

**CHARTER TOWNSHIP OF CHESTERFIELD  
PLANNING COMMISSION**

**May 12, 2015**

A regular meeting of the Charter Township of Chesterfield Planning Commission was held on Tuesday, May 12, 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  
Ray Saelens  
Jerry Alexie  
James Moran

Absent : Frank Eckenrode, *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. Saelens

**Ayes:** All

**Nays:** None

**Motion Carried**

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

5. **PUBLIC HEARINGS:**

A. **SPECIAL LAND USE #2015-06: Gratiot Chesterfield Properties L.L.C., 27947 Groesbeck Hwy., Roseville, MI 48066. Proposed 8,890 Square foot National Coney Island Fast – Food Restaurant w/ drive-thru facility, Retail space & Restaurant located at 27810 23 Mile Road. Public Hearing set on April 14, 2015.**

**Motion** by Mr. Miller to open the Public Hearing on Special Land Use #2015-06

**Supported** by Mr. DeMuyneck

**Ayes: All**

**Nays: None**

**Motion Carried**

**Tim Ponton, 27810 23 Mile Road, Chesterfield, MI addressed the board.**

Petitioner stated that the site was located on the south side of 23 Mile Road just north of the Lowe's Home Improvement Store with 23 Mile as the frontage. He stated that the site is approximately 1.5 acres and is located in the general business district where restaurants and retail are a permitted use. He stated that the fast food is a special permit as per the Zoning Ordinance. Therefore, they are requesting approval for a Special Land Use and the Special permit for fast foods. He explained that the existing building which was an old Ponderosa and later a Chinese buffet restaurant has been vacant for some time. The current owners tried to release the property and did not have any luck. The building as it stands is obsolete and not consistent with the Master Plan within the zone and is a visual eyesore. So, the property owner is looking to develop this into something nice and clean up this little section of 23 Mile Road. He explained that the proposed development plan includes a 9,920 square foot building with a combination of different uses. They have broken it up with a restaurant, retail space and a fast food restaurant. There are no exact tenants for the site at this time and the only tenant going in there at this time is National Coney Island. He stated that they do have 90 parking spaces for the site with full two way circulation throughout the site and a drive-thru lane that could accommodate at least 9 vehicles for stacking. He stated that they were requesting two access points on 23 Mile and they are in conversations with MDOT to discuss their preferred access patterns. He stated that they would meet the requirement as far as a landscaping plan. He explained that they are proposing 16 new trees on the site and they are keeping 11 trees at the rear and the lighting would also meet the current zoning ordinance. There would be a loading zone at

the side of the site and that would take care of loading for all three of the users. He mentioned that they did receive letters from the Planner, Engineers and the Fire Department. He then stated he would be happy to answer any questions the board had for him.

Mr. Stabile stated that that building is older and now they are requiring cross access everywhere and they need a cross access at the back of the property into the main shopping area. Also, there is some property at the back of this site which they call no man's land and on the plans it indicates an access road. However, that property as far as he knows does not belong to anybody and they tried to get White Castle to take over the property when they dealt with them and they were too far along in the process at that time to do anything with warranty deeds. He wondered if the applicant knew who that property belongs to?

Applicant replied that he spoke with his designers and they did have a chance to review the Lowe's survey and that piece of property was depicted as belonging to Lowe's within their property lines. He is curious that the cross access came up with the White Castle plans and wondered if it came up when Lowe's was built.

Mr. Stabile verified that the area came up in the survey as belonging to Lowe's.

Applicant stated yes.

Mr. Stabile remarked that it must have been an oversight on their part.

Applicant stated that they are currently discussing the matter with Lowe's to make an opening between their development and Lowe's and they are asking them to do that so they do not just have to go to Vergote Drive.

Mr. Stabile stated that his other concern is that they are way short on parking.

