

**CHARTER TOWNSHIP OF CHESTERFIELD
PLANNING COMMISSION**

December 10, 2013

A regular meeting of the Charter Township of Chesterfield Planning Commission was held on Tuesday, December 10, 2013 at 7:00 P.M. at the Township Hall located at 47275 Sugarbush, Chesterfield MI 48047.

1. CALL TO ORDER:

Mr. Miller called the meeting to order at 7:00 P.M.

2. ROLL CALL:

Present: Paul Miller
Joe Stabile
Rick LaBelle
Brian Scott DeMuyne
Carl Leonard
Ray Saelens
Jerry Alexie

Absent: James Moran, *excused*

Others: Patrick Meagher, Community Planning & Management

3. APPROVAL OF THE AGENDA

Motion by Mr. Miller to approve the agenda

Supported by Mr. DeMuyne

Ayes: All

Nays: None

Motion Carried

4. SUB COMMITTEE REPORT (Committee will report on items under Review)

5. **PUBLIC HEARING:** None

6. **REVIEWS:**

- A. **PLYMOUTH VILLAGE CONDO DEVELOPMENT PUD #2013-19:** Empire Homes, L.L.C., Filippo Leone Jr., 49212 Van Dyke Avenue Shelby Twp., MI 48317. Requesting approval to modify the approved attached condo layout to proposed detached condos located in the Plymouth Village Development, located on the north side of Hickey Road, east side of Gratiot. Set Public Hearing for January 14, 2014.

Motion by Mr. LaBelle to set the Public Hearing for January 14, 2013

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

- B. **SIGN REVIEW #2013-76:** MLS Signs, Inc., 25733 D'Hondt Ct., Chesterfield, MI 48051. Proposed new wall sign for PNC Bank located at 28090 23 Mile Road.

Mr. LaBelle stated that the proposed sign was oversized and after a discussion the applicant was willing to revise the size of the sign to 50% which the Commission has been allowing at the back of buildings. The applicant will be giving that revised paperwork to the Clerk when he pulls the permits.

Motion by Mr. LaBelle to approve Sign # 2013-76 for the proposed new wall sign for PNC Bank located at 28090 23 Mile Road for the revised size of the sign to 50% which the Commission has been allowing at the back of buildings.

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

7. APPROVAL OF MINUTES FROM PRIOR MEETINGS:

Motion by Mr. Miller to approve the meeting minutes from November 26, 2013

Supported by Mr. LaBelle

Ayes: All

Nays: None

Motion Carried

8. OLD BUSINESS:

There was no old business.

9. NEW BUSINESS

There was no new business.

10. PLANNERS REPORT:

- A. ADMINISTRATIVE REQUEST #107:** Chesterfield Hotels, L.L.C., 1040 W. Hamlin Road, Rochester Hills, MI 48309. Requesting Administrative approval to proposed revisions to the previously approved Fairfield Inn & Suites, Site Plan #2013-07 located on Market place Blvd.

Mr. Meagher stated that basically the hotel has requested some minor changes to their plans with regard to the front and the roof line basically so the roof can be a flat roof rather than a pitched roof. There was also a question regarding the HVAC and he asked if that had been discussed?

Mr. LaBelle replied no.

Rich VanDever, Davison Land Surveyors, 1063 S. State St., Suite 9, Davison, MI 48423 addressed the Commission

Mr. LaBelle stated that on the proposed drawing the letter stated that the HVAC units were going to be removed from the roof and put on the ground. He stated that by looking at the drawings, he does not see any placement for them on the ground. He asked where they were planning on putting them and how are they going to protect the people of the Township from the noise and unsightliness of these units.

Applicant replied that this was a new prototype and he had a meeting with the architect early next week to finalize everything. He explained that ground mounted HVAC utilities would probably be, based on their other hotels, placed at the back or sides of the hotel to zone it out. He stated that in this case they would probably be located here (indicating an area on the plans) and the zone would be dropped down to a 9 to 4 elevation and there is a wall along the back that is 6 to 8 feet high, so the units would actually be at ground level with a wall 30 to 40 feet away that would dampen any sound. He added that they would also put landscaping around the areas.

