOUNT:

MOTION BY COMMISSIONER BENSON, supported by Commissioner Lupo to:
Pay Beckett & Raeder for Planning Consultant fee for September 2016 in the amount of \$700.00

YES: Adamczyk, Benson, Duran, Lupo, Mayhew, Parker, Pasko, Rutkowski, Sarnacki

NO: None ABSENT: None MOTION PASSED

MOTION TO ADJOURN:

MOTION BY COMMISSIONER PARKER, supported by Commissioner Duran to adjourn the meeting at 8:30 p.m.

PUBLIC HEARING PC516- Request from Wyandotte Beer Company, Tom Elsesser, owner and appellant, for a Certificate of Occupancy for an Outdoor Café at 3016 1st Street, Wyandotte, Michigan, in the CBD Zoning District, which conflicts with Section 2202.S.2 of the City of Wyandotte Zoning Ordinance

Chairperson Pasko read the appeal and asked if there was anyone present who wished to speak regarding this hearing.

Joe DiSanto, 2289 7th Street, Wyandotte, General Contractor for project.

Mr. DiSanto indicated that the outdoor café will be 700 square feet for 20 people with 40" tables and chairs that will be black iron. The fence to enclose the outdoor café will be cedar.

Commissioner Lupu asked if the sign currently on the property will be removed.

Mr. DiSanto indicated that Mr. Elsesser is now the owner of the property and the sign will be removed.

Chairperson Pasko asked if the fence would be of cedar material.

Mr. DiSanto indicated that it would be cedar to match the exterior of the building. Mr. DiSanto indicated that it would be 8 feet off of the sidewalk.

Commissioner Mayhew asked if there would be a grade difference.

Mr. DiSanto indicated that there would be no elevation change, the entrance would be moved to the side of the building.

Commissioner Mayhew stated that if the new Ordinance is passed, the fence adjacent to 1st Street would be required to be black metal.

Mr. DiSanto indicated that a black metal fence would conflict with the design of the restaurant and the cedar would match the exterior of the building.

Cathy Chambers, 2955 Biddle, Wyandotte.

Ms. Chambers indicated that she sees a lot of activity and is concerned that there is not enough policing of the area with all the outdoor cafes now in the downtown. Ms. Chambers indicated that there are people drinking and she is very concerned.

Chairperson Pasko indicated that is a police issue and her concerns should be directed to the City Council for enforcement.

Ms. Chambers also indicated that there are cars racing in the parking lot. Ms. Chambers expressed concern regarding these issues.

Joe Gruber, DDA Director.

Mr. Gruber indicated that he is present to represent the DDA Board, and the DDA supports this outdoor café use to go into a vacant building in the downtown.

There being no further discussion, the hearing was closed.

No communications were received regarding this hearing.

PUBLIC HEARING PC517- Request from Captains, Rick DeSana, owner and appellant, for a Certificate of Occupancy for revision to the approved Rear Outdoor Café at 126 Oak Street, Wyandotte, Michigan, in the CBD Zoning District, which conflicts with Section 2202.S.2 of the City of Wyandotte Zoning Ordinance.

Chairperson Pasko read the appeal and asked if there was anyone present who wished to speak regarding this hearing.

Cathy Chambers , 2955 Biddle Avenue. Ms. Chambers asked why the fencing was moved towards the building from the street. Ms. Chambers indicated that there is not enough room for a handicap chair and bikes to go by.

Commissioner Benson indicated that was approved by the Planning Commission and the City Council.

Chairperson Pasko indicated that he would have the City Engineer review the fencing location.

Rick DeSana, 126 Oak Street, Wyandotte.

Mr. DeSana passed out pictures of fire features to the Commission showing the features have a glass top.

Commissioner Rutkowski asked if the units would be gas fired.

Mr. DeSana indicated that they would be gas and he felt this was safer than propane tanks.

Commissioner Mayhew asked if there was an emergency shut-off at each feature.

Mr. DeSana stated yes.

