

**CITY OF ST CLAIR  
PLANNING COMMISSION MEETING  
WEDNESDAY, JUNE 14, 2023 – 7:00 P.M.  
547 N. CARNEY DRIVE – COUNCIL CHAMBERS**

**CALL TO ORDER:** Vice-Chair Dan McCartney called the meeting to order at 7:00 pm

**ROLL CALL:**

Chairman	Terry Beier	Vice-Chair	Dan McCartney
Council Rep	Mike Laporte	Member	Nancy Beaudua
Member	Steve Grates	Member	Paul Wade
Member	Matthew Griffor		

**ABSENT:** Terry Beier and Matthew Griffor

*Mike Laporte made a motion to excuse Terry Beier and Matthew Griffor, supported by Nancy Beaudua. All in favor, none opposed.*

**ATTENDEES:** Rob Drewek, Tom & Kathy Vertin, Dan Brennan, Bill Klieman

**APPROVAL OF AGENDA:** *Mike Laporte made a motion to approve the agenda as presented, supported by Nancy Beaudua. All in favor, none opposed*

**APPROVAL OF MINUTES:** *Nancy Beaudua made a motion to approve the May 10, 2023 meeting minutes as presented, supported by Paul Wade. All in favor, none opposed.*

**CORRESPONDENCE:** None

**SITE PLAN REVIEW:** None

**NEW BUSINESS:** None

**OLD BUSINESS (1):** Eddy Development  
301 N Ninth  
74-07-075-0113-000  
Revisit Adaptive Reuse Permitted Uses

Dan McCartney – What we are being asked is to review and revise the Adaptive Reuse granted to Eddy Development to include MD-2 Mixed Uses and C-1 Local Commercial uses. This will allow for general retail or commercial uses. The motion that was approved for the Eddy Development in May 2021 was very specific. If we amend the motion to make it broad enough for future uses then this can be done administratively. In order to do this amendment a new public hearing will have to be held.

Dee Boulter – The commission should have before them a list of items that Rob Drewek would like to have added to his adaptive reuse. They would like to have these included in the motion so that if they any of these businesses come in it can be approved admiratively. These are highlighted and include:

- MD-1 Special Uses
  - item 2: Office buildings for such occupations as executive, administrative, clerical,

- accounting, engineering, architecture, drafting, medical offices and sales functions
- item 3: Data processing and computer centers including sales, service and maintenance of electric data processing equipment.
- C1 Permitted uses
  - Item 2: Personal services such as repair shops for watches, small appliances, shoes and televisions beauty and barber shops
  - Item 3: Laundry and dry-cleaning pick-up stations
  - Item 4: Professional office of doctors, dentists, lawyers, architects, engineers and other similar professions
  - Item 5: Financial and business service offices
  - Item 9: Business or trade schools, dancing or music studios
- C2 Permitted uses
  - Item 4: Public or private business schools or colleges
  - Item 5: Health and fitness clubs

Some of these items were already on the original Adaptive Reuse. What they are proposing is to be allowed to have a Beauty Shop in there. Also, Lock's Cleaners have moved their pick-up center into the Eddy Development.

Dan McCartney – So most of the stuff you are saying is already listed but they are asking to add in a few more items in their approved Adaptive Re-use.

Paul Wade – I think the ones that are marked could be added, even though they are commercial, they weren't a volume so they didn't impact the neighborhood nor affect the parking of the building.

Mike Laporte – The laundry facility is already there.

Paul Wade – Yes, and the way I understand, the way it operates is to send everything out to be cleaned and then brought back in.

Rob Drewek – When we originally came in for adaptive reuse, we didn't really understand what we may eventually be putting in there. The type of building this is there potentially could be a variety of uses coming and going. We are hoping to get an amendment to our original adaptive reuse so that we don't have to keep coming back.

The hair salon is a private hair salon based on appointment only. It is a small room and will not affect the parking. This would fall under professional services.

Paul Wade – The issue is that if we don't put these in and make them a part of the ordinance then we would be having to hold public hearings for each of the special uses. We would have to go through the whole process each time like we do for special uses and that would become tedious because businesses change.

Rob Drewek – As businesses come and go in our building, I believe they would be generally the same uses. They most likely would not vary from what has been approved and what we are asking to be amended at this time.