Mr. Miller asked if the HVAC areas would be near the residents at the back of the property?

The applicant went up to the Commissioners and pointed out the areas where the HVAC units would be located. His additional comments were inaudible.

Mr. LaBelle asked if they would be small condensing units or would they be large HVAC units?

The applicant replied that they would be the smaller sized units.

Mr. Saelens asked if the units would just be for the lobby and pool areas?

Applicant replied that he did not know the exact mechanical layout of the interior of the hotel. He mentioned that at the Holiday Inn Expresses that they had previously done there is usually a transformer on one side and three air conditioning units on the other side. He stated that as far as he knew there would be nothing large placed on the ground.

Mr. Saelens commented that the units would have to be big to control all the rooms.

Applicant replied that he thought the units would just be for the hallway and pool areas.

Mr. Miller asked if that information would be something they would see in the final plans.

Applicant replied yes. He stated that he would make sure the locations and the sizes of the units are documented on the plans.

Mr. Stabile commented that the roof lines on that building on the original plans looked beautiful and that was what made the look of the hotel. He stated that the flat roof completely changes it into something that does not look very good.

He does not like the flat roof at all and he wanted to know why they are doing it other than trying to save money.

Applicant replied that he did not think it was to save money and the design was part of the new prototype of the Fairfield Hotel. They thought it was more of a contemporary look for the building, what they are referring to as Gen.5. He stated from the Gen. 4 they had previously to the Gen. 5, they eliminated the pitched roofs and went to the flat roofs; he stated it was a corporate thing.

Mr. Stabile related that he personally would never vote to approve that flat roof. He was not sure how his colleagues felt about the matter, but he would not.

Mr. Miller stated that the next meeting would be January 14th and he would like to Table the request until they get the final drawings.

Applicant mentioned that he believed that they submitted the architectural drawings yesterday and he planned to submit the engineering plans this week or next week.

Mr. Miller informed the applicant that the next meeting was January 14th and they do not have another meeting scheduled for the end of December because of Christmas.

Applicant asked why the Commission was tabling the request?

Mr. Miller answered that they want to see the final drawings.

Mr. Saelens related to Mr. Stabile that he agreed with him and he does not like the look of the flat roof.

Mr. Alexie commented that the flat roof made it looked like a hospital.

Mr. DeMuyneck informed the applicant that he would not have his vote on the flat roof.

Applicant stated that the main reason for trying to lower the structure was for the residents and the building being too high. Therefore, they cut it down from the pitched roof to the flat roof.

Mr. Stabile mentioned that the only worry about the residents was that the structure will be three-stories; which the commission should not really have approved in the first place. They were worried about the visual site-line of the third row of windows not the roof; the roof looked good. He commented that it looked beautiful before.

Mr. Saelens commented especially when putting the two plans side by side.

Mr. Stabile stated that it was approved because of the total height because there is a little bit of a swell over there. However, normally they would not have approved the three stories.

Mr. DeMuynck stated that the aesthetics are gone. The commission strives to keep things more modern looking. He commented that he also like the original plan.

Mr. Alexie mentioned that he like the original plan too.

Mr. DeMuynck explained that originally there was a big push to approve the hotel because there was a big property deal and they laid out what they were going to do. He stated now they want to change the original plans.

Applicant related that in all fairness he told the board that the plans were a prototype of what they wanted to do

Mr. Stabile stated that the applicant came in front of the board for approval of some minor changes. He does not consider this roof a minor change. He stated that the footprint might be minor, but not the roof line.

Motion by Mr. Stabile to deny Administrative Request # 2013-107 for Chesterfield Hotels L.L.C. for the flat roof instead of the previously designed architecturals.

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

- B . ADMINISTRATIVE REQUEST #108:** : Brentwood Limousine 50695 Chesterfield Road, Chesterfield, MI 48051. Requesting administrative approval for minimal outdoor storage on the south side of the building for their limousine buses. Located in the Phoenix Industrial Sub., Building #2 on Chesterfield Road.

Mr. Meagher stated that Brentwood Limousine was in front of the board for permission to store three busses at their property on Chesterfield Road in the Phoenix Industrial Sub.

