

**MINUTES OF THE GROSSE POINTE CITY COUNCIL MEETING HELD IN THE CONFERENCE ROOM OF THE NEIGHBORHOOD CLUB, 17150 WATERLOO, GROSSE POINTE, MICHIGAN ON MONDAY, FEBRUARY 10, 2020.**

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

ROLL CALL

Present: Mayor Tomkowiak, Council Members Parthum, Stempfle, Thomas, Walsh, Williams

In Attendance: City Manager Dame, Attorney Kennedy, City Clerk Arthurs, Finance Director Kleinow, Public Safety Director Poloni, Public Service Director Randazzo, Parks and Recreation Director Hardenbrook and City Planners Jackson and Connochie.

The Mayor then led the Council in the Pledge of Allegiance.

CONSENT AGENDA

Motion by Council Member Thomas, second by Council Member Parthum, to approve the Consent Agenda consisting of the following:

1. Minutes from the regular Council Meeting held on January 13, 2020, and the special Council Meeting held on January 27, 2020 and minutes from the closed session Council Meeting held on January 13, 2020.
2. Invoices
  - a) Simply Technology - Public Safety Equipment, February 2020, \$6,405
  - b) Pointe Alarm - Access System, January 2020, \$25,484.87
  - c) Michigan Municipal League - Workers Compensation, Installment #4, \$17,929
  - d) City of Grosse Pointe Farms
    - Radio, July - December 2019, \$7,055.11
    - Water Purchased, October - December 2019, \$129,350.04
  - e) GFL - Recycling, February 2020, \$9,576
  - f) Oakland County
    - Clemis, July – September 2019, \$5,173.25
    - Clemis, October – December 2019, \$5,173.25
  - g) Fildew Hinks - Legal Services, December 2019, \$6,957.92
  - h) Great Lakes Water Authority - Sewer Charges, December 2019, \$74,500
  - i) Weingartz - Lawnmower, December 2019, \$15,162
  - j) Partners in Architecture Design Build, LLC
    - New Buildings, December 2019, \$1,178,811.69
  - k) ISCG - Furniture Deposit, February 2020, \$23,634
3. Approval and adoption of Resolution for Emergency Management and the updated Emergency Communication plan.
4. Approval of the purchase and installation of eight desktop computers, monitors and software for the Public Safety Department from IT Right, for a price not to exceed \$9,272.

CONSENT AGENDA UNANIMOUSLY ADOPTED.

The City Council convened as the Planning Commission.

PUBLIC HEARING – PLANNING COMMISSION – ZONING AMENDMENT – C-2 DISTRICT

City Clerk Arthurs informed the Board that notice of public hearing had been given as required by PA 110 of the State of Michigan and Grosse Pointe City Ordinance, proof of which is on file in the official records of the City of Grosse Pointe.

City Planner Connochie made the following report:

Over the past year, the City has discussed with multiple property owners in The Village about providing a greater allowance for fitness centers to be located on Kercheval Avenue. Currently, fitness centers can only be located in the back of Kercheval building or on the second floor, or on streets other than Kercheval. This was intended to preserve the walkable, window shopping, Main Street retail and restaurant experience. Since fitness has been one of the major growth businesses in the last several years, staff is now recommending to change the zoning ordinance to allow fitness uses in the storefronts of Kercheval under several conditions that are intended to add to the vitality of The Village experience. The conditions are intended to retain the retail orientation of The Village, avoid dark storefronts during normal business hours and encourage multiple location visits in the downtown after a workout. These conditions are:

- 30% of the front of the fitness center must be reserved for accessory retail uses such as sale of fitness apparel or health food and juices.
- A retail clerk must be on duty during all regular business hours and business hours must reflect normal business hours of retailers in The Village.
- There must be locker rooms with showers to allow people to change and freshen up.

It was noted that the proposed conditions will ensure that ground floor fitness center uses are not only consistent with the purpose and intent of the C-2 district, but will uniquely benefit and strengthen the character of the surrounding district. The Planning Commission will review the proposed draft of the text amendment to the zoning ordinance regarding expanding fitness uses in the C-2 Central Business District.

Mayor Tomkowiak opened the public comment portion of the public hearing. She asked for comments from those persons present. Hearing no comments, public comment was declared closed.

Planning Commission discussion took place regarding the percentage of retail space proposed, the special land use requirements, the retail-oriented environment of The Village, and the proposed conditions in the ordinance.

Motion by Member Parthum, second by Member Williams, to recommend to Council the text amendment to the Zoning Ordinance to expand fitness uses in the C-2 Central Business District.

UNANIMOUSLY ADOPTED.

The Planning Commission reconvened as the City Council.

ORDINANCE ADOPTION

MOTION by Council Member Parthum, second by Council Member Williams, that the following ordinance be adopted and that it be given immediate effect:

ORDINANCE NO. 441

An Ordinance to amend and restate in its entirety Sections 90-297 (15) and 90-298 (a) of the Code of Ordinances of the City of Grosse Pointe, fitness uses in the C-2 District.

(For complete text of Ordinance No. 441 - see Ordinance Book of the City of Grosse Pointe)

UNANIMOUSLY ADOPTED.

