

CITY OF GROSSE POINTE WOODS, MICHIGAN
20025 Mack Plaza Dr.
Planning Commission Meeting
May 28, 2013
7:30 p.m.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **ACCEPTANCE OF AGENDA**
5. **RECOGNITION OF COUNCIL REPRESENTATIVE/S**
6. **APPROVAL OF MINUTES**
Planning Commission – 04/23/13
7. **PUBLIC HEARING: TO AMEND CHAPTER 50, ZONING, SECTION 50-1 TO DEFINE DRIVE-THRU FACILITIES AND BY ADDING LANGUAGE EXCLUDING DRIVE-THRU FACILITIES IN THE C-COMMERCIAL DISTRICT SECTION 50-370(2) AND THE C-2 HIGH INTENSITY DISTRICT SEC. 50-419(1)(f)**
 - A. PC Excerpt - 04/23/13
 - B. COW Excerpt - 04/22/13
 - C. PC Excerpt - 01/22/13
 - D. Letter - 03/11/13 – City Attorney (C. Berschback)
 - E. Proposed Ordinance
 - F. Memo - 11/26/13 McKenna Assoc. (J. Jackson)
 - G. Memo - 01/15/13 Building Official (G. Tutag)
Meeting Handout - 11/27/12 w/attachments McKenna Assoc. (J. Jackson)
 - H. Affidavit of Legal Publication – 05/09/13
 - I. Proposed Resolution – 05/22/13 – City Attorney (C. Berschback)
8. **BUILDING OFFICIAL'S MONTHLY REPORT:**
Building Department Report – April 2013
9. **COUNCIL REPORT:**
May - Evola
10. **INFORMATION ONLY: COUNCIL REPRESENTATIVE FOR NEXT MEETING:**
June - Fuller
11. **NEW BUSINESS:**
Sub-Committee Reports:
2020 Plan (Hamborsky/Vitale/Fuller/Gilezan)
Special Sign (Vaughn/Evola/Fuller/Stapleton)

12. PUBLIC COMMENT:

13. ADJOURNMENT:

Submitted by: Gene Tutag, Building Official

313-343-2426

**IN ACCORDANCE WITH PUBLIC ACT 267 (OPEN MEETINGS ACT) POSTED
AND COPIES GIVEN TO NEWSPAPERS**

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NOTE TO PETITIONERS:

Please make every effort to be present at the meeting so that public officials
may get the benefit of your input on the matter before them.

3. **ACCOMMODATING RESTAURANTS WITH DRIVE THRUS AS A SPECIAL LAND USE:** Many communities allow restaurants with drive thrus as a special use. This approach allows the City to establish specific siting standards, setback requirements, and other restrictions relative to the potentially negative impacts. In addition, this approach gives the City the ability to develop conditions of approval on a case-by-case basis, again, relative to the anticipated impacts of the proposed drive thru. Finally, the special use approach would allow the City to deny a request based on a finding that the proposed use does not meet the special land use tests for compatibility.

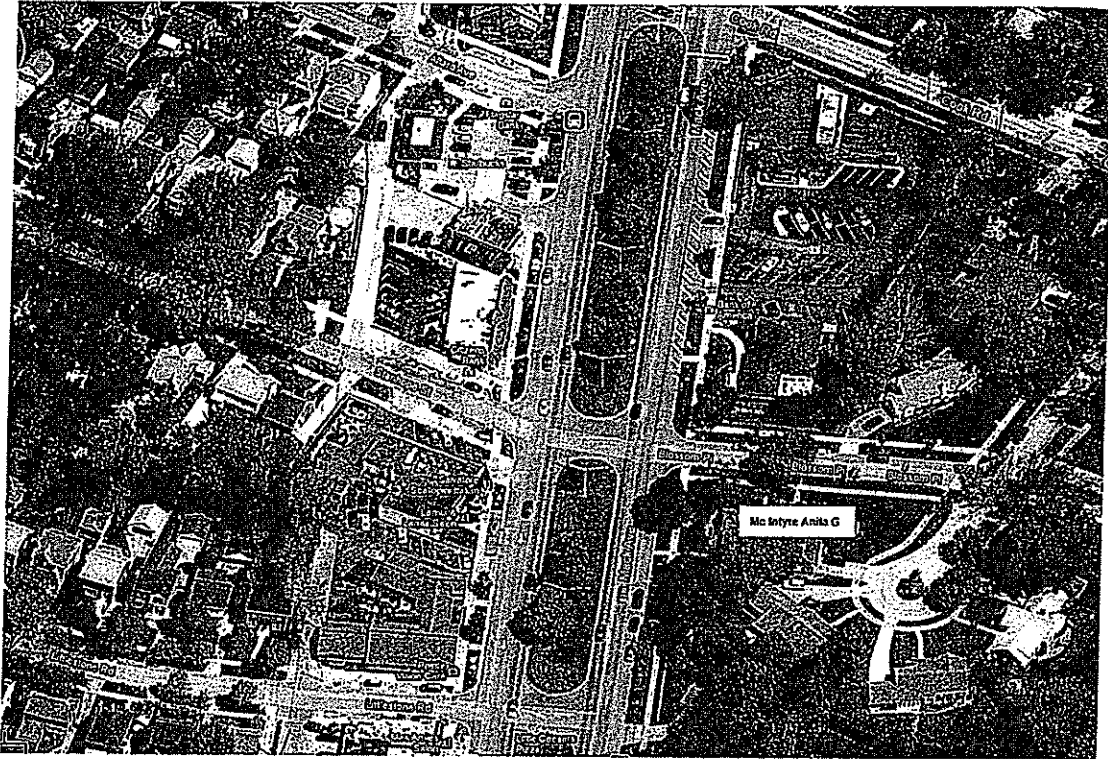
The City Council would make the final determination in the case of a special land use request for a restaurant with a drive thru.

