

**PLANNING COMMISSION
A MEETING OF THE ST. CLAIR SHORES PLANNING COMMISSION
HELD ON TUESDAY, JULY 13, 2021 AT 7:00 P.M.,
CITY HALL-CITY COUNCIL CHAMBERS**

PRESENT

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

ALSO, PRESENT

Shantelle Hubbard, Recording Secretary
Liz Koto, Planning
Eric Shepherd, City Attorney

ABSENT

Brandon Johnson, Excused
James Kalich, Excused

CALL TO ORDER

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

Secretary Hanson called roll. Eight members were present.

A motion was made by Secretary Hanson, and seconded by Commissioner Hison, to excuse Commissioners Johnson and Kalich from tonight's meeting.

A ROLL CALL WAS TAKEN:

AYES: ALL

NAYS: NONE

MOTION: PASSED

CASE NO. PPC210014 – Request to vacate public alley between 19611 – 19675 Nine Mile and 22901 Industrial Drive West, retaining all public and private easements, by Michael Vogt, Dykema Gossett PLLC on behalf of East Nine Mile LLC

The request is reviewed as follows:

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The petitioner is requesting the vacation of a public alley that runs between a group of properties under the same ownership.

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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 PPC210014. 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:

Legal Description

Public Alley located immediately north of Lots 54-57 and south of Lot 58 of Freeway Industrial Urban Renewal Plat Subdivision.

Background

Over the past two decades, a single property owner has acquired all of the parcels immediately north and south of the public alley running parallel to Nine Mile Road immediately west of Industrial Drive West. The property owner has developed most of the parcels for self-storage facilities, and the remaining vacant parcels are intended to be developed in the same manner.

There is no reason for the city to maintain ownership of the land; however, easements shall be maintained for utilities.

Staff recommends the vacation of the alley, with all private and public easements maintained and the condition to combine all the parcels abutting Nine Mile Road. The alley will be split and the north 10 feet will be combined with 22901 Industrial Drive West and the south 10 feet will be combined with the Nine Mile parcels.

ITEMS OF CONCERN –

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

Michael Vogt, provided an overhead aerial view. His client, through two separate entities, now owns both sides of that alley. As part of their development plan, they are looking to vacate this alley. As long as access is needed cross easements between the two properties maintained.

A motion was made by Commissioner Hison and supported by Commissioner Jones, to approve the request to vacate public alley between 19611 – 19675 Nine Mile and 22901 Industrial Drive West, retaining all public and private easements, by Michael Vogt, Dykema Gossett PLLC on behalf of East Nine Mile LLC. with no items of concern.

A ROLL CALL WAS TAKEN:

AYES: ALL

NAYS: NONE

ABSENT: KALICH, JOHNSON

MOTION: PASSED

The request is reviewed as follows:

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The applicant is requesting Site Plan Approval for improvements to Blossom Heath Park at 24816 Jefferson. TIFA has been working on an updated plan for the Nautical Mile for the past few years, and part of the plan calls for significant improvements to Blossom Heath Park. The Blossom Heath fishing pier, road, and seawall are due for improvements. In 2018, a conceptual design was developed to convert and extend the current fishing pier into an activity pier. The pier will attract the public to enjoy Nautical Mile events, views of the water, fishing, and potentially provide regional water transportation via a water taxi dock. The plan also indicates the removal and replacement of deteriorated sections of seawall, construction of a pier extension, boardwalk, re-construction of vehicular and pedestrian pavement including asphalt paving, concrete paving, concrete curbs, and precast concrete pavers, installation of new light poles, installation of metal railings, new chain-link fences and gates, and new site furniture.

