

City of Wyandotte
PLANNING COMMISSION
Minutes of the Thursday, March 15, 2018, Meeting
MINUTES AS RECORDED

The meeting was called to order by Chairperson Pasko at 6:30 p.m.

COMMISSIONERS PRESENT: Adamczyk, Benson, Duran, Mayhew, Parker, Pasko, Rutkowski, Sarnacki

COMMISSIONERS EXCUSED: Lupo

ALSO PRESENT: Ben Tallerico, Planning Consultant
Kelly Roberts, Recording Secretary

COMMUNICATIONS:

None

APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING:

MOTION BY COMMISSIONER PARKER, supported by Commissioner Rutkowski, to approve the minutes of the regular Meeting of February 15, 2018. MOTION PASSED.

OLD BUSINESS:

None

NEW BUSINESS:

1. The Planning Commission reviewed the following Renewal Applications for Outdoor Cafes:
 - 2817 Van Alstyne - American Legion
 - 152 Elm - Magdaleno Ristorante
 - 6 Perry Place - Seaway Boat Club
 - 633-639 Ford Avenue - VFW #1136
 - 2910 Van Alstyne - Wine Dotte Bistro
 - 130 Maple - Sushi Bar

Resolutions duly adopted are attached.

2. **Public Hearing** - Request from Dotte Pub, Owner and Applicant, requesting special approval for a Certificate of Occupancy to renew their outdoor café on public property at 116 Oak, Wyandotte, MI in a CBD zoning district, which requires approval by the Planning Commission per Section 2200.S.2.11.

MOTION BY COMMISSIONER BENSON, Supported by Commissioner Rutkowski, RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WYANDOTTE, that the Commission reviewed the renewal application and plan for the outdoor café at 116 Oak as requested by Dotte Pub (Appellant);

AND BE RESOLVED that the Permit for an Outdoor Café on Public Property at the front of 116 Oak, Wyandotte, is hereby approved with compliance of all ordinance requirements and the conditions below prior to use as an outdoor café:

1. The outdoor café is subject to all conditions applicable to an outdoor café on public property in the Central Business District (CBD) Zoning District, Section 2202.S of the City of Wyandotte's Zoning Ordinance. The applicant is responsible for carefully reviewing, understanding and complying with the requirements of the ordinance.
2. Outdoor café to be constructed in accordance with the site plan submitted by Owner/Applicant dated January 29, 2018.
3. If alcoholic beverages are served, the current Michigan Liquor Control Commission rules and regulations shall apply, and the applicant shall obtain all necessary approvals.
4. Compliance with all Police, Fire and City Engineer requirements.
5. Use of the outdoor café shall be allowed from 7:00 a.m. to 12 midnight with extended hours to 2:00 a.m. on 3rd Fridays, Street Art Fair and events approved by Resolution by the City Council from March 15 through November 15.
6. The outdoor café shall comply with all applicable laws and regulations of the City, County, and the State.
7. Umbrellas to have name of establishment on the drip-tee only, no logo's for products.
8. Applicant is required to maintain the required 36 inch width clearance for pedestrian traffic.
9. Occupancy is limited to 12 persons.

YEAS: ADAMCZYK, BENSON, DURAN, MAYHEW, PARKER, PASKO, RUTKOWSKI, SARNACKI

NAYS: NONE ABSENT: LUPO

MOTION PASSED

- 3. PUBLIC HEARING** – Request from Captain's, Owner and Appellant, requesting special approval for a Certificate of Occupancy to renew their outdoor cafe on public property at 126 Oak, Wyandotte, MI, in CBD zoning district, which requests approval by the Planning Commission per Section 2200.S.2.a of the Zoning Ordinance.

MOTION BY COMMISSIONER PARKER, Supported by Commissioner Mayhew, that the PLANNING COMMISSION OF THE CITY OF WYANDOTTE, that the Commission reviewed the renewal application and plan for the outdoor café at 126 Oak as requested by Captain's (Appellant);

AND BE RESOLVED that the Permit for an Outdoor Café on Public Property at the front of 126 Oak, Wyandotte, is hereby approved with compliance of all ordinance requirements and the conditions below prior to use as an outdoor café:

1. The outdoor café is subject to all conditions applicable to an outdoor café on public property in the Central Business District (CBD) Zoning District, Section 2202.S of the City of Wyandotte's Zoning Ordinance. The applicant is responsible for carefully reviewing, understanding and complying with the requirements of the ordinance.
2. Outdoor café to be constructed in accordance with the site plan submitted by Owner/Applicant dated March 2, 2018.
3. If alcoholic beverages are served, the current Michigan Liquor Control Commission rules and regulations shall apply, and the applicant shall obtain all necessary approvals.
4. Compliance with all Police, Fire and City Engineer requirements.

5. Use of the outdoor café shall be allowed from 7:00 a.m. to 12 midnight with extended hours to 2:00 a.m. on 3rd Fridays, Street Art Fair and events approved by Resolution by the City Council from March 15 through November 15.
6. The outdoor café shall comply with all applicable laws and regulations of the City, County, and the State.
7. Umbrellas to have name of establishment on the drip-tee only, no logo's for products.
8. Applicant is required to maintain the required 36 inch width clearance for pedestrian traffic.
9. Occupancy is limited to 30 persons.

