

**CHARTER TOWNSHIP OF CHESTERFIELD
PLANNING COMMISSION**

January 13, 2015

A regular meeting of the Charter Township of Chesterfield Planning Commission was held on Tuesday, January 13, 2015 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
Rick LaBelle
Joe Stabile
Carl Leonard
Brian Scott DeMuyneck
Jerry Alexie
Frank Eckenrode
James Moran

Absent : Ray Saelens, *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

Supported by Mr. DeMuyneck

Ayes: All

Nays: None

Motion Carried

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

5. **PUBLIC HEARINGS:**

None

6. **REVIEWS:**

- A. **SIGN REVIEW #2014-95:** Metro Detroit Signs, 23544 Hoover Road, Warren, MI 48089. Proposed new wall sign with lighting located at 27351 23 Mile Rd., for Jersey Mike's Subs in the Meijer outlet, (rear elevation). Tabled 12/09/14.

Mr. LaBelle stated that the sign does meet the Township ordinance and is less than 50% of the front signage.

Motion by Mr. LaBelle

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

- B. **SIGN REVIEW #2015-01:** Allied Signs, Inc., 33650 Giftos Drive, Clinton Twp., MI 48035. Proposed new ground sign located at 29360 23 Mile Road for Sherwin Williams Paint.

Mr. LaBelle stated that the sign does meet the Township ordinance although it is more than the allowable 4' from the sign to the ground. The applicant did not attend the meeting therefore he was going to make a motion to Table.

Motion by Mr. LaBelle to Table Sign Review # 2015-01

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

- C. **SIGN REVIEW #2015-02:** Phillips Sign & Lighting, Inc., 40920 Executive Drive, Harrison Twp., MI 48045. Proposed new resurface wall sign located at 33089 23 Mile Road in the Bayside Plaza for "Spinning" – Powerhouse Gym.

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

Motion by Mr. LaBelle

Supported by Mr. Alexie

Mr. Miller commented that the Powerhouse name was changed to Chamberlain and they never came in for an approval for the new sign. He just wanted to let Building Department or Planning know about the change.

Ayes: All

Nays: None

Motion Carried

- D. **SIGN REVIEW #2015-03:** Allied Signs, Inc. 33650 Giftos Drive, Clinton Twp., MI 48036. Proposed new wall sign (rear elevation) for "Hobby Lobby" located at 50700 Gratiot in the K-Mart white box.

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

Motion by Mr. LaBelle

Supported by Mr. DeMuyne

Ayes: All

Nays: None

Motion Carried

7. APPROVAL OF MINUTES FROM PRIOR MEETINGS:

Motion by Mr. Miller to approve the meeting minutes from December 9, 2014.

Supported by Mr. Moran

Ayes: All

Nays: None

Motion Carried

8. COMMUNICATIONS:

There were no communications.

9. OLD BUSINESS:

There was no old business.

10. NEW BUSINESS:

There was no new business.

11. PLANNERS REPORT:

A. ADMINISTRATIVE REQUEST #125: Sterling Fence Company, P.O. Box 436, St. Clair Shores, MI 48080. Gary Gendernalik for Bay Winds Townhomes located at the north side of 23 Mile Road, east of I-94. Requesting to install a 6' high decorative privacy fence along their most westerly property line. Tabled 12/9/14.

Mr. Meagher stated that for this administrative request Bay Winds Townhomes is proposing to put a 6' high privacy fence. He mentioned that at the previous meeting the Commission tabled this so they could go out in the community and take a look at wood fences and assess the durability of them verses the standards because the ordinance asks the Commission to review them. There was a discussion as to whether the fence was intended for screening or not intended for screening and the real intent of the fence. He explained that the ordinance states or indicates that if it is not for screening purposes, they would allow a six foot simulated wrought iron fence. He recommended that at this point in time it either be denied or be a higher quality fence and the rationale behind this is fairly well founded based on what is existing in the community and the conditions of many of the wood fences that have been established at multi-family and single family residences. He stated at this point he would turn it over to the Commission.

Mr. Miller explained that he drove around the Township and with Frank and Carl and they looked at a lot of different places with wood fences such as: Bay Winds, Bay Pointe, and Georgetown. He stated that all the wood fences were in poor shape. He added that many of the fences are even bent over and propped up with 2" x 4"s. Therefore, it is the opinion of most of the Commission that they would actually like to see a wrought iron or even a vinyl fence instead of the wood.