The City Council convened as the Planning Commission.

PUBLIC HEARING – PLANNING COMMISSION – SPECIAL USE REQUEST  
16906 KERCHEVAL AVENUE – F45 FITNESS STUDIO

City Clerk Arthurs informed the Board that notice of public hearing had been given as required by PA 110 of the State of Michigan and Grosse Pointe City Ordinance, proof of which is on file in the official records of the City of Grosse Pointe.

City Planner Connochie made the following report:

The applicant, Kercheval Company, LLC, requests that the Planning Commission grant special use approval for a new fitness center at 16906 Kercheval, subject to the adoption of the proposed text amendments to Sections 90-297. - Permitted uses and 90-298. - Permitted uses after special approval of the Grosse Pointe Zoning Ordinance. The building is currently vacant, formerly the location of Kramer Bed and Bath. The business, F45 fitness, is a growing fitness franchise with locations across Southeast Michigan including Birmingham, Detroit, Royal Oak, and Rochester Hills. The workout combines interval, cardio, and strength training in a small studio setting. The application states that the proposed new use will be 2,968 square feet in size, with a building depth of approximately 106 feet. The proposed facility will have a studio area for workouts, lockers, showers, and other amenities for customers, and a retail area in the front of the building facing Kercheval. The business will sell nutritional food supplements, juices, clothing, accessories, and exercise and fitness equipment from the F45 brand and other manufacturers. The proposed F45 fitness center shall employ 6-8 people. In light of the proposed amendments to the regulations governing fitness center uses in the C-2 district, the applicant wished for the application to be reviewed against the new standards recently approved.

It was noted that the plans submitted indicate that the retail area will be at least 30% of the building footprint, and the application states the depth of the retail area fronting onto Kercheval will be at least 32 feet. The application notes that “the business will remain open during regular retail hours, consistent with the hours of other retail establishments in the Village of Grosse Pointe.” This includes both the fitness use and retail area. It is anticipated that the exercise portion of the business will generally be open from 6 am to 6 pm Monday through Friday and 8 am to 2 pm Saturday and Sunday. The applicant anticipates that the retail will be open more consistent with retail hours in the Village, with estimated hours from 10 am to 6 pm on weekdays and 10 am to after 2 pm on the weekends. However, it is still recommended that the applicant provide both an anticipated class schedule and hours of operation once both are finalized to demonstrate that the proposed use satisfies this requirement. The submitted floor plans show that the back area of the first floor and second floor will be devoted to cubbies, showers, and restrooms.

The size (2,968 square feet) and retail frontage of the proposed use is compatible with adjacent uses and the existing commercial zoning in the C-2 district. The use will also remain open during typical retail hours ensuring that the activity generated from the new use is consistent with that of the surrounding uses. By creating a new use within the district, the use will increase the mix of commercial businesses in the C-2 district while including retail and operating during normal business hours to promote activity within the district at various times of the day.

The F45 studio will be unique to the area, with the next closest location opening soon in Midtown Detroit. Many boutique fitness studios are able to build a dedicated following, and as a result those dedicated customers are willing to travel further from home or work to come to classes. As such, the studio may prove to be a regional attraction.

The City Planner recommends special use approval be granted, with the following additional conditions:

- (1) That the applicant submits façade elevations and other drawings that show the proposed façade improvements and signage meet the development standards of the C-2 district outlined in Section 90-305 and the City Sign Code (Chapter 58).
- (2) That the applicant submits hours of operation and class times that demonstrate the fitness center and retail will be open during hours consistent with other businesses in the district, as required by the special use approval standards.
- (3) That the applicant submits anticipated class times to verify the parking assumptions made in this report.

Representatives of F45 Fitness addressed the Commission and explained that F45 offers innovative and researched methods in health and fitness, including interval, cardio and strength training. It was noted that F45 is beginning to launch its own brand of exercise and fitness equipment, food supplements, juices and retail clothing and accessories, both with the F45 label and other manufacturers. Various Commission questions were asked and answered by Mr. Patrell and Mr. Campagna.

Mayor Tomkowiak opened the public comment portion of the public hearing. She asked for comments from those persons present. Hearing no comments, public comment was declared closed.

Discussion took place regarding the impact of the fitness use on the parking system and the City Planner report regarding parking which notes that the City parking system can accommodate the proposed use. It was suggested that the applicant encourage patrons to use the parking deck by validating parking for their patrons. It was further suggested that a parking group be created to discuss solutions for parking in the area to try to avoid congestion at peak use times. Further discussion took place regarding the demographic and income of F45 patrons. It was noted that the fitness use proposed will be a great amenity to attract people to the City.

Motion by Council Member Parthum, second by Council Member Thomas, to approve the Special Land Use request for 16906 Kercheval Avenue, subject to the conditions listed in the City Planner's report dated February 7, 2020, for F45 Fitness.

UNANIMOUSLY ADOPTED.

The Planning Commission reconvened as the City Council.

#### PUBLIC HEARING – LOT SPLIT – 250 WASHINGTON

Mayor Tomkowiak indicated that a lot split request was received from Waref Hawasli, owner of 250 Washington.

