

**THE CHARTER TOWNSHIP OF CHESTERFIELD
PLANNING COMMISSION
January 15, 2013**

A regular meeting of the Charter Township of Chesterfield Planning Commission was held on Tuesday, January 15, 2013 at 7:00 p.m. at the Township Hall located at 47275 Sugarbush, Chesterfield MI 48047.

1. CALL TO ORDER:

Chairman Miller called the meeting to order at 7:02 p.m.

2. ROLL CALL:

Present: Frank Eckenrode

Jerry Alexie

Rick LaBelle

Paul Miller

Jim Moran

Joe Stabile

Carl Leonard

Brian Scott DeMuynck

Excused: Ray Saelens

Others: Pat Meagher, Community Planning & Management

3. APPROVAL OF THE AGENDA:

Motion by Mr. Miller, supported by Mr. DeMuynck to approve the agenda as presented.

All Ayes

Motion Carried

4. SUBCOMMITTEE REPORT: (Committee will report items under Reviews)

5. PUBLIC HEARING:

A. JAWAD PROPOSED REZONING- PETITION #325: Eddie Jawad, 46820 North Road, Macomb, MI., 48042 – Requesting to rezone property located on the west side of Gratiot, south of 21 Mile Road at 46895 Gratiot from C-1 (Local Commercial) to C-3 (General Commercial). Public Hearing set 12-11-12.

Motion by Mr. Miller, supported by Mr. Alexie to open the Public Hearing on Jawad Proposed Rezoning – Petition #325 at 7:30 p.m.

All Ayes

Motion Carried

The applicant, Eddie Jawad, explained that he purchased the building six years ago and at times, has tried to sell it and rent it. He said that when he has tried to do something with the property it is either not zoned right or the tenant was not qualified; because of this, he has now decided to do something with the building himself.

Mr., Jawad said that he has spoken to the building department and was told that to have a sit-down

restaurant or a hookah lounge that it would need to be rezoned C-3. Similar surrounding establishments are zoned C-1, he said.

Mr. Meagher confirmed that it is C-1 on the corner.

Mr. Jawad showed the commissioners a plan of his intended use for that building and explained that he would like to establish a carryout restaurant with a hookah lounge next door.

Mr. Moran described the concept of a hookah lounge for commissioners. He said, decorated glass bottles (similar to those found in the Mediterranean) are used with one or two tubes. He further explained that there is tobacco on top and water inside that is used to heat the tobacco for flavor. It is generally a casual, sitting, smoking atmosphere, said Mr. Moran.

The applicant said that the State of Michigan does not allow food to be served within the premises. He explained that only vending style items such as a bag of chips or pistachios are allowed. Mr. Jawad said that he would need a separate carryout restaurant next door and patrons must physically go out and back in to purchase a carryout order. Additionally, the carryout food has to be on plastic plates and fully disposable, said Mr. Jawad.

Mr. Moran said, that in his experience, a hookah lounge usually sells coffee and pastry type of stuff from a machine, but are often quite dingy inside.

Mr. Jawad confirmed that this one would definitely not be dingy.

Mr. Miller asked about the stage on the applicant's plans.

The applicant said the stage would be for singers, music, and parody shows. He confirmed that the stage would not be used for dancers.

Mr. Meagher reminded commissioners and the applicant that if the property is rezoned it does not mean that this particular use will be approved. He said that at this time, the commission is only looking at the zoning and not the current proposed use.

Mr. Stabile asked if this type of operation would meet a C-3 zoning.

Mr. Jawad said that this type of establishment would qualify for C-3 zoning. Mr. Jawad also said that he is leaning towards a hookah lounge, but he is not 100% sure.

Mr. Jawad said that the most important thing for him is the rezoning.

Mr. Leonard suggested that part of the problem with finding a tenant might be related to the economy.

Mr. LaBelle asked if just the hookah lounge would be allowed in the C-1 zoning.

Mr. Meagher said that the hookah lounge would not be permitted in a C-1 district.

Mr. Jawad said that the property is zoned C-1, but he was told when he purchased it that he could do anything with it, and they are requesting to rezone the property based on this old perspective.

Mr. Meagher identified a number of businesses that are allowed in a C-1 zoning district including:

office, hardware store, variety, grocery, meat/fish market, fruit/vegetable market, retail bakeries, drug stores, beauty shop, shoe repair, video rental, dry cleaning, pick-up services and more.

