

**PLANNING COMMISSION  
A MEETING OF THE ST. CLAIR SHORES PLANNING COMMISSION  
HELD ON TUESDAY, FEBRUARY 9, AT 7:00 P.M.,  
VIA TELECONFERENCE**

**PRESENT**

Paul Doppke, Chairman  
Lou Schelosky, Vice-Chairman  
Kathy Hanson, Secretary  
Robert Hison  
Patrick McKay  
Anthony Stonik  
James Kalich  
Brandon Johnson  
Jeff Mazzenga  
Ed Jones

**ALSO, PRESENT**

Shantelle Hubbard, Recording Secretary  
Liz Koto, City Planner

**ABSENT**

**CALL TO ORDER**

Chairman Doppke called the meeting to order at 7:03 p.m.

Secretary Hanson called roll. Ten members were present.

**CASE NO. PPC210001 - REQUEST FOR SITE PLAN APPROVAL – 25113 Jefferson,  
Request for site plan approval for an expanded outdoor seating area.**

The request is reviewed as follows:

\* \* \* \* \*

The applicant is requesting Site Plan Approval for an additional permanent outdoor seating area on the north side of Baffin Brewery where a temporary outdoor seating area currently exists. The outdoor seating area would close off approximately 640 square feet along the north side of the building. The site plan proposes the construction of a fabric awning over a 16 foot by 40-foot area. Picnic tables are proposed to be located under the awning. The outdoor seating is proposed to be enclosed with either alternating planters and beer barrels or a rigid fabric kick wall matching the awning.

\* \* \* \* \*

**Planning Commission Chairman** – Please read this statement into the record prior to reviewing the site plan to the petitioner.

The Planning Commission and City Council understand that your presence here tonight constitutes that you are a legal representative of the petitioner for Planning Case PPC210001. Each statement of intent, promise and/or pledge, made by you, the petitioner or agent, either orally or in writing, if permitted by Ordinance, shall be binding upon the petitioner and shall be a condition of said special land use and site plan approval.

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The request is reviewed as follows:

- 1) **Zoning**- The zoning of the parcel is Central Lakefront District. Outdoor seating areas are allowable uses within the district.
- 2) **Adequacy of Information** (Section 35.82, 5, a) –The information provided is adequate for this review.
- 3) **Site Design Characteristics** (Section 35.82, 5, b) – The site plan indicates a permanent outdoor seating area along the north side of the building where a temporary outdoor seating area currently exists. The outdoor seating is proposed to occupy 640 square feet of the existing parking lot along the north side of the building. The site plan proposes a fabric awning over the top of the outdoor seating area. Picnic tables are proposed as seating within the seating area. The outdoor seating area is proposed to be approximately 16 feet by 40 feet enclosed with either alternating planters and barrels or a rigid fabric kick wall matching the awning.
- 4) **Preservation of Natural Areas** (Section 35.82, 5, c) – There are no natural areas to preserve.
- 5) **Privacy** (Section 35.82, 5, d) – No changes are proposed.
- 6) **Emergency Vehicle Access** (Section 35.82, 5, e) – Emergency vehicle access will not change.
- 7) **Ingress and Egress** (Section 35.82, 5, f) – Ingress and egress to the site will not change.
- 8) **Pedestrian Circulation** (Section 35.82, 5, g) – Pedestrian circulation will not change.
- 9) **Vehicular and Pedestrian Circulation Layout** (Section 35.82, 5, h) –The circulation layout is adequate for this review.
- 10) **Drainage** (Section 35.82, 5, i) – No changes are proposed.
- 11) **Exterior Lighting** (Section 35.82, 5, j) – No changes are being proposed.
- 12) **Public Services** (Section 35.82, 5, k) – Public services will not be affected by the proposed use.
- 13) **Landscaping, Fences, and Walls** (Section 35.82, 5, l) – No changes are proposed.
- 14) **Exterior Building Treatment** (Section 35.82, 5, m) – The petitioner will be painting over the existing mural of a cloud and a sun, and at a later date may request approval for a new mural.
- 15) **Waste Storage** (Section 35.82, 5, n) – No changes are proposed.

**16) Mechanical Equipment** (Section 35.82, 5, o) – No changes are proposed.

**17) Parking** (Section 35.73, 12, a) – The new permanent outdoor seating area would expand the overall square footage of the brewery by 640 square feet, requiring an additional 9 parking spaces. The seating area will eliminate 5 parking spaces that existed on the north side of the brewery. The brewery is an establishment with service over a counter requiring 1 parking space per 75 gross square feet. A parking variance was obtained in 2017 for the outdoor seating area along the front of the building. Since that variance was issued in 2017, Baffin Brewery now leases 14 spaces from the parking lot owned by Pat O'Briens. Even though the new permanent outdoor seating area will require 9 new spaces and eliminate 5 existing parking spaces along the north side of the building, the lease agreement for 14 parking spaces satisfies the parking requirement for the new permanent seating area.