4. **STACKING REQUIREMENTS;** While the ordinance currently allows other uses with drive thrus, these uses, banks for example, have a much lower typical stacking requirement. Banks typically require three stacking spaces per window according to ITE. Pharmacies four, car washes six. Fast food restaurants with a drive thru typically require between 10 and 12 stacking spaces per window.

5. **ISSUES TO CONSIDER WHEN REGULATING THESE FACILITIES WOULD BE:**

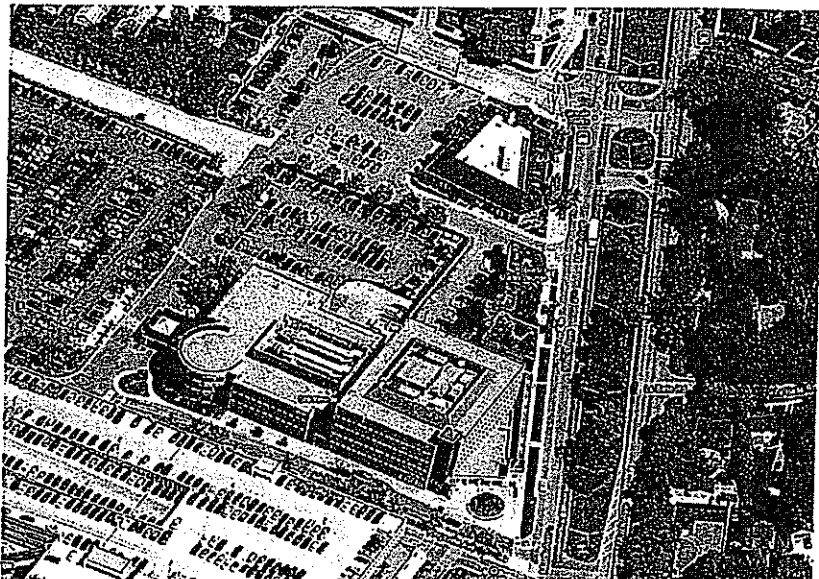
- Minimum lot area
- Proximity to residential districts
- Setbacks from residential districts
- Screening
- Traffic studies
- Driveway locations
- Stacking distances
- Sound level control
- Drive Thru window location
- Hours of operation

This approach may encounter legal challenge due to the fact that excluding uses is generally not allowed.

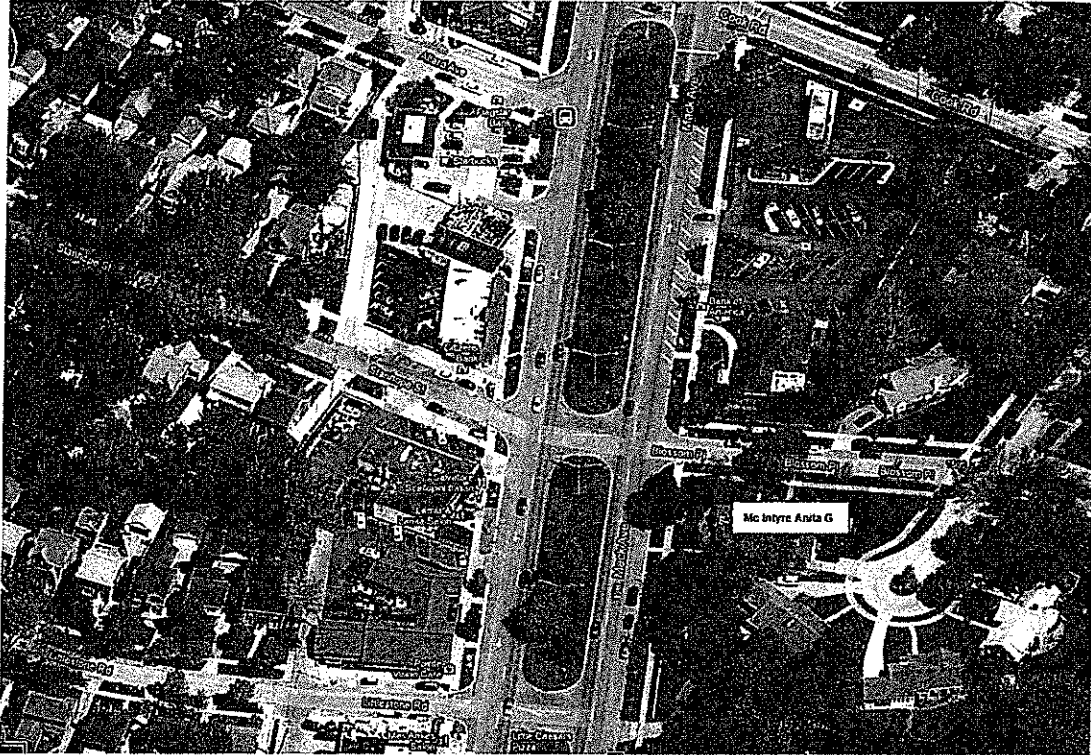


2. **ACCOMMODATING RESTAURANTS WITH DRIVE THRUS IN THE HIGH INTENSITY CITY CENTER DISTRICT:** The other commercial district in the City is the High Intensity City Center District. Restaurants with drive thrus would not be appropriate in this district for a number of reasons. First, the intent of this district is to encourage high density mixed use development in a single building or in an integrated campus. A drive thorough would be inconsistent with the intent and it would also be the only auto-oriented use permitted in the district.

Second, this area is relatively well developed and there is little opportunity for this type of redevelopment to occur in this area.

