

**CHARTER TOWNSHIP OF CHESTERFIELD
PLANNING COMMISSION**

October 27, 2015

A regular meeting of the Charter Township of Chesterfield Planning Commission was held on Tuesday, October 27, 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: Brian Scott DeMuyneck
Frank Eckenrode
Carl Leonard
Paul Miller
Rick LaBelle
Joe Stabile
Jerry Alexie
Ray Saelens

Absent: James Moran

Others: Patrick Meagher, Community Planning & Management

3. APPROVAL OF THE AGENDA

Motion by Mr. Miller to approve the agenda with the change of moving Public Hearing items B and C before A

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. **PUBLIC HEARING TO AMEND CHAPTER 76-ZONING MAP: This public hearing is to initiate changes to the Chesterfield Township Zoning Map including 8 parcels south of 25 Mile continuing north to 26 Mile along the east side of Bates. Public Hearing tabled 9/22/2015.**

Motion by Mr. Miller to open the Public Hearing

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

Mr. Meagher stated that the change to the zoning map is being initiated by the Township to bring this area of the Township in conformance with the master plan. The parcels are being proposed from AG to M1 and AG to M2 from one small portion. With that, they are recommending approval of the rezoning as submitted by the Township.

Mark Boettcher on behalf of Lawyers Reality of Michigan, they represent a family that owns two of the parcels that would be affected. They came to support the rezoning proposal, as they feel it would bring more jobs to the community.

Mr. Alexie did not have any comments.

Mr. Stabile did not have any comments.

Mr. LaBelle stated that he did review everything and he is in agreement with it.

Mr. Saelens stated that he is happy they are conforming to the master plan.

Motion by Mr. DeMuyneck to close the public hearing

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

Mr. LaBelle asked if they could vote on this item tonight?

Mr. Miller polled the board

Mr. Miller stated tonight

Mr. Alexie stated tonight

Mr. Stabile stated tonight

Mr. LaBelle stated tonight

Mr. Saelens stated tonight

Mr. Leonard stated tonight

Mr. Eckenrode stated tonight

Mr. DeMuyndck stated tonight

Motion by Mr. LaBelle to amend Chapter 76 of the Zoning Map. The recommendation to the Board of Trustees is that the following parcels be rezoned.

015-09-08-200-015 from A1 to M1 west of the railroad track and from A1 to M2 east of the railroad tracks.

015-09-08-200-016 from A1-M1

015-09-05-226-001 from A1 to M1

015-09-05-276-001 from A1 to M1

015-09-05-400-002 from A1 to M1

015-09-05-400-003 from A1 to M1

015-09-05-400-005 from A1 to M1

015-09-05-400-006 from A1 to M1

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

- B. PUBLIC HEARING TO AMEND CHAPTER 76-ZONING ORDINANCE:
Public Hearing is to adopt a new section in regards to the location and regulations to control yard clipping composting facilities located on the east**

**side of Bates Road from south of 25 Mile continuing north to 26 Mile Road.
Public Hearing tabled on 9/22/2015.**

Motion by Mr. Miller to open the Public Hearing

Supported by Mr. DeMuynck

Ayes: All

Nays: None

Motion Carried

Mr. Dloski spoke as the Townships attorney. He stated that this is an amendment to the Township zoning ordinance. The purpose of this is to locate and control the construction and operations of yard clipping and composting facilities. Under the proposed ordinance, they would be located in an M2 zoning district as a special land use and there would be certain conditions attached to the operation and construction of the facility that is set forth in the proposed amendment. The amendments would also delete the use of farming use in the resource technology section of the zoning ordinance. That would be consistent with the ordinance amendment where we want yard clipping facilities to be in the M2 Zoning district and not in any other district.

Steven Mickle, a resident, asked if there would be any residents or businesses within a thousand feet. He stated that he is concerned about the smell.

Mr. Dloski stated that the facility cannot be located any closer then up to 200 ft. to a property line and it has to be at least a thousand feet from any resident. Under the special Land Use, there are very strict standards that these facilities have to conform to in regards to any odors that may come from the site.

