

**PLANNING COMMISSION
A MEETING OF THE ST. CLAIR SHORES PLANNING COMMISSION
HELD ON TUESDAY, MARCH 23, 2021 AT 7:00 P.M.,
VIA TELECONFERENCE**

PRESENT

Lou Schelosky, Vice-Chairman
Kathy Hanson, Secretary
Robert Hison
James Kalich
Anthony Stonik
Ed Jones

ALSO, PRESENT

Shantelle Hubbard, Recording Secretary
Liz Koto, Planning
Matthew Pisko, petitioner
Dan Mariano, petitioner
Tim Krantz, petitioner
Garett Foley, petitioner

ABSENT

Paul Doppke, Excused
Patrick McKay, Excused
Jeff Mazzenga, Excused
Brandon Johnson, Excused

CALL TO ORDER

(Zoom meeting)

Vice-Chairman Schelosky called the meeting to order at 7:03 p.m.

A motion was made by Secretary Hanson, and seconded by Commissioner Jones, to excuse Chairman Doppke, Commissioners McKay, Mazzenga and Johnson from tonight's meeting.

A ROLL CALL WAS TAKEN:

AYES: HANSON, JONES, HISON, KALICH, STONIK, SCHELOSKY

NAYS: NONE

ABSENT: DOPPKE, MCKAY, MAZZENGA, JOHNSON

MOTION: PASSED

Secretary Hanson called roll. Six members were present.

Ms. Koto stated to the petitioners that there are 6 board members present it would take 5 of them to vote in their favor. They have the option to request to table tonight to go to a different meeting where they may have more commissioners to vote. Even if the planning commission were not to recommend this plan tonight, they may still go to the city council meeting that they are currently tentatively scheduled for and they are going forward with this not recommendation of approval it would not change the time line to be a potential recommendation for not a recommendation.

Ms. Koto stated that the planning commission is a recommending body so what they do tonight they would either recommend to approve or not recommend to approve their plan tonight. That recommendation either way can be forwarded on to the April 19th city council meeting so they would still appear before the city council regardless what is recommended this evening and then they would state their case again in front of the city council and the city council would make the final decision.

After the discussion amongst the petitioners, they agreed to move forward on to tonight's presentation.

CASE NO. PPC: 210005 - REQUEST FOR SITE PLAN APPROVAL – 20660 Nine Mile, Request for site plan approval a new gas station within the parking lot of the newly constructed Kroger store.

The request is reviewed as follows:

* * * * *

The applicant is requesting Site Plan Approval for a new gas station fronting Nine Mile Road which includes 9 pump stations, a canopy, and a 180 square foot transaction kiosk. The site plan proposes a layout for 9 pumps that can dispense fuel to 18 vehicles under a 160 foot by 43-foot canopy. The transaction kiosk is proposed to be constructed at the rear of the canopy and made of brick. The gasoline canopy columns are proposed to be constructed of brick bases with decorative columns above. Parking is proposed on the east side of the canopy. Other amenities on site are proposed to include a propane tank exchange, compressed air for inflating tires, windshield cleaning dispensers, site configuration which allows for maneuverability of a full-sized truck with up to a 28-foot boat trailer, a brick knee wall, and landscaping including underground irrigation.

* * * * *

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 PPC210005. 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.

* * * * *

The request is reviewed as follows:

- 1) Zoning**- The zoning of the parcel is B-3. Automobile service station for the sale of gasoline is an allowable use 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 applicant is requesting Site Plan Approval for a new gas station fronting Nine Mile Road which includes 9 pump stations, a

canopy, and a 180 square foot transaction kiosk. The site plan proposes a layout for 9 pumps that can dispense fuel to 18 vehicles under a 160 foot by 43-foot canopy. The transaction kiosk is proposed to be constructed at the rear of the canopy and made of brick. The gasoline canopy columns are proposed to be constructed of brick bases with decorative columns above. Parking is proposed on the east side of the canopy. Other amenities on site are proposed to include a propane tank exchange, compressed air for inflating tires, windshield cleaning dispensers, site configuration which allows for maneuverability of a full-sized truck with up to a 28-foot boat trailer, a brick knee wall, and landscaping including underground irrigation.

Additionally, automobile service stations are also required to satisfy the following:

- a) The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts. The existing curb cuts are all a minimum of 25 feet from nearby intersections.
- b) The minimum lot area shall be at least twelve thousand (12,000) square feet for every four (4) pumps and two (2) enclosed service bays and shall have minimum frontage of at least one hundred and fifty (150) feet along every abutting major and/or secondary thoroughfare. The lot is 42,253 square feet, and the frontage is 259 feet on Nine Mile.