**18) Setbacks** (Section 35.66) – The front setback for the Central Lakefront District is a minimum of 65 feet from the centerline of Jefferson. The seating area is proposed to be located 65 feet from the centerline of Jefferson.

**19) Building Height (Section 35.66)** – The awning is proposed to have 8 feet of clearance and a 3/12 pitch resulting in a 12-foot total height.

**20) Transformer Pad** – No changes are proposed

**21) Screening Wall** – N/A

**22) Signs** – N/A

**23) Loading** (Section 35.75) – N/A

**24) Other** –

**ITEMS OF CONCERN –**

**Staff recommends approval of this proposal.**

Joe Vandermarliere, 25113 Jefferson, right now they have a side patio that was approved by MLCC. It is on the north side of the building. He hired Marygrove Awning to install an awning. They will put planter boxes around the perimeter. They are struggling with the reduced capacity for COVID and with the weather conditions.

Secretary Hanson stated to the petitioner that she went by the place and as cute as the mural is it is not permitted in the Central Lake Front District is. Secretary Hanson wanted to make sure he understood that he is agreeing to paint the whole side one color, and asked if he was planning to do another mural and when?

Chairman Doppke asked Ms. Koto if the city is working on something to change the ordinance or do something with murals. Ms. Koto stated that she has been working to complete the portion of the sign ordinance that will allow murals on the side or behind the building in the commercial district. She did talk to the petitioner and he indicated that he will be painting over the existing mural. In the near future he will submit to us a new mural. The way things are moving it may be a month to two months for this new part of the ordinance to be adopted.

Chairman Doppke stated that as a community we are here to help our businesses.

Commissioner Hison asked what will be the hours and are the hours to be different than the front outdoor seating area on Jefferson. The petitioner stated that they will be the same hours. Right now, they close at 10:00 p.m. due to the statewide COVID restriction. Prior to COVID it was midnight. Chairman Doppke asked Ms. Koto if there are there any other patios in the city that are open later. If it helps them to stay open longer. Ms. Koto said that there are some other restaurants that have been open later. She feels that midnight was the latest that was allowed in the past. We all recognize how difficult it is right now. If they have people on the patio at 12:30 or 1:00 am she does not believe it will be a problem.

Secretary Hanson stated that she was asked by the city to bring up the mural today. And she was asked by the city to have it in writing that they are willing to paint over it. She was doing what was asked of her.

The petitioner stated that he had a prior discussion with Mayor Walby in regards to the mural. They knew the mural was temporary. When they got the awning permit in process it will take up the mural. He would like to work with the city on what kind of mural that they can have.

**A motion was made by Secretary Hanson and supported by Vice-Chairman Schelosky, to approve the request for site plan approval for an expanded outdoor seating area at 25113 Jefferson.**

**A ROLL CALL WAS TAKEN:**

**AYES: ALL**

**NAYS: NONE**

**ABSENT: NONE**

**MOTION: PASSED**

**CASE NO. PPC210002:                   REQUEST FOR SITE PLAN APPROVAL – 31033 Jefferson, request for site plan approval for an expanded outdoor seating area at XO Sports Bar, represented by Bernard Yaldou.**

The request is reviewed as follows:

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The applicant is requesting Site Plan Approval to expand the outdoor seating area, add two overhead doors, and add two awnings. The existing building is 4,032 square feet, the existing outdoor seating area is 448 square feet, and the proposed outdoor seating area is also 448 square feet. The site plan proposes to enclose the concrete area with brick columns and black aluminum fencing approximately four feet in height allowing 16 more feet available for pedestrian movement on the public sidewalk. The site plan also proposes installing glass overhead doors that exit to the outdoor seating areas. Fabric awnings are also being proposed over the seating areas. The proposed patio and awnings are located within the right-of-way of Jefferson. The petitioner anticipates fitting tables and outdoor patio furniture within the space.

\*                   \*                   \*                   \*                   \*                   \*

**Planning Commission Chairman** – Please read this statement into the record prior to reviewing the site plan to the petitioner.

The Planning Commission and City Council understand that your presence here tonight constitutes that you are a legal representative of the petitioner for Planning Case PPC210002.

Each statement of intent, promise and/or pledge, made by you, the petitioner or agent, either orally or in writing, if permitted by Ordinance, shall be binding upon the petitioner and shall be a condition of said special land use and site plan approval.

