

JUL 22 2019

C-1

Chairperson Wojciechowski called the Regular Meeting of the Planning Commission to order at 7:32 P.M.

**ROLL CALL:**

Present: Anulli, Dailey, Demick, Haydamack, Koneczny, Meyer, Szymanski, Wojciechowski, Council Liaison Hayman.

Absent: Gaedcke, Council Liaison Covert.

Also present: John Dupray, City of New Baltimore Mayor  
Eric Fazzini, Giffels Webster  
Bill Klaassen, City of New Baltimore Building Official  
Bonnie McInerney-Slater, Assistant to the Mayor

Motion by Szymanski, second by Demick to excuse the absent members. No additional discussion by the commission. Voice vote. All ayes, motion carried.

**APPROVAL OF MINUTES:**

Motion by Anulli, second by Demick to approve the minutes of April 23, 2019 as presented. No additional discussion by the commission. Voice vote. All ayes, motion carried.

**PUBLIC DISCUSSION:** None

**APPROVAL OF AGENDA:**

Motion by Anulli, second by Haydamack to approve the agenda as submitted. No additional discussion by the commission. Voice vote. All ayes, motion carried.

**SITE PLAN ITEMS:**

**1. SIGN #112-05-14-19, TransNav, 35105 Cricklewood**

Our planner explained the applicant is proposing a wall sign on the south side of the upper front façade of the east building. The sign is proposed to be 58.33 square feet and would be bolted flush to the building and internally lit. The existing wall sign will be removed. The existing ground sign would also be refaced, and will be handled administratively. Greg Morgan representing Phillips Sign and Lighting explained the proposal. They are removing the existing sign.

Motion by Haydamack, second by Szymanski to recommend approval of Sign #112-05-14-19, TransNav, 35105 Cricklewood, to City Council with the condition that the existing sign is removed. No additional discussion by the commission. Roll call vote. Voting yes: Haydamack, Koneczny, Meyer, Szymanski, Wojciechowski, Anulli, Dailey, Demick. Voting no: None. Motion carried.

**2. Harbor Oaks Hospital, amendment to Site Plan #302-06-17**

Gabriel Agblevon, architect for Harbor Oaks Hospital discussed the proposed staining of the barrier wall. It was ordered without stain, and painting it now would cause a maintenance nightmare. They propose leaving it as is which matches the curbs. FYI, they break ground on June 5<sup>th</sup> for Phase II.

Commission Dailey asked if the neighbors were contacted for their opinion. Commissioners Haydamack and Anulli had no issues with the color. Commissioner Dailey also asked if there were any complaints about the wall. The mayor explained there were none. He visited the site and could understand why it was proposed to be stained because the white color stands out. Mr. Agblevon explained the stain should have been mixed in the concrete when molded.

Motion by Haydamack, second by Szymanski to approve the Site Plan amendment, for the wall to remain as the existing stone color without stain or paint on the property at 35031 23 Mile Road, New Baltimore. Roll call vote. Voting yes: Haydamack, Koneczny, Meyer, Szymanski, Wojciechowski, Anulli, Dailey, Demick. Voting no: None. Motion carried.

**3. Site Plan #313-04-19, Dairy Queen, 35654 Green Street, Parcel #09-13-455-002 and 09-13-455-005**

Our planner read his review of May 23<sup>rd</sup>. This is an existing site being updated. There are two parcel which should be combined. The applicant is proposing to improve the outdoor seating and move the loading zone. There will be 6 new parking spaces. It is difficult to identify what is existing and what is proposed on the site plans. If the applicant is proposing façade changes, they should provide updated drawings. The existing pylon sign should be removed from the site and the drawings. The screening requirements should be discussed. The loading area does not meet the ordinance requirements. The curbing should be discussed.

A representative from the Dairy Queen, Nick Pipitone, and the owner, Mike Abro were present. In an attempt to clear up some of the issues Mr. Pipitone explained the curbing is not being altered in any way. The patio and the 6 parking spaces are the only new construction being proposed. The building on the drawing has been permitted for the remodel. The pylon sign is being removed. The brick will not be altered. Deliveries are not during business hours. The lighting and traffic patterns were discussed. A revised set of plans will be required.

