

**CHARTER TOWNSHIP OF CHESTERFIELD
PLANNING COMMISSION**

June 24, 2014

A regular meeting of the Charter Township of Chesterfield Planning Commission was held on Tuesday, June 24, 2014 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 DeMuynck
Carl Leonard
Frank Eckenrode
Jerry Alexie
Ray Saelens

Absent: James Moran, *excused*

Others: Patrick Meagher, Community Planning & Management
John Palin, Community Planning & Management

3. APPROVAL OF THE AGENDA

Motion by Mr. Miller to approve the agenda with the addition of the election of officers under New Business.

Supported by Mr. LaBelle

Ayes: All

Nays: None

Motion Carried

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

5. **PUBLIC HEARINGS:**

6. **REVIEWS:**

- A. **SITE PLAN #2014-12:** Brandon Garrett of Haley Law Firm, 10059 Bergin Road, Howell, MI 48843. Proposed AT&T collocation to existing communications tower located at 37230 26 Mile Road.

Mr. LaBelle stated that they are adding another antenna to an existing tower.

Motion by Mr. LaBelle to approve Site Plan #2014-12

Supported by Mr. Saelens

Ayes: All

Nays: None

- B. **SITE PLAN #2014-13:** Brandon Dabish, 50858 Brendenbury, Macomb Twp., MI 48044. Proposed addition to the existing AT&T Cellular Store located at 31081 23 Mile Road in the Field's Plaza.

Motion by Mr. LaBelle to Table Site Plan #2014-13 to give the owner an opportunity to make some changes to the drawings.

Supported by Mr. Alexie

Ayes: All

Nays: None

- C. **SIGN REVIEW #2014-50:** Metro Detroit Signs, 23544 Hoover Road, Warren, MI 48089. Proposed new wall sign for Eyeglass World located at 51400 Gratiot. This sign is proposed for the west elevation of building.

Mr. LaBelle stated that the sign does meet the Township ordinances.

Motion by Mr. LaBelle to approve Sign #2014-50

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

- D. **SIGN REVIEW #2014-51:** Metro Detroit Signs, 23544 Hoover Road, Warren, MI 48089. Proposed new wall sign for Eyeglass World located at 51400 Gratiot. This sign is proposed for the south elevation.

Mr. LaBelle stated that the sign does meet the Township ordinances.

Motion by Mr. LaBelle to approve

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

- E. **SIGN REVIEW #2014-52:** Metro Detroit Signs, 23544 Hoover Road, Warren, MI 48089. Proposed tenant panel add to existing ground sign for Eyeglass World located at the entrance of the Target Center along 23 mile.

Mr. LaBelle stated that the sign does meet the Township ordinances.

Motion by Mr. LaBelle to approve

Supported by Mr. DeMuyneck

Ayes: All

Nays: None

Motion Carried

- F. **SIGN REVIEW #2014-53:** Metro Detroit Signs, 23544 Hoover Road, Warren, MI 48089. Proposed tenant panel add to existing ground sign for Eyeglass World located at the entrance of the Target Center on Gratiot.

Mr. LaBelle stated that the sign does meet the Township ordinances.

Motion by Mr. LaBelle to approve Sign #2014-53

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

- G. SIGN REVIEW #2014-54:** MRRR Inc. 30534 23 Mile Road, Chesterfield, MI 48047-1845. Proposed Pylon resurface for Mike's Mini Mart located at 30534 23 Mile Road.

Motion by Mr. LaBelle to approve Sign # 2014-54 with the following few items that need to be met. First of all the word ice is written down the pole of the sign. The sign manufacturer has agreed to remove the word ice and add the address. The other issue is that there were lights on top of the sign and the sign manufacturer has agreed to remove the lights from the top of the sign.

Supported by Mr. Leonard

Ayes: All

Nays: None

Motion Carried

- H. SIGN REVIEW #2014-55:** SignTrek, LLC., 46362 Woodall, Shelby Twp., MI 48317. Proposed new ground sign for Capitol Supply Service located at 51895 Chesterfield Road.

Mr. LaBelle stated that the sign does meet the Township ordinances.

Motion by Mr. LaBelle to approve Sign # 2014-55

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

7. APPROVAL OF MINUTES FROM PRIOR MEETINGS:

Motion by Mr. Miller to approve the meeting minutes from June 10, 2014

Supported by Mr. DeMuynck

Ayes: All

Nays: None

Motion Carried

8. COMMUNICATIONS:

There were no communications.