Mark Grabow, owner and C.E.O. of Brentwood Limousine addressed the Board.

Applicant stated that he was there because they received a ticket from Code Enforcement because they did not have the right to store vehicles outside. They had some discussions about that because the busses are licensed operating vehicles that are insured and approved through the USDOT is not a storage unit. A storage unit is something that sits and after some discussions on the matter they came in to have the site plan updated because apparently the Phoenix complex has not been touched for 20 years. He understood some of the issues and concerns but he reiterated that the vehicles are not stored. They typically take the vehicles outside and work inside cleaning, prepping and preparing other vehicles that are leaving constantly. The busses parked on the Patricia side are the forward seating over the road busses and those leave out-of-state constantly. Those busses sit there for a day or two and then they are gone for a week; upon return those busses go inside and are cleaned. Their business has quadrupled in the past year and a half and they have actually employed many local residents because of their growth. He mentioned that he still has some issues with Code Enforcement on their interpretation of storage compared to State laws and the USDOT laws for a licensed operating motor vehicle. He reiterated that something that sits in storage, a vehicle that is licensed and operating is not in storage.

Mr. Stabile asked if the vehicles are parked in the designated automobile parking spots?

Applicant stated that they are located in an M1 zone and the vehicles are parked across parking spots. He explained that their facility is 16,000 square feet and the parking spaces are overwhelming compared to the size of their staff. The parking spaces are not being used. He mentioned that even if they doubled their staff, they would never come close to needing all the parking spaces surrounding that building.

Mr. Stabile stated that it sounds like what is triggering the problem is parking the busses across the parking spaces designated for automobiles.

Applicant mentioned that he had spoken to Mr. St. Germaine and they have a difference of opinion about the meaning of outside storage. He asked Mr. St. Germaine to show him the requirements for something to be considered outside storage and he could not.

Mr. Meagher explained that he got a call from Mr. St. Germaine and what he was told was that basically the applicant was ticketed for parking busses in spaces that are not designed for bus parking. He mentioned that in this particular case because they are parked in front of the building they found it particularly noticeable and that was why it was cited. He was asked to take a look at it to see if it was consistent with the site plan and unfortunately it is not consistent, the busses are either in

places not designated for parking or in aisles. At the preplanning meeting the commissioners had a quick discussion on the matter and they have no objection with the bus parking taking place on the site, but their thought were that a plan could be brought in that showed the spaces on the west side of the building away from Patricia Drive in the back. They also realize that the company behind also have some trucks, trailers, flat beds and junk back there and if Mr. St. Germaine isn't going to do anything about it maybe someone would have to file a complaint that could be acted on.

Mr. Saelens asked if the busses are stored outside when they are not on the road?

Applicant replied that sometimes they are stored outside and sometime they are in the building. They have a custom executive coach that is used for entertainers or stars and that vehicle is always stored inside the facility for security. The vehicles that are parked outside are usually only there for a few days. He mentioned that the proposed area in back would literally block that industrial company and their front view. He stated that there have been semi-trailers that have been parked back there for years with weeds growing through them. He asked Mr. St. Germaine how could he write up a violation for a licensed vehicle that moves every few days and not write up a violation for that. He explained that their busses are parked is in front of a dead door that is a truck bay which they have no use for and that is why the door is blocked. It is strictly forbidden for anyone to park near the fire suppression system and there was a comment about that in the paperwork somewhere. He stated that if they cannot get fire aerial apparatus around in that area where the front bus is parked on Patricia; those busses are the same size as an aerial apparatus and they could literally pull two busses right through that section.

Mr. Meagher asked if that was the case the applicant could demonstrate that by showing turning radii around that area. He stated that the applicant would need to address A.E.W. concerns with regard to their review.

Applicant stated that Mr. LaBelle made him aware of some of their concerns, however, he did not get a copy of that prior to the meeting.

Mr. DeMuyneck asked what would be considered the front of the property would it be Patricia Drive or Chesterfield Road?

Mr. Saelens commented that he would consider both of the streets to be fronts himself.

Mr. Miller stated that the address in Chesterfield Road.