YEAS: ADAMCZYK, BENSON, DURAN, MAYHEW, PARKER, PASKO, RUTKOWSKI, SARNACKI
NAYS: NONE ABSENT: LUPO
MOTION PASSED

- 4. PUBLIC HEARING 022618** – Request from Jesus Moreno, Owner and Applicant, requesting review of the plans for the Preliminary site plan for the proposed development at 785 Forest, Wyandotte, MI, in a PD Zoning District. Resolution for the Stage 1 Preliminary Site Plan for the project at 785 Forest, Wyandotte, Michigan

MOTION BY COMMISSIONER BENSON, Supported by Commissioner Mayhew; WHEREAS, the Planning Commission received an application for the redevelopment of the property at 785 Forest for seven (7) residential units; and

WHEREAS, the preliminary site plan for the 785 Forest generally meets the criteria of the City of Wyandotte's Zoning Map in terms of the Planned Development District in that the PD District reflects the Master Plan which designates said area for low density residential; and

WHEREAS, on March 15, 2018, the Planning Commission of the City of Wyandotte, held a Public Hearing with proper notice, in accordance with the requirements of Act 207 of 1921 as amended;

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WYANDOTTE, to recommend to City Council that Stage 1 preliminary site plan for the project located at 785 Forest (Plans submitted by Thomas Roberts Architect, LLC – A001; A002; A003 (Option 1); A100; A101; A102; A300; A301) be accepted and **approved** subject to the findings the conditions as set forth in the City Engineer's communication dated March 12, 2018

YEAS: ADAMCZYK, BENSON, DURAN, MAYHEW, PARKER, PASKO, RUTKOWSKI, SARNACKI
NAYS: NONE ABSENT: LUPO
MOTION PASSED

- 5. PUBLIC HEARING** to hear comments regarding changes to Article XXII Special Land Uses Sub-Section 2202 Special Land Uses Designated amending Section S. Outdoor Café, Sections 1 -11, below are the Resolutions duly adopted and recommended to the City Council:

- A. MOTION BY COMMISSIONER MAYHEW, Supported by Commission Adamczyk to amend Section 2202.S.1 whereas all Outdoors Café may be set up and used from January 1 thru December 31st for all Zoning Districts (CBD, RU and B-2).

YEAS: ADAMCZYK, BENSON, MAYHEW, PASKO, RUTKOWSKI, SARNACKI
NAYS: DURAN, PARKER ABSENT: LUPO
MOTION PASSED

- B. MOTION BY COMMISSIONER RUTKOWSKI, Supported by Commissioner Pasko to amend Section 2202.S.1 whereas the hours of operation are from 7:00 a.m. to 12 Midnight Monday, Tuesday, Wednesday, Thursday and Sunday; Friday and Saturday the hours of operation are allowed from 7:00 a.m. to 2:00 a.m.

YEAS: ADAMCZYK, DURAN, MAYHEW, PASKO, RUTKOWSKI,
NAYS: BENSON, PARKER, SARNACKI ABSENT: LUPO
MOTION PASSED

- C. MOTION BY COMMISSIONER BENSON, Supported by Commissioner Parker to amend Section 2202.S.1 whereas the hours of operation are from 7:00 a.m. to 12 Midnight Monday, Tuesday, Wednesday, Thursday and Sunday after 12 midnight the café will be closed and no one is allowed on café. Friday and Saturday the hours of operation are allowed from 7:00 a.m. to 2:00 a.m. after 2:00 a.m. the café will be closed and no one will be allowed on the café.

YEAS: ADAMCZYK, BENSON, DURAN, MAYHEW, PARKER, PASKO, RUTKOWSKI,
SARNACKI
NAYS: NONE ABSENT: LUPO
MOTION PASSED

- D. MOTION BY COMMISSIONER RUTKOWSKI, Supported by Commissioner Pasko to amend Section 2202.S.1 whereas all outdoor cafes that are located on private property be exempt from Ordinance.

YEAS: ADAMCZYK, PASKO, RUTKOWSKI
NAYS: BENSON, DURAN, MAYHEW, PARKER, SARNACKI ABSENT: LUPO
MOTION FAILED TO PASSED

- E. MOTION BY COMMISSIONER PASKO, Supported by Commissioner Benson to amend Section 2202 .S.11 whereas all outdoor cafes shall apply annually and if no changes, written complaints or violations are received by the City from the previous year, the City Engineer is to review and approve the renewal application.

YEAS: ADAMCZYK, BENSON, DURAN, MAYHEW, PARKER, PASKO, RUTKOWSKI,
SARNACKI
NAYS: NONE ABSENT: LUPO
MOTION PASSED

F. MOTION BY COMMISSIONER MAYHEW, Supported by Commissioner Sarnacki to amend Section 2202 S.10 whereas all outdoor cafes shall post the hours of operation as specified by the City Engineer.

YEAS: ADAMCZYK, BENSON, DURAN, MAYHEW, PARKER, PASKO, RUTKOWSKI, SARNACKI

NAYS: NONE ABSENT: LUPO

MOTION PASSED

PERSONS IN THE AUDIENCE:

None

OTHER BUSINESS:

- Monthly Report from Ben Tallerico, Beckett & Raeder. Mr. Tallerico discussed the report that he had submitted to the Board.

BILLS AND ACCOUNT:

MOTION BY COMMISSIONER PARKER, supported by Commissioner Rutkowski to:
Pay Beckett & Raeder for Planning Consultant fee for March 2018 in the amount of \$700.00

YEAS: ADAMCZYK, BENSON, DURAN, MAYHEW, PARKER, PASKO, RUTKOWSKI, SARNACKI

NAYS: NONE ABSENT: LUPO

MOTION PASSED

MOTION TO ADJOURN:

MOTION BY COMMISSIONER ADAMCZYK, supported by Commissioner Rutkowski to adjourn the meeting at 9:15 p.m.

Public Hearing – Request from Dotte Pub, Owner and Applicant, requesting special approval for a Certificate of Occupancy to renew their outdoor café on public property at 116 Oak, Wyandotte.

The communications received were read into the record.

Dan Helka, 116 Oak Street, present.

Mr. Helka indicated that they previously had the outdoor café between the curb and the sidewalk, but they did not feel that was a good plan to maintain the customers on the café. The café was moved between the sidewalk and the building keeping the 36 inch walkway requirement from the curb line. Mr. Helka continued that he and Captain's next door put up a new fence with gates and it looks good and he was not aware of any complaints.

Chairperson Pasko asked if there was anyone else who wished to speak regarding this hearing. There being none, the hearing was closed.

