

MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION OF THE CITY OF GROSSE POINTE WOODS HELD ON SEPTEMBER 24, 2019, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK AVENUE, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:00 p.m. by Chair Profeta.

Roll Call: Chair Profeta  
Planning Commissioners: Bailey, Fuller, Gilezan, Ketels, Vitale  
Absent: Hamborsky, Rozycki, Vaughn  
Also Present: Building Inspector Tutag  
Deputy City Clerk Antolin

Motion by Ketels, seconded by Vitale, that Commission Members Hamborsky, Rozycki, and Vaughn be excused from tonight's meeting.

Motion carried by the following vote:

YES: Bailey, Fuller, Gilezan, Ketels, Profeta, Vitale  
NO: None  
ABSENT: Hamborsky, Rozycki, Vaughn

The Planning Commission, Administration, and the audience Pledged Allegiance to the Flag.

Motion by Vitale, seconded by Gilezan, that all items on tonight's agenda be received, placed on file, and taken in order of appearance, as presented including:

1. Planning Commission Minutes dated August 27, 2019;
2. Planning Commission Minutes Excerpt from August 27, 2019 for item 7E;
3. Three letters from residents regarding Kroger's Public Hearing.

Motion carried by the following vote:

YES: Bailey, Fuller, Gilezan, Ketels, Profeta, Vitale  
NO: None  
ABSENT: Hamborsky, Rozycki, Vaughn

The Chair recognized Council Representative Granger who was in attendance.

Motion by Bailey, seconded by Gilezan, regarding **Approval of Minutes**, that the following Minutes be approved as submitted:

1. Planning Commission Minutes dated August 27, 2019.

Motion carried by the following vote:

YES: Bailey, Fuller, Gilezan, Ketels, Profeta, Vitale

NO: None

ABSENT: Hamborsky, Rozycki, Vaughn

THE MEETING WAS THEREUPON OPENED AT 7:03 P.M. FOR A PUBLIC HEARING TO HEAR THE APPLICATION OF KROGER COMPANY OF MICHIGAN, 20422 MACK AVENUE, GROSSE POINTE WOODS, WHICH IS REQUESTING TO TRANSFER OWNERSHIP AND LOCATION OF AN SDD LICENSE.

Motion by Ketels, seconded by Gilezan, that for purposes of the public hearing the following items be received and placed on file:

- A. Letter – 02/13/19 – City Attorney (C. Berschback)
- B. Special Land Use Application SDD Transfer – Kroger Co. – 06/12/19
- C. Letter – 06/11/19 – Clark Hill (J. R. Canvassar)
  - (1) Existing Floor Plan
  - (2) Proposed Floor Plan
  - (3) Beverage/Liquor/Alcohol Layout Plan
- D. Letter – 09/16/19 - City Attorney (C. Berschback)
  - (1) PC Resolution Recommending Approval with Conditions
  - (2) PC Resolution Recommending Disapproval
- E. PC Excerpt – 08/27/19
- F. Affidavit of Legal Publication – 09/05/19
- G. Affidavit w/List of Property & Utility Companies Notified (3 pgs) – 09/10/19
- H. GIS Maps (2) – 500' radius – 09/09/19
- I. Memorandum – 09/10/19 – Building Inspector (Tutag)

Motion carried by the following vote:

YES: Bailey, Fuller, Gilezan, Ketels, Profeta, Vitale

NO: None

ABSENT: Hamborsky, Rozycki, Vaughn

The Building Official provided an overview Kroger Company's request to transfer a Specially Designated Distributor (SDD) License.

The City Attorney continued with an overview of his letter regarding the procedures relating to Kroger Company's request to transfer an SDD license into the City of Grosse Pointe Woods. Although the Liquor Control Commission (LCC) approved the request, an approval from the local Zoning Board of Appeals (ZBA) is required. An SDD application requires the Planning Commission's recommendation of special land use to City Council. The City Council reviews the request and the ZBA would decide variance of the 500' rule. The Planning Commission will have a resolution that recommends denial, approval with conditions, or approval. The nature of a variance will not allow a blanket approval, rather, any approval must have conditions or stipulations.