*The original motion from May 12, 2021 states:*

*Paul Wade made a motion to recommend to send to Council for approval as a Special Land Use for Adaptive Reuse of Eddy School for the purposes of multiple family residential, office spaces, catering, health and fitness center and day care center for Lot 64 (Eddy Elementary) only with a condition on site plan approval being given by the Planning Commission. Supported by Dan McCartney.*

*Roll Call:*

*Mike Laporte – Yes*

*Matthew Griffor – Yes*

*Dan McCartney – Yes*

*Nancy Beaudua – Yes*

*Paul Wade – Yes*

*Terry Beier – Yes*

Dan McCartney – It sounds to me like some of the items we have in front of us that are highlighted in the list we received from Rob are already approved. What is it, specifically, that want to add to the list?

Dee Boulier – Anything on the list that is not already in the original motion.

Dan McCartney – If we include the items that they are asking for what is the process?

Dee Boulier – Then you make a motion to recommend to council for approval and they will have a public hearing.

Steve Grates – The only issues I see are the business/trade schools or the dance studios where you could develop a parking issue. I see some retail spaces where you have a business that only has a few cars and then some businesses that bring 20-30 at certain times. I am just a little concerned with how broad that is.

Dee Boulier – I do not foresee any parking issues. The daycare is a drop off/pick up business, the laundry is the same. They have a lot of parking in the rear of the building so I don't see an issue with the parking.

Paul Wade – I think the one thing that helps is the rooms are small so it wouldn't allow for a large crowd so these businesses shouldn't impact the parking.

Bill Klieman – How many businesses are in there now that are not allowed at this time?

Rob Drewek – Currently we have the laundry drop off/pick up and we have a salon that is obtaining a business license to come in.

Bill Klieman – Ok so there are two, my question is how did they get in there without being allowed?

Dee Boulier – Simply, they didn't ask. The salon is not in there yet just the cleaner drop off.

Bill Klieman – That's my question why are they asking for forgiveness now instead of permission prior? Is that what it boils down to?

Dee Boulier – You are correct, they probably should not have gone in there yet but this is why we are here tonight.

Bill Klieman – Like the pony before the cart, again why are we allowing this? So, because you weren't aware of it, this is how you fix it?

Dee Boulter – We have been talking for a while about getting this straightened out. Everything that is currently at Eddy is ok to be there under a special use. We want to try to get their adaptive reuse to a point where they don't have to come back to Planning Commission for special use approval and a public hearing.

Bill Klieman – Why didn't you know they were allowing these businesses in there?

Dan McCartney – For us, on Planning Commission, we don't know what goes in and what comes out. We don't keep track of that. All we are dealing with is the present. We as the Commission are being asked to adapt so that every time the owners have a change in occupancy they don't have to come back for another public hearing. That is what we are being charged with. What you are asking is more of an administrative thing.

Bill Klieman – Well they had to get a business license. Why was the business license issued when it is not allowed? That's my question.

Dee Boulter – I have been dealing with Rob and Dave Scurto for at least two months on this to understand what needs to take place. The cleaner drop off/pick up was in there prior to me knowing but not for long.

Bill Klieman – Not very long is still wrong.

Rob Drewke – The answer to that question is that I misread what the ordinance said. My interpretation was that anything in M1 or C1 was included.

Dan McCartney – We understand what you are saying and whether we answered your question the way you would like is different but we are going to move on because our charge is to look at the change.

Bill Klieman – I was only asking a question.

Dan McCartney – I know you are and we answered it so we are going to move on. Do we have any other questions? If not, can I get a motion?

Paul Wade – The one question I have is are we modifying the adaptive reuse by adding these items?

Dee Boulter – What I would suggest is include what was approved originally and add these as permitted uses.

Paul Wade – I want to make sure we are using the appropriate verbiage to add these specific items.

*Paul Wade made a motion to send to council the recommendation to add & modify the Adaptive Re-use for the Eddy Development to include the following as permitted uses:*

- Office buildings for such occupations as executive, administrative, clerical, accounting, engineering, architecture, drafting, medical offices and sales functions
- Data processing and computer centers including sales, service and maintenance of electric data processing equipment.
- Personal services such as repair shops for watches, small appliances, shoes and televisions beauty and barber shops

- Laundry and dry-cleaning pick-up stations
- Professional office of doctors, dentists, lawyers, architects, engineers and other similar professions
- Financial and business service offices
- Business or trade schools, dancing or music studios

*Supported by Mike Laporte. All in favor, none opposed.*

Bill Klieman – You are going to ask the Council to amend the Adaptive Use? Does this pertain to any Adaptive Use building?

Dan McCartney – No, this is specific to the Eddy Development.

Bill Klieman – So if anyone else wanted to do this they would have to come back to Planning? The original list would pertain to everyone else.