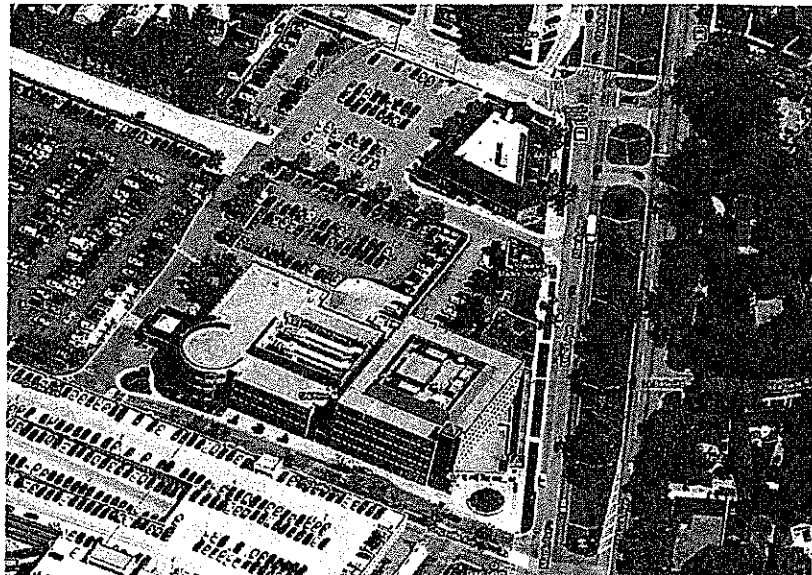


This approach may encounter legal challenge due to the fact that excluding uses is generally not allowed.



2. **ACCOMMODATING RESTAURANTS WITH DRIVE THRUS IN THE HIGH INTENSITY CITY CENTER DISTRICT:** The other commercial district in the City is the High Intensity City Center District. Restaurants with drive thrus would not be appropriate in this district for a number of reasons. First, the intent of this district is to encourage high density mixed use development in a single building or in an integrated campus. A drive thorough would be inconsistent with the intent and it would also be the only auto-oriented use permitted in the district.

Second, this area is relatively well developed and there is little opportunity for this type of redevelopment to occur in this area.



Listed below for your review and comment is a proposed definition of a drive-thru facility that would be added to Section 50-1, proposed language to be added to Sections 50-370 and 50-419 that would prohibit drive thru facilities in the C Commercial Business District and the C-2 High Intensity City Center District.

Proposed Definition to be added to Section 50-1:

Drive^{thru} Facility. The use of land, buildings, or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-through facility may be permitted only as an accessory use in combination with a bank or financial institution. ? OK

Add the following language to Section 50-370(2)f. for the C Commercial Business District:

Restaurants, lunchrooms and cafeterias and places for the sale of soft drinks, juices, ice cream and nonalcoholic liquors, but excluding drive-thru facilities and places or businesses providing dancing or entertainment and places where food or beverages are dispensed to or served in automobiles parking on private property adjacent to and in connection with such establishments or are dispensed or served from an outside counter. OK

And add to Section 50-419(1)f. for the C-2 High Intensity City Center District:

Restaurants, lunchrooms and cafeterias and places for the sale of soft drinks, juices, ice cream and nonalcoholic liquors, but excluding drive-thru facilities and places or businesses providing dancing or entertainment and places where food or beverages are dispensed to or served in automobiles parking on private property adjacent to and in connection with such establishments or are dispensed or served from an outside counter.

Upon completed review by the Planning Commission, it is recommended that the proposed changes be forwarded to the Committee of the Whole for their review and recommendation.

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**CITY OF GROSSE POINTE WOODS
BUILDING DEPARTMENT
MEMORANDUM**

TO: Planning Commission

FROM: Gene Tutag, Building Official

DATE: January 15, 2013

SUBJECT: Drive-thru Facilities

As we all are aware the Planning Commission has discussed adding language to Chapter 50 of the city's Zoning Ordinance clarifying that businesses with drive-thru facilities other than banks and financial institutions are not permitted uses in the C or C-2 zoning districts...

The conclusion of the Planning Commission is based upon the following facts that are unique to the commercial districts of Grosse Pointe Woods:

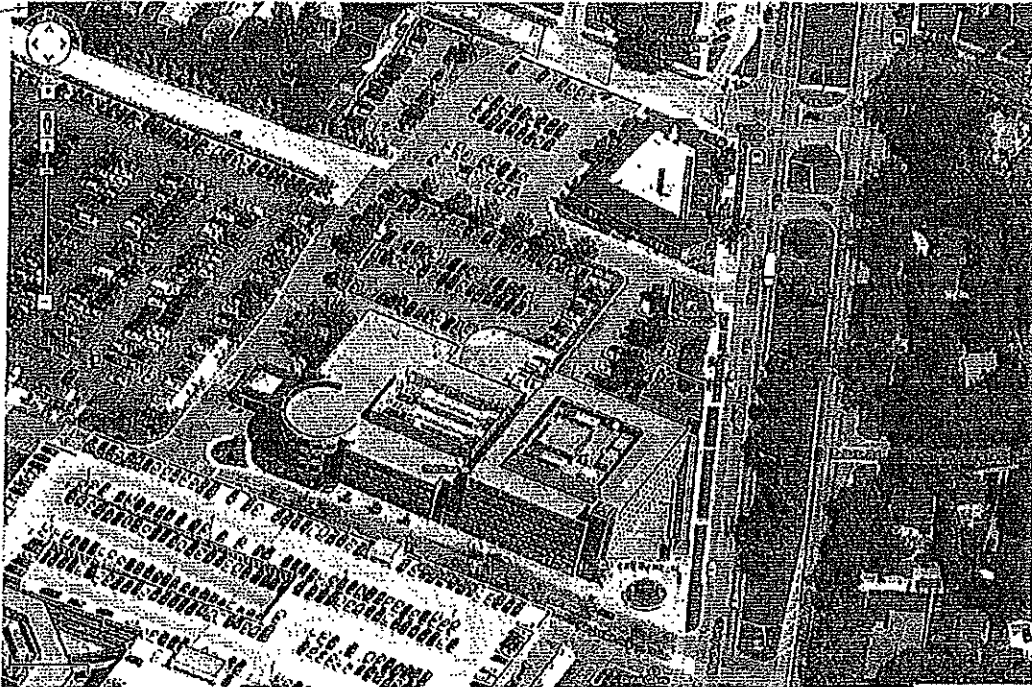
- The average depth of a commercially zoned lot along Mack Ave is approximately 125 feet. This relatively small lot depth does not allow for adequate protection of our adjacent residential from the noise associated with menu boards, car speakers, exhaust fumes and noise, lights and late hours of operation, in most cases only separated by a 20 foot wide alley.
- A drive thru establishment on a parcel of inadequate size can cause problems with traffic circulation, the stacking of vehicles and will create a hostile environment for pedestrians.