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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 PPC210015. 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 Development District. The renovation of the bathhouse 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 improvements to Blossom Heath Park at 24816 Jefferson. TIFA has been working on an updated plan for the Nautical Mile for the past few years, and part of the plan calls for significant improvements to Blossom Heath Park. The Blossom Heath fishing pier, road, and seawall is due for improvements. In 2018, a conceptual design was developed to convert and extend the current fishing pier into an activity pier. The pier will attract the public to enjoy Nautical Mile events, views of the water, fishing and potentially provide regional water transportation via a water taxi dock. The plan also indicates the removal and replacement of deteriorated sections of seawall, construction of a pier extension, boardwalk, re-construction of vehicular and pedestrian pavement including asphalt paving, concrete paving, concrete curbs,

and precast concrete pavers, installation of new light poles, installation of metal railings, new chain-link fences and gates, and new site furniture.

4) Preservation of Natural Areas (Section 35.82, 5, c) – The existing natural areas of Blossom Heath Park will remain undisturbed.

5) Privacy (Section 35.82, 5, d) –The proposed changes are within the existing marina area. No additional screening would be required.

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 be from Blossom Heath Boulevard past Blossom Heath Inn, through the guard shack, and along the access road.

8) Pedestrian Circulation (Section 35.82, 5, g) – Pedestrian circulation could be from the park, from boats that are docked at Blossom Heath Marina, from the parking lot of Blossom Heath Inn, or from the bath house.

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) – Engineered drawings for the pavement have been included in the submittal for construction.

11) Exterior Lighting (Section 35.82, 5, j) – Exterior lighting has been proposed along the boardwalk, fishing pier and up the pier extension.

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) – An extensive landscaping plan has been proposed for the site. No fences or walls are required around the site.

14) Exterior Building Treatment (Section 35.82, 5, m) – The site plan indicates the installation of a boardwalk and the extension of the fishing pier.

15) Waste Storage (Section 35.82, 5, n) –A series of trash cans will be placed along the pier and boardwalk.

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

17) Parking (Section 35.73, 12, a) – No changes are proposed to the existing parking areas. Parking is available for boats in the marina and for cars near the fishing pier and in Blossom Heath Inn’s parking lot.

18) Setbacks (Section 35.66) – The setbacks are as follows:

SETBACK	PROPOSED	REQUIRED
FRONT	2100 feet	60 feet from the Centerline
REAR	0 feet	0 feet
NORTH	0 feet	0 feet

SOUTH	0 feet	0 feet
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19) Building Height (Section 35.66) – N/A

20) Transformer Pad –No new transformers are proposed.

21) Screening Wall – No screenwalls are required.

22) Signs – N/A

23) Loading (Section 35.75) – N/A

24) Other –

ITEMS OF CONCERN –

Staff recommends approval of this proposal.

Bill Gambill, Assistant City Manager, stated that they are trying to do some improvements over by the fishing pier area. The road has deteriorated. They are repaving the road, adding a boardwalk, a new seawall along the lagoon, and renovating the existing fishing pier and extending it out 390 feet with rip rap to protect against the ice. They are building upon what they have done with the beach house. Back in 2017, TIFA hired a design firm to provide ideas about renovating this property starting with the beach house. These next steps are renovating the road, seawall and fishing pier extension.

Chairman Doppke stated that Blossom Heath has become the hot spot of St. Clair Shores, maybe even Macomb County.

Commissioner Hison asked Mr. Gambill to confirm that this pier was originally funded by the federal government which makes it open to the public. Also, he wanted to confirm there is a use agreement allowing Miller Marina access because they don't have any other way to enter their marina. Commissioner Hison indicated that this park used to be posted as private, and there is a gate guard that asks for your park pass. Will this continue? He would also like to know the estimated cost and who is funding this renovation. Mr. Gambill stated that they are looking at bonding. TIFA would repay the bond and it is a city bond. Mr. Gambill stated that he is not comfortable giving the estimate for construction as it is being bid out right now. It is a big project. They are looking at added security at that gate. The idea was for the public to be able to access the pier. Blossom Heath Park is residents only but there are a lot of public events.

