

**MINUTES OF THE SPECIAL GROSSE POINTE CITY COUNCIL MEETING HELD IN
THE CITY COUNCIL CHAMBERS, 17145 MAUMEE AVENUE, GROSSE POINTE, MICHIGAN ON
MONDAY, JUNE 6, 2011.**

The meeting was called to order at 7:00 p.m.

ROLL CALL

Present: Mayor Scrace, Council Members Boettcher, Parthum, Stempfle, Stevens and Weipert

In Attendance: City Clerk Arthurs, Attorneys Fildew and Kennedy, Public Service Director Weitzel, Finance Director Kleinow and City Planner Jackson.

Motion by Council Member Weipert second by Council Member Boettcher to excused Council Member Walsh from the meeting for personal reasons.

UNANIMOUSLY ADOPTED.

The Council now convened as the Planning Commission.

Motion by Council Member Weipert second by Council Member Stempfle to remove the Special Use Request and Site Plan Review for the Neighborhood Club from the table.

UNANIMOUSLY ADOPTED.

SPECIAL USE REQUEST – NEIGHBORHOOD CLUB – 17150 WATERLOO

The Neighborhood Club, 17150 Waterloo has submitted an application for special land use for a permitted use that is over 5,000 square feet for an office and fitness facility in a T1 and T2 Transitional Zoning District. The proposed facility will be approximately 39,743 square feet. City Attorney Kennedy provided an overview of the discussions since the initial review of the project by City Council on May 16. Negotiations took place between the City and the Neighborhood Club regarding outstanding issues for the special use request.

City Planner Jackson reviewed his report and discussed various aspects of the special land use and recommended approval of the special use with conditions.

Motion by Council Member Weipert second by Council Member Stevens to approve the special use request for the Neighborhood Club, 17150 Waterloo, to occupy over 5,000 square feet in the T1 and T2 Transitional zoning district, with the following conditions:

1. The Neighborhood Club shall make a payment in lieu of providing required parking under the City's ordinances in the amount of \$234,000.
2. The Neighborhood Club shall execute the "Parking Access and Easement Agreement" as presented to the Planning Commission and City Council and as approved by the City Attorney.
3. The current parking lot licenses from the City to the Neighborhood Club and from the Neighborhood Club to the City will be revoked.
4. The applicant shall comply and shall maintain compliance with the terms shown on the site plan submitted June 2, 2011, and shall comply and shall maintain compliance with all those items recommended by the City Planner and adopted by the Planning Commission as set forth in the Planning Commission minutes of June 6, 2011.
5. The applicant shall execute a Special Use Permit in a form approved by the City Attorney.
6. The applicant shall execute the Construction Management Understanding in a form approved by the City Attorney.

UNANIMOUSLY ADOPTED.

SITE PLAN REVIEW – NEIGHBORHOOD CLUB – 17150 WATERLOO

The Neighborhood Club has submitted an application for site plan approval for a 39,743 square foot office and fitness facility in a T1 and T2 Transitional zoning district, and has amended it to address the issues raised by the City in its review. This facility will be constructed through a joint venture between the Neighborhood Club and Beaumont Hospital.

City Planner Jackson made the following report:

1. Use: As previously stated, office, service, and fitness facilities are permitted uses in the T-1 District. Any permitted use over 5,000 square feet requires special use approval.
2. Parking: The Neighborhood Club project is located in the expanded boundaries of the Village Parking district. This district allows developments to provide parking through a variety of methods – on-site parking, off-site parking, use of public parking facilities, permits, and payment in lieu of parking. The Neighborhood Club will be using a combination of these methods to provide their required parking.

According to an analysis conducted by Carl Walker, the proposed Neighborhood Club facility will generate a demand for 133 parking spaces. If the Neighborhood Club developed its property independently from the City’s Lot 3, they could accommodate 91 parking spaces on-site leaving 42 spaces the Neighborhood Club is required to provide in some alternative manner. Because the Neighborhood Club is allowing the use of their property for entrance into Lot 3 and for the dedicated truck route out to Waterloo, the City has realized an increase of 16 spaces in the municipal parking supply. These 16 spaces are credited to the Neighborhood Club’s parking deficit leaving a total deficit of 26 parking spaces. The Neighborhood Club has opted to use the payment in lieu of parking option. As a result, they will be required to contribute \$234,000 (\$9,000 x 26) in to the City’s parking fund. Those funds will be used to improve and expand the Village parking system.

3. Building Height and Setbacks: The following chart is a summary of the required and proposed setbacks and building heights. Based on the newly adopted standards for the T-1 district the proposed building meets all of the requirements.

	Front Yard (St. Clair)	Front Yard (Waterloo)	Side Yard (residential)	Rear Yard
Required	10 feet max.	10 feet min.	20 feet min.	20 feet min.
Provided	8 feet	10.22 feet	78.07 feet	68 feet

	Building Height (Within 100 feet of Waterloo)	Building Height (Beyond 100 feet from Waterloo)
Required	35 feet max.	42 feet max.
Provided	20 feet	32.5 feet

4. Circulation and Access Management: The circulation on this site has been closely coordinated with the reconfiguration of the Lot 3 parking lot to minimize conflicts and provide safe and efficient access and circulation. The primary entrance to the proposed facility will also be the primary access to Lot 3. There will be a drop-off area before the gates to allow easy access to the new facility. The entrance/exit point provides one entrance lane and two exit lanes and has been located to allow for the efficient redevelopment of Lot 3.