The Planning Commission engaged the services of planning consultant, John Jackson from McKenna Associates, to provide insight into this matter. A copy of the memorandum is attached.

There was some dialog with regard to a legal challenge regarding the concept of excluded uses. However, due to the limited commercial zoning districts (C and C-2), the city does not have available land or zoning districts to accommodate every use imagined while providing reasonable protection of the greater good of the established residential and commercial community. As indicated in the McKenna Memorandum and in the Zoning Enabling Act "*If an applicant wishes they may request a land use variance from the Zoning Board of Appeals*". It was also noted that "*within a 10 minute drive, drive-thru facilities are available*". (See attached McKenna map dated Nov 27, 2012)

3. **ACCOMMODATING RESTAURANTS WITH DRIVE THRUS IN THE HIGH INTENSITY CITY CENTER DISTRICT:** The other commercial district in the City is the High Intensity City Center District. Restaurants with drive thrus would not be appropriate in this district for a number of reasons. First, the intent of this district is to encourage high density mixed use development in a single building or in an integrated campus. A drive thorough would be inconsistent with the intent and it would also be the only auto-oriented use permitted in the district.

Second, this area is relatively well developed and there is little opportunity for this type of low-intensity redevelopment to occur in this area.



4. **ISSUES TO CONSIDER WHEN REGULATING THESE FACILITIES WOULD BE:**

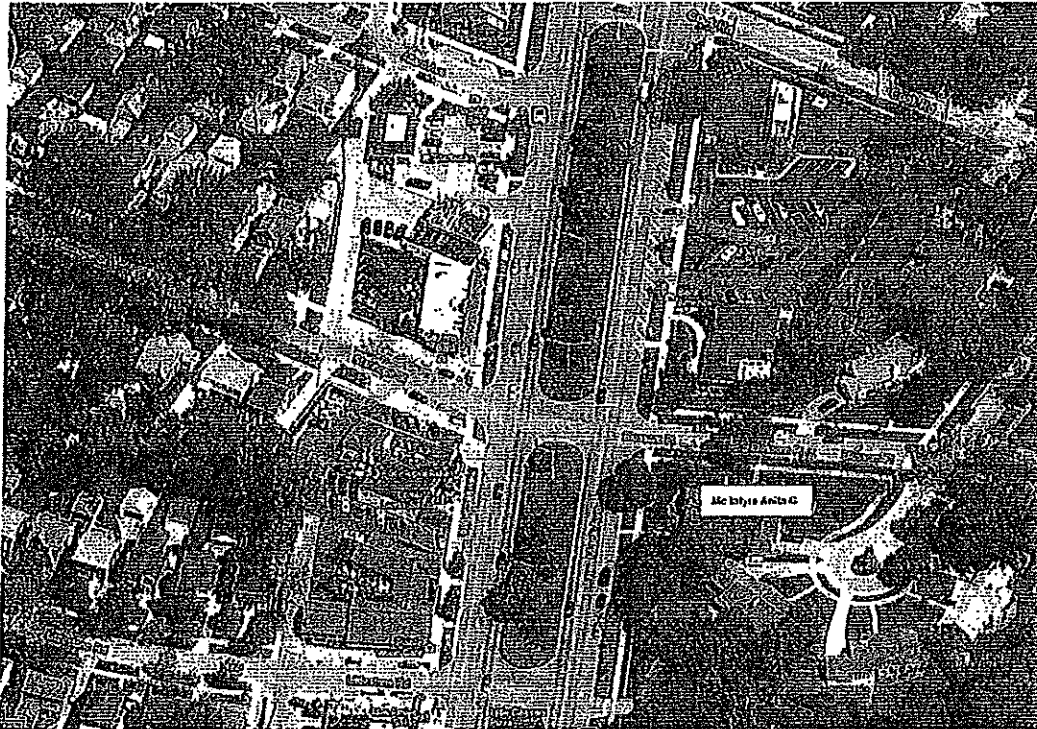
- Proximity to residential districts
- Setbacks from residential districts
- Screening
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- Driveway locations
- Stacking distances
- Sound level control
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- Hours of operation

5. **STACK REQUIREMENTS;** While the ordinance currently allows other uses with drive thrus, these uses, banks for example, have a much lower typical stacking requirement. Banks typically require three stacking spaces per window according to ITE. Pharmacies four, car washes six. Fast food restaurants with a drive thru typically require between 10 and 12 stacking spaces per window.

restaurants with drive thrus within close proximity to the City providing residents of the community convenient vehicular access to those uses.

If an applicant wishes, they may request a land use variance from the Zoning Board of Appeals.

This approach may encounter legal challenge due to the fact that excluding uses is generally not allowed.



2. **ACCOMMODATING RESTAURANTS WITH DRIVE THRUS AS A SPECIAL LAND USE:** Many communities allow restaurants with drive thrus as a special use. This approach allows the City to establish specific siting standards, setback requirements, and other restrictions relative to the potentially negative impacts. In addition, this approach gives the City the ability to develop conditions of approval on a case-by-case basis, again, relative to the anticipated impacts of the proposed drive thru. Finally, the special use approach would allow the City to deny a request based on a finding that the proposed use does not meet the special land use tests for compatibility.