Motion by Mr. Miller to close the Public Hearing

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

Motion by Mr. LaBelle to vote tonight

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

- Mr. Miller stated tonight
- Mr. Alexie stated tonight
- Mr. Stabile stated tonight
- Mr. LaBelle stated tonight
- Mr. Saelens stated tonight
- Mr. Leonard stated tonight
- Mr. Eckenrode stated tonight
- Mr. DeMuynck stated tonight

Motion by Mr. LaBelle to amend Chapter 76-Zoning Ordinance. The recommendation to the Board of Trustees is that the zoning ordinance amendment to locate and regulate yard clipping/composting facilities be adopted.

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

- C. **JDC PROPOSED REZONING - PETITION #331: Joe Cipriano, JDC Building & Land Development Inc., Joe Cipriano, 41065 Donna, Clinton Twp., MI 48038. Requesting to rezone a parcel of land containing 6.558 acres located on the S.E. corner of Jefferson & Schneider from R1A, (Single Family Residential) to R1C (Single Family Residential). Public Hearing set on 9/22/2015**

Motion by Mr. Miller to open the Public Hearing

Supported by Mr. Alexie

Ayes: All

Nays: None

Joe Cipriano, the applicant, stated he has 40 foot, 50 foot and 60 foot lots located off Schneider Rd. that he would like to build 24 houses. Most of the lots are bigger than the 65 sq. feet, more than the township requires.

Mr. Miller asked if the roads he will be putting in will all be paved and what is his plan to do with Schneider Rd.

Mr. Cipriano stated yes they will, and he has not gone over any plans with the township regarding Schneider Rd..

Mr. Demuynck asked if the entrance will be located off of Schneider Rd. with another road going into a cul-de-sac and if the lots are all backing up to Roselawn.

Mr. Cipriano stated yes and that each backyard backs up to another backyard.

Mr. Labelle asked if he has any intention on paving Schneider Rd.

Mr. Cipriano stated he was not sure what the township would require him to do.

Matt Wojcik, resident, believes the R1-C re-zoning should be denied because it does not conform to the surrounding R1-A. According to the master plan, its low density, which R1-C is not. The lots are smaller and do not fit in with the surrounding area.

Gary Gendernalik, attorney representing surrounding residents, states he would like Lehner & Associates to do a layout of R1-A, R1-B and R1-C to show what the yield is. The Road Commission would probably make them pave at least Schneider Rd., from Jefferson to lot 26.

Thomas Dadswell, resident, lives on Roselawn. He backs up to lot 4. He stated that he is nervous about elevation changes which is already low as well as the soil due to dredging that was done previously. He states he would like to see a subdivision to match the surrounding area rather than site condo's.

Mr. Gendernalik, attorney, stated the Road Commission, Drain Commission and the state will require on-site detention. He further explains that per the formula, you must maintain 2 inches over the entire site so that it is six acres, which will show different yields. He recommends that the yields be shown if he resubmits.

Mr. Cipriano stated there are duplexes on Roselawn, across the street and down the road. There are also 40 foot lots and 50 foot lots down Schneider and you will also see a house behind another house. The lots will be 65 feet, which is bigger than most lots on the road. Mr. Cipriano agrees that drainage is a problem, which the Township did years ago when the subdivision was built and approved.

Mr. Alexie asked how it conforms to the master plan?

Mr. Meagher states the master plan is looking for a designation that will grant 1.4 to 2.5 units per acre, which will represent an R1-A or R1-B development, depending on the characteristics of the surroundings.

Mr. Stabile stated that the 40 and 50 foot lots were all cottages and cannot be compared to those. All of Jefferson needs to be upgraded, which is what is trying to be done in the new master plan and he is not in favor of smaller lots.

Mr. Cipriano stated that they were 65 foot lots.

Mr. Labelle agrees and is also not in favor of smaller lots. He also asked how R1-B would work in this situation?