PUBLIC HEARING – Request from Captain's, Owner and Appellant, requesting special approval for a Certificate of Occupancy to renew their outdoor cafe on public property at 126 Oak, Wyandotte, MI.

The communications received were read into the record.

Chairperson Pasko asked if there was anyone present who wished to speak regarding this hearing. There being none, the hearing was closed.

PUBLIC HEARING 022618 – Request from Jesus Moreno, Owner and Applicant, requesting review of the plans for the Preliminary site plan for the proposed development at 785 Forest, Wyandotte, MI,

Thomas Roberts, Thomas Roberts Architect representing the owner present.

Mr. Roberts reviewed the plans submitted and indicated that they would be changing the fences, windows, doors and use neutral earth tones for the exterior.

Chairperson Pasko indicated that they had submitted two (2) plans, and asked which plan is the preferred plan.

Mr. Roberts indicated that they would like Option #1 with 11 parking spaces.

Commissioner Benson asked if there would be 3 apartments on the ground level and 4 apartments on the 2nd floor.

Mr. Roberts indicated that was correct. Mr. Roberts continued that these are just preliminary plans and he would bring the final floor plans for the next review.

Commissioner Benson asked what the size of the units would be.

Mr. Roberts indicated that they would be one (1) bedroom 600 square feet each. Mr. Roberts indicated that the building is in good shape and this development would be really nice.

Mr. Tallerico reviewed the process of the PD District and indicated that the Commission's recommendation would be sent to the City Council and the Owner/Applicant would come back to the Commission with final plans.

Commissioner Benson asked about the parking.

Mr. Roberts indicated that they would have 11 spaces and only 9 spaces are required.

The Commission and Mr. Roberts reviewed the plans submitted.

Betty Dunn, her mother Ms. Brooks owns the property at 728 Grove. Ms. Dunn is concerned about the use of the alley and if it would be used to enter the parking lot. Ms. Dunn is

expressed further concerned about the fence at the rear. Ms. Dunn stated that the Church never had enough parking and she is concerned about their property being used.

Mr. Roberts indicated that they would be replacing the fence with a steel picket fence and the alley would not be used for parking.

Mr. Roberts reviewed the plans with Mrs. Dunn and her mother.

Chairperson Pasko asked if there was anyone else present who wished to speak regarding this hearing. There being none the hearing was closed.

PUBLIC HEARING to hear comments regarding changes to Article XXII Special Land Uses Sub-Section 2202 Special Land Uses Designated amending Section S. Outdoor Café, Sections 1 -11

Corki Benson, 404 Vinewood, Wyandotte indicated that she is representing Garfield United and the Wyandotte Community Alliance. Ms. Benson read her communication which is attached.

Bruce Yinger, 117 Chestnut, Wyandotte. Mr. Yinger indicated that he can't understand why the ordinance is being changed again when the current ordinance is not being enforced. Mr. Yinger indicated that he does not have any issues with the building, at 126 Oak but the building was designed for 300 plus people. Mr. Yinger further indicated that he understands that he lives by an entertainment district, but the operations should stay within the building.

Mr. Yinger continued that the people going to the cafes are disrespectful and the stipulations that are currently on the property are not being enforced and there should be no changes made to the ordinance at this time.

Joseph Hirsch, 144 Chestnut, Wyandotte. Mr. Hirsch indicated that extending the hours until 2:00 a.m. is a bad idea and asked how that improves the quality of life. Mr. Hirsch continued that the noise goes on well past midnight and it is unbearable.

Mr. Hirsch indicated that there are people out on the café at Captain's past midnight smoking and there is no one in the building. Mr. Hirsch stated that Captain's is a repeated violator of the Ordinance and state law. Mr. Hirsch submitted a list of events that he witnessed of issues at Captain's.

John Howey, owner of 114 Oak Street representing the tenants of the Edinger Apartments. Mr. Howey indicated that his family has owned the building for 50 years and the tenants have issues with people smoking and the smoking going into their apartments and it is not fair for them to live with second hand smoke. Mr. Howey indicated that he feels they are in violation of the Smoke Free Law in Michigan.

Mr. Howey stated that the tenants are also dealing with noise from the use of the café and the café is used well past midnight and any changes to the ordinance should be denied.

Mary Guilloz, 145 Chestnut. Ms. Guilloz indicated that she does not understand why the Ordinance is being reviewed because a 23 year old girl was not happy and submitted a petition. Ms. Guilloz indicated that she and her husband have lived in Wyandotte their whole lives and she does not feel it should be changed.

Ms. Guilloz stated that they are complaining about the outdoor café emptying at midnight what would happen at 1:00 a.m. or 2:00 a.m. it would be worse.

Ms. Guilloz asked the Commission to look at the residents as a priority over 1:00 am and keep everything as it is instead of looking at petitions signed by people who don't even live in the area or Wyandotte.

Dan Helka, 116 Oak. Mr. Helka stated that he understands the noise problems and his resolution would be no music outside. Mr. Helka further indicated that when they ask customers to leave the outdoor café at midnight the people are not happy that they have to leave. Mr. Helka continued that during the week there are no problems, but on the weekend there are only so many people they can hold in the inside and the customers just don't understand why they have to leave,

Mr. Helka indicated that he would like to see the following changes:

- Fees are a bit excessive and they should be lowered.

- Insurance requirements are in excess and above what the state requires.

- Dates should be extended and even be all year round.

Owner of RP McMurphy's was present and indicated that he feels the dates of the outdoor café should be all year and he is in favor of extending the hours. RP McMurphy's further indicated that the fees need to be lowered; he already pays for a business license and does not understand why it is so much for the outdoor café license.

Bob Salamon, Commander of the American Legion Post in Bishop Park. Mr. Salamon indicated that he feels the fees are too high and there should be a difference fee for bars since they are a business with customers and clubs since they have members and they are not open to the public.

Mr. Salamon asked what the difference was between the \$150 fee and the \$600 fee.