Commissioner Hison stated that it has always been that residents can bring a guest. He truly believes that we have gained many steps in the right direction to utilize this park. How do we control a resident only park when we promote more public access? Mr. Gambill stated that gate guard is the key to asking if they are there for access to the marina, do they have a boat, and to remind them that the park and pier is residents only. How long is the gate guard there?

Chairman Doppke stated that they have been there at 6:00 a.m. to 9:00 p.m. or sundown. And even through the winter they had someone there. It seems to be the same two or three people.

Commissioner Hison stated unfortunately, we have built such a nice place and are subject to vandalism and most likely it is afterhours. It is a long way from the gate guard to the end of the Planning Commission Meeting of July 13, 2021

pier to have one guard patrolling all the time. Is the pier open 24 hours for 7 days all day? Bill Gambill stated that he believes it is dusk when the park closes. Commissioner Hison that we have so many new events, we bring a lot of new people into our community which that is what we wanted to do.

Chairman Doppke stated that there should be a gate guard and someone else patrolling may be something they can suggest. Commissioner Hison stated that is something to think about before we have the problem. Chairman Doppke stated that the U.S. Coast Guard keeps a pretty good eye in there and they probably have cameras. At least from the old boat house forward they have all that on film.

Commissioner Hison stated if we are going to spend a lot of money on the pier, how much of that money could be spent further in our park to give the residents the money that we are putting forward. Many years ago, it was on a ballot to have a lakeside park open to the public so we could use federal funds. The answer was always "no" keep it residents only. This is the first step without the people having a say. We have the right direction but we need possibly something to help satisfy not only the residents but also the security of the park.

Matt Coppler, City Manager, stated that how this is being paid for kind of helps understand the differentiation between a resident's own city-funded park and the pier. The money ultimately paying for this pier project is coming from TIFA. One of the missions of TIFA is to promote economic activity within the Nautical Mile. This project is seen, not necessarily as just an amenity for our residents, but it is also a way to drive people to the Nautical Mile. This will help the businesses in the Nautical Mile. And maybe their property values go up and tax dollars come in and TIFA has more money to keep reinvesting into the Nautical Mile. We have to look at the way that this is being funded. That money that is being spent there is coming from the TIFA. The mayor and city council are very sensitive to the same issues that the Planning Commission is bringing up. Talking about this pier, it's the reason that the city isn't the lead agency. It's TIFA and they didn't necessarily want to spend city tax dollars that are coming into the city on this. They want to be able to spend it on our parks. In the last 5 to 7 years a lot of the city tax dollars have been going into our parks and improvements and also private investments coming in. Mayor and council are very sensitive of that and that is why this funding source is being used to that extent. The understanding how we view the separation of city park's residents only versus the pier which is non-city tax dollars being spent.

Commissioner Hison stated that we have a lot of people in this community where they don't know what TIFA means. When we do something like this the first thing people are thinking is it's our city money going into a federally funded area, why don't we put a splash pad in Blossom Heath Park instead? Why don't we build it up even more than we have?

Matt Coppler stated that they understand that when they have events like this it may drive in more people. They have historically taken a very light-handed view of people being on the pier fishing after the park has closed. That was a decision that was made. They are talking about ways to close the park at the appropriate times by providing a gate there and boat well renters can access their boat whenever they need to access it and try to keep everyone else out when the parks close. This is being discussed and probably will be done within the next year once they figure out a few of the logistics to get that done. That is one mechanism that would be in place prior or at the same time the pier is actually opened up. They are looking at 12-18 months of construction.

Commissioner Hison asked about closing it off. Are they prepared for the people that will come to say “no,” this is a federally funded and open to the public pier and they come after the city to do something? Mr. Coppler stated that even though that is the case it is still under our jurisdiction and under our park ordinances. The parks are supposed to close at dusk. We are not going to be doing anything other than what we do for every other park whether it is resident only or open to the public. We do get a lot of complaints about a lot of things.