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 fuel station is proposed to be located within an outlot of an existing commercial development. No residential areas will be affected.

6) Emergency Vehicle Access (Section 35.82, 5, e) – Based on the turning radius diagrams provided, emergency vehicle access is adequate.

7) Ingress and Egress (Section 35.82, 5, f) – Ingress and egress to the site is proposed from the curb cuts that were approved in the Kroger store site plan.

8) Pedestrian Circulation (Section 35.82, 5, g) – Pedestrian circulation will be from the fuel pumps to the transaction kiosk or from the parking spaces to the kiosk. Pedestrians can also access the site from the Nine Mile Road sidewalk.

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) – The site plan proposes asphalt pavement with concrete curbs.

Parking lot plans including paving and drainage are required for building permit submittal.

***11) Exterior Lighting** (Section 35.82, 5, j) – Exterior light poles have been indicated on the site plan.

All new pole lighting must be the St. Clair Shores standard nautical light pole. All canopy lighting must be flush or recessed from the canopy. All exterior lighting is required to reach 0-

foot candles at the property line and shall be properly shielded from any residential properties.

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) – Landscaping has been proposed onsite, and it includes underground irrigation. A 30-inch brick knee wall has been proposed along Nine Mile Road.

Staff recommends ensuring the placement of the knee wall along Nine Mile Road matches the knee wall placement and finishes on the remainder of the site.

14) Exterior Building Treatment (Section 35.82, 5, m) – The transaction kiosk is proposed to be constructed of brick on all four sides with an ACM panel around the top of the building to shield HVAC equipment from view. Additionally, the fuel canopy is proposed to be faced with the same ACM paneling. The fuel canopy columns are proposed to be brick on the bottom and covered with a decorative column above.

***15) Waste Storage** (Section 35.82, 5, n) – No dumpster has been proposed on the plans.

All waste storage shall be discreetly screened from all visible sides. Should the petitioner request a dumpster, the location of the dumpster shall be approved by the Community Development Department.

16) Mechanical Equipment (Section 35.82, 5, o) – Mechanical equipment has been proposed on top of the transaction kiosk and will be screened from view by ACM panels. Additionally, the propane exchange area is proposed to be screened with landscaping.

17) Parking (Section 35.73, 12, a) – The parking requirement is One (1) space for each 150 sq. ft. of building gross floor area, plus one (1) space per gasoline pump. The parking breakdown is as follows:

180 square feet of building = 2 spaces required

9 gasoline pumps serving two vehicles = 18 spaces adjacent to the pumps

Twenty-two parking spaces are provided south of the site, and four spaces are available on the east side of the site. Parking is sufficient for this use.

18) Setbacks (Section 35.66) – Setbacks are adequate for this review.

SETBACK	PROPOSED	REQUIRED
NORTH	85' from CL	60' from CL
SOUTH	90'	20'
EAST	35'	0'
WEST	18'	0'

19) Building Height (Section 35.66) –The total height allowed within the district for a building is 30 feet. The canopy is proposed to be 19 feet total with a clearance of 15.5 feet. The

transaction kiosk is proposed to be a total of 11 feet.

20) Transformer Pad –No transformer is being proposed.

21) Screening Wall –No screen wall is required.

22) Signs – Signage will be considered under a separate review.

23) Loading (Section 35.75) – The gasoline loading and unloading area is proposed to be between the transaction kiosk and the underground storage tanks. Access to the site will still be possible when refueling of the tanks occurs.