Applicant stated that the Township ordinance is extremely strict when it comes to fast food restaurants and just for a point of reference they are showing a 1920 square foot fast food restaurant with a drive thru and that would require 42 parking spaces itself. They do not currently have any users but they are estimating a place with 50 seats with 12 employees and a waiting area and just for that user would be 42 spaces on a place that would be probably the size of an ice cream or coffee shop and most of the time those types of businesses thrive with 15 to 22 parking spaces. He mentioned that ITE suggests 1 parking space per 66 square feet of building and that would be significantly less than the Township's zoning ordinance requires. He pointed out that the applicant will be the anchor tenant of the building. National Coney Island has a number of stores and they are very familiar with what they need as far as a parking standpoint. He assured them that the last thing they would do is compromise their patron's convenience.

Mr. Saelens stated that he thought it was a problem that the drive-thru would have to go around the building and it would be a safety issue for the people going to the Coney Island. The problem would not only be parking on the side, but people would have to be fighting the drive-thru traffic all the time.

Applicant stated that they are showing the space laid out this way but there is also a very good chance that the National Coney Island would be the end cap with a pick-up window and with that scenario it would be a casual dining experience. It would probably be an 80% dine-in and a 20% drive-thru and that would allow them to have a potential fast-food user on the other end without a drive-thru. This is a spec-retail and is being done without tenants and we are taking a conservative approach and presenting this to the board.

Mr. Saelens asked where is the loading area for the building?

Applicant pointed out an area on the plans.

Mr. DeMuynck stated that with the loading area over there, people would have to go across the parking lot in order to load anything. He asked if that was what they were proposing?

Applicant replied yes. He stated that most of the loading would be before or after business hours.

Mr. Saelens stated that if it is a fast food place or coffee shop, it will be opened early and it will be hard to be loading in that area; that would be a safety issue.

Mr. Miller asked the hours that National Coney Island is open usually?

Applicant replied that hours vary by location. He stated that typically they open 6 or 7 AM until 10 or 11PM.

Mr. Miller stated that the one on 8 Mile and Harper in St. Clair Shores has three different parking lots and that location is almost always full; people have to walk from all over to get in and out of the building which can be pretty dangerous and that one does not even have a drive-thru.

Applicant stated that he understood his concerns and each and every site has its own challenges. He mentioned at the 8 and Harper store the deliveries are in the alley behind the building. He stated that they have some say so as far as when food and products are delivered to the stores and they may just require them to come at an off hour and be closer to the building for deliveries.

Mr. Saelens stated that if they have retail space in there that will open at 8 or 9 AM until maybe 9 PM and again they will have the problem with deliveries at that side loading dock for whatever needs to be loaded in that retail space.

Applicant agreed that there is no question that it will be a bit of a challenge but with this site plan they think it is something they can live with and make work.

Mr. Miller asked if the applicant knew the size of the existing building?

Applicant replied that it was about 6,000 square feet.

Mr. Miller stated so the applicant is adding another 4,000 square feet on to that. He asked Mr. Meagher if that existing building met the parking requirements.

Mr. Meagher replied that he did not know

Applicant answered that the building did meet the parking requirements, but they did not do a whole lot of business. He stated that they owned the site for 10 years and they were going to put a National Coney Island in the building when they purchased the property, but the owner decided to lease it out instead to the Empire Buffet and when the lease expired, he chose not to renew it and come to the board with this new plan.

Mr. Saelens asked if the applicant was aware that the Commission is looking for one access maximum off the main road.

Brad Egan, 27810 23 Mile Road, Chesterfield, MI addressed the board.

Mr. Egan replied yes, they have two right now and they are in initial discussions with MDOT. He thought that would hinder the site and traffic significantly if they only had one access.

Mr. Saelens stated that they required it from Taco Bell.

Mr. DeMuynck stated that they were requiring the same from McDonalds and that was why they did not renovate their existing location because they were denied their double entrance.

Mr. Saelens stated that if you live around here that area is known as a cluster and the traffic is a mess.

Mr. Egan stated that he understood that and right now they are proposing the two approaches as is, but one thing they could do is possibly make the east approach a right turn only and that combined with Lowe's cross access they could eliminate a lot of the congestion. He thought the biggest issue is when someone tries to make a left hand turn out of any of those businesses there on 23 Mile Road. He reiterated that he thought a right turn only combined with Lowe's access would eliminate problems with left hand turns out of the site and help with the congestion. He thought the two approaches would work better, but he thought if they would allow the two approaches, they would make the one on the east a right turn only.

