

**CITY OF ST CLAIR
PLANNING COMMISSION MEETING
WEDNESDAY, SEPTEMBER 11, 2024 – 7:00 P.M.
547 N. CARNEY DRIVE – COUNCIL CHAMBERS**

CALL TO ORDER: Chair Terry Beier called the meeting to order at 7:00 pm.

ROLL CALL:	Chairman	Terry Beier	Vice-Chair	Dan McCartney
	Council Rep	Mike Laporte	Member	Nancy Beaudua
	Member	Butch Kindsvater	Member	Paul Wade
	Member	Tim Distelrath		

ABSENT: None

APPROVAL OF AGENDA: *Butch Kindsvater made a motion to approve the agenda as presented, supported by Nancy Beaudua. All in favor, none opposed.*

APPROVAL OF MINUTES: *Nancy Beaudua made a motion to approve the minutes of July 10, 2024 as presented, supported by Paul Wade. All in favor, none opposed.*

CORRESPONDENCE: None

PUBLIC HEARING: 1309 Clinton Avenue
St Clair, MI 48079
74-07-364-0004-000
Rezone from C1 Local Commercial to C2 General Commercial

Dan McCartney to open the public hearing, supported by Mike Laporte. All in favor, none opposed.

Terry Beier – Would the applicant come up to the podium state your name and address and speak to the commission regarding this request?

Dan Brennan – 613 N Riverside, St Clair. I am the owner of 1309 Clinton which is the property that up for rezoning tonight. I don't think that it is any surprise to anyone that we are putting in a bakery at this location. I was here a few years ago for rezoning for the same location but we were unsure as to what we would be putting in that location. After doing a lot of studying and research, we settled on putting a bakery at this location. We felt it would be the best use for the space and a need in the community. Originally, we set out to find a tenant to go in there but that was unsuccessful so we decided to open it up ourselves and hire an executive pastry chef.

Now that this process is complete, the bakery is being built out on the interior now. One of the things that we identified as a potential for a drive-through. We don't feel like the bakery will be a heavy drive-through use but it will have it's times and needs. One of the things we are hoping to capitalize on is the pre-orders and pick-up instead of having to get out of your car and come

in. There is some anticipation for being able to use the drive-through for those pre-order pick-ups. We don't have a lot of exact studies of what we might generate but we don't think it would be a lot. We want to have it an amenity and convenience for the community. We felt we had the space to do it so I approached Dee and after that discussion determined a re-zoning would be the way to go in order to do that.

Terry Beier – We did a site plan review back in August of 2021 and at that time the parking lot had been approved. Some of the other stuff isn't finished yet such as the lighting and landscaping. What we are looking at on this rezone request is being generated because of the drive-through requires a C2 zoning.

Tim Distelrath – Is that the only way he can get a drive-through? The zoning has to change? Do we have to discuss the drive-through during the rezone?

Dee Boulier – I spoke to Dave Scurto and he said it had to be a rezone.

Dan McCartney made a motion to close the public hearing, supported by Butch Kindsvater. All in favor, none opposed.

Terry Beier – Ok, let's move on to the next public hearing and we can do our discussions after.

Dan McCartney made a motion to open the next public hearing, supported by Mike Laporte. All in favor, none opposed.

PUBLIC HEARING: 1309 Clinton Avenue
 St Clair, MI 48079
 74-07-364-0004-000
 C2 General Commercial Special Land Use

Terry Beier – This second public hearing is regarding a Special Land Use for a drive-through restaurant. Is there anything further that the applicant would like to add?

Dan McCartney made a motion to close the public hearing if there was nothing more to add, supported by Butch Kindsvater. All in favor, none opposed.

Tim Distelrath – I guess my question is, you had said that the drive-through would be for pre-order pick-ups, but I am sure you will have gourmet coffee and things like that. You have not submitted any traffic study; do you plan to do any traffic study?

Dan McCartney – I want to go back to the C1 & C2 zoning request. I know in C2 it discusses drive-through as a special use for restaurants and theaters. In going back to C1 it doesn't list this as a permitted use. It lists banks, credit unions as we know every bank and every credit union has a drive-through. I don't understand how, if Dan came to us saying he wanted to put in a credit union with a drive-through he could do in a C1 zone because there is nothing to

prevent that. Because he wants to put in a bakery he has to come before us and we have to go through the hopes of changing the zoning from a C1 to a C2 which brings in a lot of other things that C1 does not for just a drive-through. I am struggling with this.

Dan Brennan – Is there a conditional use provision?

Dee Boulier – No there is not, but that is something that Dave Scurto did say, if you did not want to rezone to C2 you could go with conditional rezoning. Then you are approving what he wants to do and if the bakery seized to operate the owner would have to come back.