24) Other –

ITEMS OF CONCERN – 10 11 13 15

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

Matthew Pisko, 20660 Nine Mile Road explained that Kroger has grown regionally through acquisitions. Their fuel competitors are private club memberships like Costco and Sam’s Club. Recent growth of Kroger stores has involved construction of new larger, store formats or remodels of closed Kmart locations. This parcel was not originally available when the grocery store was coming to the city. While the store was under construction this parcel became available. What they are proposing is an additional two-million-dollar investment over the 30-million-dollar development cost for the re-development of this site. This is zoned B-3 Business district and refueling stations are approved by right. They meet or exceed the three specifications criteria for fuel stations in B-3. They have no curb cuts in the right of way and it is perfect in size. The lighting is not always compliant with the ordinance but it is dark sky compliant. They can complete with the other conditions of chapter 15.509. In a macro sense what they proposing is not a convenience store. There are two Kroger fueling stations in the city currently. The one on Nine Mile and Jefferson is a much larger stand alone store. The one on Harper is more of a traditional gas station with kiosk. This fuel station is considered a department of the grocery store and will be staffed with Kroger employees. The fuel station provides an equivalent of four full time employees. The hours will be the same as the grocery store hours which is 6 a.m. to 11 p.m. They are proposing a small 198 sq. ft. transaction kiosk under the fuel canopy and nine fuel dispensers. There are three products proposed on this site gasoline, diesel, and E0. This is a huge win for the residents and the boating community. The E0 fuel does not have ethanol, which can be difficult on small engines and it is a rare commodity they find for boats and small watercrafts. This will add value for the customers and of the boating community. The site is designed to allow for the safe and efficient circulation of trailer boats. They used a F-250 true cab with a 24-foot boat on a tandem axle trailer to circulate the site and be able to approach all the fuel islands and get back into Kroger site and off site with ease. They are not requiring any new curb cuts. They are going use the existing curb cuts that serve the grocery store. These are their movements in and out of the parking lot of the grocery store to promote cross traffic.

The architecture of the store matches the architecture of the Kroger grocery building in both color and textures. In the rendering is the actual signage proposed for this location. They have

the Nautical theme lights along the road frontage. They included a screen wall and additional landscaping to tie into the rest of the Kroger development.

Vice-Chairman Schelosky asked Ms. Koto if the neighbor gas station is continuing on to be completed. Ms. Koto stated yes to her knowledge they are still proceeding with the construction of that facility. Mr. Pisko stated that the neighbor gas station will be a Shell Gas Station, which does offer the Kroger customers a discount for fuel up to 10 cents off per gallon, and Kroger stations offer gas discounts up to \$1 off per gallon. The owner of the other gas station is aware of the new Kroger gas station.

Commissioner Hison asked about the hours. Mr. Pisko stated the hours will be 6 a.m. to 11 p.m. Commission Hison asked if it is the same as the two stations in St. Clair Shores? Mr. Pisko stated that they are matching the other store hours. Commissioner Hison asked if the one at 13 Mile and Harper remain open. Dan Farrell stated there has not been a final decision if that one will remain open. Commissioner Hison stated that this will be something in the future. Mr. Farrell stated that particular store is leased by the shopping center.

Commissioner Hison stated the only concern that he has is two fueling stations side by side. In looking at the drawings, the proposal looks great and it complements the whole site. Commissioner Hison stated we have seen gas stations across the street from each other. It is not unusual to have two fuel stations. This was a surprise because that piece of property was originally approved for Panera Bread. He understands Panera backed away from building the store. Commissioner Hison asked Ms. Koto this particular outlet onto Nine mile and looking at the east exit was there a sign that is posted no left turn. Ms. Koto stated that she would have to check the original site plan. She believes that there was one for that. If not, we can include it into this motion to make sure. Commissioner Hison stated that he believes he made that motion with Panera Bread so we would not disrupt traffic going across on Nine Mile because of the closeness to Harper. It does show on the western drive approach an arrow for left and right turns so we are allowing traffic to cross Nine Mile. Commissioner Hison thinks that this was the way it was set up. There are many things that were part of this for the irrigation and the esthetics for the landscaping. It does not call for a dumpster. Mr. Pisko stated within all of the stores they generally collect the garbage and use the store trash container. It is working well. Commissioner Hison asked to confirm that they will have four full time employees. Mr. Pisko stated "yes". The kiosk and the store are tethered together. This will operate similar to a department in the store.

Mr. Farrell stated that their differences between their gas station and the Shell gas station on the corner is that the gas station on the corner is a full-blown convenience store. Most of the Kroger fuel station transactions are done at the fuel dispenser. They can make a transaction at the kiosk but they only sell cigarettes and gum. There is a real difference from them and the Shell gas station next to them. They are catering to their customers entering into their parcel and the boating community. For trailers and boats to try to enter into the gas station at the corner would be difficult.

Ms. Koto indicated the four items of concern. Which would be the parking lot plans have to be submitted with the building permit, exterior lighting needs to be the Nautical theme lighting, the

knee wall shall be placed in-line with the rest of the knee wall and the waste storage was covered which will be held by the main building.