The City Council would make the final determination in the case of a special land use request for a restaurant with a drive thru.

MEMORANDUM

TO: Gene Tutag, Building Official
City of Grosse Pointe Woods

FROM: John R. Jackson, AICP, LEED-GA

DATE: November 26, 2012

SUBJECT: Regulation of Drive Thru Restaurants

The City of Grosse Pointe Woods is a tight-knit community with tree-lined neighborhoods and convenient shopping on Mack Avenue. This convenient shopping poses a tremendous asset for residents of the community to walk to nearby shops. However, it also poses a significant challenge.

The vast majority of commercial areas in Grosse Pointe Woods are zoned C Commercial Business. This district is primarily located along Mack Avenue. There is a C-2 High Intensity City Center district located on Mack Avenue between Kingsville Ave and Bournemouth Road. The majority of property located in the Commercial Business District can be characterized as shallow lots fronting on Mack Avenue with residentially zoned and used property located immediately behind. This configuration lends itself to land use conflicts between the residential neighborhoods and commercial uses.

The City has adopted screening requirements that minimize the impact of most of the typical commercial impacts such as parking, deliveries, refuse collection, etc. However, these standard screening techniques are not sufficient to offset the impacts of drive-thru restaurants.

The drive-thru aspect of a fast food restaurant on a parcel of inadequate size can cause problems with traffic circulation and create areas that are hostile to the pedestrian. Moreover, drive-thrus have the potential to generate undesirable impacts for adjacent properties such as odors from vehicle exhaust and noise from engines, car stereos, and menu board speakers.

In addition to screening, other methods for minimizing the impacts of a drive thru include generous setbacks from residential districts and separation requirements. For example; a restaurant with a drive thru may not be located within 50 feet of a residential district or use. Unfortunately, with the configuration of the commercial property and the relative proximity to residential property, neither of these approaches are available to the City.

Based on our experience we offer the following issues to consider:

1. **PROHIBITING RESTAURANTS WITH DRIVE THRUS:** An argument can be made that there are not appropriate locations for a restaurant with a drive thru in the existing Commercial district based on the configuration of the lots in this district. It could also be argued that there are a number of

ORDINANCE # _____

AN ORDINANCE TO AMEND CHAPTER 50 ZONING,
SECTION 50-1 TO DEFINE DRIVE-THRU FACILITIES
AND BY ADDING LANGUAGE EXCLUDING DRIVE-THRU FACILITIES
IN THE C-COMMERCIAL DISTRICT SEC. 50-370(2) AND
THE C-2 HIGH INTENSITY DISTRICT SEC. 50-419(1)(f)

THE CITY OF GROSSE POINTE WOODS ORDAINS:

Sec. 50-1 Definitions

Drive-thru Facility means the use of land, buildings, or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or window or automated machine, to persons remaining in motor vehicles that are in a designated stacking lane. A drive-thru facility may be permitted only as an accessory use in combination with a bank or financial institution.

Sec. 50-370 Permitted Uses

(2)f Restaurants, lunchrooms and cafeterias and places for the sale of soft drinks, juices, ice cream and nonalcoholic liquors, but **excluding drive-thru facilities** and places or businesses providing dancing or entertainment and places where food or beverages are dispensed to or served in automobiles parking on private property adjacent to and in connection with such establishments or are dispensed or served from an outside counter. A drive-thru facility may be permitted only as an accessory use in combination with a bank or financial institution.

Sec. 50-419 Permitted Uses

(1)f Restaurants, lunchrooms and cafeterias and places for the sale of soft drinks, juices, ice cream and nonalcoholic liquors, but **excluding drive-thru facilities** and places or businesses providing dancing or entertainment and places where food or beverages are dispensed to or served in automobiles parking on private property adjacent to and in connection with such establishments or are dispensed or served from an outside counter. A drive-thru facility may be permitted only as an accessory use in combination with a bank or financial institution.

First reading:

Second reading:

Published GPN:

Adopted:

Effective:

CHARLES T. BERSCHBACK

ATTORNEY AT LAW

24053 EAST JEFFERSON AVENUE
ST. CLAIR SHORES, MICHIGAN 48080-1530

(586) 777-0400
FAX (586) 777-0430
blbwlaw@yahoo.com

DON R. BERSCHBACK
OF COUNSEL

March 11, 2013

Honorable Mayor and Council
City of Grosse Pointe Woods
20025 Mack Plaza
Grosse Pointe Woods, MI 48236

RE: COW Agenda Item / Zoning Amendment

Dear Honorable Mayor and Council:

For the past several months the Planning Commission has been reviewing various options regarding regulating drive-thru facilities along Mack Avenue. I have attached to this letter several supporting documents including the following:

1. Memo from John R. Jackson from McKenna Associations dated November 27, 2012 (Mr. Jackson was present at the November 27th Planning Commission meeting and a lengthy discussion ensued regarding various options and further direction from the Planning Commission.
2. Memo from Mr. Tutag dated January 15, 2013 which was written as a result of the November 27th meeting and outlined a proposed amendment. (This was also discussed at the January 29th Planning Commission meeting.)
3. A proposed ordinance I prepared based on Mr. Tutag's memo with minor stylistic changes.

At the January 27th meeting, the Planning Commission approved this draft and requested that the Committee of the Whole review the ordinance, and then refer it back to the Planning Commission for the scheduling of a public hearing.

I plan on attending the COW to provide some background and to answer any question the Council may have regarding these proposed amendments. Thank you.