Chairperson Pasko indicated that the fees are established by the City Council and the Commission discussed this last year and it was determined that if you had a liquor license, the fee would be \$600,

Les Salliotte, 2827 2nd Street, Wyandotte. Mr. Salliotte indicated that he would like to see all patios stay open until 2:00 a.m. all year around. Mr. Salliotte indicated that they remove their own snow so it would not be an issue.

Mr. Salliotte indicated that at one time the Planning Commission wanted the cafes opened until 2:00 a.m., but it did not get approved by Council.

Mr. Salliotte indicated that there has been a lot of talk about music and they have a decidable read and they use it quite often to make sure they are in compliance and they are usually at 55 decibels when they take it at the property line. Mr. Salliotte indicated that Captain's has never received a ticket for noise violation.

Mr. Salliotte indicated that he feels that the Liquor Control Commission rules should apply to the outdoor café which would allow it to stay open until 2:00 a.m.

Mr. Salliotte submitted a letter from the City Attorney regarding the use of the outdoor café to be allowed for smoking attached.

Commissioner Sarnacki stated that a couple of months ago the Commission reviewed Captain's rear café and adopted a Resolution that the rear café could not be used as a no smoking area and he is not sure what the issue is.

The Commission had a conversation with the Rick DeSana and Les Salliotte, Owners of Captain's regarding the State of Michigan Smoking Laws.

The Commission indicated that maybe a legal opinion needs to be received from the City Attorney regarding smoking laws.

Mr. Salliotte asked if the Commission received the picture showing patrons in the street and on the sidewalk when the outdoor café closes. Mr. Salliotte further indicated that the outdoor café should be allowed to stay open so their customers would not have to go into the sidewalk or street area to smoke.

Mike Mazloun, owner of 130 Maple, Wyandotte. Mr. Mazloun indicated that he supports the other bar owners and feels that the outdoor cafes should be allowed to be open all year if the weather permits and they should be able to be open until 2:00 a.m. Mr. Mazloun indicated that it is very hard on the restaurants and bars in the winter to bring people in to their businesses.

Mary Guilloz, 145 Chestnut. Ms. Guilloz indicated that the residents on her block have put a lot of money into their properties and she would hate to see these good residents move out of Wyandotte because of outdoor cafes. Ms. Guilloz further stated that she feels that the Ordinance should stay the same.

Chairperson Pasko asked if there was anyone else who wished to speak regarding this hearing. There be none the hearing was closed.

COMMUNICATION RECEIVED FROM PUBLIC HEARING

OFFICIALS

Lawrence S. Stec
CITY CLERK

Todd M. Browning
CITY TREASURER

Theodore H. Galeski
CITY ASSESSOR



MARK A. KOWALEWSKI, P.E.
CITY ENGINEER

MAYOR
Joseph R. Peterson

COUNCIL
Robert Alderman
Chris Calvin
Robert A. DeSana
Megan Misani
Leonard T. Sabuda
Donald Schultz Jr.

March 6, 2018

Stan Pasko, Chairperson
Planning Commission
3200 Biddle Avenue
Wyandotte, Michigan 48192

RE: Amendments to the Outdoor Café Ordinance

Dear Chairperson Pasko:

When considering changing the time frames for set up and use of outdoor cafes in the Central Business District (CBD), please consider the following. The Department of Public Service (DPS) provides snow removal from the City Sidewalks from properties located in the CBD. Typically, snow has been removed from December thru March. In the last two (2) years, the earliest work day was December 7 and the latest work day was March 14. The owners will need to have furniture and fencing removed in order for the DPS to complete the removal.

I have no objections to any proposed change in dates of set up and use for outdoor cafes as long as the DPS can perform their duties. If changes are being considered perhaps different time frames should be provided for public areas and private property.

Very truly yours,

Mark A. Kowalewski
City Engineer

Corki- Resident 404 Vinewood, Secretary Garfield Neighbors United, Facilitator of Wyandotte Community Alliance

I believe it is time for a little history lesson in regards to the issues regarding outdoor cafes. Many of you will remember and some of you are too young to understand that history repeats itself....even in Wyandotte.

Once upon a time the south end of Wyandotte was a residential area of old homes surrounded by numerous bars. Those bars and the activity they created eventually turned many of those residential homes into flop houses. The one sure thing that was in that neighborhood every night was the police paddy wagon and not just from 2-3AM but on some days on/and/ off/ all day! Mayor DeSana and urban renewal took over and eventually with the help of people like Jim Johnston and the McKinley Neighbors United things changed. There is now an entire area of Wyandotte populated with residents, a couple bars, and new homes that replaced those flop houses and that busy paddy wagon.

Another time a bar on the river created a situation where the surrounding residential neighborhood was the victim of last call. It included bottles and can trash, parking problems, patrons peeing in the street, and loud noises and fights on their front lawns every weekend. Residents complained constantly. The city put up signs to try and solve the parking problems on the street forcing many patrons to park and walk as far away as Copeland Center. Police officers began working the area and many city council members and Garfield Neighbors United members walked the streets when the bar closed at 2AM. The bar eventually closed for whatever reason and the neighborhood problems stopped.

We all know things change. New ideas brought outdoor cafes to Wyandotte. The old law of drinking on public streets created a need for an ordinance to provide rules and regulations equal for all these outdoor cafes.

Some of these outdoor cafes are in areas surrounded by neighbors who live in a 9 to 5 world and are now influenced by the outdoor cafes and their night time activities. Residents now hear "new noises" coming from these cafes when they

are ready to go to sleep. Outdoor cafe owners argue that people who bought their houses in Wyandotte should have known that bar could open near their house. But a bar is different from the new outdoor cafés. Bar activities are usually confined to the inside of the bar not in the public outdoor areas of a chosen neighborhood. Hence the hours of operation are dictated by the ordinance.

