

**CITY OF ST. CLAIR, MICHIGAN  
SPECIAL COUNCIL MEETING MINUTES  
MONDAY, MAY 7, 2018 - 6:30 P.M.**

Mayor Cedar convened the Special Meeting of the City Council to order in the Council Chambers of the Municipal Building, 547 N. Carney Drive, St. Clair, Michigan, at 6:30pm to act as the Zoning Board of Appeals for the Downtown Redevelopment District and hold a public hearing on several variance requests for the Coney Island project:

401/405 Clinton, 609/615 S. 5th  
St. Clair, MI 48079  
74-07-049-0047-000  
74-07-049-0048-000  
74-07-049-0049-000  
74-07-049-0050-000

This property is zoned Clinton Avenue District in the Downtown Redevelopment District. The petitioner is appealing Section 8.28 Schedule of District Regulations for a variance on east and west side yard setback, height requirements from two story to one story and Section 8.30.5 Driveway Location.

**PRESENT:** Mayor Cedar, Members Ellery, Kindsvater, Klieman, Kuffa (6:46pm), LaPorte, McCartney

**ABSENT:** None

**ADMINISTRATION:** Michael E. Booth, City Superintendent; Annette Sturdy, City Clerk, Delos Boulier, Building Inspector, Bob Bieth, DPW Supervisor

**AUDIENCE:** There were 10 people in attendance

Delos Boulier provided a chronological review of the variance requests and details of each one. The public hearing is to hear comments on the renewal of the three previously approved variances. The original approval expired because the project did not begin within the mandated timeframe. Council asked why the project hasn't moved forward. There was a concern about staffing.

The first request is to approve a variance of a setback. The second is for building height. The ordinance calls for 2 stories, the variance request is to allow a 1 story. The third request is the placement of the driveway. The Ordinance calls for 60 feet, but the site plan is roughly 44 feet.

The requests are exactly the same as they were presented before.

Public hearing- Mayor Cedar opened the public hearing at 6:41pm. John Monte, Project Control Engineering, on behalf of the petitioner, stated the project is ready to move with all contracts in place and with construction layout ready to proceed. The variances are needed to keep the project moving. The side yard setback is to allow the creation of a drive-thru. Several options were looked into but with the limitations of the space it couldn't do it any other way. The building height was dropped a bit to change the façade and to give the character of a 2-story building. The drive through exit onto Clinton is to allow 6 or greater vehicles in line and if you don't loop around the building, then it won't work. Is there parking on the west side? Yes, there is. Dual stacking lanes were looked at as well and ultimately the plan required variance requests. There is a necessity for a drive-thru as the amount of business there is about 70%. No other comments heard for or against the requests.

Closed public hearing at 6:48pm

Councilmember Kindsvater stated he has the same thoughts as February 2017. Thinks the case was presented. He knows the lot very well. He grew up near the lot and has no problem with any of the 3 variances.

Councilmember Kuffa is with Butch on this. If nothing changed with the variances, and he voted to approve them before, he thinks his vote tonight will be the same

Councilmember McCartney voted no on 2 of the 3 at the last meeting. There are lot of things that still trouble him about the variances. He took a lot of paperwork to review and read all on the variances, Ordinances, the DRD and form-based zoning. The appeal process was to give relief to the Ordinance. He still feels that. He hasn't changed his mind on the 2 of the 3 points.

Councilmember LaPorte feels there is not enough safety for pedestrian safety. He will vote no on 2 of the 3 requests. The fire chief is calling for no parking.

Councilmember Ellery will stay the way he was last time. He has concerns with the entrances coming onto Clinton and wishes he could do something different with that.

Councilmember Klieman believes he is doing the best he can with what he has and he hasn't changed from the previous vote.

Mayor Cedar stated his vote won't change either.

Approve variance request Section 8.28.4-Side Yard setback-Kindsvater moved, Ellery seconded, CARRIED, to approve variance request as presented.

Ayes: Kindsvater, Klieman, Kuffa, LaPorte, McCartney, Ellery, Cedar

Nays: None

Approve variance request Section 8.28.4-Building Height- Kindsvater moved, Kuffa seconded, CARRIED, to approve variance request as presented.

Ayes: Klieman, Kuffa, LaPorte, Ellery, Kindsvater, Cedar

Nays: McCartney

Approve variance request Section 8.30.5.D-Proposed driveway distance from 4<sup>th</sup> street intersection- Kindsvater moved, Kuffa seconded, CARRIED, to approve variance request as presented.

Ayes: Kuffa, Ellery, Kindsvater, Klieman, Cedar

Nays: LaPorte, McCartney

Public Comment- No Comment

Adjourned 6:54pm

Annette Sturdy, City Clerk

Bill Cedar, Jr., Mayor