Very truly yours,



CHIP BERSCHBACK

CTB:nmg

Enclosures

cc: Skip Fincham
Lisa Hathaway
Gene Tutag

PLANNING COMMISSION
01/22/13

The next item on the agenda was **Continued Discussion: Land Uses & Zoning on Mack Avenue**. Building Official Tutag stated that the proposed ordinance amendment language provided encompasses the intent of the Planning Commission. Additionally, the spelling of 'drive-thru' will remain consistent throughout.

Motion by Evola, seconded by Vitale, regarding **Land Uses & Zoning on Mack Avenue**, that the Planning Commission refer and recommend the proposed zoning ordinance amendment to the Committee of the Whole for review and consideration.

MOTION CARRIED by the following vote:

YES: Evola, Fuller, Gilezan, Hamborsky, Rozycki, Stapleton, Vitale

NO: None

ABSENT: Richardson, Vaughn

COMMITTEE-OF-THE-WHOLE

04-22-13

The first item discussed was regarding a **proposed Zoning Ordinance Amendment, Chapter 50 Zoning, Section 50-1 to Define Drive-Thru Facilities and by Adding Language Excluding Drive-Thru Facilities in the C-Commercial District Sec. 50-370(2) and the C-2 High Intensity District Sec. 50-419(1)(f)**. City Attorney Chip Berschback provided an overview to obtain input and a recommendation from the Committee prior to the Planning Commission scheduling a public hearing on this ordinance. Following discussion, there was a consensus of the Committee-of-the-Whole to support the ordinance as written.

PLANNING COMMISSION
04/23/13

Hearing no objections, the following items were heard under **New Business**:

- Building Official Tutag noted that the Committee of the Whole was pleased with the language of the proposed Zoning Ordinance amendment regarding drive-thru facilities. The next step is to set a public hearing with the Planning Commission.

Motion by Rozycki, seconded by Vaughn, that the Planning Commission schedule a **Public Hearing** at the regular meeting **on May 28, 2013, to amend Chapter 50 Zoning, Section 50-1 to Define Drive-Thru Facilities and by Adding Language Excluding Drive-Thru Facilities in the C-Commercial District Sec. 50-370(2) and the C-2 High Intensity District Sec. 50-419(1)(f).**

MOTION CARRIED by the following vote:

YES: Evola, Fuller, Gilezan, Rozycki, Vaughn

NO: None

ABSENT: Hamborsky, Stapleton, Vitale

PLANNING COMMISSION
04/23/13 – 012

Hearing no objections, the following items were heard under **New Business**:

- Building Official Tutag noted that the Committee of the Whole was pleased with the language of the proposed Zoning Ordinance amendment regarding drive-thru facilities. The next step is to set a public hearing with the Planning Commission.

Motion by Rozycki, seconded by Vaughn, that the Planning Commission schedule a **Public Hearing** at the regular meeting **on May 28, 2013, to amend Chapter 50 Zoning, Section 50-1 to Define Drive-Thru Facilities and by Adding Language Excluding Drive-Thru Facilities in the C-Commercial District Sec. 50-370(2) and the C-2 High Intensity District Sec. 50-419(1)(f).**

MOTION CARRIED by the following vote:

YES: Evola, Fuller, Gilezan, Rozycki, Vaughn

NO: None

ABSENT: Hamborsky, Stapleton, Vitale

- Building Official Tutag noted that he has received plans for a cellular tower at Crosspointe Church on Mack and E. 8 Mile Rd. The City and applicant are currently in disagreement over the application procedure for installation of cellular towers imposed by new legislation.
- Commission Member Vaughn stated he will defer his report on the Appeals case that overturned a cell tower denial in West Bloomfield until the next meeting when more members are present.

Motion by Rozycki, seconded by Gilezan, to adjourn at 8:11 p.m. Passed unanimously.

PLANNING COMMISSION
04/23/13 – 011

The next item on the agenda was the **Building Official's Monthly Report**. Mr. Tutag reported the following:

- The Harper Woods Master Plan future land use map is to remain as is, however, they will seriously consider additional regional shopping facilities at the Eastland Village Apartments and at the land on the south side of Vernier east of Beaconsfield.
- Detroit has approved the Helistop at St. John's Hospital. Recently the Coast Guard was flying over the area to establish GPS coordinates. A Nixle alert was sent to residents informing them of the interruption.
- At their meeting last night, the Committee of the Whole discussed the Planning Commission vacancy and asked that Council Members submit names before June.
- The Rivers project is going up at a phenomenal rate, the condos are almost complete and all residents are expected to be able to move in September 2013. The footings and floors are being installed for the independent living building with an expected completion of January 2014.
- Will have a vacancy report at May's meeting.
- Biggby Coffee is moving into the old Peoples State Bank at Mack and Brys.

Commission Member Vitale was not present to give the **March 2013 Council Reports**.

Council Member Ketels offered the following discussion:

- All members of the Committee of the Whole were agreeable to the proposed Ordinance regarding to amend Chapter 50 Zoning by defining drive-thru facilities.
- Mayors Mack Avenue Business Study Committee will meet tomorrow. Alex Lucido will address the Committee, giving a commercial real estate perspective. Submit items to be addressed by the Committee to Council Member Ketels.
- The next Committee of the Whole meeting will address the city's parking meters. Many of the current meters are in disrepair; a number of replacement options are on the table.

Commission Chair Evola will attend the May Council meetings.

The following **Subcommittee Reports** were provided:

2020 Plan – Commission Member Gilezan noted that the sub-committee met a couple weeks ago and worked to convert the Mack Ave enhancement presentation into an electronic format in preparation of the workshop meeting in May.

Special Sign Ordinance – Commission Member Vaughn noted that the sub-committee met last week and discussed the survey of neon and illuminated signs on Mack Ave that was done approximately six months ago. The sub-committee agreed to not make any specific recommendations at this time with the intention of meeting with business owners to get their perspective. Additionally, the sub-committee requested placement on a Mayor's Mack Avenue Business Study Committee agenda. Council Member Ketels stated that the Committee may be able to accommodate the request at the May or June meeting.