The Neighborhood Club/Beaumont has retained 40 spaces that can be accessed from Waterloo. These spaces will primarily provide short term parking for people using the facility as well as some using the recreational facilities on the north side of Waterloo. Twenty three of these spaces will have meters and 17 spaces will be no charge.

Deliveries and service vehicles will access the site through the alley behind ACE and will exit through a shared exit drive out to Waterloo, eliminating the need to have trucks enter the public parking lot.

5. Dumpster location and screening: The applicant is proposing a dumpster enclosure along the proposed truck route. The dumpster will be screened with a 6'-8" decorative masonry enclosure with wood gates on a steel frame.
6. Lighting: The applicant has indicated that they will coordinate the parking lot lighting with the City's standard fixtures. We are currently looking into the possibility of induction or other energy efficient lighting approaches.
7. Landscaping: The applicant has provided a landscape plan which provides details of both the existing and proposed landscaping. The Plan includes screening of the parking lot located on Waterloo, landscape features at the corner of Waterloo and their primary entrance, and foundation plantings. The applicant has provided additional foundation plantings of different heights along the Waterloo façade where there are minimal first floor details. The applicant is proposing to match the City's streetscape elements along St. Clair as part of the restoration of the site. This includes a consistent pavement scoring pattern on the sidewalk (approximately 2' square) and reimbursement to the City for two decorative street lights located within the lawn area adjacent to the St. Clair.
8. Loading: Deliveries will be accommodated on site from the parking lot on the east side of the building. UPS –type deliveries can be accommodated in the drop-off area.
9. Signs: The applicant is proposing two ground signs, one at the corner of Waterloo and St. Clair and the second near the entrance to the parking lot. Ground signs are currently not permitted in the T-1 district, however the Planning Commission has the discretion to allow ground signs provided it is determined that the ground signs will be consistent with the intent of the ordinance and design guidelines.

The ground sign at the corner will provide a strong image and entry feature. The sign is five feet tall at its tallest point while most of the sign is 3 ½ feet tall consistent with the allowable ground signs from the RO-1 district. The total sign area is approximately 24 square feet. Because this building is located at the edge of the Village and has a front yard setback, a small ground sign would be appropriate.

The second ground sign located at the main entrance to the facility is the same size. We have discussed the need to provide directional signage at this location for the public parking lot, incorporating elements from other design features in the Village. In order to improve visibility for the public parking area, there will be a separate sign located approximately twenty feet south of the entrance directing people to the parking area.

10. Architecture: The City of Grosse Pointe has design standards for developments within the Village District in an effort to maintain its distinct character and to encourage the best and most consistent quality design. The proposed building incorporates residential details that are consistent with a tudor style building. Unlike other retail storefronts in the Village where the windows extend along the entire façade, the windows in the proposed facility are grouped at the corner where the pool is located. There are other door and window openings along the St. Clair façade and the parking lot façade. However due the interior layout and the future expansion area, there are minimal windows in the Waterloo façade and the façade facing the neighbors. As a result, they have provided foundation landscaping to help break up these facades. We recommend that the applicant provide significantly more landscaping along the Waterloo façade.

Council discussion took place regarding parking lot lighting. It was noted that the Neighborhood Club will reimburse the City for the last two lights in the parking lot. Additional discussion took place regarding the site plan and the entrance drop-off area.

Motion by Council Member Weipert second by Council Member Stempfle to approve the site plan for the Neighborhood Club, 17150 Waterloo, dated June 2, 2011.

UNANIMOUSLY ADOPTED.

The Planning Commission reconvened as the City Council.

RESOLUTION – AUTHORIZING NOTICE OF INTENT TO ISSUE BONDS FOR MACK AVENUE WATER MAIN PROJECT

City Attorney Kennedy made the following report:

As proposed in the 2011-12 budget, the City will undertake a water main replacement project on Mack Avenue. Under the plan discussed to finance the construction of this project, the City will need to issue bonds. These bonds will be tax-exempt as the project is for a public purpose and be repaid with Water and Sewer utility funds. Tax-exempt bonds carry a lower interest rate and reduce the cost of borrowing to municipalities. The project to rebuild the sidewalk and trees removed by the water main work includes and enhances the streetscape which will increase the attractiveness of this key gateway commercial border. The overall project is projected to cost \$2 million which is planned to be paid for with bond money, a contribution from the Ruth Hoffman Estate Trust, an MDOT grant and a special assessment on commercial property owners on Mack Avenue. This resolution authorizes publication of the intent to issue bonds of up to \$1.5 million, as recommended by the City's bond counsel. After the contract for the construction is bid out in late Summer/early Fall, the exact amount of the bond needed will be determined and recommended to Council for approval. The issuance of these bonds will not have any impact on property taxes of City residents and will be paid for through the Water/Sewer Fund.

