

Oak Park City Council Agenda

September 6, 2016





AGENDA
REGULAR CITY COUNCIL MEETING
36th CITY COUNCIL
OAK PARK, MICHIGAN
September 6, 2016
7:00 PM

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

5. CONSENT AGENDA

The following routine items are presented for City Council approval without discussion, as a single agenda item. Should any Council Member wish to discuss or disapprove any item it must be dropped from the blanket motion of approval and considered as a separate item.

- A. Regular Council Meeting Minutes of August 18, 2016
- B. Zoning Board of Appeals Meeting Minutes of April 26, 2016
- C. Planning Commission Meeting Minutes of May 9, 2016
- D. Corridor Improvement Authority Board Meeting Minutes of June 16, 2016
- E. Request by The Bettye Harris Larynx Cancer Awareness Center to be recognized as a nonprofit organization for the purpose of obtaining a charitable gaming license
- F. Payment Application No. 1 in the amount of \$189,008.98 to Pro-Line Paving Corp. for the Scotia Resurfacing Project, M-642
- G. Payment Application No. 1 in the amount of \$124,331.87 to Troelsen Excavating Company for the 2016 Sewer Lateral & Catch Basin Repair Project, M-648
- H. Beautification Advisory Commission Resolution and nominee recommendations for year 2016 Beautification Awards
- I. Licenses - New and Renewals as submitted for September 6, 2016

6. RECOGNITION OF VISITING ELECTED OFFICIALS:

7. SPECIAL RECOGNITION/PRESENTATIONS:

- A. City Manager Employee Recognition – Charli Osborne

8. PUBLIC HEARINGS: None

9. COMMUNICATIONS: None

10. SPECIAL LICENSES:

- A. Request for a Special Event License and waiver of the application fee as submitted by Thomas Zerafa, 24320 Seneca, for the 15th Annual Seneca Block Party to be held on September 11, 2016

11. ACCOUNTING REPORTS:

- A. Approval for payment of invoices submitted by Garan, Lucow, Miller, P.C. for legal services in the total amount of \$14,332.30

12. BIDS:

- A. Request to award the bid for the 2016 Miscellaneous Concrete Project, M-644 to Rotondo Construction Inc. of Farmington Hills, MI for the amount of \$276,453.00 and to authorize \$26,453.00 from the Water & Sewer Fund to be used to fund a portion of the project

13. ORDINANCES: None

14. CITY ATTORNEY:

15. CITY MANAGER:

Department of Public Works

- A. Request for the Public Works Department to participate in the MiDEAL bid for the purchase of two marked police vehicles

Finance

- B. Year End 60 Day Financial Report
- C. 4th Quarter Fiscal 2015/2016 Investment Report

16. CALL TO THE AUDIENCE

Each speaker's remarks are a matter of public record; the speaker, alone, is responsible for his or her comments and the City of Oak Park does not, by permitting such remarks, support, endorse or accept the content, thereof, as being true or accurate. "Any person while being heard at a City Council Meeting may be called to order by the Chair, or any Council Member for failure to be germane to the business of the City, vulgarity, or personal attacks on persons or institutions." There is a three minute time limit per speaker.

17. CALL TO THE COUNCIL

18. ADJOURNMENT

The City of Oak Park will comply with the spirit and intent of the American with Disabilities Act. We will provide support and make reasonable accommodations to assist people with disabilities to access and participate in our programs, facilities and services. Accommodations to participate at a Council Meeting will be made with 7-day prior notice.



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
36th OAK PARK CITY COUNCIL
August 18, 2016
7:00 PM**

MINUTES

The meeting was called to order at 7:00 PM by Mayor McClellan in the Council Chambers of City Hall located at 14000 Oak Park Boulevard, Oak Park, MI 48237. (248) 691-7544.

PRESENT: Mayor McClellan, Mayor Pro Tem Burns, Council Member Rich,
Council Member Radner, Council Member Speech

ABSENT: None

OTHERS

PRESENT: City Manager Tungate, City Clerk Norris, City Attorney Duff

APPROVAL OF AGENDA:

**CM-08-288-16 (AGENDA ITEM #4) ADOPTION OF THE AGENDA AS PRESENTED
– APPROVED**

Motion by Radner, seconded by Burns, CARRIED UNANIMOUSLY, to approve the agenda as presented.