Mr. DeMuyneck agreed with Mr. Miller and explained that he has looked at a lot of fences in the Township and especially the Briar Towne fence that goes along 94 and along different properties on 21 Mile Road. He stated that all the wood fences are in disrepair and falling down; the wood fences just do not hold up.

Mr. Eckenrode stated that a lot of residential properties surrounding the commercial and multi-family properties had the fences in disrepair. He mentioned the fences did not even look that old, but they were falling apart.

Mr. Leonard explained that the only thing about the residential fences is that typically they are run for a shorter distance before they turn so for the most part they are more stable. He mentioned that even those however, did not look very good. He was expecting to see some nice looking wood fences and they were horrendous. He added that there was nothing that even looked half-way decent.

Mr. Miller mentioned that he took pictures of different fences they looked at, shared them with the board and they all are in agreement.

Mr. Alexie stated that the Commission does not really know what is going to be built next door to this property, so personally he would like to see no fence until they see what is going on over there. He mentioned, however, if they do have to approve a fence, he would recommend a vinyl fence rather than the wood. He stated that if they build something with screening, there may be a block wall on the other side.

Mr. Miller remarked that is a possibility.

Mr. LaBelle asked Mr. Meagher what the Township ordinance as far as fencing for commercial screening?

Mr. Meagher answered that they would be required to put up a 6' wall with a 10' green belt, but the ordinance states that the Commission can use discretion based on the use of the property. He stated that basically the Commission can assess the impact they feel is going to take place and modify those requirements.

Mr. LaBelle stated that personally he thought they need to look at the ordinance and clarify the types of materials that should be used as far as durability in these instances.

Mr. Meagher asked if Mr. LaBelle meant they should stipulate a higher standard for...

Mr. LaBelle stated yes stipulate a higher standard for commercial and multi-family applications.

Mr. LaBelle mentioned that he thought maybe there was a better way to install the fences so they do not end up falling down. He thought the vinyl fencing would provide a sturdier stable fence than the wood long term but even with that maybe the Building Department could look into the installation procedures.

Mr. Meagher stated that maybe they can look at that and make some suggestions to them. He asked if Mr. Leonard was speaking in regard to footings?

Mr. Leonard stated that when putting the posts in there is a process that they adhere to, but on fences that run that long maybe there should be some more reinforcement based on multi-family.

Mr. Miller stated that if the property next door would sell and they were required to put in a cement wall then there would just be a double wall and there would be gap between them. He asked Mr. Meagher if that was correct?

Mr. Meagher replied that was not something he would recommend because that would create an area for weeds to grow and potential rodent problem and most communities frown on that. He mentioned that it is probably something that needs to be covered in the ordinance.

Mr. Stabile stated that he would not want to hold off because they do not know what is going to happen on the next door property. He mentioned the road next to the lagoon which had all the promise in the world and nothing happened there.

Mr. Meagher mentioned that a project was approved on that property at one time, he thought prior to the recession and he was not sure why it did not go through.

Gary Gendernalik, 52624 Laurel Oak Lane, Chesterfield Twp., MI 48047 addressed the board.

Applicant stated that obviously he has a different prospective. He stated that he was representing Bay Winds Townhomes and on behalf of his clients he wanted to bring up a couple of things. He brought up written estimates for the vinyl fences. He explained that the white one is \$35,000 and the beige one is \$39,000. He mentioned that they can see on this there would be 5' x 5" posts imbedded in concrete for the foundation.

Mr. Miller asked if they checked into wrought iron fencing?

Applicant replied no because it did not come up at the last meeting and besides they want the fence for screening for noise and wind coming from the freeway. He stated that when the woods were there, the trees acted as a screen from the wind and the noise. He mentioned that when they previously gave them the submission for the wood fence, that price is \$18,750 and the vinyl fence is twice as much and they do not have the money. He explained the wood fence they asked for is 6' high and 1,100 square feet in length; it would be 4" x 4" posts set in concrete 42" deep in the ground. He stated that at this sight they already have a wood fence on the east side.

Mr. Miller replied that the Commission had pictures of that and it is disrepair.

Applicant stated that is a matter of opinion because he has pictures where there are only two places where boards are missing and part of the fence weathered differently because it was never stained.

Mr. LaBelle stated that it was more than just a few boards that are weathered, stained and are falling down. He showed the applicant pictures the Commissioners took of the fence.

Applicant showed the Commissioners a picture of a fence in Harrison Township that has been up for 10 years, that he stated was in good shape. He mentioned at that place they put up a new fence and there is a different in color, because of the shade of the sun. He added that some of their posts are steel and are imbedded in concrete.