Secretary Hanson stated she heard a rumor that we are getting about 22 million from the federal government. She has been told that 6.6 million is going towards this pier.

Matt Coppler stated that at this time no ARP funds are going to this project. There isn't any money that has been budgeted from the 21.7 million going towards this particular project. It could change. We have received half of the 21.7 million, and we will not get the next half until May of next year. Everything is infrastructure. There could be a decision that could be made in the future that money could be going towards that. The mayor and council see this particular project as one that was in the pipe line and they figured out how to pay for it. The payment is not affecting the city, residents and use of tax dollars in any way. The 21.7 million dollars can go to benefit our residents. That is how they are viewing that as of today.

Secretary Hanson asked Mr. Gambill what is a taxi boat. Mr. Gambill explained originally, Macomb County had a rendering for the city to have a boat taxi at the 9-mile pier and the Nautical Mile so that people can take a the boat taxi instead of their vehicle up and down the lakefront. It could happen in the future.

A motion was made by Secretary Hanson and supported by, Vice-Chairman Schelosky to approve the request for site plan approval for an extended pier and other improvements to Blossom Heath Park, represented by the City of St. Clair Shores

A ROLL CALL WAS TAKEN:

AYES: ALL

NAYS: NONE

ABSENT: KALICH, JOHNSON

MOTION: PASSED

APPROVAL OF MINUTES FROM THE JUNE 8, 2021 PLANNING COMMISSION MEETING

A motion was made by Secretary Hanson and supported by Commissioner Hison, to approve the Planning Commission Meeting Minutes of June 8, 2021.

A ROLL CALL WAS TAKEN:

AYES: ALL

ABSENT: KALICH, JOHNSON

MOTION: PASSED

REPRESENTATIVE'S REPORT OF CITY COUNCIL MEETINGS

Secretary Hanson said Kapone's was approved, and Candace brought up a new parking ordinance. Frederick asked questions about the fire pit. Ron Frederick motioned John Caron seconded it all passed.

The knee wall was brought up that it was going in front of the Zoning Board and it was denied. They are giving them five years to put it up. Mr. Shepherd stated that the main reason was financial and they cannot take financial into account when making their decision. They found that there was any kind of practical difficulty maybe someone else could have gone up there and make a different argument.

Travis was going to put up gates and he didn't. He did have tables out and will check with the city property. Bob Ihrle stated that he will check to see if they would need a hold harmless agreement. Ron Frederick made the motion, and Candace Rusie supported, all approved.

Wimbledon site plan was approved. They changed a little of their plans. Chris Vitale would like the color to be blue instead of the color that they picked because we are Nautical.

The parking lot they will put in for the Soccer Field, Ron Frederick motioned Dave Rubello seconded, all approved.

CITY PLANNER LIZ KOTO'S STAFF REPORT

Secretary Hanson asked about The Red Bone's which is down on the West side of Harper they have a red bone sign but they have cross bones in the windows. It looks like Eight-mile Road. It does not fit what they are striving for.

Accession St. John at Nine Mile & Harper they are doing renovations and they came before us about 3 years ago.

Kroger gas station is closing July 17th. Ms. Koto agreed. The Blue Goose sold yesterday. It may be Salvatore Scallopini in there or a Music Venue. Ms. Koto stated that the liquor license is being transferred by the LLC that is associated with Salvatore Scallopini. Salvatore Scallopini also owns Lux Bar & Grill on Kercheval on the hill. There may be one more venue that they own. Her understanding is that it could be any of those.

AUDIENCE PARTICIPATION: None

ADJOURNMENT

A motion was made by Secretary Hanson , and supported by Commissioner Stonik, to adjourn the Planning Commission Meeting at 7:30 p.m., as amended.

A ROLL CALL WAS TAKEN:

AYES: ALL

ABSENT: KALICH, JOHNSON

MOTION: PASSED

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