Mr. Meagher and Mr. Leonard confirmed that the building could have a carryout restaurant without rezoning.

Mr. Miller said there seems to be a lot of businesses that can be put in C-1 zoning.

Mr. Meagher explained that the C-3 zoning includes everything that is acceptable in C-1, C-2, and much more. He said possible uses include building/apparel/accessory stores, eating & drinking establishments excluding fast food, miscellaneous retail shops, mortuaries, museums, art galleries, dance studios, physical fitness, etc.

Mr. Meagher said that C-3 zoning is considered an intense commercial district and allows a lot of use.

Mr. Meagher confirmed that the applicant could have his carryout, but not the hookah lounge under the C-1 zoning.

Mr. Meagher added that hookah lounges have become pretty well accepted and are generally located all over the place.

Commissioners asked where the nearest hookah lounge is located.

The applicant suggested they visit the one located at 23 Mile and Rome Plank in Macomb Township.

Mr. Stabile confirmed with the applicant that regular cigarettes and cigar smoking is not allowed in a hookah lounge.

Mr. Meagher said that the rezoning is the issue that currently needs to be addressed.

Mr. Moran asked if the surrounding establishments are zoned C-1, whether the commission be opening a can of worms if this property is rezoned C-3.

Mr. Jawad restated that surrounding zoning designation is C-1 because it falls under the old zoning and if those properties were zoned today, they would all be zoned C-3.

There were no comments from the public.

Motion by Mr. Miller, supported by Mr. LaBelle to close the Public Hearing on Jawad Proposed Rezoning – Petition #325 at 7:51 p.m.

All Ayes **Motion Carried**

Motion by Mr. Miller, supported by Mr. Moran to table Jawad Proposed Rezoning – Petition #325 until the next meeting.

All Ayes **Motion Carried**

6. REVIEWS:

- A. J. CURTIS PROPOSED CAR DEALERSHIP – SLU #2012-07: Eric Heiderer/Poly Arch. Proposed 10 space outdoor car dealership (10 Parking Space) located at 28225 William Rosso Highway. Tabled 12-11-12.**

Motion by Mr. LaBelle, supported by Mr. Miller to withdraw Special Land Use #2012-07, at the applicant's request.

All Ayes Motion Carried

- B. BAYSIDE PLAZA PROPOSED NEW OUTLOT RETAIL – SITE PLAN #2012-06: Michael Gordon, 4351 Dememere Ct., Royal Oak, MI., 48073 – Proposed new outlot retail located at Bayside Mall. Tabled 12-11-12.**

Motion by Mr. LaBelle, supported by Mr. Alexie to deny Site Plan #2012-06. The applicant has not provided any additional information and the site plan that was submitted does not meet the zoning requirements of the ordinance.

All Ayes Motion Carried

- C. MCDONALD'S PROPOSED PYLON – SIGN #2012-94: Allied Signs, 33650 Giftos, Clinton Twp., MI., 48035 – Proposed replacement of foundation and pole for existing sign located at 28320 23 Mile Road. Tabled 12-11-12.**

Motion by Mr. LaBelle, supported by Mr. Miller to deny Sign #2012-94 because it exceeds the height limit of the Township requirements.

All Ayes Motion Carried

Kelly Fuerst and Patrick Stieber addressed the board on behalf of the applicants.

Mr. Steiber said that this item was previously tabled for the Township to obtain a legal opinion to determine if McDonald's could re-erect the high-rise sign with the understanding that it would have to come down when the new ordinance takes effect in 2016.

Mr. Meagher said that there was not any discussion with the Township attorney, but that the matter was addressed through the Township offices. He explained that once the sign is down, it is considered a new sign. If the commission were to allow the sign to be re-erected they would be allowing a variance that would not be subject to the 2015-2016 deadline.

Mr. DeMuyneck said he noticed that the sign was taken down shortly after the last meeting.

Mr. Steiber said that the sign is down but still in his possession.

Commissioners reiterated that once the sign is down, it has to be considered a new sign.

Mr. Stabile explained that there is a difference between a resurface and a new pylon sign.

Mr. Steiber said that the sign was taken down after the last meeting because the owners were afraid of deterioration. During the previous meeting, it seemed like the commission was receptive to the idea of the sign being re-erected and brought down in 2016, said Mr. Steiber.

Mr. Stabile stated that he made a comment that asked if the sign could be allowed until 2016.

Mr. Steiber said that the owners wanted to preventively replace the sign before something happened.