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The request is reviewed as follows:

- 1) Zoning**- The zoning of the parcel is B-1 Local Business District. A restaurant is an allowable use within the B-1 district; however, all seating and service must be conducted indoors. The petitioner received a variance to allow outdoor seating in 2017.
- 2) Adequacy of Information** (Section 35.82, 5, a) –The information provided is adequate for this review.
- 3) Site Design Characteristics** (Section 35.82, 5, b) – The applicant is requesting Site Plan Approval to expand the outdoor seating area, add two overhead doors, and add two awnings. The existing building is 4,032 square feet, the existing outdoor seating area is 448 square feet, and the proposed outdoor seating area is also 448 square feet. The site plan proposes to enclose the concrete area with brick columns and black aluminum fencing approximately four feet in height allowing 16 more feet available for pedestrian movement on the public sidewalk. The site plan also proposes installing two glass overhead doors that exit to the outdoor seating areas. Fabric awnings are also being proposed over the seating areas. The proposed patio and awnings are located within the right-of-way of Jefferson. The petitioner anticipates fitting tables and outdoor patio furniture within the space.
- 4) Preservation of Natural Areas** (Section 35.82, 5, c) – There are no natural areas to preserve.
- 5) Privacy** (Section 35.82, 5, d) – The new outdoor seating area is located on Jefferson across from existing single family residential homes.
- 6) Emergency Vehicle Access** (Section 35.82, 5, e) – Emergency vehicle access will not change.
- 7) Ingress and Egress** (Section 35.82, 5, f) – Ingress and egress to the site will not change.
- 8) Pedestrian Circulation** (Section 35.82, 5, g) – Pedestrian circulation will not change.
- 9) Vehicular and Pedestrian Circulation Layout** (Section 35.82, 5, h) –The circulation layout is adequate for this review.
- 10) Drainage** (Section 35.82, 5, i) – No changes to the parking lot are proposed.
- 11) Exterior Lighting** (Section 35.82, 5, j) – Exterior lighting has not been proposed.
- 12) Public Services** (Section 35.82, 5, k) – Public services will not be affected by the proposed use.
- 13) Landscaping, Fences, and Walls** (Section 35.82, 5, l) – Brick columns with aluminum fencing are proposed to surround the seating area.
- 14) Exterior Building Treatment** (Section 35.82, 5, m) – No changes are proposed.

**15) Waste Storage** (Section 35.82, 5, n) – No changes are proposed.

**16) Mechanical Equipment** (Section 35.82, 5, o) – No new mechanical equipment is being proposed.

**\*17) Parking** (Section 35.73, 12, a) – The new outdoor seating area will expand the overall outdoor seating capacity by 448 square feet requiring 8 additional parking spaces. The parking requirement for a restaurant with wait staff is 1 space per 55 gross square feet. The existing building is 4,032 square feet requiring 73 parking spaces, and the existing outdoor seating area is 448 square feet requiring 8 parking spaces. The existing parking lot is legal non-conforming, and it can be striped to accommodate approximately 45 spaces.

**An 8-space parking variance is required from the Zoning Board of Appeals.**

**\*18) Setbacks** (Section 35.66) – The entire proposed outdoor seating area encroaches into the Jefferson Right of Way. The required setback from the centerline of Jefferson is 60 feet from the center of the road. There are no sideyard setback requirements for the B-1 district.

**An 18-foot front setback variance is required from the Zoning Board of Appeals. A hold harmless agreement to allow seating and structures within the city right of way is also required. A lease agreement with the city will also be required.**

**19) Building Height** (Section 35.66) – No changes to the building are being proposed.

**20) Transformer Pad** – No new transformers are proposed.

**21) Screening Wall** – Decorative brick pillars with aluminum fencing are being proposed.

**22) Signs** – No changes are being proposed.

**23) Loading** (Section 35.75) – No changes are being proposed.

**24) Other** –

**ITEMS OF CONCERN – 17 18**

**Staff recommends approval of this proposal based on attention to the items listed above.**

Bernard Yaldou, 31033 Jefferson, XO Sports Bar & Grill, explained that they came in front of the board a few years back and they were approved for a patio on the left side of the building. Now they want to do it on the right side of the building to cover and enclose to use as another place. They want to expand their space to be able to have more people.

Secretary Hanson stated that he does know that he will have to go in front of the Zoning Board of Appeals again for several variances and a hold harmless agreement. She believes that they may have it already to allow a structure in the middle of the right of way. Mr. Yaldou thought they had a hold harmless from the last approval. Secretary Hanson asked Ms. Koto what he is talking about. Ms. Koto stated that she did not find a hold harmless agreement. She asked the petitioner to see if they have a copy of it and if so, could they give a copy to Ms. Koto for the city's records.