9. NEW BUSINESS: Election of Planning Commission Officers

Mr. Miller stated that the Commission would elect a Chairman, Vice-Chairman and Secretary.

Motion by Mr. Stabile to have Paul Miller continue as Chairman

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

Motion by Mr. Miller to appoint Mr. Stabile as Vice-Chairman

Supported Mr. LaBelle

Ayes: All

Nays: None

Motion Carried

Motion by Mr. Miller to appoint Mr. LaBelle as Secretary

Supported by Mr. Leonard

Ayes: All

Nays: None

Motion Carried

10. OLD BUSINESS:

Mr. Leonard mentioned a comment by Mr. LaBelle at the last meeting regarding following the ordinances. He stated that he agreed with Mr. LaBelle fully. However, he felt that some of his thinking and voting come from his being on the Zoning Board of appeals for so many years. He commented that on that board they are always looking beyond the forest to see the trees and they take hardships and practical difficulties in consideration. He explained that there is such diversity in the

Township that it happens all the time on the ZBA because not everything is the same. Therefore, if he makes a decision to give a little relief on some of the things that come before the board; it is because they have some type of hardship because their building is on an angle or they are too close to the road and something that makes that property unique from the other properties up and down the road. He just thought sometimes they should look past the ordinance to see what that individual is dealing with. He mentioned that they had that situation with the sign at the last meeting and there were some things he thought about because the applicant had to deal with things that others down the road did not have to deal with. He wanted to clarify his thinking on the matter.

Mr. Stabile commented that was what the ZBA is for and Planning is supposed to uphold the ordinances.

Mr. Meagher stated that signs are dealt with by the Planning Commission.

Mr. Leonard stated that he just mentioned it because in that case there was a practical difficulty. He did not think the applicant should have gotten everything he wanted but there were reasons there for giving some relief. However, he does agree with Mr. LaBelle and he just wanted to mention that sometimes he comes at his decisions from a different angle.

11. PLANNERS REPORT:

- A. Administrative Request #117:** Fairview Plaza Associates, 27600 Farmington Road, Suite # 201, Farmington Hills, MI 48334. Request is to replace a fallen concrete wall with a different type of screening. Tabled June 10, 2014.

Mr. Meagher stated that he spoke with the applicant and he informed him that the Planning Commission felt that the wall would have to be replaced. Structurally the entire wall would have to be replaced or a structural study be done of the remaining wall. He mentioned that the engineer was going to hold the applicant to their current standards with regard to curbing and the existing parking. He stated that they did have a meeting set up with the gentleman unfortunately it had to be cancelled because our engineer had a conflicting appointment. After that the applicant was out of town so they have to set up another meeting with him. At this point, the applicant has been ticketed by the Township for the wall issue and being out of site plan compliance. Therefore, he was asking the Commission to Table this for one or up to two meetings. He stated that this was something that has to be taken care of and depending on what is done at this meeting the applicant may be applying for a full site plan and not just an administrative site plan. So, this may be a procedural issue but if in fact they are going through with curbing and there may be issues with the dumpster enclosure out there. Therefore, they may just require a full site plan or they may bring it back as a technical if he agrees to all of this stuff and there is no

controversy. At this point he was asking the Commission to table this for one meeting or preferably two meetings to give them a chance to set a date and meet with the applicant.

Motion by Mr. Miller to Table up to two weeks

Mr. Saelens asked if they could contact the Building Department and make sure that area is fenced off with the grade differential on that site. If someone walks out the back and goes down and it is dangerous with the wall just laying there. It seemed to him that the wall should be removed and someone should at least put a temporary construction fence up so someone doesn't go tumbling down the hill over there.

Mr. Meagher stated that he thought the engineer was recommending that as well, so they will pass that along to the Building Department because they also have a huge concern with this. Building has ticketed the applicant and there is a safety hazard with the remainder of the wall because it could topple over any time

Supported by Mr. Saelens

Mr. LaBelle stated that a gentleman in the audience would like to speak on this matter.

Adam Pearl, 25488 Norvell, Chesterfield, MI addressed the board.

Mr. Pearl stated that he lives directly behind the wall that they are discussing. He explained that this has been an issue since February, so it has been about six months since the wall has fallen and three cones have been placed on the wall and nothing else has been done. He contacted the Township in mid March and has been told the guy has been contacted three times and May 12th the man was notified that he would be ticketed in thirty days. He spoke to the man on May 10th and was told they would be doing all these improvements within two weeks and nothing was done. He was informed that the man has been ticketed, but has also been told the ticket might not stand if he does eventually fix the problems. He wants to know how long it will take for something like this to go thru because if thirty days is the limit, why are they now at five months. He stated that now this is being tabled for two weeks; how long can this go on.