Mr. Meagher states that R1-B requires 75 x 130 lots. With R1-C you will not get 3 rows of lots without getting a variance in depth. You would basically get 3 rows of 120 feet plus 60 feet, which would come up with about 420 ft. width and there is only 390 foot width shown. Mr. Meagher further explains that you would end up getting two rows of lots that are deeper than 65 x 165 lots and would then have some requirements for retention and from the Road Commission requiring 5 or 10 feet on Schneider Rd. to make a 60 foot right of way that is paved, which is more in the design phase. Therefore, when he is talking about the 130 foot depth, you would then probably be talking more about 75 x 165 foot lots rather than 65 x 165 foot lots. The master plan does lean more towards the larger lots.

Mr. Labelle stated he could support R1-B.

Mr. Leonard agrees being in favor of the master plan.

Mr. Eckenrode agrees with staying with the master plan.

Mr. Demuyndt is more favorable to the larger lots and is in no way in favor of R1-C.

Motion by Mr. Demuynck to close the Public Hearing

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

Motion by Mr. Miller to Table Petition #331 for 2 weeks

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

- D. **PROPOSED AMENDMENT TO 76-ZONING SEC. 76-508, HOME OCCUPATION:** To allow fire arms dealers under the home occupation section of the township ordinance. Public Hearing set on 9/22/2015.

Motion by Mr. Miller to open the Public Hearing

Supported by Mr. Saelens

Ayes: All

Nays: None

Mr. Meagher stated this is being brought forward by a member of the Township Board. They are indicating they would like this allowed under the Home Occupation Ordinance.

Matt Wojcik, resident, asked if there were many firearms being sold out of homes. Also stated that this does not seem safe.

Mr. Gendernalik, attorney, asked where this was coming from, especially with all the gun control laws.

Mr. Meagher states that one of the board members has asked this to be introduced to Planning Commission. He further explained that the ATF requires the Township to sign off and asks for a zoning verification. He states that the Township does receive 5 or 6 a year and they have always

denied them in the past, however the former police chief and current police chief have favored in signing off on these in the past.

Mr. Demuynck stated he is not in favor of it.

Mr. Alexie stated he does not agree with selling guns out of your house.

Mr. Stabile stated he is not in favor of it

Mr. Leonard is not in favor of it

Motion by Mr. Miller to close the Public Hearing

Supported by Mr. Stabile

Ayes: All

Nays: None

Motion by Mr. Labelle the recommendation to the Township Board of Trustees, denial in allowing firearm dealers under the Home Occupation Ordinance

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

E. **PROPOSED AMENDMENT TO 76-ZONING SEC. 76-377, MULTIUSE DISTRICT, C-4, To allow Drive-Thru in C-4 zoning district under the Special Land Use application approval. Public hearing set on 9/22/2015**

Motion by Mr. Miller to open the Public Hearing

Supported by Mr. Demuynck

Mr. Meagher stated that when the C-4 district was first designed, it was intended for an outlet mall or retail mall such as Partridge Creek, which never happened. What is being requested is to modify it for marketing and to allow drive-thru's. He further states that he believes there are some good opportunities with drive-thru options.

Mr. Gendernalik, attorney, stated he believed it is a good idea and is beneficial to Township and for more tax revenue.

Mr. Stabile asked if this is the only C-4? He further states he is probably in favor of changing it.

Motion by Mr. Miller to close the Public Hearing

Supported by Mr. Demuynck

Ayes: All

Nays: None

Motion Carried

Roll call to vote tonight

Mr. Miller, tonight

Mr. Alexie, tonight

Mr. Stabile, tonight

Mr. Labelle, tonight

Mr. Saelens, tonight

Mr. Leonard, tonight

Mr. Eckenrode, tonight

Mr. Demuynck, tonight

Motion by Mr. Labelle to recommend to the Township Board of Trustees to amend 76-Zoning SEC. 76-377, MULTIUSE DISTRICT, C-4, to allow Drive-Thru in C-4 zoning district under the Special Land Use application approval.