In the past and during the growth of these 30+ outdoor cafes there have been issues of the midnight closings not being enforced in some cases under the current ordinance. Now comes the history lesson part again.....if outdoor cafes are allowed to be open until 2AM when even the midnight closings cannot consistently be enforced, the residents will be exposed to much later closing activities due to extra traffic noises, extra people-sometimes not sober- in their neighborhood and music and smoking which have been some of the current complaints.

Open cafes are big business but so are neighborhoods. It would be very sad if the issues with outdoor cafes are not resolved in a manner acceptable to all of Wyandotte, because history may just have an opportunity to repeat itself again.

For

Communication from ①
Joseph Hirsch - 144 Chestnut

Extending café hours to one o'clock in the morning is a bad idea.

How does that in any way improve the quality of life in Wyandotte?

As a resident living on Chestnut Street I can tell you the noise coming from Captain's Bar on every warm night is very disturbing. It usually goes on well past midnight in violation of the café ordinance. If allowed to continue and with increased occupancy it'll be unbearable. It has already affected the health and welfare of the neighbors.

Perhaps you can't picture just what it's like. So imagine a neighbor of your's has a party. Maybe a graduation party. Fifty or sixty people show up. It gets very loud and goes on late into the night/early morning. As a good neighbor you say well it's just one night or maybe you are even part of the festivities. But the next weekend it's the same on Friday, Saturday even Sunday night. And again on the third weekend. You can't stand it any longer. By then you're calling the police. They arrive to tell the partyers to shut it down or get a ticket. Then go to court facing a fine.

Captain's Bar does this every weekend, consistently violating the midnight cafe curfew. Although it's not a café really. It is a loud, wild, frat like, drinking party every warm weather weekend night and many week nights. There are nights when one would like to go to bed at a reasonable hour with windows open. But that's impossible in our neighborhood given the racket across the street. Our right to relative quiet has been stolen from us.

The owners claim it's permissible to allow the patio to be a smoking area. But it's not just a smoking area. Walk by the bar windows and you will see just a few patrons inside while there are 50 to 75 people out on the patio. Some smoking, all with drinks.

In light of the repeated violations Captain's should not have a café permit, let alone permission to expand the facility. The expansion puts them 50' from an existing residence. That's unacceptable!

The owners have told us on a few occasions that they want to be good neighbors.

That's a disingenuous statement considering their obvious lack of

consideration for the neighbors.

Courtesy has given way to profit and it equals greed. Is that what's really going on here!

Friday/Sat., May 12 - 12:20 Rick serving. Called WPD at 12:33, Again at 12:55.
Dispatch said police were there.

Saturday/Sunday, 12:22 a.m. Noise from the bar called WPD

Tuesday/Wednesday, May 16 - Heard music from Captain's until 1:50 a.m.
(Tues.)

Sunday/Monday, May 21 - noise from Captain's until 1:00 a.m.

Saturday/Sunday, June 11, Called WPD at 1:28. Police arrived at 1:40
Walked over at 1:50. They were serving.

Friday/Saturday, June 16 - Called WPD at 1:12

Saturday/Sunday, June 17 - Checked Captain's at 12:45 - serving

Sunday/Monday, June 18 - Heard music at 12:50, then stopped, Checked at
1:00 serving

Monday June 19, 10:40 - Two guys on the patio, heard them here.

Friday/Saturday, July 8, 1:10 - Called WPD. Dispatch said "I'll get them out
there. Quieter at 1:30

Saturday/Sunday, 12:27 a.m. - Called WPD. Talked to three officers. They said
they can carry drinks out back to smoking area.

Monday, July 10, 4:48 p.m. - Noisy at Captain's, Heard some loud howling.

Wednesday, July 12 - Noisy at Captain's

Thursday, July 13 - Noisy across the street.

Friday/Saturday, July 14 - Noisier than last night at Captain's

Saturday/Sunday, July 15 - Very loud at Captain's til 2:00 and later.

Saturday/Sunday, July 22 - Noisy at Captain's, Quieter at 12:45, then noisier
again at 1:30 til 2:15

Monday/Tuesday, July 25, 12:30 - Music can be heard @ Captain's. Walked
over - not one person on the patio.

Thursday/Friday, July 27 - 12:30 Called WPD. Guys shouting and arguing.

Saturday, August 5, 4:15 p.m. - Pulled in the driveway after a week at Boy Scout

4

Camp. All kinds of racket coming from Captain's. Just more of the same!

Friday/Saturday, September 15 - third Friday, Very loud at Captain's til 2:00

Monday, October 9, 12:30 - TV on at Captain's

Friday/Saturday, October 13, 12:40 - Noisy at Captain's

Saturday/Sunday, October 22 - Captain's outside after 12, tv and music on.

Friday/Saturday, October 28 - Noise from Captain's after 12, tv and music on.
Heard with windows closed.

Saturday/Sunday, November 4 - Captain's, Noise, TV, Firepit til 2:00, light mist.

Rec 3/15/18

LOOK, MAKOWSKI AND LOOK
PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW
2241 OAK STREET
WYANDOTTE, MICHIGAN 48192

(734) 285-6500
FAX (734) 285-4160

WILLIAM R. LOOK
STEVEN R. MAKOWSKI

RICHARD W. LOOK
(1912 - 1993)

June 8, 2017

Dean C. Robinette
13349 Reeck Court
Southgate, MI 48195

Re: *Captains*

Dear Mr. Robinette:

I discussed the smoking issue with the Chief of Police and he has no problem with smoking after midnight outside of the Pub if it does not disturb the peace. If the outdoor café is being used for entertainment, music and/or service of guests, that would be in violation of the ordinance after 12:00 midnight.

With regards to the city zoning ordinance, a special land use has been approved for outdoor cafes subject to restrictions as set forth in the planning commission approval and the city ordinances.

The LCC indicates that the licensee shall comply with all zoning ordinances and therefore the restrictions in the zoning ordinance for outdoor cafes are applicable to your client's premises.