Commissioner Parker asked if the unit would be on legs.

Mr. DeSana indicated it would be bolted to the ground and you would not be able to put your legs under it.

Commissioner Lupu asked if they would be lit all the time.

Mr. DeSana indicated that mostly at night, in the fall and spring.

Commissioner Mayhew asked about the tent.

Mr. DeSana indicated that they could not be lit when the tent was up.

Commissioner Benson asked if they had a permit for the tent.

Mr. DeSana indicated that they did.

There being no further discussion, the hearing was closed.

One (1) communication was received regarding this hearing.

PUBLIC HEARING – To consider changes to the City of Wyandotte Zoning Ordinance to permitting Medical Marijuana Facilities at Businesses or Industrial Locations within the City of Wyandotte.

Chairperson Pasko read the appeal and asked if there was anyone present who wished to speak regarding this hearing.

Mr. Lee Nicolson, 2955 Biddle Avenue, Wyandotte. Mr. Nicolson indicated that he is against medical marijuana facilities in Wyandotte. Mr. Nicolson indicated that all you need to do is look at Colorado and all the trouble they are having. Mr. Nicolson indicated that there would be an increase in crime and the effects on businesses would increase their Insurance rates. Mr. Nicolson indicated that he is not in favor of this ordinance.

Brandy Cousineau-DuVall, 815 West Lake Street, South Lyon, Michigan.

Ms. Cousineau-DuVall indicated that she would like to open a business at 1201 Fort Street. Ms. Cousineau-DuVall stated that she and her husband have other medical marijuana facilities with no issues. Ms. Cousineau-DuVall stated that her business does not attract drug dealers, it helps people. Ms. Cousineau-DuVall stated that she is a 3 time survivor of cancer and marijuana helps. Ms. Cousineau-DuVall indicated that she does not feel it is fair for people who need help to go to an unsafe place to get help.

Ms. Cousineau-DuVall indicated that her business would be open from 9 am to 9 pm and probably not weekends.

Commissioner Benson asked Ms. Cousineau-DuVall if she would be growing marijuana at this site.

Ms. Cousineau-DuVall indicated no, she would strictly dispense marijuana.

Commissioner Rutkowski asked who she would supply.

Ms. Cousineau-DuVall indicated that she would only sell to care givers.

Chairperson Pasko indicated that Ms. Cousineau-DuVall is not here to get approval for a medical marijuana facility all the Commission is looking at is the Ordinance.

Commissioner Lupo indicated that he is just getting background information.

Commissioner Lupo asked if her staff would have background checks.

Ms. Cousineau-DuVall indicated yes and she would only have around 5 employees.

Lenard Mix, 3060 Van Alstyne, Wyandotte. Mr. Mix indicated that he would like to open a facility in Wyandotte at Biddle and Pennsylvania. The building is not located in a residential district and the hours would be from 10 am until 9 pm. Mr. Mix continued that he would have security and cameras all around the building. Mr. Mix further indicated that he would not be growing at the site. Mr. Mix informed the Commission that there are 3 bills being considered by the Michigan Legislation regarding regulating medical marijuana facilities.

Mr. Mix stated that marijuana saved his life and cured his type 2 diabetes and he would like to offer a safe place for people to go to get help. Mr. Mix stated further that there are no cases of overdose and it is not invasive to the community.

Mr. Mix indicated that if the Commissioners had any further questions, he would be happy to answer them.

There being no further discussion, the hearing was closed.

No communications was received regarding this hearing.

OFFICIALS

Lawrence S. Stec
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
Kevin VanBoxell

MARK A. KOWALEWSKI, P.E.
CITY ENGINEER

September 12, 2016

Stan Pasko, Chairperson
Planning Commission
City of Wyandotte
3200 Biddle Avenue
Wyandotte, Michigan 48192

RE: Proposed Changes to Outdoor Café Ordinance

Dear Chairperson Pasko:

At the August 8, 2016, City Council meeting the proposed changes to the Outdoor Café Ordinance were referred back to the Planning Commission. The undersigned recommend that the following elements be considered based on discussions at the City Council meeting:

Section 2202.S.6: Add the following underlined wording to this Section, "Consideration for approval for use of any public area shall be limited to public property that is situated within fifty (50) feet of the extended property boundaries of property owned by applicant. Any public outdoor café not within the road right-of-way may also require a written lease as determined by the City Council".