Mr. LaBelle asked Mr. Meagher about designating some spots behind the building.

Mr. Meagher replied that they could do that and that was what was discussed at the preplanning meeting either parking behind or on the side of the building. He stated that with this being a limousine service they could consider the removal of some of the parking because the parking there was designed for the 1970's when there was industrial and manufacturing in the structure. They simply do not have that parking demand and the Commission has also changed the ordinance in regard to parking requirements.

Mr. Miller asked the applicant if he had seen the drawing that was done?

Applicant replied that he had seen the back section here for the parking and they would not have a problem with that. He mentioned that the only reason they put the busses on the side was because this area becomes very clogged with equipment and there is a semi-trailer that has been there for years.

There was a rather lengthy discussion among the board members and the applicant regarding the best place to park the busses.

Applicant stated that they have 16,000 square feet of the building which is in total about 20,000 square feet.

Mr. Saelens asked the length of the building? He stated that it looked to be about 200'. He asked the length of the busses?

Applicant replied that they are 43' long.

Mr. Saelens stated then he could stack three busses along here.

Applicant agreed. However, he stated that come winter time the reason he puts busses here or here (indicating specific spots on the plans) is because of the plug capabilities so they can plug in the heater cores. He explained that these busses are Cat. 9 diesels and if you do not heat them up; they do not move.

Mr. Saelens asked then why not park the busses against the building along this area?

Applicant replied that he did not have a problem with that.

Mr. Saelens stated that they would like to have a site plan so they know where the petitioner plans to keep the busses.

Applicant mentioned that they typically allow their staff to park along here (indicating specific spots on the plans) because it is near their entry door. He stated that another reason is that security cameras are along this side, while this building has no security cameras and if they do leave the busses outside they are talking a

\$200,000 dollar piece of equipment. He mentioned that the entry door for customers is at the front and their staff entrance is at the back of the building.

Mr. Leonard stated that if need be, with the expense of these busses, one or two more cameras would not be a big expense.

Applicant answered that he did not have the authority to install cameras on their building. He mentioned that on his portion of the building they do have hidden cameras. He stated that if they looked at the letter there is close to \$4,000,000 of equipment in that building.

Mr. Leonard commented that he would have cameras everywhere.

Applicant stated that the only issue is the landlord tenant does he have the authority as the lessor to ask them to go ahead and restripe the parking lot or do they even need to restripe it.

Mr. Meagher replied that the applicant would need to restripe the parking lot and the owner would have to agree with it.

Applicant stated that they could not even do that until the spring.

Mr. Meagher stated that at this point they could still park the busses in the back, put up a \$2,000 bond and stripe it in the summer. At least that would get the applicant out of the mess with John St. Germaine.

Applicant mentioned that he will go to court because he wants them to show him why this is storage.

Mr. Meagher stated that they do not have to show him that. All they have to show him is that they are parking in an area that is not designed for bus parking. He explained that there is no bus parking on the site plan and that was the reason the applicant was in front of them that evening.

Applicant asked so a licensed vehicle cannot park there?

Mr. Meagher replied that a licensed car can park anywhere it is striped for a licensed car. He added that a licensed truck can park anywhere it is striped for a licensed truck.

Applicant stated that busses typically do not have striped areas to park.

Mr. Meagher stated that the site plan was not designed for bus parking.

There was another rather lengthy discussion among the board members and the applicant regarding the site plan, location of specific doors and the best place to park the busses.

Mr. Miller stated that they would like to see the busses parked in this area at the back of the building (indicating a specific area on the plans).

Applicant stated that he could move them back there, however, he would also like to be able to be here (indicating specific areas on the plans) otherwise he will have to run electrical cords all through the open driveway area that anybody could drive thru.

Mr. Miller stated that if the applicant can come up with a plan to park back there out of the way.

Applicant stated that he does not have a problem with doing that. He just commented that if Mr. John St. Germaine is going to write him a ticket for the bus parking, he should also be writing tickets for the trucks and trailers that have weeds growing out of them with the wheels which are embedded into the blacktop.

Mr. Meagher wondered if anybody on the Commission has seen this and filed a complaint.