Very truly yours,

LOOK, MAKOWSKI and LOOK
Professional Corporation



William R. Look

WRL:ks

Enclosures

120 OAK 126

OFFICIALS

Lawrence S. Stec
CITY CLERK

Todd M. Browning
CITY TREASURER

Thomas R. Woodruff
CITY ASSESSOR



MARK A. KOWALEWSKI, P.E.
CITY ENGINEER

2cc 3/15/18

MAYOR
Joseph R. Peterson

COUNCIL
Sheri Sutherby Fricks
Daniel E. Galeski
Ted Michurs, Jr.
Leonard T. Sabuda
Donald C. Schultz
Kevin VanBoxell

September 1, 2015

Rick DeSana
Captains
126 Oak Street
Wyandotte, Michigan 48192

RE: Rear Outdoor Café at 126 Oak Street
Wyandotte, Michigan

Dear Mr. DeSana:

Enclosed is the Certificate of Occupancy for the rear outdoor café at 126 Oak Street, Wyandotte.

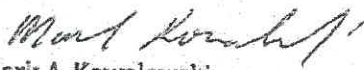
In addition, the City has received a letter from your legal counsel, Dean C. Robinette, regarding a Police response on August 16, 2015, at 1:45 a.m. Police Officers arrived at Captains and the owner's representative agreed to close the outdoor café at that time.

Concerning your inquiry about permitted hours of operation for the outdoor café, you are subject to the City's Zoning Ordinance. (Please reference MAC 436.1003 and the terms of your liquor license application which you submitted to the LCC). If you are aware of any legal authority to the contrary please submit it to my attention. MAC 436.2114 addresses a local government unit prohibiting the sale of alcohol during certain hours. The City Zoning Ordinance for outdoor café's pertains to outdoor service during certain hours due to noise and other matters.

Please be aware that you have approval to operate the outdoor café until midnight.

If you have any questions, please feel free to contact me.

Very truly yours,


Mark A. Kowalewski
City Engineer

MAK:kr

Enclosure

cc: Dean C. Robinette, Foley & Robinette, P.C.
William R. Look, City Attorney
Dan Grant, Police Chief
Todd Drysdale, City Administrator

3200 Biddle Avenue, Suite 200, Wyandotte, Michigan 48192 734-324-4551 • Fax 734-324-4535 email: engineering1@wyandotte.org



Equal Housing Opportunity

An Equal Opportunity Employer

**Michigan Smoke Free Law
Frequently Asked Questions
General Information**

Beginning May 1, 2010, smoking is prohibited in most public places in Michigan. The law will cover any workplace and any food service establishment. This law covers public places, including, but not limited to, restaurants, bars, shopping malls, bowling alleys, concert halls, arenas, museums, mechanic shops, health facilities, nursing homes, education facilities, and child care centers.

Why was the law passed?

The Michigan legislature passed the Dr. Ron Davis Smoke-Free Air Law on December 10, 2009 to preserve and improve the health, comfort, and environment of the people of the state by limiting exposure to secondhand smoke. Governor Granholm signed the bill into law on December 18, 2009.

When does the law go into effect?

May 1, 2010

Will the local regulation/ordinance in my county/city/township still apply?

The Dr. Ron Davis Smoke Free Air Act will not serve as the only smoke free law in the state, but it does set forth the minimum requirements for indoor workplaces and public places where smoking is regulated and these minimum standards apply state-wide. The statewide law does the following: (1) establishes where people can smoke and where they can't if your local community is not currently covered by any city or county local law; and (2) ensures that any provisions that are weaker in your local law (compared to the state law) are now made **AT LEAST AS STRONG** as the statewide law.

Where are people not allowed to smoke?

Under the new law, smoking is prohibited in public places and food service establishments. A public place means an (i) enclosed indoor area owned or operated by a state or local governmental agency and used by the general public; (ii) an enclosed indoor area used by the general public and is an educational facility, a home for the aged, nursing home, hospice, or hospital long-term care unit, auditorium, arena, theater, museum, concert hall, or any other facility during the period of its use for a performance or exhibit of the arts; (iii) unless otherwise exempted, a place of employment. Place of employment means an enclosed indoor area that contains one or more work area for one or more persons employed by a public or private employer.

How are multi-unit apartment buildings and condominium buildings affected by the smoke-free law?

Bars, Restaurants, and Other Food Service Establishments

What is a food service establishment?

A food service establishment is defined in section 1107(n) of the food law of 2000, 200 PA 92, MCL 289.1107 as: a fixed or mobile restaurant, a coffee shop, a cafeteria, short order café, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, nightclub, drive-in, industrial feeding establishment, private organization serving the public, rental hall, catering kitchen, delicatessen, theater, commissary, food concession, or similar place in which food or drink is prepared for direct consumption through service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public.

Where is smoking prohibited in a restaurant?

Smoking is not allowed in any indoor area as well as outdoor areas such as patios or rooftops where patrons are intended to receive service or consume food, beverages, or both.

Where are restaurant guests or employees permitted to smoke?

Smoking may be allowed in outdoor areas where food, beverages, or both are not intended to be served or consumed.

My establishment only has a liquor license, does the smoke free law still apply to me?

Yes, your establishment is still considered a food service establishment under the Food Law Act No. 92 of 2000 as amended.

What do food service establishment operators need to do to comply with this law?

Food service establishment operators shall prohibit smoking in areas where it is not permitted. Compliance is determined by the following:

- Clearly and conspicuously post "no smoking" signs or the international "no smoking" symbol at each entrance and in other areas where smoking is prohibited under this act. These other areas may include outdoor areas such as patios or rooftops where patrons are intended to receive service or consume food, beverages, or both.
- Removing ashtrays and other smoking paraphernalia from anywhere where smoking is prohibited. "Smoking paraphernalia" means any equipment, apparatus, or furnishing that is used in or necessary for the activity of smoking.