Dee Boulier – Just to let you know, we did hurry the Adaptive Reuse Ordinance along for 6<sup>th</sup> Street. We didn't look at the possibilities of other businesses going in there at the time. Even though all of these things are permitted in the district, we wanted to make sure we could control what went into these Adaptive Reuse buildings so we made everything a special use at that time not thinking about how tenants come and go. We are trying to clean this up.

Bill Klieman – We are not amending the ordinance we are giving them the special use to the list of the things you just read.

**OLD BUSINESS (2):** Riverbank Youth Theater  
208 Jay Street  
74-07-700-0015-001  
Discussion on Deficiencies from approved Site Plan

Dan McCartney – Let me give you a brief history of this topic. Administration has asked us to look back at the theater being built downtown because there are a few items that have or have not been done which was approved by the Planning Commission back in 2021. We had a short meeting the other day and have identified items that are not or is not what was approved or what was agreed upon when we approved the theater. Tonight was supposed to be where we as the committee would be brought up to date on this and then direct administration on how they are going to proceed.

I see we have members representing the theater here tonight. I didn't know that was going to happen but it is good that you are here. With that being said, I will read everything and then we can talk about it.

- Complete set of final site plan drawings to include landscape

*During the July 14, 2021 Planning Commission meeting Paul Wade stated that we needed to get one complete set of plans including photometrics and landscaping so that Planning could make a final site plan approval and be able to sign off on the site plan. Vince Cataldo stated that he would get a clean print out. We still do not have a complete set of drawings.*

Dan Brennan – I don't know if that was ever officially requested.

Paul Wade – We never got a full set of plans.

Dan Brennan – That is easy to get for you.

Dan McCartney – We do need this complete set so that we can sign off on what we approved.

- Deck is not installed which was approved

The deck on the east side is not installed as it was approved.

Tom Vertin – We have no money.

Dan McCartney – I understand that and again tonight was a meeting where we were going to discuss and determine a direction that the administration would go to.

Tom & Kathy Vertin – We are just here in case you have questions.

Dan McCartney – We have two different drawings for the deck. One shows it wrapping from the east side to the south door. The other just shows it on the east side and a separate brick and mortar deck with stairway at the south door. We approved it with a patio on the east side. Again, tonight's meeting was to direct administration on how to proceed with that. With you being here, you can address it but it is not what was approved.

Dee Boulier – My problem is it is not what was approved. This puts me in a hard spot. If I allow you to not do what was approved then I get in trouble with these guys.

Dan Brennan – The deck is less than what we had presented. We didn't go bigger, we went less. There are always reasons why that happens. There is still a deck there, it is an egress deck. We shrunk it.

Dee Boulier – It is not the way it was presented. The drawing shows masonry and a slab and you still had the egress. What I want to know is this something that is going to be done in the future?

Kathy Vertin – It came down to funding and that wasn't a critical component to getting the theater completed.

Dan Brennan – If we say no, we don't have the money to do it, it is up to you to re-approve it as is. That's all we are asking at this point.

Dan McCartney – Again, remember this meeting was only an information meeting to instruct administration on how to proceed because this is what was approved and this is what was done. If during the course of construction, you knew this was not going to happen I would have thought you would have come back to the commission.

Dan Brennan – That is a very fine line. There are always things that change from conceptual site plan approval process to actual build time. There are nuisances on elevations or the build that we don't know.

Dee Boulier – Not that big.

Dan Brennan – That's not that big. You are talking about a deck. That is what I am saying, there are things that change from conceptual to build all the time. There are always different changes, sometimes the elevation changes sometimes the actual look changes from the site plan that was submitted. From an administrative point this can be approved. We submitted our original blue prints of what's down there minus the bigger deck. Now the wrap around masonry was earlier on in the site plan process. What we submitted to the building department for approval is basically what we built minus the deck. It was still a wood structure, just a little bit bigger that is it. We were never told that this plan doesn't match. I am up for whatever you say.

Dee Boulier – I disagree with you on that. I have no drawings that show just a little deck for egress. I would assume that you would want to put the bigger deck on sooner or later.

Kathy Vertin – To be honest, I wish we would have never submitted that. I don't see what value it adds to the organization. Our organization happens on the inside, not the outside.

Dee Boulier – I understand but it does affect the aesthetics of the building.

Paul Wade – Part of the issue deals with the fact that you did know to come back to change the approved site plan when you came back to eliminate the 2<sup>nd</sup> Street access into the mall. You came back again to eliminate one of the side walks so you know the process and you used it. You didn't use the process for the deck or landscape changes of what we approved.