The petitioner said that they are also going to move the bathrooms around. Ms. Koto stated that it is being looked at administratively and this was tied in with a portion of the permit which was held up by this patio. He can have that portion of the permit issued this week so they can move on. Commissioner Hison asked about the hours because they are considered a bar. Are they being held by the 10:00 p.m. curfew because of COVID restrictions? Mr. Yaldou explained that they will be closed at 10:00 until it is lifted. Commissioner Hison asked once the time is lifted what will the hours be and how does it coincide with the other patio. They are at a 2:00 a.m. after the 10:00 curfew is lifted.

Commissioner Hison stated he would like to have this included that it will be 10:00 until the governor restriction is lifted. Once lifted then it will coincide with the previous agreement that the hours were before. Mr. Shimoon asked if tonight's approval also includes the plans that for the temporary tents covering both patios and all the way around them. Ms. Koto stated that the temporary tents for COVID seating were reviewed administratively and she gave them the approval. She believes that they ordered the tents. They are welcome to get the tents up, have them inspected by the fire marshal if there will be heat and get an electrical inspection for any lights or anything. The tents are allowed until the state order is lifted. But they must remove the tents once the state orders are removed.

Mark Shimoon asked about the blue prints that were given to the city for the new patio and the existing to put a permanent awning around both of them. Ms. Koto stated that the fabric awning and the overhead doors are part of tonight's approval. Chairman Doppke asked if the awning will stay when the ban is lifted. Ms. Koto stated that the awning will be permanent.

**A motion was made by Secretary Hanson and supported by Commissioner Hison, to approve the request for site plan approval for an expanded outdoor seating area at 31033 Jefferson with items of concern #17 - An 8-space parking variance is required from the Zoning Board of Appeals and #18 - An 18-foot front setback variance is required from the Zoning Board of Appeals. A hold harmless agreement to allow seating and structures within the city right of way is also required. A lease agreement with the city will also be required. Hours of operation for the outdoor seating area is until 2:00 a.m. once the state COVID order is lifted.**

**A ROLL CALL WAS TAKEN:**

**AYES: ALL**

**NAYS: NONE**

**ABSENT: NONE**

**MOTION: PASSED**

**APPROVAL OF MINUTES FROM THE NOVEMBER 10, 2020 PLANNING COMMISSION MEETING**

**A motion was made by Secretary Hanson and supported by Commissioner Stonik, to approve the Planning Commission Meeting Minutes of November 10, 2020, as amended.**

**A ROLL CALL WAS TAKEN:**

**AYES: ALL**

**NAYS: NONE**

**ABSENT: NONE**

**MOTION: PASSED**

## **REPRESENTATIVE'S REPORT OF CITY COUNCIL MEETINGS**

On the 16th of November they did approve Detroit Finest Coney Island and, on the 1st, they approved their liquor license. Shorepointe Nursing Home and Copper Hop were approved. Ron Frederick is the new mayor pro tem.

## **CITY PLANNER LIZ KOTO'S STAFF REPORT**

There will be a couple more of the zoom meetings but given the circumstances, everyone did a great job and everyone was present. She doesn't believe that we have had a full board present in over a year. There are a couple of upcoming cases including Butter Run to make the outdoor seating permanent. There is a rezoning and a site plan approval request pending because the petitioner may not want to do the approval by Zoom. It will be a public hearing to expand the parking lot and the building at Beaumont Urgent Care. They want to expand to the north and expand the parking lot. The other case is going to be the CDBG public service hearing requests. We know that we are going to have a crowd for it so chances are we will have to have it as a zoom. She is thinking that it will be the beginning of March for Butter Run and the block grant the end of March.

Commissioner Hison asked Ms. Koto about the development south of Veterans memorial park. He indicated that it was a discussion point recently at a City Council meeting, and he thought it was moving forward. Will this be coming to the board soon? Ms. Koto has not heard of any plans but it will have to go in front of this body all over again. Secretary Hanson stated that we originally approved second floor condos. Ms. Koto stated that unless it were to be divided into single family homes it will have to come before this board. Commissioner Hison stated that this is a big plus for the city.

**AUDIENCE PARTICIPATION:** None

## **ADJOURNMENT**

**A motion was made by Secretary Hanson and supported by Commissioner Kalich to adjourn the Planning Commission Meeting at 7:36 p.m.**

## **A ROLL CALL WAS TAKEN:**

**AYES: ALL**

**NAYS: NONE**

**ABSENT: NONE**

**MOTION: PASSED**

[THE PRECEDING MINUTES ARE A SYNOPSIS OF A PLANNING COMMISSION MEETING AND DO NOT REPRESENT A VERBATIM RECORD.]