PLANNING COMMISSION
RESOLUTION MARCH 15, 2018

RESOLUTION BY COMMISSIONER BENSON

SUPPORTED BY COMMISSIONER PARKER

RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WYANDOTTE, that the Commission reviewed the renewal application and plan for the outdoor café at 2817 Van Alstyne as requested by American Legion Post 217 (Appellant);

AND BE RESOLVED that the Permit for an Outdoor Café on Public Property at 2817 Van Alstyne, Wyandotte, is hereby approved with compliance of all ordinance requirements and the conditions below prior to use as an outdoor café:

1. The outdoor café is subject to all conditions applicable to an outdoor café on public property in the Central Business District (CBD) Zoning District, Section 2202.S of the City of Wyandotte's Zoning Ordinance. The applicant is responsible for carefully reviewing, understanding and complying with the requirements of the ordinance.
2. Outdoor café to be constructed in accordance with the site plan submitted by Owner/Applicant dated February 26, 2018.
3. If alcoholic beverages are served, the current Michigan Liquor Control Commission rules and regulations shall apply, and the applicant shall obtain all necessary approvals.
4. Compliance with all Police, Fire and City Engineer requirements.
5. Use of the outdoor café shall be allowed from 7:00 a.m. to 12 midnight with extended hours to 2:00 a.m. on 3rd Fridays, Street Art Fair and events approved by Resolution by the City Council from March 15 through November 15.
6. The outdoor café shall comply with all applicable laws and regulations of the City, County, and the State.
7. Umbrellas to have name of establishment on the drip-tee only, no logo's for products.
8. Occupancy is limited to 36 persons
9. Approval by the Wyandotte City Council for the use of City –Owned Property.

I move adoption of the foregoing resolution.

<u>YEAS</u>	<u>MEMBERS</u>	<u>NAYS</u>
X	ADAMCYK	
X	BENSON	
X	DURAN	
	LUPO (Absent)	
X	MAYHEW	
X	PARKER	
X	PASKO	
X	RUTKOWSKI	
X	SARNACKI	

MOTION PASSED

PLANNING COMMISSION
RESOLUTION MARCH 15, 2018

RESOLUTION BY COMISSIONER BENSON

SUPPORTED BY COMMISSIONER PARKER

RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WYANDOTTE, that the Commission reviewed the renewal application and plan for the outdoor café at 152 Elm as requested by Magdaleno Ristorante (Appellant);

AND BE RESOLVED that the Permit for an Outdoor Café on Private Property at 152 Elm, Wyandotte, is hereby approved with compliance of all ordinance requirements and the conditions below prior to use as an outdoor café:

1. The outdoor café is subject to all conditions applicable to an outdoor café on public property in the Central Business District (CBD) Zoning District, Section 2202.S of the City of Wyandotte's Zoning Ordinance. The applicant is responsible for carefully reviewing, understanding and complying with the requirements of the ordinance.
2. Outdoor café to be constructed in accordance with the site plan submitted by Owner/Applicant dated January 26, 2018.
3. If alcoholic beverages are served, the current Michigan Liquor Control Commission rules and regulations shall apply, and the applicant shall obtain all necessary approvals.
4. Compliance with all Police, Fire and City Engineer requirements.
5. Use of the outdoor café shall be allowed from 7:00 a.m. to 12 midnight with extended hours to 2:00 a.m. on 3rd Fridays, Street Art Fair and events approved by Resolution by the City Council from March 15 through November 15.
6. The outdoor café shall comply with all applicable laws and regulations of the City, County, and the State.
7. Umbrellas to have name of establishment on the drip-tee only, no logo's for products.
8. Occupancy is limited to 46 persons

I move adoption of the foregoing resolution.

<u>YEAS</u>	<u>MEMBERS</u>	<u>NAYS</u>
X	ADAMCYK	
X	BENSON	
X	DURAN	
	LUPO (Absent)	
X	MAYHEW	
X	PARKER	
X	PASKO	
X	RUTKOWSKI	
X	SARNACKI	

MOTION PASSED

PLANNING COMMISSION
RESOLUTION MARCH 15, 2018

RESOLUTION BY COMMISSIONER BENSON

SUPPORTED BY COMMISSIONER PARKER

RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WYANDOTTE, that the Commission reviewed the renewal application and plan for the outdoor café at 6 Perry Place as requested by Seaway Boat Club of Wyandotte (Appellant);

AND BE RESOLVED that the Permit for an Outdoor Café on Private Property at 6 Perry Place, Wyandotte, is hereby approved with compliance of all ordinance requirements and the conditions below prior to use as an outdoor café:

1. The outdoor café is subject to all conditions applicable to an outdoor café on public property in the General Business (B-2) Zoning District, Section 2202.S of the City of Wyandotte's Zoning Ordinance. The applicant is responsible for carefully reviewing, understanding and complying with the requirements of the ordinance.
2. Outdoor café to be constructed in accordance with the site plan submitted by Owner/Applicant dated February 24, 2018.
3. If alcoholic beverages are served, the current Michigan Liquor Control Commission rules and regulations shall apply, and the applicant shall obtain all necessary approvals.
4. Compliance with all Police, Fire and City Engineer requirements.
5. Use of the outdoor café shall be allowed from 7:00 a.m. to 12 midnight with extended hours to 2:00 a.m. on 3rd Fridays, Street Art Fair and events approved by Resolution by the City Council from March 15 through November 15.
6. The outdoor café shall comply with all applicable laws and regulations of the City, County, and the State.
7. Umbrellas to have name of establishment on the drip-tee only, no logo's for products.
8. Occupancy is limited to 56 persons

I move adoption of the foregoing resolution.