City Planner Connochie made the following report:

The owner at 250 Washington purchased the home and approached the City for a lot split, seeking a buildable lot on the northeast corner of Washington Road and Jefferson Avenue. The parent property has approximately 320 feet of road frontage along Washington Road and approximately 151 feet of frontage along Jefferson Avenue. An approximately 9,000 square foot dwelling occupies much of the north property. The dwelling is a two-story single-family manor home built sometime around 1915-1916 built for the Edward P. Hammond family. The existing home is located approximately 5 feet from the rear property line and 6.5 feet from the side property line on the northern edge of the parcel. This is an existing non-conformity that will not be increased by the proposed lot split. The proposed split requires the demolition of a circular driveway to the south of the existing home on what would now be on the new Parcel B. Ms. Connochie provided a summary of the applicant's requests dating back to October 2019.

The parent parcel is zoned Estate Residential (E-R), a district tailored to the large, older estate homes that are important contributors to Grosse Pointe's community character. It currently contains a single-family detached home, which is permitted by right in the district. It is anticipated that the new Parcel B will also be developed as a single-family detached home. According to the State Land Division Act Section 560.109(1)(c)-(d) the resulting parcel (the new Parcel B) must meet the minimum lot width and area requirements required by an ordinance. The new Parcel B is a corner lot that fronts onto both Washington and Jefferson and is just over 20,400 square feet in area, which meets the minimum lot area size for this district. The lot width dimensions of Parcel B are 135 feet along Washington and 151 feet along Jefferson. Since this is a corner lot, we believe that if either of the dimensions of the lot fronting a public street meet the minimum lot width then it shall be determined that the property meets this requirement. Since the lot width along Jefferson is 151 feet, this meets the minimum lot width standard for the district. The E-R district encompasses those areas within the City where there are remaining large lot estates like the home located at 250 Washington Road. Many of these homes date back to the beginnings of the City and are an important part of the historic fabric of Grosse Pointe. The E-R district was established shortly after the adoption of the master plan to create a district that would remove the development pressures on these large lots and help preserve the estate properties that contribute to the character of the City.

It was noted that there are no firm plans for what might happen with either the existing home or any future development on the new Parcel B. The exhibit submitted by the property owner only shows a proposed driveway on Parcel B accessed from Washington and a buildable envelope for a potential new structure. The City has expressed to the property owner its desire to preserve the existing building as close to its existing condition as possible, suggesting the possible use of historic preservation easements that would provide tax benefits to help offset the costs of restoring the home. The City cannot condition its decision to approve or deny a lot split upon the preservation of the building or design standards for a new building on Parcel B. Further, it cannot limit what the property owner does with the existing home as long as it meets the zoning ordinance standards. The City may wish to explore other avenues such as the creation of a local historic district to encourage the preservation of existing homes or adoption of design guidelines or form-based standards for the E-R district to ensure that changes to existing properties and/or new development are architecturally compatible with the surrounding area.

Waref Hawasli, owner of 250 Washington, explained his request and summarized the background of his work with the City Planner to review his various requests late last year. Mr. Hawasli described his intent on how the split lot would be developed and/or sold. He indicated he had begun preliminary work on a design concept for the new lot but wanted to wait until the split was approved before going forward with additional plans. He answered various Council questions regarding his proposal.

Mayor Tomkowiak opened the public comment portion of the public hearing. She asked for comments from those persons present.

Robert Hindelang, 235 Lincoln, expressed concerns about the lot split request, including the procedure used to notify the neighbors. He also stated he felt the proposal should be a zoning variance not a lot split.

Hearing no further comments, public comment was declared closed.

Council expressed concerns regarding lot coverage and setbacks for the new lot in the ER District. Discussion took place regarding proposed footprints of a new home on the lot, and it was noted that Council needed more information from the applicant regarding the proposed project and lot split.

Motion by Council Member Williams, second by Council Member Walsh, to table the lot split request for 250 Washington for 60 days, to allow the applicant to develop a design concept for the proposed new lot.

**UNANIMOUSLY ADOPTED.**

### CITY COUNCIL VACANCY

Motion by Council Member Walsh, second by Council Member Parthum, to appoint Maureen Juip to fill the Council Member vacancy, for a term ending in November 2021.

UNANIMOUSLY ADOPTED.

### PUBLIC COMMENT

Dave Dewitt, representative of Mike Bloomberg for President, addressed Council on information regarding Mr. Bloomberg's contact information and local campaign office.

### STAFF REPORTS

Public Safety Director Poloni indicated that the new fire truck will be available for pickup on February 19. City Manager Dame reported that a Main Street presentation will take place in Lansing on February 18.

### COUNCIL COMMENT

The City Council commented on the following topics:

- Gratitude was expressed to all the City Council vacancy applicants. Their interest in serving their community is greatly appreciated.
- Congratulations were expressed to Ms. Juip on her appointment to Council.

On Motion, the meeting was adjourned at 8:30 p.m.

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Julie E. Arthurs, City Clerk  
City of Grosse Pointe