Motion by Council Member Stempfle second by Council Member Stevens to approve and adopt the following resolution:

WHEREAS, the City of Grosse Pointe, County of Wayne, State of Michigan (the "City") intends to issue general obligation limited tax bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), in an aggregate principal amount of not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000) (the "Bonds"), in one or more series, for the purpose of paying part of the costs of acquiring, constructing, furnishing and equipping water main replacement improvements and streetscape improvements, together with all appurtenances and attachments (the "Project"); and

WHEREAS, a notice of intent to issue the Bonds must be published before the issuance of the Bonds in order to comply with the requirements of Section 517 of Act 34; and

WHEREAS, the City intends at this time to state its intentions to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Project prior to issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is authorized and directed to publish a notice of intent to issue bonds in the *Grosse Pointe News*, a newspaper of general circulation in the City.

2. The notice of intent shall be published as a display advertisement not less than one-quarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A.

3. The City Council does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the City's electors and taxpayers residing in the boundaries of the City of the City's intent to issue the Bonds, the maximum amount of the Bonds, the purpose of the Bonds, the source of payment for the Bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) As of the date hereof, the City reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the City.

- (b) The expenditures described in this paragraph (b) are for the costs of acquiring the Project which were paid or will be paid subsequent to sixty (60) days prior to the date hereof from the general funds of the City.
- (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$1,500,000.
- (d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the related Project are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this resolution.
- (e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).
- (f) No proceeds of the borrowing paid to the City in reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (d) above.

EXHIBIT A

NOTICE TO TAXPAYERS AND ELECTORS OF THE CITY OF GROSSE POINTE
OF INTENT TO ISSUE BONDS
AND THE RIGHT OF REFERENDUM RELATING THERETO

PLEASE TAKE NOTICE that the City of Grosse Pointe, County of Wayne, State of Michigan (the "City"), intends to issue and sell its general obligation limited tax bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an aggregate principal amount of not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000), in one or more series, for the purpose of paying part of the costs of acquiring, constructing, furnishing and equipping water main replacement improvements and streetscape improvements, together with all appurtenances and attachments.

SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL OF AND INTEREST ON SAID BONDS SHALL BE PAYABLE from the general funds of the City lawfully available for such purposes including property taxes levied within applicable constitutional, statutory and charter tax rate limitations.

BOND DETAILS

SAID BONDS will be payable in annual installments not to exceed twenty (20) in number and will bear interest at the rate or rates to be determined at a public or private sale but in no event to exceed the maximum rate permitted by law on the balance of the bonds from time to time remaining unpaid.

RIGHT OF REFERENDUM

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 517, Act 34, Public Acts of Michigan, 2001, as amended.

Julie Arthurs, City Clerk
City of Grosse Pointe

UNANIMOUSLY ADOPTED.

The City Council reconvened as the Planning Commission.

SITE PLAN REVIEW – SIDESTREET DINER – 630 ST. CLAIR

City Planner Jackson made the following report:

SideStreet Diner has requested a Site Plan Review use for outdoor seating in a C-2 Central Business District. The project is being proposed under Section 90-299 (Outdoor Café) and also requires Section 90-302 (Site Plan Review). The applicant is proposing 4 tables and 16 chairs outside the front of their building along St. Clair Ave. The tables and chairs will be separated from the pedestrian walkway by a removable aluminum railing. The area is located on public property and will require the appropriate agreements with the City for the use of this area. It will be enclosed with the same type of removable fence and furniture as the T.N. Thai restaurant to ensure a consistent image along St. Clair. The color and design of any umbrellas should be provided to ensure compatibility with Design Guidelines. The area is approximately 552 square feet in area and will accommodate four tables and sixteen seats. The site is zoned C-2, CBD and the proposed outdoor café is a permitted use in the district. The proposed seating area will be close to the location where the outdoor summer concerts are held. The applicant will be required to coordinate with the City to ensure that there are no conflicts during the concerts and all tables, chairs, and fencing will be stored in an on-site or off-site storage area. The proposed capacity of the outdoor seating area is sixteen customers. No additional signs or entertainment associated with the outdoor café are proposed. The applicant will be serving alcohol in the proposed seating area. This will be subject to approval by the Liquor Control Commission and will be covered under their existing liquor license. Council discussion took place regarding the proposed site plan.

Motion by Council Member Weipert second by Council Member Stevens to approve the site plan for an outdoor café at SideStreet Diner, 630 St. Clair with the following conditions:

1. The applicant shall provide color samples of the proposed umbrellas to ensure compatibility with the City's design guidelines.
2. The applicant shall execute a Right-of-Way license in a form approved by the City Attorney.
3. The applicant will comply with the terms of its June 2, 2011 site plan application and the requirements of City Planner's June 3, 2011 recommendation letter.

UNANIMOUSLY ADOPTED.

On Motion, the meeting was adjourned at 7:29 p.m.

Julie E. Arthurs, City Clerk
City of Grosse Pointe