Voice Vote:	Yes:	McClellan, Burns, Rich, Radner, Speech
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-08-289-16 (AGENDA ITEM #5A-G) CONSENT AGENDA - APPROVED

Motion by Radner, seconded by Rich, CARRIED UNANIMOUSLY, to approve the Consent Agenda consisting of the following items:

- A. Regular Council Meeting Minutes of August 1, 2016 **CM-08-290-16**
- B. Payment Application No. 2 in the amount of \$99,285.12 to ADJ Excavating, Inc. for the 2016 Water Main Replacement Project, M-625 **CM-08-291-16**
- C. Proposed Change Order No.1 in the amount of (\$21,852.71) and Payment Application No. 3 in the amount of \$33,614.85 to ADJ Excavating, Inc. for the 2016 Water Main Replacement Project, M-625 **CM-08-292-16**
- D. Payment Application No. 3 (final) in the amount of \$1,000.00 to Troelsen Excavating for the 2015 Catch Basin Line Replacement and Sewer Lateral Repair Project, M-606 **CM-08-293-16**

- E. Payment Application No. 3 (final) in the amount of \$5,000.00 to Nagle Paving Company for the 2015 Shepherd Park Parking Lot Reconstruction Project, M-608 **CM-08-294-16**
- F. Board of Review Meeting Minutes of July 19, 2016 **CM-08-295-16**
- G. Licenses - New and Renewals as submitted for August 18, 2016 **CM-08-296-16**

**MERCHANT'S LICENSES – August 18, 2016
(Subject to All Departmental Approvals)**

<u>NEW MERCHANT</u>	<u>ADDRESS</u>	<u>FEE</u>	<u>BUSINESS TYPE</u>
Authentic Cuts	8440 Nine Mile	\$150.00	Barbershop
<u>RENEWALS</u>			
Chase Cleaners	10831 Ten Mile	\$150.00	Dry Cleaners
Deborah Hecht Inc.	25907 Coolidge	\$187.50	Art Gallery & Studio
Gold Corp Inc	21600 Greenfield #100	\$225.00	Jewelers
Happy's Pizza	13700 Nine Mile	\$225.00	Restaurant
<u>SIDEWALK SALE</u>			
Fallas	26100 Greenfield Road	\$10.00	Retail Store

Voice Vote: Yes: McClellan, Burns, Rich, Radner, Speech
 No: None
 Absent: None

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS:

County Commissioner Helaine Zack provided an update on activities pertaining to Oakland County.

SPECIAL RECOGNITION/PRESENTATIONS: None

PUBLIC HEARINGS: None

COMMUNICATIONS: None

SPECIAL LICENSES: None

ACCOUNTING REPORTS:

**CM-08-297-16 (AGENDA ITEM #11A) APPROVAL FOR PAYMENT OF AN INVOICE
AS SUBMITTED BY SECREST, WARDLE, LYNCH, HAMPTON,
TRUEX & MORLEY FOR LEGAL SERVICES IN THE AMOUNT OF
\$176.00 - APPROVED**

Motion by Rich, seconded by Radner, CARRIED UNANIMOUSLY, to approve payment of invoice #1292296 as submitted by Secrest, Wardle, Lynch, Hampton, Truex & Morley for legal services in the amount of \$176.00.

Roll Call Vote: Yes: McClellan, Burns, Radner, Rich, Speech
 No: None
 Absent: None

MOTION DECLARED ADOPTED

BIDS: None

ORDINANCES: None

CITY ATTORNEY: None

CITY MANAGER:

Administration

**CM-08-298-16 (AGENDA ITEM #15A) REQUEST FOR THE CITY TO PARTICIPATE
 IN THE ENERGY MANAGEMENT PLANNING PROGRAM
 SPONSORED BY THE SOUTHEAST MICHIGAN REGIONAL
 ENERGY OFFICE (SEMREO) AND ECOWORKS DETROIT
 - APPROVED**

Motion by Burns, seconded by Speech, CARRIED UNANIMOUSLY, to approve the city's participation in the Energy Management Planning Program sponsored by The Southeast Michigan Regional Energy Office (SEMREO) and EcoWorks Detroit.

Voice Vote: Yes: McClellan, Burns, Radner, Rich Speech
 No: None
 Absent: None

MOTION DECLARED ADOPTED

Public Works

**CM-08-299-16 (AGENDA ITEM #15B) REQUEST TO APPROVE THE PUBLIC
 WORKS DEPARTMENT TO PARTICIPATE IN PRE-BID
 CONTRACTS FOR THE PURCHASE OF CITY VEHICLES
 - APPROVED**

Motion by Burns, seconded by Speech, CARRIED UNANIMOUSLY, to approve the Public Works Department to participate in pre-bid contracts for the purchase of the following city vehicles:

<u>Vehicle</u>	<u>Amount</u>	<u>Account</u>	<u>Bid</u>
2016 GMC Sierra 2500HD truck	\$33,936.00	592-18-538-970	Oakland
2016 Dodge Caravan	\$24,708.00	654-18-875-970	MIDEAL
2016 Ford Focus (2)	\$33,850.00	654-18-875-970	Macomb

Roll Call Vote: Yes: McClellan, Burns, Radner, Rich Speech
 No: None
 Absent: None

MOTION DECLARED ADOPTED

Assistant City Manager Yee reviewed the proposal to purchase vehicles for the Public Works Department using pre-bid contracts. Funding for the purchases have been allocated in the Water/Sewer and Motor Pool accounts.

Community and Economic Development

(AGENDA ITEM #15C) Ms. Marrone provided an update on Summerfest that was held August 6, 2016.

