

**CHARTER TOWNSHIP OF CHESTERFIELD
PLANNING COMMISSION**

June 23, 2015

A regular meeting of the Charter Township of Chesterfield Planning Commission was held on Tuesday, June 23, 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
Joe Stabile
Rick LaBelle
Brian Scott DeMuynck
Carl Leonard
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. PUD #2000-20: Chesterfield Commons Final Review, Flex Properties L.L.C., 48455 Diana Court, Shelby Township, MI 48315. Proposed review and Amendment to Chesterfield Commons PUD Public Hearing set on 5-25-15.**

Motion by Mr. Miller to open the Public Hearing on Amendment to PUD #2000-20

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

Pete DiNoto, 48455 Diana Court, Shelby Township, MI 48315 addressed the board.

Mr. LaBelle stated that he gave the applicant a copy of the AEW report.

Applicant stated that he had seen the report and will have their engineer add some dimensions to the plans and resubmit them for approval. He mentioned that the Township attorney approved the paperwork back in May, they added some things that they missed and then resubmitted the paperwork. He is not exactly sure what AEW needs or why they are making attorney comments.

Mr. Meagher asked if the Commission approves the PUD subject to those comments is that something the applicant can work with Mr. Siebert to address?

Applicant replied absolutely. He knew that Mr. Siebert approved it at the previous review and he was not sure why AEW was making attorney comments. He stated that he does not know how to pacify an engineer who is making attorney comments. He mentioned that they had an issue with the setbacks so he talked to Gary in the Building Department and they addressed the problem and it was acceptable to them and AEW was also okay with it. He stated that the only other thing they had was that for some reason AEW does not like side entrance garages, but they have some large lots in there and some people requested side entrance garages. At this point they have been paying AEW \$300 to review it and he does not have a problem with that but he thought it was something the Building Department could do. The problem is that AEW sits on the plans for 4 to 5 weeks or they give him stupid comments about grade slopes and things. He just did three plot plans last week for something that is not even mentioned in the ordinances because AEW told him they wanted less than a 5% grade slope on a driveway. In his opinion, they are wasting his time and the Township's time....

Mr. Meagher stated that this amendment should do it. He thought AEW just wanted to clarify which one would be in effect 5/15 or 5/20.

Applicant replied that he understood that. He commented that even the original plans had side entrance garages and as long as there isn't an issue with grading and if the lot is big enough it should not be an issue. He thought it should not be necessary for AEW to get involved when the Building Department would be able to deal with the issue.

There were no Public Comments.

Motion by Mr. Miller to close the Public Hearing

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

Mr. LaBelle asked since the applicant has agreed to comply with AEW's comments is there any way if agreed the Commission could vote on the PUD tonight and waive the two week process?

Mr. DeMuyneck asked if they should proceed without AEW's approval before they make a decision?

Mr. Meagher replied that he spoke to the engineers prior to the meeting and they were comfortable as long as the approval was subject to their modified plans being submitted to meet these standards.

Mr. Miller asked the Recording Secretary to poll the board members.

Mr. Miller stated that he would like to vote on the issue tonight.

Mr. LaBelle replied tonight

Mr. Stabile stated tonight

Mr. DeMuyneck replied tonight

Mr. Leonard stated tonight

Mr. Saelens replied tonight

Mr. Moran answered tonight

Mr. Alexie replied tonight

Motion by Mr. LaBelle to approve PUD #2000-20 subject to the applicant complying with AEW's comments and continuing to work with AEW.

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

Applicant asked if this was final or does the PUD now go in front of the Township board for approval?

Mr. Meagher replied that he thought the PUD would still have to be approved by the Township Board.

6. REVIEWS:

- A. PUD 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 a 2 car garage. Tabled on May 12, 2015.**

Mr. LaBelle stated that this was tabled on May 12, 2015 because the Commission requested that the applicant supply them with more information such as elevations. He explained that the applicant still has not come in and submitted the paperwork. Therefore, he stated, one last time he would make a motion to table the review for up to six weeks to give them enough time make the adjustments and supply them with the needed information.

Mr. Miller asked if anyone came in representing them?

Mr. Meagher stated that John Monte came to preplanning and he thought they had already submitted the information.

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

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

B. SIGN REVIEW #2015-50: MLS Signs, Inc., 26733 D'Hondt, Chesterfield, MI 48051. Proposed new wall sign located at 51070 Foster Road for "Strawberry Fields" restaurant.

Mr. LaBelle stated that it is actually a pylon sign and as drawn the sign exceeds the 48" limit under the sign. He discussed the matter with the applicant and they have agreed to lower the sign so there will be less than 48" under the sign.

Motion by Mr. LaBelle to approve Sign # 2015-50 based upon the sign being lowered to below 48".