Applicant stated that he mentioned it to the Code Enforcement officer and claimed that he was told to get out the offices.

Mr. Saelens explained that the Commission has just been trying to give him direction and suggestions and that it was up to the applicant to come up with a plan that would make it easier for the Commissioners to approve it.

Applicant asked if they wanted him to redraw that plan with the proposed new locations for the busses?

Mr. Miller replied sure.

Mr. DeMuyck commented that the plans should indicate the location of the overhead doors.

Mr. Saelens stated that basically the applicant needed to submit a new site plan which shows the location of the parking, the doors and where parking would be striped in the spring.

Mr. Meagher stated that they would decide whether the applicant would still meet the parking with three busses parked back there. The requirement used to be 1 to 350 and now it is 1 to 500. He stated that he guessed they would more than meet it because if as the applicant stated 50% of the building is storage, the requirement would only be 1 to 1200. So his guess would be that they could lose 35 to 40 parking spots and still meet the requirements.

Applicant pointed to an area on the plans and stated that this whole section would be gone as far as parking spaces and they would still have all plenty of parking.

Mr. Miller asked the petitioner if they would table the application, he would be able to get the paperwork together for the next Planning meeting which would be January 14th and the deadline for submission would be January 2nd.

Applicant stated that he could redraw and resubmit it. He mentioned that he paperwork talked about fire truck turning radius and if they would like access to the site, he would be glad to help them out.

Mr. Meagher stated that if the trucks are removed from that area that problem goes away. They have to go by the code which requires a 44' outside turning radius and they may very well meet it.

Mr. Leonard mentioned if the busses disappear the problem goes away anyway.

Applicant asked if the Commissioners would agree that if they move the busses that item #1 would no longer apply.

Mr. Meagher explained that the Commission could not really answer that question. He stated that if the busses are no longer in the front, A.E.W. would have to change their comments.

Mr. Saelens stated that once the applicant submits a revised drawing, A.E.W. will comment on the revised drawing but they cannot be sure that concern will go away.

Mr. Meagher stated that item #3. Would obviously not be an issue any more because the busses would no longer be blocking that door.

Applicant asked about #2?

Mr. Meagher stated that they were possibly referring to the busses being parked across handicapped parking and blocking ramps at the sidewalks. He indicated that he could always talk to Aseel Putros or Gordon Wilson at A.E.W if he had any questions or concerns.

Applicant stated so the meeting would be either January 14th or the 28th depending when he resubmits the paperwork.

Mr. Saelens mentioned that the paperwork for the meeting on January 14th would have to be in by January 2nd and the deadline for the submission of the paperwork for the meeting on January 28th would be January 16th.

Applicant asked if he would be required to pay another \$450 for the application?

Mr. Miller replied no, the application would just be tabled.

Motion by Mr. Alexie to Table Administrative Request # 108 for Brentwood Limousine for up to two meeting.

Supported by Mr. Leonard

Ayes: All

Nays: None

Motion Carried

Applicant commented that the paperwork was submitted on November 26th and they received a notice of appearance dated December 3rd.

Mr. Meagher stated that he could probably go down to Code Enforcement and let them he has gone to Planning on the issue and the attorneys will defer that.

Applicant mentioned that he tried to tell Code Enforcement that he was going to Planning that evening and he was told the attorney could explain everything to him in court. He stated that he had an issue with that since he is going through the process.

Mr. Meagher informed the applicant that the Commission had no control over Code Enforcement.

11. **COMMUNICATIONS:**

Review 4 car garage ordinances Sec. 76.331;

Mr. Meagher stated that it was brought up at a meeting that the Commission may have thought something else was adopted other than what was recently adopted by the Township Board. What was adopted by the Township Board was what they were sent by the Commission. The discussion they had centers around the fact that right now the way the ordinance is written, there cannot be four garage doors on a structure facing the road. The question was that the door cannot be on the same

plain; which technically would mean if one of the garage doors was set back a few feet, it would not be on the same plain. Therefore, it would meet the ordinance, but not bring about what the spirit was during the discussion about this. Originally, the doors would have to be offset a minimum of ten feet and for some reason they got away from that and the other issue was would it be any better if four garage doors faced the side toward a neighbor's house. He mentioned that originally during the discussion they were concerned if the doors faced the road, and at that time no one seemed to be concerned if the doors faced the side.