City Clerk

CM-08-300-16 (AGENDA ITEM #15D) RESOLUTION ADOPTING THE 2017 REGULAR MEETING SCHEDULE OF THE OAK PARK CITY COUNCIL - APPROVED

Motion by Radner, seconded by Rich, CARRIED UNANIMOUSLY, to approve the following resolution adopting the 2017 Regular Meeting Schedule of the Oak Park City Council:

A RESOLUTION ADOPTING THE 2017 REGULAR MEETING SCHEDULE OF THE OAK PARK CITY COUNCIL

WHEREAS, the Home Rule Charter for the City of Oak Park, Michigan in Chapter 7 captioned The Council: Procedure and Miscellaneous Powers and Duties in Section 7.1 entitled Regular meetings, specifies that the council shall provide by resolution for the time and place of its regular meetings and shall hold at least two regular meetings each month. In addition, it specifies that an organizational meeting shall be held on Monday following each regular city election.

WHEREAS, the City of Oak Park City Council Rules of Procedure, in Section 2 captioned City Council Meetings, Subsection A entitled Regular Meetings specifies that before the end of the year, the Council will approve by resolution the Regular meeting schedule for the following calendar year, including exceptions to the first and third Monday meetings.

WHEREAS, regular meetings of the City Council are generally held on the first and third Monday of each month.

WHEREAS, the Michigan "Open Meetings Act" (MCL 15.261 et. seq.) in Section 5, Subsection (2) provides that for regular meetings of a public body, there shall be posted within 10 days after the first meeting of the public body in each calendar or fiscal year a public notice stating the dates, times, and places of its regular meetings.

NOW, THEREFORE, BE IT RESOLVED that the regular meetings of the Oak Park City Council for calendar year 2017 shall be held in the Council Chambers at the Oak Park City Hall, 14000 Oak Park Boulevard, Oak Park, Michigan, telephone number (248) 691-7544, at 7:00 P.M. on the following dates:

January 3 (Monday, January 2, City Offices are closed in observance of New Year's Day)
January 17 (Monday, January 16, City Offices are closed in observance of Martin Luther King Jr. Day)
February 6 and 20
March 6 and 20
April 3 and 19* (*Wednesday)
May 1 and 15

- June 5 and 19
- July 3 and 17
- August 7 and 21
- September 5 (Monday, September 4, 2017, City Offices are closed in observance of Labor Day)
- September 18
- October 2 and 16
- November 6
- November 13 (Organizational Meeting)
- November 20
- December 4 and 18

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to give public notice of the forgoing regular dates and times for City Council meetings and the place at which meetings are to be held consistent with the requirements of Section 5, Subsection (2) of the "Open Meetings Act".

Roll Call Vote: Yes: McClellan, Burns, Radner, Rich Speech
 No: None
 Absent: None

MOTION DECLARED ADOPTED

City Clerk outlined the provisions in the Charter and Council Rules pertaining to the scheduling of City Council meetings for the Calendar Year 2017. Council discussed moving the proposed Monday, April 17th meeting date to Wednesday, April 19th since Council Members Rich and Radner would not be available due to the 17th being a religious holiday.

**CM-08-301-16 (AGENDA ITEM #15E) DESIGNATION OF FREE GARRAGE SALE
 WEKENDS FOR CALENDAR YEAR 2017 - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to designate the following weekends of April, May, June, July, August and September of calendar year 2017 for free garage sales and to waive the permit and fee requirements for these dates:

Thursday, April 27	Friday April 28	Saturday, April 29	Sunday, April 30
Thursday, May 18,	Friday, May 19	Saturday, May 20,	Sunday, May 21
Thursday, June 22	Friday, June 23	Saturday, June 24,	Sunday, June 25
Thursday, July 27	Friday, July 28	Saturday, July 29	Sunday July 30
Thursday, Aug. 24	Friday, Aug. 25	Saturday, Aug. 26	Sunday, Aug. 27
Thursday, Sept. 21	Friday, Sept. 22	Saturday, Sept. 23	Sunday, Sept. 24

Roll Call Vote: Yes: McClellan, Burns, Radner, Rich, Speech
 No: None
 Absent: None

MOTION DECLARED ADOPTED

CALL TO THE AUDIENCE:

Wanae Shamily, 21360 Ridgedale, expressed concerns about a very high water bill.

CALL TO THE COUNCIL:

Mayor Pro Tem Burns wished everyone a good night.

Council Member Speech reminded everyone about the rules related to keeping their lawns properly maintained.

Council Member Radner thanked everyone for coming out and wished everyone a good night.

Council Member Rich wished everyone a good night.

CLOSED SESSION:

CM-08-302-16 (AGENDA ITEM #18) MOTION TO ADJOURN INTO CLOSED SESSION TO DISCUSS ATTORNEY CLIENT PRIVILEGED COMMUNICATION AND PENDING LITIGATION - APPROVED

Motion by Rich, Seconded by Burns, CARRIED UNANIMOUSLY, to adjourn into Closed Session to discuss Attorney Client Privileged Communication and Pending Litigation.

Roll Call Vote:	Yes:	McClellan, Burns, Radner, Rich, Speech
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

The Closed Session began at 7:45 PM. The Regular Meeting reconvened at 8:28 PM.