A motion was made by Commissioner Hison and supported by Commissioner Jones, to approve the request for site plan approval at 20660 Nine Mile for a new gas station within the parking lot of the newly constructed Kroger store with items of concern - #10 - Parking lot plans including paving and drainage are required for building permit submittal. #11 - All new pole lighting must be the St. Clair Shores standard nautical light pole. All canopy lighting must be flush or recessed from the canopy. All exterior lighting is required to reach 0-foot candles at the property line and shall be properly shielded from any residential properties. #13 - Staff recommends ensuring the placement of the knee wall along Nine Mile Road matches the knee wall placement and finishes on the remainder of the site. #15 - All waste storage shall be discreetly screened from all visible sides. Should the petitioner request a dumpster, the location of the dumpster shall be approved by the Community Development Department and at the east exit onto Nine Mile there will be no left turn.

A ROLL CALL WAS TAKEN:

AYES: HISON, JONES, KALICH, STONIK, SCHELOSKY

NAYS: HANSON

ABSENT: DOPPKE, MCKAY, MAZZENGA, JOHNSON

MOTION: PASSED

CASE NO. PPC: 210004 – COMMUNITY DEVELOPMENT BLOCK GRANT - CDBG

Ms. Koto stated that there was request come in by Father Ron for McWarm. He had the wrong email address for her. This one now includes McWarm to make up the difference she had to reduce the rest of the CDBG. Originally, they were going to be able to fund the organizations 85% of their request with addition of McWarm now everyone is funded at 75%. McWarm asked for \$5,000 they would receive \$3,750.00. Hockey would get \$7,500 than the \$10,000 that they asked for. The only change from what was sent out last week to what is on the screen now is essentially a 10% reduction in public service organizations to make up what we would add to McWarm.

Secretary Hanson stated that at the last meeting Ms. Koto stated that Turning Point asked for \$1,500 but in the meeting, we asked her to say \$4,000 like they did before. But on the print-out they only requested \$1,500. Ms. Koto stated that the reason why she \$1,500.00 down as their official request is because they have a huge surplus of money from us right now. They don't have a shelter requests from St. Clair Shores. She didn't want to not give them any money but they have such large amount of surplus currently she didn't want to take away from other organizations when she is confident that Turning Point isn't going to spend all of their money through the end of the year. Commissioner Hanson asked if the money that they don't spend can they carry it over. Ms. Koto stated "yes". She said that they are sitting on two years of funds. Because of Covid the shelter population was reduced significantly but then sometimes they don't have people come in from St. Clair Shores. Secretary Hanson thought that she mentioned that she did have people from St. Clair Shores. She said that Turning Point said that they had 939 and 68 people were from St. Clair Shores. She wrote down 19 adults and 13 children, 37 adults and 27 children for counseling and 4 for legal. Ms. Koto stated that they

don't reimburse for that they reimburse for shelter nights. That was the difference. Secretary Hanson stated Gilda's house which doesn't do any sheltering just activities we are giving them \$5,250. She doesn't understand how this is determined. Ms. Koto stated that it is determined by public service organization. Turning point request for shelter nights. Gilda's house request for reimbursement for memberships. Membership fees goes towards paying for the doctors that do the zoom and for informational meetings and all of the other stuff. Each organization makes their reimbursement request based on something that is tangible. So, shelter nights for Turning Point are tangible. They may not have a billing cycle or a billing matrix set up for their counseling services or their crisis hot line so to monetize that may be difficult for them. But it is not as difficult to monetize for shelter nights.

A motion was made by Secretary Hanson and supported by Commissioner Stonik, to approve PPC210004 – 21/22 Community Development Block Grant that have been outlined in the budget spreadsheet.

A ROLL CALL WAS TAKEN:

AYES: HANSON, STONIK, HISON, JONES, KALICH, SCHELOSKY

NAYS: NONE

ABSENT: DOPPKE, MCKAY, MAZZENGA, JOHNSON

MOTION: PASSED

A motion was made by Secretary Hanson and supported by Commissioner Hison, to approve the Planning Commission Meeting Minutes of March 9, 2021.

A ROLL CALL WAS TAKEN:

AYES: HANSON, HISON, JONES, KALICH, STONIK, SCHELOSKY

NAYS: NONE

ABSENT: DOPPKE, MCKAY, MAZZENGA, JOHNSON

MOTION: PASSED

APPROVAL OF MINUTES FROM THE MARCH 9, 2021 PLANNING COMMISSION MEETING

A motion was made by Secretary Hanson and supported by Commissioner Hison, to approve the Planning Commission Meeting Minutes of March 9, 2021, as amended.