Mr. Stabile asked if the applicants were looking into the possibility of obtaining a variance for a second sign that would face the expressway and allow more visibility.

Mr. Steiber asked if the commission would consider a variance to allow a second sign that is larger than the ordinance or if the variance would be for a second sign that only meets the code.

Mr. Meagher explained that anytime the commission is approached with a sign that is larger than the ordinance permits, it generates discussion of creating a new ordinance or denying the sign to meet the current ordinance.

Mr. Stabile said that the only sign the commission has approved that is larger than the height requirement was allowed because the sign was sitting in a hole. The commission has been pretty consistent with the height of signs, he said.

Mr. Miller reminded the applicant that McDonald's is listed on both sides of the expressway exit ramp business signs to notify motorists of the restaurant's location.

- D. STATE FARM INSURANCE PROPOSED NEW WALL SIGN – SGN #2013-01: Bryan Duquet, 26886 Harper, Clinton Twp., MI., 48035 – Proposed new wall sign located at 51082 D.W. Seaton.**

Motion by Mr. LaBelle, supported by Mr. Moran to approve Sign #2013-01.

All Ayes Motion Carried

- E. OLD COUNTRY STONE PROPOSED GROUND SIGN RESURFACE – SGN #2013-02: Jeff Sykes, 2800 Fruit St., Algonac, MI., 48001 – Proposed ground sign resurface located at 52011 Gratiot.**

Motion by Mr. LaBelle, supported by Mr. Alexie to approve Sign #2013-02.

All Ayes Motion Carried

- F. SUBWAY PROPOSED NEW WALL SIGN – SGN #2013-03 Phillips Signs, 40920 Executive Dr., Harrison Twp., MI., 48045 – Proposed new wall sign located at 45400 Marketplace Blvd. (Walmart)**

Motion by Mr. DeMuyneck, supported by Mr. Alexie to table Sign #2013-03 to allow Subway to approach Walmart about obtaining sign space on their building. This would be tabled for up to six meetings with the deadline being April 9, 2013.

All Ayes Motion Carried

The applicant, Debbie Phillip, said she is trying to put up a small sign, 16 square feet, for people in the parking lot to know that there is a Subway located inside of the Walmart.

Commissioners noted that the site is already in excess of the amount of allowable signage.

Mr. Meagher suggested that Walmart might need to eliminate one of their signs. He brought up the potential for one of the other small shops inside of Walmart to want a sign as well.

Ms. Phillip said that her business is a restaurant making it a little different than the other retail shops inside.

Mr. Miller stated that Walmart has already exceeded their signage.

Ms. Phillip said that because Subway is a different type of use, it should be considered. A sign would make people aware that there is an eating establishment inside, she said. Additionally, she said that she does not know if Walmart would give up their signage for Subway.

Mr. DeMuynck said that there are a few other retail businesses inside Walmart and should the commission allow one business a sign, they are going to have to allow signs for the other businesses.

Mr. Leonard agreed, stating that there is no guarantee that those other businesses inside of Walmart will not want a sign.

G. HUNGRY HOWIE'S PROPOSED NEW TENANT PANEL – SGN #2013-04: Harmon Sign, 7844 W. Central Ave., Toledo, OH., 34617 – Proposed new tenant panel located at 30130 23 Mile Rd.

Motion by Mr. LaBelle, supported by Mr. Moran to withdraw Sign #2013-04, at the applicant's request.

All Ayes Motion Carried

H. PAMAR PROPOSED TRUCK SCALE – SITE PLAN #2013-01 Pamar Enterprises, 58021 Gratiot, New Haven, MI., 48048 – Proposed truck scale located on the west side of Gratiot, north of 23 Mile Road.

Motion by Mr. LaBelle, supported by Mr. DeMuynck to approve Site Plan #2013-01.

All Ayes Motion Carried

I. VIP LOGISTICS PROPOSED ADDITION – SITE PLAN #2013-02: Erik Heiderer, 44045 Gratiot, Clinton Twp., MI., 48036 – Proposed addition to existing building located at 29400 25 Mile Rd.

Motion by Mr. LaBelle, supported by Mr. Moran to table Site Plan #2013-02 to allow the applicants to modify their plans. This would be tabled for up to six meetings with the deadline being April 9, 2013.

All Ayes Motion Carried

Erik Heiderer and Boris Iovanovici, the owner of VIP Logisitics, addressed the commission.