Mr. Leonard stated that the issue stated that it came up with the ZBA and the way it read four-garage doors facing the side were allowed.

Mr. Stabile stated that he thought the confusion was the terminology of the same plain. He explained that the Commission meant facing the same side.

Mr. DeMuyne stated that originally they looked at some drawings with four-doors facing the street and they all agreed that they did not want to see that.

Mr. Stabile mentioned that they also talked about a larger garage for someone who has hobby cars and does not need access to those cars with only three doors.

Mr. Leonard stated that they agreed that there could be three at the front and one on the side or two at the front and two at the side.

Mr. Stabile mentioned that there were a lot of ways to configure the garages, but they never intended to have four doors across one face.

Mr. Leonard commented that the Commission took care of it on the road side, but not on the driveway side.

Mr. DeMuyne explained that he thought that was the understanding among the board that they could not have four doors facing the street or the side.

Mr. Leonard agreed that was the intent but the end result was that the ordinance read "no more than the equivalent of three standard single-car garage doors" "shall be facing the frontage on the same plane."

Mr. DeMuyne stated that he was the understanding and that was why they wanted it limited to a 90' wide lot with a minimum of a ½ acre because they did not want a small lot with a garage and a lot of doors. He stated that on his lot he has a three-car detached garage that faces the side and his one car faces the street.

Mr. Meagher asked if everyone agreed with that principle that regardless of whether it is facing the side or the front they would concentrate on three and one or two and two, whatever, the cumulative of four doors.

Mr. Leonard stated that it would not matter whether the front or side, the board agrees they do not want to have more than three doors on any one of the four sides. He then mentioned that speaking of elevations, he wondered if someone could have three garage doors and one stepped back 10 feet and would that be acceptable?

Mr. DeMuynck replied that in that case all the doors would still be facing the same direction.

Mr. Leonard stated that a lot of time architecturally he has seen homes with four garage doors with different elevations, sections out where they break things up a little bit and they look good.

Mr. Meagher stated that they would come up with the proper terminology and maybe put a little graphic in there. He would like to make it as clear as possible this time so they all know what they are approving.

Mr. DeMuynck stated that he knew one thing that no way were four doors supposed to be facing the same way.

Mr. Saelens agreed with that statement.

Public Comments:

Gary Gendernalik, 52624 Au Lac, Chesterfield, MI addressed the board.

Mr. Gendernalik commented that his neighbor had a three-car garage with a recessed door and it looked very nice architecturally.

Mr. Meagher stated that he would come up with some wording based on the discussion and bring it back for the next meeting.

Discussion of 2nd sign @ rear elevation of bldgs.

Mr. Meagher stated that the second amendment was pretty much what they have been following all along allowing a second sign to be at the back of the building that faces the parking. The signs would be allowed at 50% of what is allowed at the principle front of the building.

Mr. Stabile stated that he thought they had already adopted that amendment.

Mr. Meagher stated that they had adopted the provision if there was a secondary road that ran past the back of the building.

Mr. Meagher suggested that the Commission read the sign amendment over and if they have any suggestions to bring them to the next meeting He stated that if they can get some language for the next meeting, they could set public hearings on these to get things rolling.

12. COMMENTS FROM THAT FLOOR PERMITTED BY THE COMMISSION ON AGENDA OR NON-AGENDA MATTERS.

Mr. Gendernalik presented the Commissioners with some paperwork for a client that he represents on something that would be coming up next year. He stated that he brought in some information on the matter for the Commission ahead of time

13. PROPOSALS FOR NEXT AGENDA.

Mr. LaBelle asked for volunteers for the preplanning meeting on January14th.

Mr. Alexie and Mr. Eckenrode both volunteered to attend the meeting.

The Commissioners wished each other Merry Christmas & Happy New Year.

14. ADJOURNMENT

Motion by Mr. Miller to adjourn at 8:02 PM

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

Rick LaBelle, Secretary

Grace Mastronardi, Recording Secretary