Dan McCartney – It's good that you guys are here but tonight's meeting was to have administration show us what was approved and what wasn't done and what direction the commission would send them back to you. That is the whole gist of this. My point is that you have already agreed that the final site plan needs to be done and that you are going to do that. In terms of this deck, in terms of the wood deck you have and what we approved is a whole lot different.

Dan Brennan – I believe that when we came back to you to eliminate the drive on Jay, it showed the deck on the sides. That site plan had been updated at that time.

Tom Vertin – It was our mistake not coming back. The deck is less. We couldn't get the materials, financially we couldn't afford it, high inflationary period and being on a very limited budget just wouldn't let us afford to do it. You tell us what we need to do, give us a solution. I don't want to tell you that we are going to build a deck because we don't have the money right now.

Dee Boulier – This isn't going to stop you from opening. Start rehearsing. In the future do you think you would have the money to do the deck?

Kathy Vertin – Honestly, I would like to see us landscape better around it.

Dan McCartney – Well that's the next item on the list. The landscaping that has been done doesn't match what was approved.

Kathy Vertin – I don't really want a deck on the theater. I don't see a purpose for it. It's like putting an extra chimney on a house and you don't have a fireplace.

Dan McCartney – I thought it was going to be used as a VIP Deck. That's what it was called.

- Landscaping is not what was approved

Tom Vertin – Let me give you an update on landscaping. Kathy got two more large trees donated that we are trying to get planted.

Kathy Vertin – These are mature maple trees. They are robust and now I don't know if I have to get approval on that because they are not on the plan. I never thought in a million years that I would get a 2 ten-year-old trees.

Dan McCartney – Again, the deck that was approved isn't what was done. The landscaping that was approved isn't what was done.

Dan Brennan – What about just approving and "as built"? It's just a building. The outside is done.

Dan McCartney – That's another topic. The exterior of the building is not what was approved with the different colorings.

- Exterior – Dee will talk to this

Dan Brennan – At this point, you are just splitting hairs.

Dan McCartney – At this point you say it is splitting hairs but when this was all brought to us, Planning had three or four meetings on this, to get where you are at today.

Tom Vertin – Even you have different renditions of buildings that you are looking at.

Dan McCartney – But weren't the panels going to be different shades?

Dan Brennan – We can't get them.

Dan McCartney – I understand that, but what Paul and I are saying is the communications between you and planning.

Kathy Vertin – They weren't all going to be different. It was only at the end point; the rest of the building is the color that it is. The end point was going to be different shades of green. The lead time on those would have been so significant. I don't know if it would have ever got done. We would have to go to a whole new manufacturer.

Dan McCartney – If we would have had all of the approved plans all together, like we normally get, we try to help and move things along and keep you on schedule. That is why we need, and makes it simpler on our end, if everything is together.

I will speak for the Commission: We want you guys to open, we want this thing to roll. This has been brought back to us that these things are different from what was approved. It would be cool if you guys



can remedy this and make it right. It doesn't have to be right now but in the future.

You have a 350-seat theater and everyone is talking about it and they are anxious for it to open. Do you think in a year from now you may have these additions? Or if you are going to change the deck, come back with what it is finally going to be to help us out.

Kathy Vertin – I just can't believe that you are talking about a structure. It's basically a fire escape.

Dan McCartney – No, it isn't just the fire escape. We aren't even talking about a fire escape; we are talking about the deck that was on the drawings. Personally, I thought it made the end of the building look great.

We are talking about 4 different things: the prints, the deck, landscaping and the exterior of the building. We were shown one thing and what you have done is different.

Tom Vertin – The landscaping looks great and we even put in sprinklers.

Dan McCartney – We don't want to shut you down.

Tom Vertin – Can you give us an "as built"? We as a non-profit can't promise you anything. We have a Board of Directors that have to approve all funding. If we collect and get another, say \$20,000 the Board has to decide where the funds go.

Kathy Vertin – I think another thing people don't understand is that we don't own the theater. It is a non-profit so we have to ask for the funds from the Board. There is a lot of chatter that this is the Vertin's but it is not, it is governed by a Board of Directors.

Dan McCartney – For us on Planning we have dealt with Dan, Vince and you guys we haven't had the Board of Directors here.

Tom Vertin – For use to say we are going to put a deck on we have to go to the Board.

Dan McCartney – This meeting tonight was not a meeting to make you or not make you or threaten you or anything like that. It was a meeting for the Commission to discuss, decide or direct administration on what direction to go in.

Dan Brennan – Let me ask you something, if we basically submit what is there right now, minus a few minor changes, because you are putting pressure on them which will end up with a time frame, why can't we just submit to you an "as built" of what is there and you guys can have more discussion. This just let's you look at what is there and everything is on its own merit. Not maybe we can do this or maybe we can't. We are coming to you to ask you to do that.