As a representative for VIP Logistics, Mr. Heiderer, explained that he had spoken with Mr. Meagher about the revisions to the site plan for VIP's requested addition. He said that VIP Logisitics has no objections with the alterations the Township requires.

Mr. Heiderer described VIP Logistics as a transport company that has trucks that park overnight and within a couple of days are back on the road transporting materials out of state. He said there is space in the back for the trucks to park. Mr. Heiderer confirmed for commissioners that there would not be trucks parked anywhere in the yard.

Mr. Miller said that during pre-planning, the applicant said there would be no more than 15 units parked at any one time, but just yesterday, he counted 36 parked units.

Mr. Heiderer said, that they had purchased some rent-a-trailers in December and were taking delivery of them and had to return the rented ones to Grand Rapids.

Mr. Heiderer explained that on the new plan there are 15 requested parking spaces and if each truck and trailer were counted individually there may be as many as 30 units parked at any one time.

Mr. Meagher reminded the applicant that in the new site plan truck parking will be limited to a maximum of 15 units.

Mr. Heiderer stated that there will only be 15 spots collectively. He said that each space will be 70' long and is large enough to accommodate two units (truck or trailer) parked in any one space. He explained that the tractors are 15' long, the trailers are 53' long, and the truck and trailer will not always be hooked together.

VIP Logistics is not in the business to store trailers, said Mr. Heiderer. He said that the only way to make money is to move the trailers; for this reason, they are only parked for a couple of days and go on the road for three weeks to a month. They are not always the same trucks, Mr. Heiderer said.

Mr. Miller asked if the trucks will be fueled on site and Mr. Moran asked the applicant if there would be any onsite truck maintenance.

Mr. Heiderer said there would not be any fueling, but that they do intend to change the oil inside of the building.

Mr. Meagher said that changing the oil is an engineering issue, but that the engineers may require a grease oil interceptor.

The electrical, mechanical, plumbing, and structural engineering items have already been approved by the building department, said Mr. Heiderer.

Mr. Heiderer said that six meetings would give him sufficient time to modify the plans.

7. APPROVAL OF MINUTES OF PRIOR MEETINGS:

Motion by Mr. Miller, supported by Mr. Alexie to approve the minutes from December 11, 2012.

All Ayes **Motion Carried**

8. COMMUNICATIONS: None

9. NEW BUSINESS: None

10. OLD BUSINESS:

Mr. Leonard said that commissioners can go to the police department to obtain an I.D. Badge. He said department personnel will take a picture and make the card, but commissioners will need to know their term expiration date.

11. PLANNER'S REPORT:

A. ROSSEELS FARMS L.L.C. PROPOSED TREE REMOVAL: Rosseel Farms, 25765 26 Mile Road, New Haven, MI., 48048 – Proposed tree removal permit application for property located at 29579 23 Mile Road. Tabled 12-11-12.

Motion by Mr. LaBelle, supported by Mr. Alexie to table Rosseels Farm L.L.C. Proposed Tree Removal. This would be tabled for up to two meetings with the deadline being February 12, 2013.

All Ayes Motion Carried

Mr. Meagher said that the applicants are requesting to remove trees without a development request. He and Mr. Miller will be meeting with Mr. Rosseel on the site tomorrow to review the trees, said Mr. Meagher.

B. ADMINISTRATIVE APPROVAL #94 Elite Fence, 50925 Richard W. Blvd., Chesterfield, MI., 48051 – Requesting approval to reconfigure fencing at about address.

Motion by Mr. Eckenrode, supported by Mr. Moran to approve Administrative Approval Request #94.

All Ayes Motion Carried

12. COMMENTS FROM THE FLOOR:

Gary Gendernalik thanked the commission for approving the sign for Old Country Stone. He also noted that the Master Plan on the wall in the Township corridor is from 1991.

Mr. Moran said that he would not be able to attend the next meeting on January 29, 2013. He said that he will be in England serving his country.

Commissioners welcomed Mr. DeMuyneck back to the board.

13. PROPOSALS FOR NEXT AGENDA:

Mr. LaBelle asked about pre-planning volunteers for the next meeting. Both Mr. Eckenrode and Mr. Leonard agreed to participate.

14. ADJOURNMENT:

Motion by Mr. Miller, supported by Mr. DeMuyneck to adjourn the meeting at 8:02 p.m.

All Ayes Motion Carried

Rick LaBelle, Secretary

Amanda Willard, Recording Secretary