

**PLANNING COMMISSION
A MEETING OF THE ST. CLAIR SHORES PLANNING COMMISSION
HELD ON TUESDAY, APRIL 27, 2021 AT 7:00 P.M.,
VIA TELECONFERENCE**

PRESENT

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

ALSO, PRESENT

Shantelle Hubbard, Recording Secretary
Liz Koto, Planning

ABSENT

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

CALL TO ORDER

Chairman Doppke called the meeting to order at 7:00 p.m.

Secretary Hanson called roll. Seven members were present.

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

A ROLL CALL WAS TAKEN:

**AYES: ALL
NAYS: NONE
MOTION: PASSED**

CASE NO. PPC210006: REQUEST FOR SITE PLAN APPROVAL – Request for site plan approval for rooftop outdoor seating at Watermark Bar & Grille at 24420 Jefferson, represented by Dino Ropotos of Watermark.

The request is reviewed as follows:

* * * * *

The petitioner is requesting site plan approval for a rooftop outdoor seating area. The plans indicate the placement of composite wood decking on the roof of the existing building to create an approximately 4,500 square foot outdoor rooftop seating area. The seating area is proposed to be surrounded by a 5-foot-tall glass railing along the east side of the seating area, and an 8-foot-tall metal screen has been proposed on the west side of the eating area to screen the existing rooftop mechanical equipment from view. Two staircases have been proposed to gain

access to the rooftop, one on the north side, and one on the south side of the building. The staircases are proposed to be constructed of metal. The petitioner has submitted an engineer's report stating that the existing roof has the capacity to hold a rooftop seating area.

* * * * *

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 PPC210006. 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 CLDD-Central Lakefront Development District. Outdoor seating 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 petitioner is requesting site plan approval for a rooftop outdoor seating area. The plans indicate the placement of composite wood decking on the roof of the existing building to create an outdoor rooftop seating area. The seating area is proposed to be surrounded by a 5-foot-tall glass railing along the east side of the seating area, and an 8-foot-tall metal screen has been proposed on the west side of the eating area to screen the existing rooftop mechanical equipment from view. Two staircases have been proposed to gain access to the rooftop, one on the north side, and one on the south side of the building. The staircases are proposed to be constructed of metal. The petitioner has submitted an engineer's report stating that the existing roof has the capacity to hold a rooftop seating area.
- 4) Preservation of Natural Areas** (Section 35.82, 5, c) – There are no natural areas to preserve.
- 5) Privacy** (Section 35.82, 5, d) –Privacy will not be affected by the proposal.
- 6) Emergency Vehicle Access** (Section 35.82, 5, e) – Emergency access to the parcel 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) –No changes are proposed.
- 10) Drainage** (Section 35.82, 5, i) – No changes are proposed to the parking lot.
- 11) Exterior Lighting** (Section 35.82, 5, j) – No changes are 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) – A glass railing has been proposed on the east side of the eating area.

14) Exterior Building Treatment (Section 35.82, 5, m) – No changes will be visible.

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

16) Mechanical Equipment (Section 35.82, 5, o) – Mechanical equipment will be screened from the seating area by an 8-foot-tall metal screen.

***17) Parking** (Section 35.73, 12, a) – The outdoor seating area is proposed to be approximately 4,500 square feet requiring 83 additional parking spaces. A letter has been submitted by the owner of Jefferson Beach Marina indicating the use of the storage buildings for parking between May 15 and October 15. The letter indicates the storage buildings represent 50,000 square feet of pavement, which would provide parking for more than 83 vehicles.

Please confirm the seasonal operation of the seating area shall not exceed May 15 to October 15 of each year.

18) Setbacks (Section 35.66) – No changes are proposed.

19) Building Height (Section 35.66) – The outdoor seating area does not raise the height of the building.

20) Transformer Pad – A transformer has not been proposed.

21) Screening Wall – No screening wall is required as the property does not abut a residential district.

22) Signs –

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

24) Other –

ITEMS OF CONCERN – 17

Staff recommends approval of this proposal.

