

PLANNING COMMISSION
05/28/13 – 013

MINUTES OF THE PLANNING COMMISSION OF THE CITY OF GROSSE POINTE WOODS HELD ON TUESDAY, MAY 28, 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, Hamborsky, Rozycki, Stapleton, Vaughn

Absent: Gilezan, Vitale

Also Present: Building Official Tutag
Recording Secretary Babij Ryska

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

MOTION CARRIED by the following vote:

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

Motion by Gilezan, seconded by Rozycki, regarding **Approval of Minutes**, that the Planning Commission Meeting minutes dated April 23, 2013 be approved.

MOTION CARRIED by the following vote:

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

PLANNING COMMISSION
05/28/13 – 014

The next item on the agenda was **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 Section 50-419(1)(f).**

The City Attorney, in his memo dated May 22, 2013, indicated that the Committee of the Whole has reviewed the proposed ordinance amendment and referred it back to the Planning Commission for a public hearing. He then outlined the process by which to conduct the public hearing. The Planning Commission will make a recommendation to Council, and then the proposed ordinance amendment will be subject to a first and second reading prior to implementation.

THE MEETING WAS THEREUPON OPENED AT 7:36 P.M. FOR A 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 Section 50-419(1)(f).**

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

- 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)
- J. Memo – 05/22/13 – City Attorney (*emailed prior to and distributed at meeting*)

MOTION CARRIED by the following vote:

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

The Chair stated for the record that no one was in the audience to speak in favor of or in opposition to the proposed ordinance.

Motion by Rozycki, seconded by Fuller, that the Public Hearing be closed at 7:40 p.m. Passed unanimously.

The Chair opened the floor for discussion among Commission Members regarding the proposed ordinance amendment.

Motion by Fuller, seconded by Rozycki, regarding the **amendment to 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 Section 50-419(1)(f).**, that the Planning Commission approve the following Resolution recommending City Council adoption of the proposed Ordinance to Regulate Drive-Thru Restaurants:

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.

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

PLANNING COMMISSION
05/28/13 – 016

MOTION CARRIED by the following vote:

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

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

- The Planning Commission will do a site visit to The Rivers prior to next month's meeting at 6:00 p.m.
- A permit has been issued to Biggby Coffee to remodel 21110 Mack Ave.
- Establishments have been receiving positive feedback from the outdoor cafés on Mack.
- There is interest in the old Caribou site at 19419 Mack Ave.
- Will be receiving the site plan in the fall for a new field house on the north side of the Liggett Athletic Field.

Chair Evola gave the May 2013 Council Reports.

- May 6th: Nothing pertaining to the Planning Commission.
- May 20th: Public Hearing on 2013/14 Budget, adopted.

Commission Member Fuller will attend the June Council meetings.

The following **Subcommittee Reports** were provided:

2020 Plan – Commission Member Hamborsky stated that a final work product discussed at the Workshop earlier this evening will be presented to the Commission in the next month or two.

Special Sign Ordinance – Commission Member Vaughn stated that there is nothing to report, however, some of the sub-committee members will be attending a Mayor's Mack Avenue Committee meeting in the near future to meet with business owners regarding their perspective.

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

- Commission Member Vaughn voiced his concern regarding parking at schools. Building Official Tutag indicated that the problems are being addressed at this time.
- Commission Member Vaughn gave an overview of the Appeals case that overturned a denied T-Mobile cell tower request in West Bloomfield. The Court found that the denial violated the Telecommunications Act due to a number of factors: a municipality may not deny a request simply because they do not want a tower in their community; a tower request cannot be denied if there is a lack of possible co-location sites nearby; a municipality must propose a feasible alternate location.

Motion by Rozycki, seconded by Stapleton, to adjourn at 7:58 p.m. Passed unanimously.