Motion by Daily, second by Haydamack to recommend approval of Site Plan #313-04-19 Dairy Queen, 35654 Green Street to City Council with the following conditions:

1. Revised site plans are submitted identifying the combination of the lots,
2. The pole sign is identified as to be removed,
3. The planner's comments from May 23<sup>rd</sup> are addressed.

Roll call vote. Voting yes: Szymanski, Wojciechowski, Anulli, Dailey, Demick, Haydamack, Koneczny, Meyer. Voting no: None. Motion carried.

**4. Site Plan #311-11-18 Washington Street Apartments, 51037 and 51221 Washington**

Our planner explained this was considered last November and December with no action taken. The site is currently vacant. The location is zoned CB - Central Business. He recommended the two parcels be combined. This proposal is substantially the same as the two previously submitted plans. The applicant is proposing a two story, 8,000 square foot mixed-use building. Commercial and residential uses. It appears the proposal substantially complies with the CB district requirements.

Steven Cassab, owner and builder was present to answer questions. The mayor explained balconies have been reduced to 1 foot per the Historic District Commission. They would have interfered with the site lines to downtown. Commissioner Dailey reported the Site Plan Review Committee recommended installing the two-foot deep raised curb abutting both sides of the parking stalls as required by our engineer and ordinance. Individual sewer leads were recommended by the engineer. The alley is required to be paved, stamped concrete or pavers. The planner explained about outdoor dining being Special Land Use, if they get the right tenant. 2<sup>nd</sup> story egress was addressed by our Fire Department.

Motion by Haydamack, second by Koneczny to recommend approval of Site Plan #311-11-18, Washington Street Apartments, 51037 and 51221 Washington, to City Council with the following conditions:

1. Everything addressed in the Planner's letter dated May 23, 2019 including the 5 foot of pavement in the alley,
2. Per the Engineer, the parking stalls must be provided with two-foot wide, 6-inch high poured concrete curbs,
3. The lots must be combined,
4. The egress windows are added to the 2<sup>nd</sup> floor bedrooms,
5. The residential floor areas are in compliance with our ordinance

Roll call vote. voting yes: Meyer, Szymanski, Wojciechowski, Anulli, Dailey, Demick, Haydamack, Koneczny. Voting no: None. Motion carried.

#### **5. SALU #314-05-19, Willow Creek Site Condos, Set Public Hearing**

Discussion by the commission included the board requesting a copy of the DEQ permit before setting the public hearing.

Motion by Haydamack second by Meyer to table setting the Public Hearing until the commission has the DEQ Permit. Roll call vote. Voting yes: Szymanski, Demick, Haydamack, Meyer. Voting no: Wojciechowski, Anulli, Dailey, Koneczny. Motion failed.

Motion by Anulli, second by Dailey to set the public hearing for Willow Creek Site Condos, Parcel # 15-07-301-0.6 and 15-07-301-003 for June 25<sup>th</sup> beginning at 7:30 pm. if the mayor can get a copy of the DEQ permit. Roll call vote. Voting yes: Wojciechowski, Anulli, Dailey, Demick, Koneczny, Meyer, Szymanski. Voting no: Haydamack. Motion carried.

### **ZONING ORDINANCE AMENTMENTS – RECOMMENDATION TO CITY COUNCIL**

#### **ZONING ORDINANCE AMENDMENTS SECTION 60-70 MEDICAL MARIJUANA AND ZONING MAP AMENDMENT**

Our planner explained the commission should have received draft number five today which included minor clarifications of the language. Page 3 item 3 has been modified to be measured from building to building or play structure. The setback requirements were also revised. The overlay map was also provided.

Comments from the commissioners included the setbacks from residential uses. An additional buffer to residential of 300 feet was suggested. Outdoor growing of 300 feet to residential and 100 feet to any other property line was also suggested.

The actual ordinance was also discussed. The residents along the property line were discussed. Notice requirements were discussed and as a permitted use there would be no notification.