CM-08-303-16 CLOSED SESSION MINUTES - APPROVED

Motion by Rich, seconded by Burns, CARRIED UNANIMOUSLY, to approve the minutes of the 08-18-16 Closed Session.

Voice Vote:	Yes:	McClellan, Burns, Radner, Rich, Speech
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 8:30 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor

**CITY OF OAK PARK, MICHIGAN
ZONING BOARD OF APPEALS
APRIL 26, 2016
MEETING MINUTES**

The meeting was called to order at 7:30 p.m. by Chairperson Landau in the Council Chambers of City Hall located at 14000 Oak Park Boulevard, Oak Park, MI 48237 and Roll Call was made.

PRESENT: Chairperson Landau, Vice Chairperson Huston, Members Barton, Blumenkopf (arrived 7:31 p.m.), Cohen, and Seligson

ABSENT: Member Peiss

OTHERS PRESENT: City Planner Kevin Rulkowski

APPROVAL OF ZONING BOARD OF APPEALS MINUTES OF FEBRUARY 23, 2016

MOTION BY Blumenkopf, SECONDED BY Seligson, to approve the meeting minutes of February 23, 2016 as submitted.

Vote: Yes: All
No: None

MOTION DECLARED ADOPTED

Chairperson Landau deviated from the agenda.

COMMUNICATIONS: None

OLD BUSINESS: None

NEW BUSINESS:

(a) **APPLICANT:**
Captain Jay's Restaurant
13500 Nine Mile
Oak Park, Michigan

PROPERTY:
13500 Nine Mile
Property Identification Number: 25-29-354-004

ORDINANCE REQUIREMENTS AND REQUEST:

Three variances are requested:

1. Article XVIII, Section 1805, B, permits one wall sign per tenant. The applicant is requesting a waiver to allow for a total of six (6) wall signs to be displayed on the building.
2. Article XVIII, Section 1805, B, permits one (1) wall sign to be displayed on the front of the building. The applicant is requesting a waiver to allow for three (3) wall signs to be displayed on the front of the building.
3. Article XVIII, Section 1805, B, permits one wall sign to be displayed only on the front of the building. The applicant is requesting a waiver to allow for wall signs on both sides of the building and one in the rear of the building.

STAFF FINDINGS OF FACT:

- 1) The property is currently zoned B-2, General Business District.
- 2) Article XVIII, Section 1805, B, permits one wall sign per tenant.
- 3) The applicant is requesting a waiver to allow for a total of six (6) wall signs to be displayed on the building.
- 4) Article XVIII, Section 1805, B, permits one (1) wall sign to be displayed on the front of the building.
- 5) The applicant is requesting a waiver to allow for three (3) wall signs to be displayed on the front of the building.
- 6) Article XVIII, Section 1805, B, permits one wall sign to be displayed only on the front of the building.
- 7) The applicant is requesting a waiver to allow for wall signs on both sides of the building and one in the rear of the building.
- 8) The business currently has 111 square feet of permitted signage displayed:
 - a. One 86 square foot wall sign.
 - b. One 25 square foot monument sign.
- 9) The Zoning Ordinance sign regulations allow retail businesses a total of 150 square feet of signage (30 square feet for a monument sign and 120 square feet for one wall sign).
- 10) The applicant is proposing an additional 96 square feet of signs to be displayed:
 - a. One 9 square foot wall sign (west front face of building).
 - b. One 9 square foot wall sign (east front face of building).
 - c. One 30 square foot wall sign (west side of building).
 - d. One 30 square foot wall sign (east side of building).
 - e. One 18 square foot wall sign (rear of building). Note: A graphic of this sign was not included with the application.
- 11) There are no nearby visual obstructions along Nine Mile that reduce visibility of the existing monument or wall sign.

STAFF RECOMMENDATIONS:

The applicant Captain Jay's Restaurant is requesting variances to allow for five (5) additional signs to be placed on the building for a total of seven (7) signs for the business. The restaurant is near a fairly busy intersection on a stand-alone property with great visibility in almost four directions. In addition to the existing signs the building is painted in a colorful manner that increases its visual presence on Nine Mile and also from Coolidge Highway.

Considering the fact that there are *no unique circumstances of the property* that inhibit visibility of the business it is hard to justify granting variances for additional signage. The business currently has the permitted number and size of signage (one monument sign and one wall sign totaling less than 150 square feet) on the property and both signs can be seen from Nine Mile adequately. In this case allowing additional signage does not seem reasonable or fair to other businesses in compliance. With this in mind a determination of a practical difficulty (*compliance would not unreasonably prevent the owner from using the property for a permitted purpose, strict compliance would not render conformity unnecessarily burdensome, there are no unique circumstances of the property*) could not be supported.

Taking the above findings of fact into consideration, it is the recommendation of the Planning Division to deny the variance requests.

Chairperson Landau opened the floor for comments:

Representatives from Captain Jay's presented arguments that the building is situated in such a way that the permitted sign cannot be seen from the west or from the south. They contended lack of visibility constitutes a hardship based on research concluding that hungry motorists have five seconds to make a decision about where to eat. The representatives argued that Tim Horton's, Walgreens and CVS all have multiple signs.