Dan McCartney – Personally, we have a lot of control over this. If this goes to C2 zoning then anything in this book, which is a lot of things that would be out of our control to stop. If we have an option to treat this as conditional re-zoning without changing the zoning, I think we should consider that. I think we could consider the drive-through as a condition. Doing it this way, it would stop someone from opening up a hotel in this location, which is allowed in a C2.

Going with conditional rezoning gives Dan what he wants but allows us/the city control of what future uses go in that particular location.

Dan Brennan – Absolutely, if I were in your shoes, that would be my recommendation as well. That is fine with me, it gives us what we need and it gives you control that if we ever sell it reverts back to C1 or if the use changes. Just for confirmation, if the business stays open as it is, regardless of the ownership, the use will stay with the business.

Dee Boulier – Yes, as long as it stays within the confines of the conditional re-zoning. If new owners were to change or modify any conditions that have been approved then they would have to come back to Planning Commission for approval of the changes.

Dan McCartney – What does the applicant have to do to flip this to Conditional Re-zoning?

Terry Beier – Conditional Re-zoning we don't like to use it unless it is the best use. We don't want to try to fit every request in for this. This is a little unique, as it was pointed out that there are drive-throughs allowed in C1 for banks and credit unions, just not this particular use.

The argument could be made that the Zoning Ordinance needs to be changed to allow for this particular use.

Dan McCartney – Or at least put it as a special use under C1. I personally like the route we are heading versus changing the property to a C2 because I don't like to give up all of that control as to future use and it sounds like it would.

Discussions continued regarding the direction for the change of zoning versus going conditional rezoning.

Dan McCartney – If we are going to go the Conditional Rezoning then we should table this, get Dave’s review and move on. We aren’t trying to shut down the bakery we just need to understand which route we want to pursue.

Terry Beier – I just want to take a quick look at the permitted uses in C2.

Terry read through the 15 permitted uses in C2, whether any of those would even fit on that parcel would be a question.

Paul Wade – Do we have to re-advertise this if the change in zoning is for a lesser impact? It wouldn’t be a greater impact because keeping it a C1 is actually less than moving to C2.

Dee Boulier – I would think it would have to be re-advertised but we will ask Dave to be sure.

Terry Beier – With that being said, let’s hold off on making a decision tonight. The site plan that was approved in 2021 the parking lot, the lighting, the landscaping was all approved. The city engineer approved the storm drainage so basically everything has been done.

The question which remains is the drive-through which brings up the traffic pattern question. Per Dave’s review there is a question about the interior seating calculations and if that has any impact on parking.

Dan Brennan – The seating and parking have been addressed and we have adequate parking for patrons and employees. The 19 spaces I have is sufficient.

Terry Beier – So the only thing we have to address is the traffic flow and drive-through pattern.

Paul Wade – I think it is best to put it out there tonight because it is a big thing to address. I have one other question and that is the metal building in the back. That isn’t included for use in the drawings you submitted. What are you going to be using that metal building for?

Dan Brennan – That will actually be part of the exterior renovation which will envelope that building. It is actually a wood building. Right now, we are considering it as storage but in the future, it will be an expansion for the bakery kitchen. Our kitchen and storage are both undersize right now. We are hoping to expand into that area in a year or so. The whole building will be bakery, but not public use.

Paul Wade – So that won’t be part of your construction operation?

Dan Brennan – No, we are actually moving the construction operations out of the city. We will be moving off of Range Road. We are hoping to be moved out of there within the year, equipment and storage.

Paul Wade – I know this drive-through isn't currently part of site plan but when we look at it, there are a number of questions regarding safety of ingress and egress of traffic coming to the building.

Dan Brennan – If you look at the view angles you have a pretty good view. I did studies on other local drive-throughs because my biggest concern was less about the cars, but more about the pedestrians.

Discussions continued regarding the drive-through view.

Dan Brennan – I understand where you are coming from. You would rather see an engineer's eyes take a look at it instead of a layman's eyes. I don't have a problem with that.

Tim Distelrath – Even if there were some kind of barrier to designate the drive-through lane. Maybe just having the lane painted would work.

Dan Brennan – I have thought about that but because it is an ingress/egress lane, if I paint that lane then the ingress/egress isn't wide enough.

Dan McCartney – A few of the commissioners are having an issue with this and I think we need some clarification. I would think that in order to make a good decision, we need some clarification on this.

Dan Brennan – Ok, I can get this for you.

Tim Distelrath – We all want to see you do this and to succeed with this we just want to ensure safety.

Dan Brennan – I can get an engineer to look at this. If there is going to be a traffic study required for this I want to know. I don't want to be surprised in the 9th hour.

Terry Beier – I think we should have AEW look at this and give us a recommendation regarding the drive-through.