Section 2202.S.11: Add the following sentences, "All outdoor cafes shall apply annually to the Planning Commission for approval. A public hearing will be required only if a written complaint is received by the Planning Commission in the previous year. The Engineering and Building Department will be responsible to receive written complaints concerning an outdoor café and said complaints shall be forward to the Planning Commission. The City Council will approve an application checklist which will include yearly fees for application review, inspection, use of public areas and review of insurance. This checklist will be utilized for inspection by the Engineering and Building Department." The yearly fee will be established by City Council Resolution".

Section 22.2.S.9: The Engineering Department has received inquiries as to why Alvis at 3233 Biddle Avenue has red, blue, green, purple, yellow tables and chairs. A review of the Resolution approving this outdoor café does not detail the color of the tables or chairs. Therefore, the colored tables and chairs are permitted. Other outdoor cafes have green plastic chairs, brown wooden tables and chairs and various other types. There was a time when all resolutions adopted by the Planning Commission stated fence, tables and chairs are to be similar to Belicoso which were black metal. This was convenient as Belicoso was one of the first outdoor café in the Central Business District (CBD).

This condition was also discussed in Corki Benson's communication to City Council stating, "The wrought iron or metal black furnishings were originally required to be consistent and more professional looking than plastic ... and in my opinion they still are." The Planning Commission may want to consider changes to this Section if your intentions are to have all items uniform.

At the City Council meeting, there were concerns about extending hours to 2:00 a.m. on Fridays and Saturdays. The Planning Commission may want to reconsider this recommendation and review the original recommendation of extending hours only on 3rd Fridays, Street Art Fair and events approved by Resolution by City Council.

Respectfully submitted,



Mark A. Kowalewski
City Engineer



William R. Look
City Attorney

MAK/WRL:kr

PC517

PAID RECEIVED
 SENT APPROVED

14 September 2016

SEP 15 2016

City of Wyandotte
By. _____

City of Wyandotte Planning and Zoning Commission
Re: Captain's Bar

Dear Commission Members,

I am in receipt of your Notice regarding Captain's Bar and their request for the change in ordinance to allow fire pits in their rear outdoor café.

Having reviewed the plan at the office of city engineering, I have no objection to fire pits that are fueled by natural gas.

I do however, object to the manner in which Captain's has operated since the outdoor café was opened.

As I understand it the current ordinance for hours of operation states - outdoor cafes are required to cease serving liquor at twelve midnight. Yet Captain's has violated that regulation on most Fridays and Saturdays, serving well past midnight. On weekend nights they usually have a very large standing room only crowd in the outdoor café. If you can even call it a café. It includes several picnic tables and a tacky bar with a plywood top. There have been porta pottys on site many times. I believe the other outdoor cafes are required to have patrons seated to be served. Captain's does not conform, presently, to the regulations or the approved plan for the "café". The bar itself is beautiful and very pleasant often times.

The activity in that very large patio space on many nights is akin to a wild frat party. We hear hooting and hollering on a steady basis. The number of intoxicated people roaming Oak Street and our street, late on weekend nights is disturbing and worrisome.

Noise from the party patio is loud and terribly annoying. It flows right through the vacant post office parking lot to our house. It is like the sound at a stadium sporting event, or worse because it is not intermittent or transient. It is constant!

Our young boys can hear the noise in the rear bedroom of our house. That is what really bothers me, the fact that our young kids are deprived their right to relative peace and quite late at night.

Thank you for listening to my concerns.

Respectfully,

Joseph Hirsch
144 Chestnut Street