Mr. Stabile remarked that the they have turned down so many for the two approaches that there is no way that the Commission could agree to allow it now. The other businesses are right down the street from this site and there have been some serious accidents caused by businesses having the two approaches. He stated that no matter what they do and say about right turn only, there will be people who try to make the left turn into the lot.

Mr. Egan explained that when he meant right turn only there would be a do not enter sign on 23 Mile and there would be a right turn only sign. The east side approach would be curved in such a way that people could not turn into the site from 23 Mile.

Mr. Saelens stated that they have required other businesses to put in only one access, but what he saw in the applicant's favor would be the accessibility to the rear and that would really help things but there would still be only one access from 23 Mile Rd. The reason for only allowing one access was because the County came in a few years back and did a presentation on how traffic studies show it is much safer for plazas to have only one entrance and down the road what they are looking at are cross access roads because if there are accidents on the smaller access roads, they are for the most part minor accidents, where accidents on the main roads, such as 23 Mile, are serious and sometimes fatal.

Mr. Egan stated that they are presenting the site as they see it and he thought the properly signed, properly curved right turn only access would be safe and they would still have the two way traffic from the other approach and they would like the Commission to at least consider that.

Mr. Stabile asked Mr. Meagher about the "No Man's Land" property does it really belong to Lowe's?

Mr. Meagher replied that it shows a recorded easement on Liber 463, page 424 and it appears to be Lowe's property and the easement is, he assumes, in favor of the property in question in terms of access.

Mr. Stabile stated that he remembered that when dealing with White Castle, no one seemed to know who that property belonged to.

Mr. Meagher replied that White Castle just stated that it definitely did not belong to them.

Mr. Miller stated that if they did notice, the Commission did make White Castle put the access at the rear.

Mr. Stabile mentioned that they really worked hard on the Starbuck's property and they ended up putting an access at the rear for it to work.

Mr. Miller stated that he was at that site today and almost everybody used the rear access.

Mr. Stabile mentioned that if they put in the rear access that would allow everybody to use that.

Mr. Miller commented that 23 Mile is a very dangerous road and mentioned that there have been a couple of fatalities down by McDonalds and they worry about that.

Mr. Egan stated that they worry about things like that too. They have a site in Canton on Ford Road by IKEA close to Canton Center and they have a similar issue there where it is very difficult to make a left hand turn out of the site and they do not want to create a bigger hazard. However, he would like the Commission to give some consideration to a strictly one-way right hand turn access and that would allow the traffic to naturally go that way and that would eliminate the left hand turns. He stated then the left hand turn people will then find their way to the rear cross access.

Mr. Saelens brought up the point that #3 of AEW's recommendations is to limit the access on 23 Mile to one approach.

Mr. DeMuyck stated that the planning report also mentions that they are not meeting the 90% brick or better that is required by the Township. He explained that has been a standard that the Commission has decided upon for buildings.

Salvatore Lore, 27810 23 Mile Road, Chesterfield, MI addressed the board.

Mr. Lore stated that he was representing the architects on this project. He agreed the ordinance states 90% brick or better or similar durability material, which he stated is the product information in what he handed out to the Commissioners. He explained that the high performance, high impact efface system as shown proves that the durability of this product is as durable and in some cases more durable than brick.

Mr. Saelens remarked "throw a rock at it".

Mr. Lore stated that one of his reports stated that they took a sledgehammer to the product and the result was the same as with brick. He claimed that the durability and fire rating of the efface is equal or better than the brick.

Mr. Saelens stated that another reason for the brick requirement is that brick will look better for so much longer than any other surface. He mentioned that with another surface after a few years it gets painted, it starts to look dingy and then after a while the paint does not adhere to the surface.

Mr. Lore stated that they would be providing the proper maintenance.