Mike LaPorte – I think that would be wrong because the next person that comes along will say they can do anything they want because they will ok it.

Dan McCartney – I think we need more opinions.

Tom Vertin – Then why hasn't anybody said anything?

Dee Boulter – I have been telling Dan all along that the building doesn't look the drawings for over three months.

Tom Vertin – Yeah, I heard from Dan that you were upset.

Dan Brennan – Again, it doesn't look like the drawings but we also aren't done.

Dan McCartney – You just answered it Dan. The Commission has been looking at the building saying "they aren't done yet" so what are we supposed to do? I am not going to run up there every time you put a nail in the board and say this isn't what we approved. This isn't done yet.

Dan Brennan – Agreed which is why are where we are at because people are making comments and saying things and we keep saying that we are not done. We still have a lot of detail to put on this building per the plan. We added the porches, the awnings all of which are on the plan and we added to the plan. Right now, the only thing different are the slight color changes on the corners. That's it everything else on that building is per the plan. The deck is just an add-on to the outside so that I agree is different.

Dee Boulter – Weren't there a few more windows? The lighting?

Dan Brennan – No windows, the lights are in the works to be built. They are still slated to go. The wiring for those has been done.

Tom Vertin – As far as the landscaping, look around, we are in the Plaza I think we have done a great job with our budget to put in grass, nice trees, and a sprinkler system.

Dan McCartney – That isn't the point. You are missing the point of what was approved and what you have done are two different things.

Dan Brennan – The landscaping and the deck are the two things I agree with you on. They are not what was submitted. The building itself is subjective because there are art pieces that can still go on there which is part of the drawing. Those will go up after they open. The color on the corners is somewhat subjective also. The over all shape of the building and the majority of the color is the same from what we submitted. At some point, you will have to ask where are we going to split this hair? Is it going to be exactly 100%? No because no building ever is. We build all over the country and what we submit in site plan and what we build are never dead on the same. I do agree with you on landscaping. My point is, if you are going to have discussion you need to have it on the landscaping and on the deck. As far as the building, in our opinion, we built it as close as we could to the plan.

Dan McCartney – I think of the four items that were identified you have resolved one – that is the drawings. The deck and the landscaping and the exterior panels still need to be addressed.

Tom Vertin – I can tell you that we can go to the Board to ask for additional funds.

Dee Boulter – What if they submitted a complete set of drawings showing what is there? One thing I

would recommend, if you were to approve those wood decks, I would not approve them unless they skirted in some way or another. They look bad, they do not fit in with the building,

Dan McCartney – I have got to say Dan, and I am not in your line of business, you built this modern building with wood decks. It does look pretty sad.

Dan Brennan – We built this on a budget. You have seen what I have built. If I had my way, no they wouldn't have been wood but at the same time, the budget controls it. This is the funds we had.

Dan McCartney – You should have come back to the Commission.

Dan Brennan – I agree with you on the landscaping and the decks.

Dan McCartney – For me personally the exterior of the building, I thought the panels were going to be different colors, I thought you and Vince had said that in 2021 and now we are in 2023 and that didn't happen. My issue is two-fold:

- You already agreed on the prints and you are going to get those
- Dee is right, you come back with something, I don't think we can approve "as-built", but come back with what it will actually be or a commitment that the east side is going to be different.

Dan Brennan – We will submit something. I am bound by my client on what I can do based on their budget.

Dan McCartney – You built that building based on the location. It's a great location and the exterior should look nice.

Paul Wade – When you stand on the east side of the building and look at the wood stairway coming down, does it look like it blends in with the building?

Tom Vertin – Not at all, there is no budget.

Dan McCartney – We understand, we are willing to work with you. Would a time frame work with administration? I think by our next meeting Dan come back to us with something we can approve.

Kathy Vertin – Then we have to delay our opening.

Dan McCartney – No you don't. We aren't telling you that you can't open.

Dee Boulier – If Dan gets the railings on the decks, then I can give you temporary certificate of occupancy.

Dan McCartney – We don't want to hold you up just come back with something on the deck and the landscaping.

Dan Brennan – Just to be clear you want us to come back to you on the landscaping and the decks and a full set of plans.

Discussions continued regarding the wood deck.

Dan McCartney – Come back with a plan at next month's meeting and once that is approved get us prints for review. Show any adjustments/changes to the exterior on the new prints.

*Dan McCartney made a motion to adjourn, supported by Mike Laporte. All in favor, none opposed.*

Meeting adjourned 8:15 pm.