PLANNING COMMISSION
04/23/13 – 010

MINUTES OF THE PLANNING COMMISSION OF THE CITY OF GROSSE POINTE WOODS HELD ON TUESDAY, APRIL 23, 2013, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK AVENUE, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:34 p.m. by Chair Evola.

Roll Call: Chair Evola
Fuller, Gilezan, Rozycki, Vaughn

Absent: Hamborsky, Stapleton, Vitale

Also Present: Building Official Tutag
Recording Secretary Babij Ryska

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

MOTION CARRIED by the following vote:

YES: Evola, Fuller, Gilezan, Rozycki, Vaughn
NO: None
ABSENT: Hamborsky, Stapleton, Vitale

Chair Evola welcomed Council Member Ketels, as Planning Commission Representative for being in attendance at tonight's meeting.

Motion by Vaughn, seconded by Rozycki, that all items on tonight's agenda be received, placed on file, and taken in order of appearance.

MOTION CARRIED by the following vote:

YES: Evola, Fuller, Gilezan, Rozycki, Vaughn
NO: None
ABSENT: Hamborsky, Stapleton, Vitale

Motion by Gilezan, seconded by Rozycki, regarding **Approval of Minutes**, that the Planning Commission Meeting minutes dated March 26, 2013 be approved.

MOTION CARRIED by the following vote:

YES: Evola, Fuller, Gilezan, Rozycki, Vaughn
NO: None
ABSENT: Hamborsky, Stapleton, Vitale

12. PUBLIC COMMENT:

13. ADJOURNMENT:

Submitted by: Gene Tutag, Building Official

313-343-2426

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Acet

AFFIDAVIT OF LEGAL PUBLICATION

Grosse Pointe News

21316 Mack Ave
Grosse Pointe Woods, Michigan 48236
(313) 882-3500

COUNTY OF WAYNE
STATE OF MICHIGAN, SS.

Joe Warner

being duly sworn deposes and says that attached adver

City of Grosse Pointe Woods

was duly published in accordance with instructions, in
the following date:

May 9, 2013

#2 GPW 5-9 PLANNING COMMISSION

and knows well the facts stated herein, and that he is th
newspaper.



Subscribed and sworn to before me this 10th day of Ma



PATRICE A. THOMAS
Notary Public, State of Michigan
County of Wayne
My Commission Expires 06-21-2014
Acting in the county of Wayne

City of ~~Grosse Pointe Woods~~, Michigan

PLANNING COMMISSION NOTICE

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Grosse Pointe Woods will hold a public hearing under the provisions of Michigan Compiled Laws, Sections 125.3101 through 125.3702 as amended, to consider amendments to Chapter 50, *Zoning*, at a meeting scheduled for Tuesday, May 28, 2013, at 7:30 p.m. in the Council Room of the Municipal Building. The proposed ordinance is available for public inspection at the Municipal Building, 20025 Mack Plaza, between 8:30 a.m. and 5:00 p.m., Monday through Friday. All interested persons are invited to attend and will be given opportunity for public comment. The public may appear in person or be represented by counsel. Written comments will be received in the City Clerk's office, up to the close of business preceding the hearing. A group spokesperson is encouraged on agenda items concerning organized groups. Individuals with disabilities requiring auxiliary aids or services at the meeting should contact the Grosse Pointe Woods Clerk's Office at 313 343-2440 seven days prior to the meeting:

**AN ORDINANCE AMENDING CHAPTER 50 ZONING,
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INTENSITY DISTRICT SEC. 50-419(1)(F)**

Lisa Kay Hathaway, MMC
City Clerk

G.P.N.: 5/9/2013

RESOLUTION OF
GROSSE POINTE WOODS PLANNING COMMISSION
RECOMMENDING ADOPTION OF ZONING ORDINANCE AMENDMENT
REGULATING DRIVE-THRU RESTAURANTS

The Minutes of a regular meeting of the Planning Commission of the City of Grosse Pointe Woods held on Tuesday, May 28, 2013 at 7:30 p.m.

The following preamble and resolution was offered by Planning Commission Member _____ and seconded by Planning Commission Member _____:

WHEREAS, the Planning Commission has reviewed the Zoning Regulations relating to drive-thru restaurants at various Planning Commission meetings and workshops, and

WHEREAS, as a result of those prior meetings and workshops, the Planning Commission, with input from the Building Official, City Attorney, and designated City Planner John R. Jackson have developed a proposed ordinance, and

WHEREAS, the Planning Commission scheduled and conducted a public hearing regarding the ordinance on May 28, 2013, and

WHEREAS, in conjunction with the public hearing, the Planning Commission received and placed on file supporting documentation including, but not limited to, the proposed amendment, the Memorandum dated November 27, 2012 written by City Planner John R. Jackson, and the Building Official's Memo dated January 15, 2013, and

WHEREAS, the Planning Commission finds that placement of drive-thru facilities would be inappropriate in both the Commercial C District and C2 District for the reasons outlined in the documents made a part of the record. The Planning Commission more specifically find that the proposed ordinance is appropriate based on the following:

- The majority of property located in the Commercial C District has very shallow lots fronting Mack Avenue with residential property in very close proximity.
- Normal screening requirements applicable to the Commercial Districts are not sufficient to offset the impacts of drive-thru restaurants.
- The Planning Commission is extremely concerned with the negative impact to the residential areas generated by noise from vehicles, car stereos, idling vehicles, and menu board speakers.
- There are not appropriate locations for a drive-thru based on these concerns and the configuration of the lots in the two zoning districts at issue. In addition, several areas within close proximity to the City create general availability of these uses. Drive-thrus are not appropriate in the C-2 District based on paragraph 3 of Mr. Jackson's letter dated November 27, 2012 and for other reasons stated in the record. The intent of the C-2 District is to encourage high density mixed use developments.