<u>YEAS</u>	<u>MEMBERS</u>	<u>NAYS</u>
X	ADAMCYK	
X	BENSON	
X	DURAN	
	LUPO (Absent)	
X	MAYHEW	
X	PARKER	
X	PASKO	
X	RUTKOWSKI	
X	SARNACKI	

MOTION PASSED

PLANNING COMMISSION
RESOLUTION MARCH 15, 2018

RESOLUTION BY COMMISSIONER BENSON

SUPPORTED BY COMMISSIONER PARKER

RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WYANDOTTE, that the Commission reviewed the renewal application and plan for the outdoor café at 633-639 Ford Avenue as requested by VFW #1136 (Appellant);

AND BE RESOLVED that the Permit for an Outdoor Café on Private Property at the rear of 633-639 Ford Avenue, Wyandotte, is hereby approved with compliance of all ordinance requirements and the conditions below prior to use as an outdoor café:

1. The outdoor café is subject to all conditions applicable to an outdoor café on public property in the General Business District (B-2) Zoning District, Section 2202.S of the City of Wyandotte's Zoning Ordinance. The applicant is responsible for carefully reviewing, understanding and complying with the requirements of the ordinance.
2. Outdoor café to be constructed in accordance with the site plan submitted by Owner/Applicant dated March 5, 2018.
3. If alcoholic beverages are served, the current Michigan Liquor Control Commission rules and regulations shall apply, and the applicant shall obtain all necessary approvals.
4. Compliance with all Police, Fire and City Engineer requirements.
5. Use of the outdoor café shall be allowed from 7:00 a.m. to 12 midnight with extended hours to 2:00 a.m. on 3rd Fridays, Street Art Fair and events approved by Resolution by the City Council from March 15 through November 15.
6. The outdoor café shall comply with all applicable laws and regulations of the City, County, and the State.
7. Umbrellas to have name of establishment on the drip-tee only, no logo's for products.
8. Occupancy is limited to 25 persons

I move adoption of the foregoing resolution.

<u>YEAS</u>	<u>MEMBERS</u>	<u>NAYS</u>
X	ADAMCYK	
X	BENSON	
X	DURAN	
	LUPO (Absent)	
X	MAYHEW	
X	PARKER	
X	PASKO	
X	RUTKOWSKI	
X	SARNACKI	

MOTION PASSED

PLANNING COMMISSION
RESOLUTION MARCH 15, 2018

RESOLUTION BY COMMISSIONER BENSON

SUPPORTED BY COMMISSIONER PARKER

RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WYANDOTTE, that the Commission reviewed the renewal application and plan for the outdoor café at 2910 Van Alstyne as requested by Wine Dotte Bistro (Appellant);

AND BE RESOLVED that the Permit for an Outdoor Café on Public Property at the front of and in the City No. 1 Parking Lot at 2910 Van Alstyne, Wyandotte, is hereby approved with compliance of all ordinance requirements and the conditions below prior to use as an outdoor café:

1. The outdoor café is subject to all conditions applicable to an outdoor café on public property in the Central Business District (CBD) Zoning District, Section 2202.S of the City of Wyandotte's Zoning Ordinance. The applicant is responsible for carefully reviewing, understanding and complying with the requirements of the ordinance.
2. Outdoor café to be constructed in accordance with the site plan submitted by Owner/Applicant dated February 28, 2018.
3. If alcoholic beverages are served, the current Michigan Liquor Control Commission rules and regulations shall apply, and the applicant shall obtain all necessary approvals.
4. Compliance with all Police, Fire and City Engineer requirements.
5. Use of the outdoor café shall be allowed from 7:00 a.m. to 12 midnight with extended hours to 2:00 a.m. on 3rd Fridays, Street Art Fair and events approved by Resolution by the City Council from March 15 through November 15.
6. The outdoor café shall comply with all applicable laws and regulations of the City, County, and the State.
7. Umbrellas to have name of establishment on the drip-tee only, no logo's for products.
8. Occupancy is limited to 4 persons for the smaller café and 40 persons for the café in Parking Lot No. 1.
9. Approval by the Wyandotte City Council for the use of Parking No. 1.

I move adoption of the foregoing resolution.

<u>YEAS</u>	<u>MEMBERS</u>	<u>NAYS</u>
X	ADAMCYK	
X	BENSON	
X	DURAN	
	LUPO (Absent)	
X	MAYHEW	
X	PARKER	
X	PASKO	
X	RUTKOWSKI	
X	SARNACKI	

MOTION PASSED

PLANNING COMMISSION
RESOLUTION MARCH 15, 2018

RESOLUTION BY COMISSIONER BENSON

SUPPORTED BY COMMISSIONER PARKER

RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WYANDOTTE, that the Commission reviewed the renewal application and plan for the outdoor café at 130 Maple as requested by Sushi Bar (Appellant);

AND BE RESOLVED that the Permit for an Outdoor Café on Public Property at the front of 130 Maple, Wyandotte, is hereby approved with compliance of all ordinance requirements and the conditions below prior to use as an outdoor café:

1. The outdoor café is subject to all conditions applicable to an outdoor café on public property in the Central Business District (CBD) Zoning District, Section 2202.S of the City of Wyandotte's Zoning Ordinance. The applicant is responsible for carefully reviewing, understanding and complying with the requirements of the ordinance.
2. Outdoor café to be constructed in accordance with the site plan submitted by Owner/Applicant dated February 22, 2018.
3. If alcoholic beverages are served, the current Michigan Liquor Control Commission rules and regulations shall apply, and the applicant shall obtain all necessary approvals.
4. Compliance with all Police, Fire and City Engineer requirements.
5. Use of the outdoor café shall be allowed from 7:00 a.m. to 12 midnight with extended hours to 2:00 a.m. on 3rd Fridays, Street Art Fair and events approved by Resolution by the City Council from March 15 through November 15.
6. The outdoor café shall comply with all applicable laws and regulations of the City, County, and the State.
7. Umbrellas to have name of establishment on the drip-tee only, no logo's for products.
8. Occupancy is limited to 32 persons.

I move adoption of the foregoing resolution.

<u>YEAS</u>	<u>MEMBERS</u>	<u>NAYS</u>
X	ADAMCYK	
X	BENSON	
X	DURAN	
	LUPO (Absent)	
X	MAYHEW	
X	PARKER	
X	PASKO	
X	RUTKOWSKI	
X	SARNACKI	

MOTION PASSED