Dino Ropotos from Watermark Grille introduced himself. He owns the restaurant, and he is requesting approval for a patio on the rooftop during the summer months because of COVID-19. Vice Chairman Schelosky asked if he has an engineer to make sure it is structurally sound for whatever amount people are going to be up there. Mr. Ropotos indicated yes, he submitted structural plans completed by a structural engineer. The engineer is here tonight if they have specific questions for him.

Secretary Hanson asked how many people will the rooftop patio hold? Mr. Ropotos replied that it will be dependent upon how many seats he puts up there and what COVID restrictions are. Vice Chairman Schelosky asked if there will be a bar and will they serve food. Mr. Ropotos replied that he plans to put a roll-up or portable bar up there, but there won't be food.

Secretary Hanson asked what months of the year will this rooftop patio operate. Mr. Ropotos replied that he has a parking agreement with Jefferson Beach to use their dry dock storage buildings for parking between the months of May and October so that's when it will be open. Secretary Hanson reminded Mr. Ropotos to ask his patrons to park on private property and not on any side streets. Commissioner Hison asked if the rooftop patio will be ADA accessible. Mr. Ropotos answered that whatever is being served on the second floor will also be served on the first floor. Ms. Koto clarified that the building inspector will determine if the plan is accessible or not. If it is not accessible then he may be required to modify the plans.

Commissioner Hison inquired about structural documents. Ms. Koto replied that they were submitted but they must not have made it in their packets. Commissioner Hison asked about their hours of operation. Mr. Ropotos stated that their current hours are until 11 pm because of the state order, but he plans to resume normal business hours once they're allowed. Commissioner Hison inquired about whether there will be music on the roof. Mr. Ropotos confirmed that there will not be any music. Commissioner Hison clarified that he thinks this is a great concept, he just wants to make sure the patrons are safe.

Correspondence: None

Audience Participation: None

A motion was made by Commissioner Hison and supported by Commissioner Schelosky, to approve the request for a rooftop outdoor seating at Watermark Bar & Grille at 24420 Jefferson with seasonal dates of operation of May 15 to October 15.

A ROLL CALL WAS TAKEN:

AYES: ALL

NAYS: NONE

ABSENT: MAZZENGA, JOHNSON, MCKAY

MOTION: PASSED

CASE NO. PPC210007: REQUEST FOR SITE PLAN APPROVAL – 29103 Harper, request for site plan approval to demolish the existing building, construct a parking lot, and combine the lot at 29103 Harper with 29019 Harper, represented by Raafat Issa.

The request is reviewed as follows:

* * * * *

The applicant is requesting Site Plan Approval to demolish the existing office building located at 29103 Harper, combine it with 29019 Harper, and construct an asphalt parking lot with underground drainage. Parking blocks have been proposed at the end of each parking space. The plan does not propose any changes to the existing drive approach on to Harper. The plan indicates the parking lot will add 11 more parking spaces to the existing medical office to the south at 29019 Harper. Though the plans do not indicate such, the petitioner plans to remove the deteriorated concrete north of 29019 and pave the area as part of this project.

* * * * *

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 PPC210007. 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-1 Local Business District. If the parcel is combined with 29019 Harper then the zoning is adequate for this review.

Please confirm with the petitioner that the parcel must be combined with the parcel to the south.

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 demolish the existing office building located at 29103 Harper, combine it with 29019 Harper, and construct an asphalt parking lot with underground drainage. Parking blocks have been proposed at the end of each parking space. The plan does not propose any changes to the existing drive approach on to Harper. The plan indicates the parking lot will add 11 more parking spaces to the existing medical office to the south at 29019 Harper. Though the plans do not indicate such, the petitioner plans to remove the deteriorated concrete north of 29019 and pave the area as part of this project.

4) Preservation of Natural Areas (Section 35.82, 5, c) – There are no natural areas to preserve.

5) Privacy (Section 35.82, 5, d) – A six-foot concrete screenwall exists at the rear of the site.