Mr. Miller stated that it has been tabled up to two meetings, which is a month. He asked Mr. Meagher for his input.

Mr. Meagher stated that they are going to have a meeting with the applicant and regardless of what happens and if it goes to court; the court is going to say that man has put in for approval and as soon as the plan is approved, the man

will do it. Unfortunately, that is the way the system works and it is not going to be done any sooner. Technically, the applicant is not allowed to do anything out there until he gets approval.

Mr. Pearl asked why if this happened in February, it this taking so long to get resolved?

Mr. Meagher stated that is something Mr. Pearl will have to bring up to the Administration. He stated that they are the Planning Commission and not Enforcement. He explained that they are going to look at the site plan and determine whether it meets the requirements of the ordinance. He reiterated that as to why this is taking so long to resolve is a matter that would have to be brought up to the Administration.

Mr. Pearl asked who should he contact in the Administration.

Mr. Miller suggested that Mr. Pearl should start with the Building Department.

Mr. DeMuyndck stated that he should contact the Building Department's Code Enforcement.

Mr. Pearl asked if Nancy Welsch was part of Code Enforcement?

Mr. DeMuyndck replied yes.

Mr. Pearl stated that Ms. Welsch is the person he has been talking to since March.

Mr. DeMuyndck stated that things take time and the applicant cannot do anything until he gets site plan approval.

Mr. Saelens brought up the fact that the last meeting is the first time the Commission even heard about this problem.

Mr. Pearl stated that if it happened in February, this should have been brought up to Planning sometime in March.

Mr. Miller stated that the applicant really could not have done anything on the property until the frost was out of the ground anyway.

Mr. Pearl commented that the guy could have at least removed the broken wall which is a safety hazard. He asked if he comes back to the meeting in a month, is it still going to look the same.

Mr. Meagher stated that it depends what the court says and what the Administration does. He explained that the Planning Commission is going to give the applicant an approved site plan so he can do what he is going to do.

Mr. Pearl asked if it was true that the motion for the guy to put up a fence and trees has been denied?

Mr. Saelens replied no because the plan has not been submitted to the Commission, therefore, since it has not been submitted to them formally; it has not been approved or denied.

Mr. Pearl stated that it is his belief that a wall would help with noise reduction and would be a much better solution.

Ayes: All

Nays: None

Motion Carried

B. Administrative Request #118: Zucarro Banquets, 46601 Gratiot, Chesterfield, MI 48051. Request is to connect 170' foot long 6' high chain link to existing chain link fence in rear west of the property located at the above address.

Mr. Meagher stated that Zucarro's was requesting a chain link fence along the rear of the site, immediately behind the building for 170' and it will connect to the existing chain link fence on the south side of the property. He explained that because of its location and zero visibility other than through the industrial area, they have no objections to it. If the Commission has no objections to the fence he was looking for a motion to approve.

Motion by Mr. Miller to approve Administrative Request #118

Supported by Mr. Leonard

Ayes: All

Nays: None

Motion

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

Mr. LaBelle asked for volunteers to attend the next pre-planning meeting.

Mr. Alexie and Mr. Saelens volunteered to attend the meeting.

Mr. Leonard mentioned that he would be out of town and would be unable to attend the Planning Meeting on July 8th.

Mr. Saelens stated that he agreed with the gentleman from the audience. This happened in February and it should not have taken this long for the wheels of justice to turn especially when it is a safety issue.

Mr. Alexie commented that they should have at least removed all that junk and tear down the rest of the broken wall because it is a safety hazard.

Mr. DeMuyneck stated that after the last meeting when everyone gave him a list of places with code enforcement violations; it has been decided that there should be a paper trail. He stated that if anyone sees a violation, they are required to fill out one of these complaint forms with their name on it. He stated that after the meeting, he will bring the complaint forms and put them on their desk.

Mr. Leonard asked if Mr. DeMuyneck had blank forms to hand out?

Mr. DeMuyneck had forms to pass out to the board.

13. PROPOSALS FOR NEXT AGENDA.

There were no proposals for the next agenda.

14. ADJOURNMENT

Motion by Mr. Miller to adjourn at 7:30 PM

Supported by Mr. DeMuyneck

Ayes: All

Nays: None

Motion Carried

Rick LaBelle, Secretary

Grace Mastronardi, Recording Secretary