A representative of the property owner spoke in favor of the requested variance being approved, noting that businesses on the site have struggled for success. He testified Captain Jay's has signed a 20-year contract and has spent \$2 million on renovations so far.

Former State Representative David Nathan (District 8, Detroit), spoke in favor of the variance being granted, as did two employees of Captain Jay's.

In response to an inquiry from Mr. Blumenkopf about the possibility of scaling back the request, the representative of Captain Jay's indicated it is important to have signs on the front, and on both the east and west sides of the building.

City Planner Rulkowski stated the Captain Jay's store on 8 Mile Road has only two signs and vehicles on 8 Mile are traveling at greater speed than the location under discussion. He further maintained that the majority of businesses in the subject area have only one sign on the building, and asserted the monument sign should be adequate to attract traffic from both the east and west.

Answering questions from Mr. Cohen, the representative for Captain Jay's stated business hours at the subject store are 10:00 a.m. to midnight, employs 60 people, and indicated the signs would be lit.

MOTION BY Seligson, SECONDED BY Blumenkopf: based on the information presented in the Planning Division Report, and additional findings of fact discussed during the review of case # 16-03, to **deny** the request of the Captain Jay's Restaurant, 13500 Nine Mile,

1. for a waiver from the provisions in Article XVIII, Section 1805, B, to allow for a total of six (6) wall signs to be displayed on the building.
2. for a waiver from the provisions in Article XVIII, Section 1805, B, to allow for three (3) wall signs to be displayed on the front of the building.
3. for a waiver from the provisions in Article XVIII, Section 1805, B, to allow for wall signs on both sides of the building and one in the rear of the building.

VOTE: Yes: Barton, Blumenkopf, Cohen, Huston, Landau, Selgson
No: None

MOTION CARRIED

Responding to questions from the property owner, Mr. Rulkowski explained alternative variance requests will require a new submittal, and indicated he would be willing to work with the owner on a separate sign request.

(b) **APPLICANT:**
Mr. Wayne Wudyka
8775 Capital
Oak Park, Michigan

PROPERTY:
8775 Capital
Property Identification Number: 25-33-152-003

ORDINANCE REQUIREMENTS AND REQUEST:
One variance is requested:

1. Article XVI requires that the rear yard setback to be twenty-five (25) feet. The applicant is requesting a waiver of twenty-four (24) feet, one (1) inch to allow for the rear yard setback to be eleven (11) inches.

STAFF FINDINGS OF FACT:

- 1) The subject parcel is zoned LI, Light Industrial District.
- 2) Article XVI requires that the rear yard setback to be twenty-five (25) feet.
- 3) The applicant is requesting a waiver of twenty-four (24) feet, one (1) inch to allow for the rear yard setback to be eleven (11) inches.
- 4) The subject property is a corner lot, 368 feet wide by 158 feet deep.
- 5) The primary orientation of the building faces Capital.
- 6) At the April 11, 2016 meeting the Planning Commission approved a Site Plan for a 10,480 square foot addition subject to the Zoning Board of Appeals granting the necessary rear yard setback variance.
- 7) As proposed on the Approved Site Plan, a new eight space parking lot and drive is proposed for the Wyoming Avenue side (west side) of the property.
- 8) The Fire Inspector as part of the Site Plan Review process has reviewed the proposed location of the building.
- 9) The proposed addition is to be located on the rear property line, with the new building line to match the existing building footprint along the rear property line.

STAFF RECOMMENDATIONS:

The applicant, Mr. Wayne Wudyka, CRDN (Huntington Cleaners), recently received approval from the Planning Commission, to construct a 10,480 square foot addition to their existing facility at 8775 Capital. The approval was subject to the Zoning Board of Appeals granting the necessary rear yard setback variance. CRDN (Huntington Cleaners) performs fire restoration to a variety of fire damaged items at this facility. The proposed addition is to be located on the rear property line, with the new building line to match the existing building footprint along the rear property line.

In this case, strict compliance with the Zoning Ordinance provisions could possibly result in an unusual building line along the rear property line that while conforming to the setback provisions, would serve no useful purpose. In this case, conformity with the Zoning Ordinances setback provisions could be determined to be unnecessarily burdensome. Because this is a question of unique circumstances of the property being a corner lot and the location of proposed building on the property, an argument for a practical difficulty could be demonstrated.

Taking the above discussion and findings of fact into consideration, it is the recommendation of the Planning Division to approve the variance request.

Chairperson Landau opened the floor for comments:

Daniel Biber, petitioner's architect, explained the existing facility is in conflict with rear yard setback requirements. The petitioner needs to expand the building and needs to align with the current rear wall to have enough functional space. Mr. Biber indicated the parent company is CRDN and that cleaning is done at the subject location.