Supported by Mr. Leonard

Mr. Saelens asked if they are moving everything down or are they just stretching it.

Mr. LaBelle answered that the applicant stated that he would make sure that the address would be lower than 48". He was going back to the owners to see if they could move that grillage down or lower the whole sign by 6".

Ayes: All

Nays: None

Motion Carried

C. SIGN REVIEW #2015-51: MD Lighting Sign Service 3626 Harrison Avenue, Rochester Hills, MI 48307. Proposed new wall sign located at 50730 Gratiot for Wuri Sushi.

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

Motion by Mr. LaBelle to approve Sign # 2015-51

Supported by Mr. Moran

Ayes: All

Nays: None

Motion Carried

D. SIGN REVIEW #2015-52: Displaymix, 18450 Pratt, Armada, MI 48005. Proposed new wall sign located at 32743 23 Mile Road for Bayview Medical Center.

Dean Downing, representing Displaymix, addressed the board.

Applicant stated that at pre-planning meeting Mr. LaBelle stated that the sign met the area allowance, so is the only problem the sign ratio?

Mr. LaBelle replied that since the building is over 200' from the road they do allow more square footage because it is so far back 300' from the road.

Mr. Meagher stated that the sign would meet the square footage area.

Mr. LaBelle mentioned however, the sign does exceed the ratio. He stated that currently the sign is at a 25 to 1 ratio and the Township only allows an 8 to 1 ratio. He knows the applicant has difficulty with that so if he would like to explain their resolve, the board will certainly listen to it.

Applicant stated that he came in thinking they were only dealing with an area issue, he did not hear about the ratio issue until he received a call from the Planners office. He mentioned that these are only numbers and that he has done this a long time and he has seen people being carried away with talking about numbers. He mentioned that numbers can be a little misleading. He has designed signs for 30 years and he always refers to the codes, but in the end he draws what is right for a building. He has seen the 8 to 1 ratio in other communities and always questions the need for the ratios but from a design point of view it makes it difficult to make a logo or trademark to fit into some proportions. He stated that if they take a 20' sign on a storefront and they apply an 8 to 1 rule, they end up with a sign that is 60% of the frontage of that building; it's a little over half. He went on to state that applying the same numbers to this property as proposed, they would be at 26% or 1/3 the length of the same area. He explained that the reason they have one line and therefore breaking the 8 to 1 ratio is simple. The building is set way back from the road and has established identity issues.

Mr. Meagher stated that apparently the applicant is asking for relief from the 8 to 1 ratio and his response would be what is the practical difficulty associated with the applicant's request to violate the 8 to 1 ratio ordinance. He explained that obviously if the Commission allows the applicant to violate the 8 to 1 ratio, they would have to allow anyone to violate the 8 to 1 ratio. He stated that the ordinance comes up with five criteria: 1. The size, shape, topographical of conditions of the property would render it difficult to provide a sign. 2. The strict enforcement of the provisions would serve no useful purpose. 3. The type of sign structure and location would not pose a significant risk. 4. The benefit of the sign to the general public and applicant would outweigh any risk to traffic safety and the Township's desire to eliminate the accumulation of visual clutter as stated in this ordinance. 5. A variance would be in the interest of the

Township and not against the spirit or intent of the ordinance. He mentioned that it states the applicant must meet all five of the criteria. He asked if the applicant was prepared with something addressing the criteria?

Applicant replied yes. He explained that the practical difficulty with the property is that by being set back so far with adjoining properties at the front and with the existing tree lines, no one can see that property unless they are directly in front of it. Every other store or business has the advantage of that visible range as by approaching the business people can see it and they have enough time to safely turn into that business.

Mr. Meagher mentioned that the applicant already has a ground sign sitting out in front of the property.

Applicant stated that the code allows a sign for the wall. He explained that they need the extra identity for this building because it is set so far back from the road. He explained that on the sheet of paper in front of the board, the photos on the bottom of the sheet are pictures that he personally took standing at different areas on either side of the property and not only looking from 23 Mile, but even looking directly at the property, no one can see the building.

Mr. LaBelle stated that his response to that statement is that the Commission is already allowing the applicant extra square footage for the sign to compensate for that difficulty, therefore, that statement does not apply.

Motion by Mr. Stabile to deny Sign # 2015-52 a variance for the 8 to 1 ratio due to insufficient proof of a practical difficulty

Supported by Mr. Miller

Dr. J. Cho, 42645 Garfield, Suite 103, Clinton Twp., MI 48038 addressed the board.