Mr. Saelens stated that the reason for the ordinance is that in his experience of 45 years and with the experience of the other members on the board, they know what will hold up the best and nothing will stand the test of time like a masonry wall.

**Motion** by Mr. Miller to close the Public Hearing

**Supported** by Mr. Saelens.

**Ayes: All**

**Nays: None**

**Motion Carried**

Mr. Miller stated that it was normal procedure for the Commission to wait two weeks to render a decision.

Mr. Saelens asked if Mr. Miller wanted to poll the board to see if they wanted to make a decision at this time.

Mr. Stabile stated that would only be in special circumstances, but in this case there are so many things that need to be straightened out.

Mr. Miller agreed that there were too many issues that needed to be addressed before they render a decision, so they will vote on this in two weeks.

Mr. Stabile stated that to vote on this in two weeks, the applicants would need to get their paperwork submitted in a few days.

Mr. Meagher stated that if they decide not to turn in anything new, the Commission could make a decision at the next meeting. He mentioned that if they do decide to make some changes and get it in on time they could get on the agenda for May 26<sup>th</sup>, otherwise it would be on the following meeting.

Applicant asked if they are just coming back for a decision or does the board want them to make changes?

Mr. Miller stated that the applicant could make the changes that the Commission requested.

Mr. Meagher recommended that they Table this up to two meetings and that would give the applicants time to make some changes and if they are ready to go at the next meeting, submit it and let the Planning Department know that they want to be on the next agenda. He mentioned that procedurally what will end up happening is that if they are on the agenda, they will take a look at what the applicant has supplied and either Table it again and allow them extra time or they will approve or deny it at that meeting.

Mr. Saelens mentioned that if the applicant wanted to make any changes, they would have to submit them by noon this Thursday in order to be on the next meeting.

**Motion** by Mr. Miller to Table Special Land Use #2015-06 for up to two meetings.

**Supported** by Mr. Saelens

**Ayes: All**

**Nays: None**

**Motion Carried**

Applicant stated that he did not understand. He asked if the Commission was stating that they should make any changes that they think would help the board make a decision and submit those changes and then at the next meeting the board would address those changes and then vote.

Mr. Meagher replied that was correct.

Mr. Saelens reiterated that if the applicant wanted to make any changes, they would have to submit them by noon this Thursday in order to be on the next meeting.

**6. REVIEWS:**

- A. SITE PLAN #2015-09: MJC Chesterfield, 46600 Romeo Plank, Suite #5, MacombTwp., MI 48044. Amendment to Northpointe Condos to widen garages on each side to allow homeowners to each have a 2 car garage. Tabled April 28, 2015**

Mr. LaBelle stated that the applicant has not produced the requested elevations of the condos or the information they requested.

**Motion** by Mr. LaBelle to Table Site Plan #2015-09 for up to six meetings.

**Supported** by Alexie

**Ayes: All**

**Nays: None**

**Motion Carried**

- B. SIGN REVIEW #2015-35: Nationwide Sign, 4596 Curtis Street, Dearborn, MI 48126. Proposed new wall sign located at 27949 23 Mile Road for Cleopatra Mediterranean Restaurant.**

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

**Motion** by Mr. LaBelle to approve Sign #2015-35

**Supported** by Mr. DeMuyneck

**Ayes: All**

**Nays: None**

**Motion Carried**

- C. SIGN REVIEW #2015-36: MLS Signs, Inc., 25733 D'Hondt Ct., Chesterfield, MI 48051. Proposed new wall sign located at 51145 Nicolette for Attend Care Companies.**

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

**Motion** by Mr. LaBelle to approve Sign #2015-36

**Supported** by Mr. Alexie

**Ayes: All**

**Nays: None**

**Motion Carried**

- D. SIGN REVIEW #2015-37: Wallin-Gomez Architects, LDT., 711 S. Dearborn St., Suite #606, Chicago, IL 60605. Proposed new wall sign located at 50775 Gratiot for "Wendy's" (A) – proposed 1 of 3 on the (front) east elevation of the building.**

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

**Motion** by Mr. LaBelle to approve Sign # 2015-37

**Supported** by Mr. Miller

**Ayes: All**

**Nays: None**

**Motion Carried**

- E. **SIGN REVIEW #2015-38: Wallin-Gomez Architects, LDT., 711 S. Dearborn St., Suite #606, Chicago, IL 60605. Proposed new wall sign located at 50775 Gratiot for “Wendy’s” (A) – proposed 2 of 3 on the south elevation of the building.**

Applicant applied for a full size sign and has agreed to reduce it to 50% of the sign at the front of the building and that does meet the Township criteria.