MOTION BY Barton, SECONDED BY Huston: based on the information presented in the Planning Division Report, and additional findings of fact discussed during the review of case # 16-04, to **approve** the request of Mr. Wayne Wudyka, 8775 Capital,

1. for a waiver of twenty-four (24) feet, one (1) inch from the provisions in Article XVI, to allow for the rear yard setback to be eleven (11) inches.

VOTE: Yes: Barton, Blumenkopf, Cohen, Huston, Landau, Seligson
No: None

MOTION CARRIED

ELECTION OF OFFICERS

Staff memo from City Planner Kevin Rulkowski, dated April 19, 2016:

According to the By-laws of the Zoning Board of Appeals, "the Board shall annually, on the first regular meeting of the year, elect its own Chairman and Vice-Chairman". Because this was not accomplished earlier in the year, it is time to elect officers.

The officers of the Zoning Board of Appeals consist of:

- *Chairperson*
- *Vice Chairperson*

Chairperson and Vice Chairperson

MOTION by Blumenkopf, SECONDED by Seligson, to **elect** Louis Landau as Chairperson, and to elect James Huston as Vice Chairperson, for the Zoning Board of Appeals.

VOTE: Yes: Barton, Blumenkopf, Cohen, Huston, Landau, Seligson
No: None

MOTION CARRIED

ADJOURNMENT

There being no objections Chairman Landau adjourned the meeting at 8:26 p.m.

Cherilynn Brown, Deputy City Clerk/Director of Elections

**CITY OF OAK PARK PLANNING COMMISSION
MAY 9, 2016
MINUTES**

Meeting was called to order at 7:30 p.m., in the City Council Chambers, Oak Park City Hall, 14000 Oak Park Boulevard, Oak Park, Michigan, by Vice Chairperson Brown and roll call was made.

PRESENT: Vice Chairperson Brown
Commissioner Eizelman
Commissioner McClellan
Commissioner Seligson
Commissioner Tkatch
Commissioner Walters-Gill

ABSENT: Chairperson Torgow
Commissioner Burns
Commissioner Tungate

OTHERS PRESENT: City Planner, Kevin Rulkowski
Technical & Planning Services Director, Robert Barrett
Community & Economic Development Director, Kimberly Marrone
Recording Secretary, Cherilynn Brown

APPROVAL OF AGENDA OF MAY 9, 2016

The Commission was in general agreement to approve the agenda as amended to remove Item 5. Election of Officers, and to move Item 9.B.2) Capital Improvement Program 2016-2017 Annual Budget forward to follow 4. Approval of Minutes of Regular Meeting April 11, 2016.

APPROVAL OF MINUTES OF APRIL 11, 2016 - APPROVED

MOTION by McClellan, SECONDED by Tkatch, to approve the Planning Commission meeting minutes of April 11, 2016 as submitted.

VOTE: Yes: All
No: None

MOTION CARRIED

NEW BUSINESS

2) Capital Improvement Program 2016-2017 Annual Budget.

Director Barrett explained the Municipal Planning Enabling Act requires the preparation of a 5-year capital improvement plan as part of the City's budget process. The Planning Commission is asked to review the plan before it is presented to City Council for final approval as part of the 2016-2017 Annual Budget.

Director Barrett clarified several points for the Commission and indicated Scotia from Oak Park Blvd. to 10 Mile Road will be assessed for rehabilitation priority status. He also noted the City is seeking to have the Road Commission for Oakland County or Detroit Edison repair the sidewalk flag referenced by Mayor McClellan.

MOTION by Walters-Gill, SECONDED by Seligson, to receive the Capital Improvement Program 2017-2022 Project Summary.

VOTE: Yes: Brown, Eizelman, McClellan, Seligson, Tkatch, Walters-Gill
No: None

MOTION CARRIED

COMMUNICATIONS/CORRESPONDENCE: None

PUBLIC HEARINGS:

- A. Public Hearing to receive comments on proposed a text amendment to Article VIII, B-2, General Business District. The proposed text amendment to the B-2 District would allow smoking lounges as a permitted use.**

Vice Chairperson Brown opened the public hearing at 7:39 p.m. and, there being no comments from the public, closed the public hearing at 7:39 p.m.

- B. Planning Commission action on proposed text amendment to Article VIII, B-2, General Business District that would allow smoking lounges as a permitted use.**

City Planner Rulkowski presented the proposed text amendment as explained in his report, dated May 4, 2016:

As discussed at recent Planning Commission meetings the Planning Division has received some inquiries regarding whether Smoking Lounges (sometimes called a Hookah Lounge) are permitted in the City of Oak Park. The Zoning Ordinance and City Code do not make any specific references to Smoking or Hookah Lounges or the regulation of these uses. After performing a search on this type of business it was discovered that a number of communities have experienced problems with this type of business, specifically an extraordinary number of responses by the police to these businesses.

The City Manager and Council has been aware of this potential problem and the City Attorney has a draft ordinance regarding the operation of Smoking Lounges that will be included as part of the Business Chapter of the General City Code.

As part of this effort, the Planning Commission should determine and recommend to City Council the appropriate Zoning District to permit Smoking Lounges.

At the April meeting a Public Hearing was scheduled for the May 9, 2016, regular meeting.