A ROLL CALL WAS TAKEN:

AYES: HANSON, HISON, JONES, KALICH, STONIK, SCHELOSKY

NAYS: NONE

ABSENT: DOPPKE, MCKAY, MAZZENGA, JOHNSON

MOTION: PASSED

REPRESENTATIVE'S REPORT OF CITY COUNCIL MEETINGS

On March 15th in regards to Butter Run there was a discussion about the Lakeview parking lot. Mr. Ihrle said that he will talk to them because they need a specific time on the agreement. Mr. Accica was concerned about the crossing. Councilperson Rubello motioned, supported by Councilperson Frederick. Mr. Ihrle will ask a certain time. Mr. Shepherd, city attorney, believes that it will be a 15-year agreement.

CITY PLANNER LIZ KOTO'S STAFF REPORT

She is sitting a set of plans for two accessory buildings for Welsh Park through Macomb County Public Works department. They are doing some door knocking to all of the residents that back up to Welsh Park to make them aware of what they will be doing before it is announced as a public hearing so there are no surprises. This will come in front of the board when they feel they are ready.

Beaumont Urgent Care north of 10 mile and Little Mack they want to expand the building to the north and expand the parking lot to the north. There is a house there so they will be doing a rezone and site plan there. She is not sure if they are waiting for in person meetings.

Site plan approval for Watermark they want to put roof top patio seating on top of the building. She just received the plans so they are not quite complete yet. They will probably see this sometime within the next 4 – 6 weeks. Travis wants to do permanent outdoor seating as well. She has seen an official submittal from them yet.

Secretary Hanson asked Ms. Koto that Mike's will be opening April 7th. Ms. Koto stated that as of two weeks ago that he may not open due to lack of employees.

Vice-Chairman Schelosky asked about Panera. Ms. Koto stated that their site plan approval was in January 2020, they backed out in March or April of 2020 she believes. When Matt Pisko approached her about the gas station going there, he told him that it will be a tough battle because it was supposed to be a Panera. He had no idea that there was a site plan approval agreement that Panera was going in. Panera leaving was Panera's decision it is not like they were pushed out.

Commissioner Hison asked Ms. Koto about the recent stimulus money the federal government is giving out to various states and cities is it true that St. Clair Shores will receive 21 million dollars for infrastructure. Ms. Koto stated that the number she heard was 22 million dollars but as of last week it was not clear as what they can spend the money on yet. They would like to use it for infrastructure and tons of other things. She has not heard of a time line it is possible that it was announced.

Commissioner Hison stated that no city or state can reduce their taxes that is a stipulation of the money that is coming at us. Will the planning commission being involved with looking at various plans for the city to utilize this money before it goes to city council? Ms. Koto stated if it were to be for projects that this body would normally review and approve absolutely. For items that typically are not reviewed by this board she highly recommends that they contact members of the council and state they would like to be involved with it they may roped this board right in. Commissioner Hison stated that they are the planning commission and this board should be involved. It could be streets, sidewalks and water lines if it is infrastructure and or even the new project at Welsh Park project. Ms. Koto stated that the Welsh Park project is a Macomb County project. It is her understanding that states and counties are getting funding too. With this amount of funds, it would come down to be \$384 per person.

Secretary Hanson stated to Commissioner Hison when they remodeled city hall they did not come in front of planning and said that they did not have to because it was a city building. Ms. Koto stated she had changed that. We have to follow our own rules. If there were to be any exterior structure improvement to any of the city facilities it will probably come before this board.

Secretary Hanson said that Candace Rusie mentioned at the meeting that in a couple of weeks she will be presenting the sign and the mural ordinance. Secretary Hanson mentioned that Baffin painted the building but not the mural.

Ms. Koto stated that at the April 19th city council meeting she will be presenting a mural ordinance that will be adopted as part of the sign ordinance, changes to how wall signs are calculated and changes to how gas station signage are calculated.

Commissioner Hison stated that a former Chairman of the Planning Commission Mr. Karwaski passed away.

AUDIENCE PARTICIPATION: None

ADJOURNMENT

A motion was made by Commissioner Kalich, and supported by Commissioner Jones, to adjourn the Planning Commission Meeting at 8:00 p.m.

A ROLL CALL WAS TAKEN:

AYES: KALICH, JONES, HANSON, HISON, STONIK, SCHELOSKY

NAYS: NONE

ABSENT: DOPPKE, MCKAY, MAZZENGA, JOHNSON

MOTION: PASSED

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