Mr. DeMuynck asked if the fence was from Anchorage Condos on Jefferson?

Applicant replied correct.

There was a discussion among the board away from the microphone about the pictures of the fences.

Mr. LaBelle stated that the problem with dog eared fences is warping and he showed Mr. Gendernalik a picture of that in the photos.

Applicant commented that the Township ordinance does not have a standard stating that the Planning Commission, ZBA or Board can only approve vinyl fencing; it states that they can have a fence. He related that one part of the ordinance states that a person can pay a \$35 fee at the Building Department and get a fence. He mentioned that his client started the process before him and already paid the fee. He added that they want a wood fence, otherwise they will have to live with the wind conditions that they have. He then mentioned a fence that has been up about 25 years by his family's old funeral home site by the gas station in New Baltimore. He brought up some pictures taken by his client of wood fences at different residences, commercial and single family homes. He mentioned that if they go along Stonehenge and Donner Road there are single family homes and most of them have wood fences that face Donner Road.

Mr. Miller replied that most of those fences blew down in a storm in the Spring and many of those fences are new.

Applicant stated that he was just mentioning that because they are in the same sector of the community.

Mr. Miller stated that those are residential and the Stonehenge Condominiums do not have a privacy fence and neither does the John Sock's development.

Applicant stated that a lot of those condos don't need a fence because they have shrubbery as their screening.

Mr. Miller asked if his clients would like to use shrubbery?

Applicant stated that when his clients came to him, he told them if the Township approves it, they can get what they want. They want the wood fence because they feel it gives them more protection. He mentioned an alternative for them was to put trees up. Well, he stated that is the question of cost because if they put a 3 or four foot tree up they have a few years before it would get to six or seven feet where they would get more screening. It seems to them they could plant trees without anybody's approval.

Mr. Miller asked how many feet between the curb and property line?

Applicant replied 15'.

Mr. Alexie asked if there are already trees planted over there?

Applicant replied no because there were trees on the neighboring parcel it was not really necessary to spend that additional money.

Mr. Meagher commented that in terms of planting trees, if the trees are not part of the site plan it is a change of the site plan. He mentioned that part of their submittal requirement is to show trees and plantings and they would mandate that they plant 5' to 6' evergreens; that would be part of the site plan whether it be a technical review or a full site plan submittal.

Mr. Miller stated that he thought the consensus of the Commission is that they would rather see a vinyl fence than a wood fence.

Applicant replied they do not have the money. He mentioned if they look behind Wal-marts and Menards, they have a vinyl fence and periodically different sections of that fall down.

Mr. Meagher replied that he understood the applicant's argument, but the vinyl fences have come a long way since that one was installed in terms of quality and construction methods.

Applicant stated so he guessed the Township will have to change the ordinance to state that everyone must put up a vinyl fence.

Mr. Meagher stated that the ordinance allows an aluminum wrought iron fence based on durability.

Applicant stated that he was talking about a fence for screening.

Mr. Meagher stated that as far as screening the Commission could allow a wood fence if they decided to do that, however, it also gets down to the difference between commercial and residential. He stated that they determine the intensity of the change and the expected impacts of the uses and the Commission is allowed to use discretion in terms of what to install. He stated that in most cases they have stuck with the standard wall installation and the adjacent 10' greenbelt between commercial and residential.

Motion by Mr. LaBelle to allow a fence, but the fence has to be vinyl or better along that property line for their wind blockage and screening.

Supported by Mr. Miller

Mr. Meagher recommended that Mr. LaBelle indicate that the fence be some type of commercial or industrial grade fence.

Mr. LaBelle added to the motion that the fence must be a commercial or industrial grade vinyl fence.

Mr. Miller continued support.

Applicant asked how they would find out if the fence is commercial or industrial grade vinyl?

Mr. Meagher replied that it would typically be stipulated in the fencing literature whether it would be residential, commercial, or industrial grade.

Applicant stated so the Township would be satisfied with the literature.

Ayes: All

Nays: None

Motion Carried

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

Mr. LaBelle asked for volunteers for the next preplanning meeting on January 27th.

Mr. Alexie and Mr. Stabile both agreed to attend that preplanning meeting.

Mr. Gendernalik asked if anyone knew the status of the proposed outlet mall at 21 Mile and Hall Road.

There was a short discussion about the matter.

13. PROPOSALS FOR NEXT AGENDA.

There were no proposals for the next agenda

14. ADJOURNMENT:

Motion by Mr. Miller to adjourn at 7:37 PM.

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

Rick LaBelle, Secretary

Grace Mastronardi, Recording Secretary