Kroger's representative, Jason Canvasser of Clark Hill, provided an overview of Kroger's history in GPW. Also, he provided Kroger's history of compliance with the LCC. He assured sales will be done responsibly and no new signage will be posted. He added that Kroger is trying to introduce more offerings to customers.

Mr. Canvassers answered questions from the Commission.

The Chair asked if anyone from the audience wished to speak in favor of the proposed request. Nobody wished to be heard.

The Chair asked if anyone from the audience wished to speak in opposition to the proposed request. The Following individuals was heard:

Diane Widerock – Christ the King Lutheran Church (member/attorney)  
26999 Central Park Blvd., Suite 180 N  
Southfield, MI

Charles Cantin  
Grosse Pointe Park resident

Larry Hurst  
20383 Sunningdale Pk.

Mark Gade  
2051 Shorepointe Ln.

Mike Mullinger  
20740 Lee Ct.

Casenda Usher – Christ the King Lutheran Church (Member)

Laura Bommarito  
15 Shorecrest Cir.

William Horner  
868 Harcourt Rd.

Three letters from residents were read out loud:

Larry and Lynn Desantis

Jean Azar  
75 Willison  
Grosse Pointe Shores

Jane and Roger Parke

Mr. Canvassers responded to opposition issues with Kroger's parking lot and sales of spirits. He address issues regarding alcohol being consumed but stated that no drinking is allowed on the property. In closing, Mr. Canvassers provided demographics with local sales of alcohol.

Motion by Vitale, seconded by Fuller, that the public hearing be closed at 7:51 p.m. PASSED UNANIMOUSLY.

Discussion ensued regarding the Commission Members' perspective of the petitioner's request.

Motion by Vitale, seconded by Fuller, regarding Public Hearing – Kroger Company of Michigan, 20422 Mack Avenue, Grosse Pointe Woods, which is requesting to transfer ownership and location of an SDD License, that the Planning

Commission recommends to City Council disapproval of Kroger's SDD application and adopt the resolution as presented.

Motion carried by the following ROLL CALL vote:

Profeta Yes

Bailey Yes

Fuller Yes

Gilezan Yes

Ketels No

Vitale Yes

ABSENT: Hamborsky, Rozycki, Vaughn

Motion by Gilezan, seconded by Fuller, to immediately certify the previous motion.

Motion carried by the following vote:

YES: Bailey, Fuller, Gilezan, Ketels, Profeta, Vitale

NO: None

ABSENT: Hamborsky, Rozycki, Vaughn

Chair recessed at 7:58 p.m. and reconvened at 8:06 p.m.

The next item was **General Discussion: Design Standards:** Section #50-373 Design Standard. Commission requested City Attorney and Building Official to keep commission updated.

Commissioner Bailey reported on the September 2019 Council Meetings.

Commissioner Bailey will be reporting on the October 21, 2019 Council Meetings. Reporting for October 7, 2019, will be determined.

Under New Business, the following items were discussed:

A. **2020 Plan** – No report

B. **Branding** – No report

- C. **Crosswalk/Pocket Park** – Commissioner Fuller reported on a meeting with Tim Killeen (County Commissioner), The Building Official, and Commissioner Vaughn. There was a discussion regarding the Mack Avenue 2020 plan. A meeting with the Road Commission is forthcoming. Lochmoor Club crosswalk was discussed.
- D. **Streetscape** – Streetscape initiative will be incorporated to new tenants. Chair Profeta directed Commissioner Bailey to discuss with Commissioner Hamborsky on participating in this subcommittee.

The next item was the **Building Official's Monthly Report**, and the following items were presented for the month of August 2019:

- Site plan on the redevelopment of the Fontana property/Hollywood Clinic

Under Public Comment, the following individual was heard:

Ken Gafa  
2158 Beaufait

Chair Profeta reported on the Committee-of-the-Whole Meeting on September 23, 2019, regarding the Legacy Oaks project. Residents concerned about time of completion and transparency of the project.

Discussion ensued regarding Marijuana Social Clubs.

Motion by Bailey, seconded by Gilezan, that the Planning Commission Meeting adjourn at 8:34 p.m. PASSED UNANIMOUSLY.

Respectfully submitted,

Paul P. Antolin  
Deputy City Clerk