6) Emergency Vehicle Access (Section 35.82, 5, e) – Emergency vehicle access will be from Harper or the alley.

7) Ingress and Egress (Section 35.82, 5, f) – Ingress and egress to the site will be from the existing drive approach on Harper.

8) Pedestrian Circulation (Section 35.82, 5, g) – Pedestrian circulation from the parking lot would lead to the medical office building to the north.

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) – A new parking lot is being proposed. The plans, though not stamped and sealed, do indicate the material to be asphalt and indicate a catch basin and storm line that would connect in the alley. The plans do not address the existing pavement in disrepair at 29019 Harper but in speaking with the petitioner, he plans to remove the deteriorated

concrete but not the drive approach, and include the area immediately north of 29019 Harper in the paving plan for 29103 Harper.

Stamped and sealed engineered drawings are required for the construction of a parking lot.

11) Exterior Lighting (Section 35.82, 5, j) – No new lighting has 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) –The parking lot does not have 40 contiguous feet of frontage to trigger the kneewall or dense landscaping requirement.

The grassy area behind 29019 Harper shall be maintained.

14) Exterior Building Treatment (Section 35.82, 5, m) – The existing building will be demolished.

15) Waste Storage (Section 35.82, 5, n) – The business does not utilize a dumpster. Waste cans are stored at the rear of the existing building.

16) Mechanical Equipment (Section 35.82, 5, o) – N/A.

17) Parking (Section 35.73, 12, a) – A parking lot containing 11 parking spaces is being proposed on the north side of the office building.

18) Setbacks (Section 35.66) – Setbacks will not change.

19) Building Height (Section 35.66) – N/A

20) Transformer Pad –No new transformers are proposed.

21) Screening Wall– A screenwall has been provided along the west side of the property.

22) Signs –N/A

23) Loading (Section 35.75) – Loading and unloading can occur in the existing alley

24) Other – The petitioner has agreed to combine the parcels into a single property.

ITEMS OF CONCERN – 1 10 13

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

Raafet Issa introduced himself as the owner of the three parcels, and he'd like to demolish the middle building, build a parking lot, and combine the parking lot parcel with the building to the south.

Secretary Hanson asked the petitioner to confirm that he will be removing the broken concrete at the southernmost property that he owns. Dr. Issa confirmed he will be removing the concrete there and they will combine the parcels.

Secretary Hanson also asked the petitioner to confirm that the grass will be maintained behind 29013. Dr. Issa confirmed. Secretary Hanson said that he just moved in about a year ago. Dr. Issa confirmed that he's been there about a year, and he has made some improvements to the north building.

Secretary Hanson confirmed that there will be a catch basin and drainage in the new lot, and Dr. Issa agreed.

Correspondence: None

Audience Participation: None

A motion was made by Vice Chairman Schelosky and supported by Commissioner Jones, to approve the request to demolish the existing building, construct a parking lot, and combine the lot at 29103 Harper with 29019 Harper with the following conditions; stamped and sealed engineered drawings are required for the construction of a parking lot, and the grassy area behind 29019 Harper shall be maintained.

A ROLL CALL WAS TAKEN:

AYES: ALL

NAYS: NONE

ABSENT: MAZZENGA JOHNSON, MCKAY

MOTION: PASSED

CASE NO. PPC210008: REQUEST FOR SITE PLAN APPROVAL – 31100 Harper-request for site plan approval for a permanent outdoor seating and commercial recreation area, represented by Justin Roth of Shore Lanes.

The request is reviewed as follows:

* * * * *

The petitioner is proposing to construct a removable chainlink fence around 8,200 square feet of parking lot at the front of the building. Within the fenced in area, the petitioner is proposing a 10-foot by 10-foot temporary service tent, four temporary bocce ball courts made of wood and green turf, and outdoor seating. The petitioner has indicated the fenced in area will only be used when bowling leagues are not in season.

* * * * *

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 PPC210008. 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, and it falls within the Harper Avenue Overlay Zone. Permanent outdoor seating areas are allowed within the district. Outdoor commercial recreational uses are not allowed within the district. They are only allowed as special land uses within the CR-Commercial Recreation district.