Motion by Haydamack, second by Meyer to amend the Zoning Ordinance draft Section 60-70, Medical Marihuana Facilities, to stipulate the setback from a residential use to a 300-foot buffer from the property line for outdoor and indoor facilities, and the other changes in the draft copy. Roll call vote. Voting yes: Anulli, Dailey, Demick, Koneczny, Haydamack, Meyer, Szymanski, Wojciechowski. Voting no: None. Motion carried.

Motion by Haydamack, second by Meyer to recommend City Council adopt the amended Zoning Ordinance Section 60-70, Medical Marihuana Facilities. Roll call vote. Voting yes: Dailey, Demick, Koneczny, Haydamack, Meyer, Szymanski, Wojciechowski, Anulli. Voting no: None. Motion carried.

Motion by Koneczny, second by Haydamack to recommend City Council adopt Zoning Map amendment which establishes the Special Facilities Overlay District as presented. Roll call Vote. Voting yes: Haydamack, Koneczny, Meyer, Szymanski, Wojciechowski, Anulli, Dailey, Demick. Voting no: None. Motion carried.

Motion by Haydamack, second by Szymanski to recommend City Council amend the General Ordinance for Medical Marijuana to incorporate the same 300-foot setback buffer to residential uses that the Zoning Ordinance has. No additional discussion by the commission. Roll call vote. Voting yes: Anulli, Dailey, Demick, Haydamack, Koneczny, Meyer, Szymanski, Wojciechowski. Voting no: None. Motion carried.

Additional discussion included the odor control and setback distance be amended in the General Ordinance by Council as well.

#### **COMMITTEE REPORTS:**

Commissioner Demick reported the Historic District Commission approved removal of 5 dead trees on a Main Street residence. They also approved the Boy Scout Troup 211 replacing the flag pole in front of the Civic Club with a new one and public sidewalks as well.

#### **MISCELLANEOUS COMMUNICATION:**

**2019/2020 Planning Commission Budget recommendation.**

Our planner explained the need for funding zoning amendments. The State of Michigan may pick up some of the cost, up to a 75% match for redevelopment ready changes. Increasing professional services \$10,000 was recommended.

Motion by Haydamack, second by Szymanski to keep the budget as presented with the addition of \$10,000 for additional professional services. Voice vote. All ayes, motion carried.

**Discussion regarding HB 4046**

Our planner explained proposed House Bill 4046 that would limit the ability of local government to control short-term rentals. Effectively if passed, short term rentals would be treated as residential dwelling units. This can potentially have a negative impact on neighborhoods. If you have a block of short-term rentals, like on the waterfront, who keeps an eye on things in the neighborhood? The number of renters, noise, and parties could change the character of a neighborhood quickly. Regulations which can limit the impact short-term rentals could have, should be in place. The mayor explained this is bad legislation and recommended communication with our local legislators.

**Discussion regarding food trucks**

Bonnie McInerney-Slater and the Mayor discussed the requests for food trucks in the City. He explained that you don't want to shut out the local restaurants. Allowing food trucks on Monday nights when the downtown restaurants are mostly closed was discussed. Our planner recommended starting slowly if you want to participate. Royal Oak had a food truck rally which was very family friendly. There is no alcohol served so patrons may go over to the local restaurants for drinks afterwards. If successful, you may amend the Zoning Ordinance to allow food trucks for certain circumstances. Council Liaison Hayman was worried about the effects on local restaurants.

**Discussion regarding the Sign Ordinance Draft**

Our city attorney and planner have provided language for amending the sign ordinance to allow for content neutrality. A supreme court decision is requiring every community to amend their sign ordinances. The sign ordinance may not dictate content. You may regulate placement, appearance and size but not content. Real estate signs, political signs, construction signs and grand opening signs are gone. Regulations are much more simple. You call them temporary signs, permanent signs, banner signs and pole signs. You cannot regulate content. Additionally, electronic signs and lighting are included. A draft ordinance will be forthcoming.

**ADJOURNMENT:**

Motion by Gaedcke, second by Szymanski to adjourn. No additional discussion by the commission. Voice vote. All ayes, motion carried. Meeting adjourned at 9:10 P.M.

Respectfully submitted,  
Annette Girodat,  
Recording Secretary