- Fast food operations generally require a much higher number of stacking spaces per window and these types of facilities are generally open into the late evening hours.

NOW THEREFORE, the Planning Commission by this Resolution hereby recommends adoption of the proposed Zoning Amendment for Sections 50-370(2) and 50-419(1)(f) and refers this matter back to City Council for a first reading.

AYES:
NAYS:
ABSENT:

RESOLUTION DECLARED ADOPTED.

CARROLL EVOLA
Planning Commission Chairman

It is further moved that the minutes of this meeting relating to this agenda item and the attached Resolution be immediately certified.

AYES:
NAYS:
ABSENT:

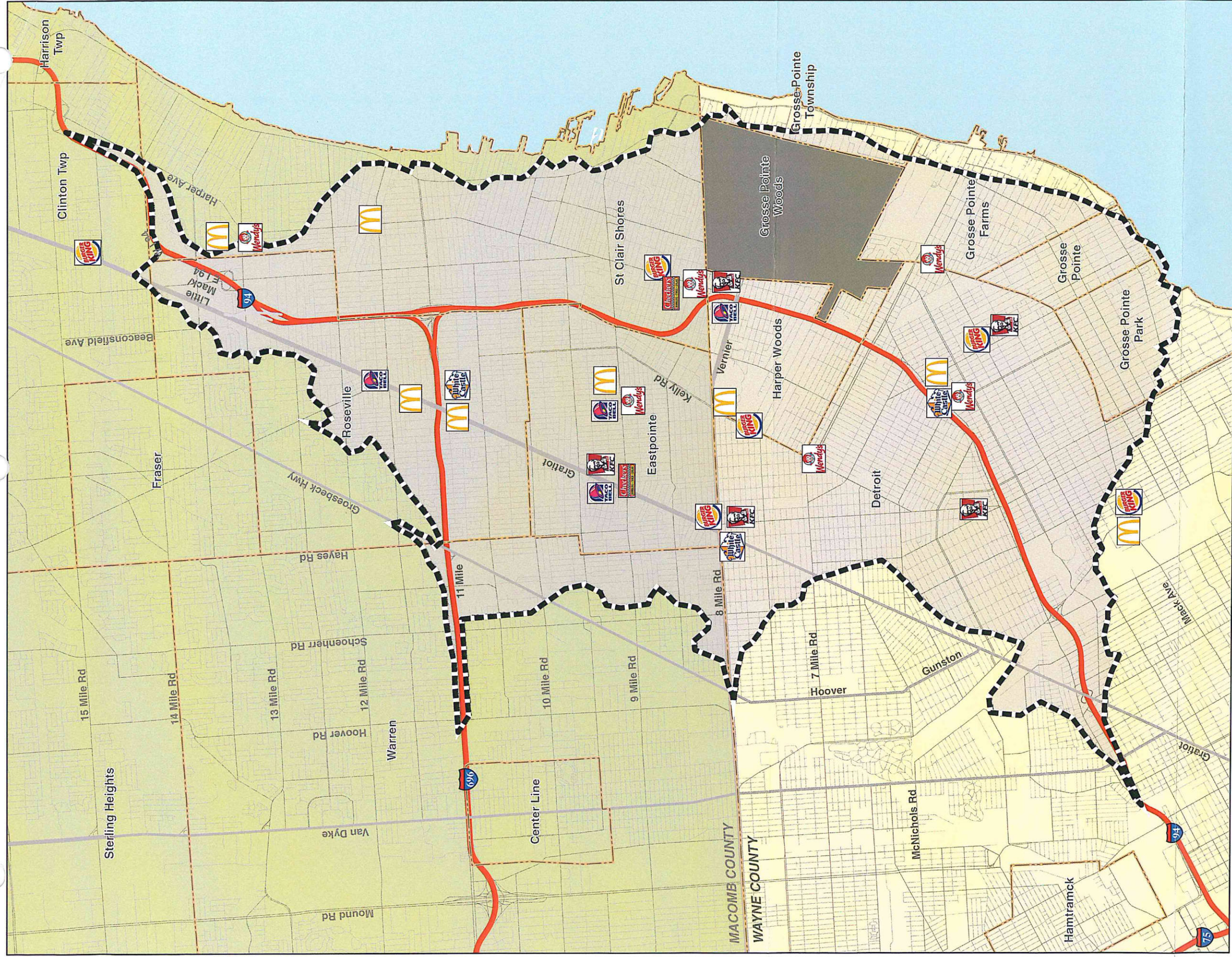
RESOLUTION DECLARED ADOPTED.

CARROLL EVOLA
Planning Commission Chairman

CERTIFICATION

I, _____, do hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Planning Commission on May 28, 2013, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting have been kept and will be, or have been, made available as required by said Act.

Deputy Clerk



November 27, 2012

Trade Areas

Grosse Pointe Woods, Wayne County, Michigan



LEGEND



**City of Grosse Pointe Woods
BUILDING DEPARTMENT
Monthly Financial Report – April 2013**

Permits Issued:	156	
Rental Certificates:	23	Total: \$ 26,353
Vacant/Foreclosure:	3	

CODE ENFORCEMENT

Abandoned/Foreclosure Compl. Notices Issued:	1
# of Complaints Investigated by Code Enforcement:	31
Closed Due to Compliance:	16
Open for Longer Compliance Time:	15
Citations Issued:	1
Early Trash Notices:	6
Code Violation Notices to Residents:	18
Tall Grass Notices Issued:	0
Stop Work notices to Contractors (working w/o permit):	13
Outside Storage:	7

NEW BUSINESS

Full Lotus Yoga, 20365 Mack Avenue