Dan Brennan – As long as they aren't going to make me ripped out the entire parking lot and redo it. They always over engineer it. That drive-through is almost a painted lane because if we

decide that the drive-through isn't worth it I want to be able to abandon it and go back to the normal parking lot. I don't want to make permanent changes to the existing parking lot, which is why I used barrels and kegs because those are removable. My only concern is that AEW would want to complicate this.

Terry Beier – Ok. The radiuses are not on the drawing so can you get us a more detailed prints from an engineer and we will take another look at it. If we think we need another opinion we will go that route.

I assume that after people make the turn to come pick up their food you have kept that away from the building is that correct? To keep them away from the overhead doors?

Dan Brennan – The overhead doors will be used for delivery only. When a truck pulls in, they can back in and unload and not be in anybody's way, so it is tucked off for a reason. There is no parking there, it is strictly for deliveries.

Terry Beier – To summarize everything: the rezone request, per Dave Scurto, would fit into that area. He made a point of saying look at the other uses that the zoning change would allow and make sure the commission is comfortable with those. I think if we choose to switch directions and go to conditional rezoning that would satisfy the commissioners. I think with that being said I think we could table this. As far as the drive-through I think in the special use may go away if we do conditional rezone but I think we need more information on traffic pattern.

Dan McCartney – I think, like Paul brought up, we need more information about the back building and what it is going to be used for. When we approved the site plan, we approved the whole site. So just something in writing with what your intent is with that building.

Paul Wade – Since this is in the Master Plan, we looked at this area as a development focus area. We left that open because we didn't know how it was going to develop so I think conditional rezoning here would be very acceptable.

Terry Beier – I think what we to do now is table the rezone request tonight.

Butch Kindsvater made a motion to table the rezone request for 1309 Clinton Avenue, property #74-07-364-0004-000, supported by Mike Laporte. All in favor, none opposed.

Terry Beier – Ok, thank you. The next item on the agenda was the New Business for the rezone request.

Butch Kindsvater made a motion to table, supported by Nancy Beaudua. All in favor, none opposed.

Dee Boulier – The zoning ordinance book has gone out for bid. Quotes will be coming in soon. I have spoke with one person from Colorado who is going to submit a quote. I explained to him that he will more than likely have to meet with Planning 3 or 4 times before it can be approved. If they are redoing the whole book, I am not sure how to go about that. You wouldn't want to take it all on in one meeting.

Once we get the draft then we can go through it as a committee and highlight any needed changes. I think we should let whoever gets the bid know what changes we are looking at.

Paul Wade – I think the hard part is what you guys have been having trouble with. Some of these things we don't even tackle.

Dee Boulier – I know I try to write things down as I see them but I haven't in a while. I know Tom has been writing stuff down so we may have some things. I realize that you guys volunteer and this is a big undertaking for you guys.

Paul Wade – What are the big-ticket items that need to be focused on first. What is really causing a lot of problems for you.

Terry Beier – I want to just ask a question; we approved the site plan for 1309 Clinton in 2021 and he still isn't completed with the site plan. What do you do with that? Do you send them letters?

Dee Boulier – This is the time of year he needs to be planting those shrubs. I have told him that for two years.

Dan McCartney – So when he doesn't do it there aren't any consequences?

Tim Distelrath – Is there a deadline or a fine imposed?

Dee Boulier – Not that I am aware of. But what I would like to have you guys add to his conditional rezoning that the landscaping has to be done this year. I don't know how else to do it. It's just like the Inn; I send them a letter and they don't even call us back.

Terry Beier – Is there anything else you want to bring us up to date on?

Dee Boulier – They are starting to frame the apartment buildings on Brown. They plan to do all six buildings one right after another.

Dan McCartney – I have a question on that. In the final site plan approval between the bike path and the buildings they were to have a 6-foot landscape berm.

Dee Boulier – I don't know if they have enough room to maintain that slope continuously. They were working on the berm at the back of the property.

Dan McCartney – That's what was approved. We approved a landscape buffer in lieu of a wall. If they don't have room then they need a wall. That is what the ordinance says. I thought there was supposed to be a 6' berm with plantings.

What I am saying is at the time of site plan approval it calls for a wall but planning commission has the authority to, in lieu of a wall, grant a landscape strip. If there wasn't room then they should have to revert to a wall.

Dee Boulier – They won't do that.

Dan McCartney – But it's in our ordinance.

Dee Boulier – If that is what it states in the site plan approval then I will tell them.

Discussions continued regarding Jordan Creek property, southside of Brown, the Inn and well as the old middle school on 6th Street.

Dan McCartney made a motion to close to the meeting, supported by Nancy Beaudua. All in favor, none opposed.

Meeting adjourned at 7:55 pm