A use variance from the Zoning Board of Appeals will be required to allow a commercial recreation use within the B-3 zone.

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 petitioner is proposing to construct a removable chainlink fence around 8,200 square feet of parking lot at the front of the building. Within the fenced in area, the petitioner is proposing a 10 foot by 10-foot temporary service tent, four temporary bocce ball courts made of wood and green turf, and outdoor seating. The petitioner has indicated the fenced in area will only be used when bowling leagues are not in season.

Please have the petitioner clarify the seasonal schedule for the operation of the outdoor seating and recreation area. Outdoor storage of the fencing, seating, and recreation equipment during the off-season is prohibited. The items must be stored indoors or offsite during the off-season.

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 outdoor seating area does not abut a residential district.

6) Emergency Vehicle Access (Section 35.82, 5, e) – Emergency vehicle access will be available from the existing curb cut on Harper.

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 front parking area will become unusable. All parking will be at the rear of the building.

10) Drainage (Section 35.82, 5, i) – No changes are indicated on the site plan.

11) Exterior Lighting (Section 35.82, 5, j) – The petitioner has indicated there will be Edison lights strung from the building and powered by existing outlets.

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) – Chainlink fence is prohibited around outdoor seating areas in the Harper Avenue Overlay Zone. Additionally, a 30-inch brick knee wall would be required along the front of the parking area; however, the parking spaces currently encroach into the Harper Avenue Right of Way, and the placement of the knee wall would eliminate the row of parking adjacent to the sidewalk.

A variance to allow temporary chainlink fencing and a variance for a brick kneewall will be required from the Zoning Board of Appeals.

14) Exterior Building Treatment (Section 35.82, 5, m) – No changes are proposed.

15) Waste Storage (Section 35.82, 5, n) –The existing dumpster enclosure is adequate.

16) Mechanical Equipment (Section 35.82, 5, o) –No mechanical equipment has been proposed.

***17) Parking** (Section 35.73, 12, a) – There will be a net loss 32 parking spaces in the front, and there will be an increase in the service area of 8,200 square feet. The bowling alley has 40 bowling lanes, and 7 spaces per lane are required. The outdoor commercial recreation area requires 2 parking spaces per person based on the number of players. The remaining outdoor service area is estimated to be around 4,000 square feet.

The parking breakdown is as follows:

Bowling Alley:	280 spaces required
Outdoor Bocce:	32 spaces required
<u>Outdoor seating:</u>	<u>73 spaces required</u>
Total Parking Required:	385 spaces required
Parking Provided:	175 spaces

A 105-space parking variance will be required for the outdoor seating and commercial recreational area.

18) Setbacks (Section 35.66) – The outdoor seating area is proposed to end at the south property lines. The setback for outdoor seating areas is 60 feet from the centerline of Harper Avenue on the west side of the property, and 0 feet on the south side of the property. The proposed seating area meets the setback requirements.

19) Building Height (Section 35.66) –N/A

20) Transformer Pad –No new transformers are proposed.

21) Screening Wall – See 5

22) Signs – No changes are proposed.

23) Loading (Section 35.75) – Loading and Unloading will occur within the parking lot at the rear of the building.

24) Other –

ITEMS OF CONCERN 1 13 17

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

Justin Roth introduced himself and explained that he'd like approval for bocce ball courts and a tent to serve alcohol and distribute equipment. Secretary Hanson asked when this will be operational and Mr. Roth explained he will have it open every May to September when bowling is out of season. Secretary Hanson asked where everything will be stored during bowling

season. Mr. Roth explained that everything will be rented so it will be returned to the rental company. Secretary Hanson inquired about the use of the parking lot at the old Manzellas. Mr. Roth explained that he had verbal approval to use any extra parking at any of the buildings between Shore Lanes and Hoffman. Mr. Roth also stated that he has a parking agreement to use Dollar General's lot.