Dr. Cho stated that he is the practicing physician. He mentioned that he is sure they have heard of Cornerstone and they bought this building because it was an opportunity for physicians in the community to gather their resources together and acquire the building. He mentioned that the Great Lakes Foot and Ankle Institute with Dr. Frascone, a dermatologist and other physicians who currently practice in New Baltimore along with other doctors in the area called him because he already manages other medical facilities in Macomb County. He mentioned that these medical services will be a benefit to the people of Chesterfield Township. He stated that from his prospective the building is so far back and he does not think there is another building like it in Chesterfield Township being so far back. He commented that he did not understand the board's challenge on this because it is so far from the road.

He stated that he himself has to look for the blue car wash roof in order to find the building and that is the only way he knows the building exists. He stated that the building needs some type of presence of something to notify the existing customers. He mentioned that the small sign by the road is not big enough to see when driving 40 to 55 miles per hour on 23 Mile Road. So he hired Mr. Dean Downing who has been doing this for 30 years to figure out what is best, visibility wise, for the building to be recognized and that is why he is there to get the board's approval on a variance. He reiterated that the building is so far back and he does not think there is another building like it in Chesterfield Township.

Mr. Meagher stated that they should do what Henry Ford did and just put the name of the building on the sign rather than trying to put the tenant's names on the sign.

Dr. Cho asked what he meant?

Mr. Miller stated that the sign out front should be redesigned to incorporate Bayview Medical.

Dr. Cho stated that was why they just put the logos of the practices out there. He related that all he is looking for is the building sign because it is so far back. The building is so tucked back that there is no recognition of anything. He is not putting doctor's names on it they just want the name of the building and to promote Bayview Medical Center so people know it is a medical complex. He truly believes the building needs something and he does not think 64' is big enough to make an impact for the recognition they are looking for.

Mr. Meagher stated that the Commission has indicated that the size is fine and what they would like if for the sign to comply with the 8 to 1 standard. He stated that with the 6' clearance for the windows there is no reason why they cannot comply with the 8 to 1 standard and put up the allowable sign.

Dr. Cho explained that they tried the stacking the sign. He explained that the challenge is that most of people read from left to right and while driving it is hard to catch the top line and bottom line; and most signs do not have the two lines. He stated that a sign with one line is easy and succinct so they can transmit the message they are looking for. He explained that is why they made Bayview larger and Medical Center smaller. He commented that if they just have Bayview no one would know what it is.

Mr. Saelens commented that if they drop the Bayview, they will be in compliance.

Dr. Cho stated that they could just put Medical Center but they have to give it a name.

Mr. Meagher mentioned that they have a nice large address over the door as well that has not been counted as signage which technically probably could be counted as signage.

Mr. Miller thought the applicant could redesign the sign on the building and reapply because it is just too big for them.

Dr. Cho stated that when Dean designed the sign he told him to make it for the visibility not for the size. Originally the sign was 130 square feet and then it was 90 square feet. He asked what was the best size of a sign so people can visibly see it clearly from the road?

Mr. Meagher stated that the size of the sign is fine; they would just have to meet the 8 to 1 standard. He mentioned that if they do make it larger than the 8 to 1 standard they would have to reapply across the board because there is no practical difficulty associated with this property.

Mr. Moran stated that there was a proposal on the floor and asked if they could just go ahead and vote on it.

Mr. Saelens asked Mr. Stabile to repeat his Motion.

Motion by Mr. Stabile to deny the 8 to 1 ratio variance for Sign # 2015-52 due to the applicant being unable to prove a practical difficulty.

Mr. Miller continued support

Ayes: All

Nays: None

Motion Carried

7. APPROVAL OF MINUTES FROM PRIOR MEETINGS:

Motion by Mr. Miller to approve the meeting minutes from June 9, 2015

Supported by Mr. Alexie

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 #141: Acadia Development, 12955 23 Mile, Shelby Twp., MI 48315. Proposal is to revise the landscaping plan (location and number of trees) 2 trees in the front of every lot to 1 tree in the front, plus 2 in the rear yard of every lot to avoid sanitary sewer and water service leads.**

Mr. Meagher stated that they are requesting to relocate some trees to avoid sanitary sewer and water service leads and they have no objections to this.

Mr. LaBelle verified that they were just putting two trees in the back and one tree in the front and before it was two trees in the front and one in the back.

Mr. Saelens stated so they are still putting in the same amount of trees.

Mr. LaBelle replied correct the trees are just being relocated.

Mr. Meagher mentioned that this is not being done to save money they are making the request to avoid engineering issues.

Motion by Mr. Moran to approve Administrative Request #141

Supported by Mr. Miller

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 July 14th.

Mr. Alexie stated that he would attend the preplanning meeting.

Mr. Leonard also agreed to attend the meeting.

13. PROPOSALS FOR NEXT AGENDA.

There were no proposals for the next agenda.

14. ADJOURNMENT

Motion by Mr. DeMuyne to adjourn at 7:34 PM

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

Rick LaBelle, Secretary

Grace Mastronardi, Recording Secretary