MOTION by Seligson, SECONDED by McClellan, based on the information presented in the Planning Division Report, and additional findings of fact discussed during the public hearing, to recommend to City Council **approval** of the proposed text amendment to allow Smoking Lounges as a permitted use in only the B-2 General Business District with the following conditions:

P. Smoking Lounges provided that:

- 1) The proposed Smoking Lounge is not located within 500 feet of a school, park, or place of worship.
- 2) The proposed Smoking Lounge is not located within 1,000 feet of any other Smoking Lounge.

VOTE: Yes: Brown, Eizelman, McClellan, Seligson, Tkatch, Walters-Gill
 No: None

MOTION CARRIED

CONSENT AGENDA: No Items Eligible This Month

OLD BUSINESS: None

NEW BUSINESS (cont.):

1. 1-800-Self Storage, 15160 Eight Mile Road, Final Site Plan Review.

City Planner Rulkowski covered the contents of his report, dated May 3, 2016:

The applicant, Ed Hersch, has submitted a Final Site Plan to renovate an existing three-story, 39,584 square foot office building into a 322 unit self-storage facility. The Site Plan indicates that all storage will be on the interior of the building and there will be no outside storage.

The property is zoned LI, Light Industrial District and the proposed use is permitted by right. The existing building meets the setback and height requirements.

Based on the proposed number of storage units (322 units), the proposed facility is required to provide 32 parking spaces. The Site Plan indicates 33 parking spaces will be provided. The proposed use utilizes the existing parking lot and traffic circulation pattern. The rear portion (approximately 105 feet by 125 feet) of the existing parking lot behind the building will remain hard-surfaced and provide as the entryway to the parking lot. No vehicle or truck parking is approved for the undefined hard-surface area on the rear 125 feet of the property. No outdoor storage is approved for any portion of this property.

The Site Plan shows two loading areas in the front and rear of the building. The rear loading area will have a new canopy to provide protection from the elements during loading.

There are some hard surfaced parking areas that are in need of some minor repair and should be addressed during the renovation of the site. In addition, the main driveway on the

eastern property line that also provides access to Value Wholesale is in need of repair, primarily near Eight Mile Road.

The Site Plan shows a new dumpster enclosure in the northwest corner of the site. The Site Plan includes a construction detail for the dumpster enclosure.

The Site Plan does not indicate any existing or proposed exterior lighting. However there are two large parking lot light poles in the rear parking lot. The owner has indicated they will remain and be made functional. All exterior lighting should be shielded and downward casting to eliminate the possibility of nuisance to the adjoining properties.

A new vinyl-coated chain-link fence is proposed to enclose the rear parking area. There is an existing chain-link fence along the east side of the building which appears to have little function and is in disrepair. The applicant has indicated he will remove this fence.

The building elevations do not indicate whether there will be any new mechanical equipment on the roof or ground. The Zoning Ordinance requires all roof top and ground level equipment to be screened.

There are two wall signs and a monument sign indicated on the Site Plan. The sign regulations only allow for one sign on the front face of the building and for a monument style sign. A separate sign application will have to be submitted and therefore no signage is approved as part of the site plan review.

Dustin Holder, partner of applicant Ed Hersch, and Planner Rulkowski answered Commission members' concerns:

- The building will be converted into an indoor, climate-controlled facility housing 300-350 storage units.
- A landscape plan meeting City regulations has been submitted.
- Project is estimated to be completed in 90 days.
- General contractor is working on correcting the standing water issue.
- Access for facility is included on site plan.
- Existing elevators have weight capacity of 2500 lbs. and will accommodate a three-cushion sofa.
- Applicant agrees to the conditions recommended by City Planner Rulkowski.

Vice Chairperson Brown expressed concern that the applicant began work before going through the proper process before the Planning Commission and requested confirmation from City Planner Rulkowski that the applicant received a demolition permit. Mr. Holder stated a demolition permit application was submitted for interior demolition. City Planner Rulkowski indicated the Building Official and the Fire Marshall were aware of the interior work, and demolition permits do not require review by Planning Commission.

MOTION by Eizelman, SECONDED by Walters-Gill, to approve the Site Plan for 1-800 Self Storage, 15160 Eight Mile Road, with the following conditions:

- 1) Existing hard surfaced areas in driveways and parking areas to be repaired as necessary.
- 2) Proposed or existing lighting to be shielded and downward casting to eliminate the possibility of nuisance.

- 3) All proposed roof top or ground level equipment must be screened as required by the Zoning Ordinance.
- 4) No outdoor storage is approved for any portion of this property. No vehicle or truck parking approved for the undefined hard-surface area on the rear 125 feet of the property.
- 5) No signs are approved as part of the Site Plan Review. A separate permit must be requested for the inclusion of any signs at this site.

VOTE: Yes: Brown, Eizelman, McClellan, Seligson, Tkatch, Walters-Gill
 No: None

MOTION CARRIED

PLANNING COMMISSION MATTERS FOR DISCUSSION – from members only - None

PUBLIC COMMENTS: None

ADJOURNMENT

There being no further business, Vice Chairperson Brown adjourned the meeting at 7:56 p.m.