**Motion** by Mr. LaBelle to approve Sign # 2015-38

**Supported** by Mr. Saelens

**Ayes: All**

**Nays: None**

**Motion Carried**

- F. **SIGN REVIEW #2015-39: Wallin-Gomez Architects, LDT., 711 S. Dearborn St., Suite #606, Chicago, IL 60605. Proposed new wall sign located at 50775 Gratiot for “Wendy’s” ” (A) – proposed 3 of 3 on the west elevation of the building.**

Mr. LaBelle stated that this sign was to go on the west elevation of the building and the Township does not allow a third sign on the building.

**Motion** by Mr. LaBelle to deny Sign #2015-39

**Supported** by Mr. Alexie

**Ayes: All**

**Nays: None**

**Motion Carried**

**G . SIGN REVIEW #2015-40: Wallin-Gomez Architects, LDT., 711 S. Dearborn St., Suite #606, Chicago, IL 60605. Proposed new ground sign located at 50775 Gratiot for Wendys.**

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

**Motion** by Mr. LaBelle to approve Sign #2015-40

Mr. Meagher asked if Mr. LaBelle would add to the approval that it would be subject to the address being added to the sign?

Mr. LaBelle stated that he would amend his motion that the ground sign must include the address of the building.

**Supported** by Mr. Miller

**Ayes: All**

**Nays: None**

**Motion Carried**

**H. SIGN REVIEW #2015-41: Wallin-Gomez Architects, LDT., 711 S. Dearborn St., Suite #606, Chicago, IL 60605. Proposed 7" x 3' 6" wall sign (B) "Thank You" at the drive thru located at 50775 Gratiot for "Wendy's".**

Mr. LaBelle stated that this sign is just over two square feet in size and does meet the Township ordinance

**Motion** by Mr. LaBelle

**Supported** by Mr. DeMuyneck

**Ayes: All**

**Nays: None**

**Motion Carried**

**I. SIGN REVIEW #2015-42: MLS Signs, Inc., 25733 D'Hondt, Chesterfield, MI 48051. Proposed new neon window sign located at 46916 Gratiot for B.D.T. Smoke Shops.**

Mr. LaBelle stated that the Township ordinance does not allow the window signs as well as there is already a sign on the building so there would be two signs at the front of the building.

**Motion** by Mr. LaBelle to deny Sign # 2015-42

**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 April 28, 2015

**Supported** by Mr. DeMuyneck

**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:**

Mr. Meagher mentioned that when they met in committee they decided to put together a summary document of the Master Plan that could be handed out and it would not cost \$30 or \$40 to produce. So they are working on that summary document and hopefully, they will have that for the Commissioners over the next couple of weeks.

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

Mr. Alexie mentioned the new sign for Cactus Jacks that was never approved by the Commission. He thought that whoever put that sign up should be penalized for putting up a sign without a permit.

Mr. DeMuynck stated that he would make a phone call tomorrow and address the problem.

Mr. LaBelle asked for volunteers for the next pre planning meeting.

Mr. Saelens and Mr. Alexie both agreed to attend the pre planning meeting on May 26, 2015.

**13. PROPOSALS FOR NEXT AGENDA.**

There were no proposals for the next agenda

**14. ADJOURNMENT:**

**Motion** by Mr. Miller to adjourn at 7:55 PM.

**Supported** by Mr. Saelens

**Ayes: All**

**Nays: None**

**Motion Carried**

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***Rick LaBelle, Secretary***

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***Grace Mastronardi, Recording Secretary***