Vice Chairman Schelosky wanted to confirm that Mr. Roth is seeking approval for a permanent patio. Mr. Roth confirmed and explained that he initially wanted to do this on a temporary basis because of COVID, but the city stopped approving the temporary outdoor seating areas, so he's seeking permanent approval but it will only be used between May and September. He will not be heating the patio area.

Chairman Doppke stated that they are trying to do what they can do to keep open. He said it is a good idea.

Secretary Hanson thanked him for doing something on the north end of the city.

Ms. Koto asked the Planning Commission to note that the petitioner will also need to ask for a variance for the knee wall when he goes before the Zoning Board of Appeals.

Correspondence: None

Audience Participation: None

A motion was made by Secretary Hanson and supported by Commissioner Kalich, to approve the request for a permanent outdoor seating and commercial recreation area with items of concern; a use variance from the Zoning Board of Appeals will be required to allow a commercial recreation use within the B-3 zone; the outdoor seating and recreation area will only be used between the months of May through September; outdoor storage of the fencing, seating, and recreation equipment during the off-season is prohibited; a variance to allow temporary chainlink fencing, a variance for a brick kneewall, and a 105 space parking variance will be required from the Zoning Board of Appeals.

A ROLL CALL WAS TAKEN:

AYES: ALL

NAYS: NONE

ABSENT: MAZZENGA, JOHNSON, MCKAY

MOTION: PASSED

APPROVAL OF MINUTES FROM THE MARCH 23, 2021 PLANNING COMMISSION MEETING

Commissioner Kalich noted a few names needed to be switched around in the minutes because some people are listed as present, and they weren't and vice versa.

A motion was made by Secretary Hanson and supported by Commissioner Hison, to approve the Planning Commission Meeting Minutes of March 23, 2021, as amended.

A ROLL CALL WAS TAKEN:

AYES: ALL

NAYS: NONE

ABSENT: MAZZENGA, JOHNSON, MCKAY
MOTION: PASSED

REPRESENTATIVE'S REPORT OF CITY COUNCIL MEETINGS

Secretary Hanson stated that the 9 Mile and Harper gas station was denied, and it was interesting that the City Council referred to prior meetings where Kroger or other businesses nearby had requested approval. The Council indicated that they approved the original Kroger in 2017, and the petitioner at that time stated there would be no gas station. Then the gas station at 9 and Harper was approved for remodeling in 2018, and no one from Kroger indicated that to be a problem, then Panera was approved in early 2020.

Secretary Hanson explained that CDBG passed with no problems, and Councilman Caron thanked the Planning Commission for everything they do.

She also explained that the sign ordinance changes were tabled, and asked Ms. Koto to explain what the changes are about. Ms. Koto explained that there were ordinance changes to allow murals, more wall signs, and more gas station signs. They didn't talk at all about the wall or gas station signs, and the Council didn't feel comfortable approving the mural ordinance because we can't control the content of the murals. They want to have a study session in May to see how they can go about this. Nothing is on hold. If someone wants to put a mural up, they have to go in front of the sign board.

CITY PLANNER LIZ KOTO'S STAFF REPORT

MS. Koto explained there will be more of these outdoor seating area requests in the upcoming months. Tony J's is one of them. Firehouse Pub wants to do cornhole and be outside again. Kapones wants to do the site plan approval they received back in 2019 but they did not go to council. Secretary Hanson asked Ms. Koto about whether Colleen's Pub will go before them. Ms. Koto will check to see if the inspector went out there yet. Hison mentioned is there a rumor they are tearing down the buildings at Nine Mack Drive. Ms. Koto stated that it is a rumor.

Secretary Hanson asked if the Parks and Rec department plans to make any improvements at Veteran's Memorial Park this year as they have spent all their time and energy at Blossom Heath. She worried that Veteran's will start to be neglected again.

AUDIENCE PARTICIPATION: None

ADJOURNMENT

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

A ROLL CALL WAS TAKEN:

AYES: ALL

ABSENT: MAZZENGA, JOHNSON, MCKAY

MOTION: PASSED

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