Cherilynn Brown, Recording Secretary



CITY OF OAK PARK

Corridor Improvement Authority

Solomon Radner
Ken Rich
Keisha Speech
City Manager
Erik Tungate

CITY OF OAK PARK CORRIDOR IMPROVEMENT AUTHORITY BOARD MEETING JUNE 16, 2016 MINUTES

Meeting was called to order at 12:09 p.m., in the West Conference Room at Oak Park City Hall, 14000 Oak Park Boulevard, Oak Park, Michigan, by Chairperson Colbert and roll call was made.

PRESENT: Chairperson Colbert
Vice Chairperson Blumenkopf
Board Member Peteet
Mayor McClellan
Board Member Moulden

ABSENT: Board Member Berger
~~Board Member Peteet*~~
Board Member Attisha

OTHERS PRESENT: Community & Economic Development Director, Kimberly Marrone

3. APPROVAL OF AGENDA OF JUNE 16, 2016

MOTION by McClellan, SECONDED by Moulden, to approve the agenda for June 16, 2016 as submitted.

VOTE: Yes: All
No: None

MOTION CARRIED

4. APPROVAL OF MINUTES

MOTION by Blumenkopf, SECONDED by Moulden, to approve the minutes of the March 17, 2016 meeting as submitted.

VOTE: Yes: All
No: None

MOTION CARRIED

5. PUBLIC COMMENT

There were no members of the public in attendance.

**As corrected on August 18, 2016.*

6. UNFINISHED BUSINESS

A. Business List Update – Mayor McClellan suggested we alphabetize the list. Ms. Marrone presented that the Communications Department was working on it to send it to print as well as researching some online versions as well. More to come in the future for the online version. Dr. Colbert suggested LocalHop as a possible option which also allows to promote events.

7. NEW BUSINESS

A. County Update

Ms. Marrone presented an update on the County capture process. The county is now asking the city to capture personal property taxes before they will commit to entering into a contract with the city. Ms. Marrone will follow up with the county and bring any decisions back to the board for approval.

8. FINANCIAL REPORT - None

9. BOARD MEMBER COMMENT

Mr. Moulden is looking forward to the new planters. Mr. Blumenkopf suggested that if we do not have any agenda items to meet on we just update the board with an email and have everyone in the group do a reply all so all are informed.

10. ADJOURNMENT

MOTION by McClellan, SECONDED by Blumenkopf, to adjourn the meeting.

VOTE: Yes: All
 No: None

MOTION CARRIED

The meeting was adjourned at 12:25 p.m.

Kimberly Marrone, Economic Development and Communications Director



BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN

AGENDA OF: September 6, 2016

AGENDA #

SUBJECT: Resolution for Charitable Gaming License

DEPARTMENT: City Clerk

SUMMARY: The Bettye Harris Larynx Cancer Awareness Center located at 25900 Greenfield Road, Suite 226 has requested to be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license. The Charitable Gaming Division of the State of Michigan requires that the local organization requesting the gaming license be recognized by resolution adopted by the local governmental subdivision in which the organization conducts its principal activities. The Bettye Harris Larynx Awareness Center is planning two Bingo Gaming Night fund raisers to be held October 12, 2016 and December 10, 2016.

The organization has provided documentation indicating classification as a public charity by the Internal Revenue Service located in the City of Oak Park.

RECOMMENDED ACTION: It is recommended that City Council adopt the resolution recognizing the Bettye Harris Larynx Cancer Awareness Center as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license.

APPROVALS:

City Manager: _____

Department Director: *[Signature]*

Finance Director: _____

EXHIBITS: Draft resolution, Exemption Letter



State of Michigan
 Michigan Gaming Control Board
 Office of the Executive Director
 P.O. Box 30786
 Lansing, MI 48909
 Phone: (313) 456-4940
 Fax: (313) 456-3405
 Email: Millionaireparty@michigan.gov
 www.michigan.gov/mgcb

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES
 (Required by MCL 432.103(k)(ii))

At a _____ meeting of the _____
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD
 called to order by _____ on _____
DATE
 at _____ a.m./p.m. the following resolution was offered:
TIME

Moved by _____ and supported by _____

that the request from _____ of _____
NAME OF ORGANIZATION CITY
 county of _____, asking that they be recognized as a nonprofit
COUNTY
 organization operating in the community, for the purpose of obtaining charitable gaming licenses, be
 considered for _____
APPROVAL/DISAPPROVAL

<u>APPROVAL:</u>	Yeas: _____	<u>DISAPPROVAL:</u>	Yeas: _____
	Nays: _____		Nays: _____
	Absent: _____		Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted
 by the _____ at a _____
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL
 meeting held on _____
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

PRINTED NAME AND TITLE

ADDRESS

Organization Information: _____
ORGANIZATION'S MAILING ADDRESS, STREET, CITY, ZIP
 _____ () _____
ORGANIZATION'S PRINCIPAL OFFICER NAME AND TITLE PHONE NUMBER