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

6. REVIEWS:

- A. **SLU #2015-15: Jonathan Crane for Briggs Industries, 1126 N. Main St., Rochester, MI 48307. Proposed new Verizon Cellular Communications Tower located at 54145 Bates Road, south of 25 Mile on the west side of Bates Set Public Hearing for 11/24/2015.**

Motion by Mr. Miller

Supported by Mr. Demuynck

Ayes: All

Nays: None

Motion Carried

- B. SIGN REVIEW #2015-97: Phillips Sign & Lighting, Inc., 40920 Executive Drive, Harrison Twp., MI 48045. Proposed wall sign resurface located at 50675 Gratiot for MJR Theaters.**

Mr. Labelle states that the applicant will be removing the plastic panel and replacing it with another plastic panel.

Motion by Mr. LaBelle to approve Sign # 2015-97

Supported by Mr. Leonard

Ayes: All

Nays: None

Motion Carried

- C. SIGN REVIEW #2015-98: Frank Sgroi II, for Premier Lanes, 33151 23 Mile Road, Chesterfield MI 48047. Proposed new ground sign located at the above Address.**

Mr. Labelle stated that they previously were allowed two 225 sq. foot signs and the sign is larger than the previous variance.

Frank Sgroi, the applicant, states the sign is a little bigger but probably the most awesome sign on 23 Mile Rd., if approved. The sign is 192 inches across and 144 inches tall. The reason why it's larger is the LED portion of the sign. Sign is being donated by someone in the family. It is a one-piece sign and cannot be taken apart. Was formally off a hockey rink and is two sided. It is 96 sq. feet.

Mr. Labelle stated the application states its 192 sq. feet.

Mr. Sgroi stated the LED portion is 72 inches tall, which is about 6 feet tall.

Mr. Meagher stated that makes the total sign 160 sq. feet.

Mr. LaBelle stated that the variance already given was for two 125 sq. foot signs.

Mr. Sgroi states he is trying to get business to the building and that the shopping center is slowing. He is hoping the sign can be used by each occupant.

Mr. Demuynck asked how bright it is

Mr. Sgroi stated that it is dimmable.

Mr. Alexie asked about all the other signs on the building, the portable signs and the paper signs.

Mr. Sgroi states that if this gets approved, he would take all paper signs down and be very beneficial to each business

Mr. Stabile asked if this sign is bigger than what was approved before

Mr. Meagher stated they were allowed to have two 64 sq. feet signs and was granted a variance for two 125 sq. feet signs

Mr. Alexie asked where the sign would be located.

Mr. Sgroi stated the sign would be located at the corner of the building

Mr. Leonard stated he would like to recommend tabling this to evaluate all the signage and what is existing.

Mr. Miller asked if this would be the 3rd sign.

Mr. Sgroi stated yes

Mr. Labelle stated he would like to see if they are the owners of the Fifth Third Bank property.

Mr. Sgroi stated as far as he knows he is not the owner

Motion by Mr. LaBelle to table Sign # 2015-98 for up to 3 meetings

Supported by Mr. Leonard

Ayes: All

Nays: None

Motion Carried

- D. SIGN REVIEW #2015-99: MJR Sign Co., LLC., 256 Narrin Street, Ortonville, MI 48462. Proposed new wall sign located at 29425 23 Mile Road for CARite Inc., of Chesterfield. Formally the Michael Chevrolet location.**

Mr. LaBelle stated that the sign is larger than 64 sq. feet but the building is located so far back from the street that they are allowed to go 250% of the size of the sign so the sign does meet the Township Ordinance

Motion by Mr. LaBelle to approve Sign # 2015-99

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

- E. SIGN REVIEW #2015-100: MJR Sign Co., LLC., 256 Narrin Street, Ortonville, MI 48462. Proposed new wall sign located at 29425 23 Mile Road for CARite Inc., of Chesterfield. Formally the Michael Chevrolet location.**

Mark Johnson, the applicant, stated he would like to withdraw his request.

No action taken

- F. SIGN REVIEW #2015-101: MJR Sign Co., LLC., 256 Narrin Street, Ortonville, MI 48462. Proposed new ground sign located at 29425 23 Mile Road for CARite Inc., of Chesterfield. Formally the Michael Chevrolet location.**

Mr. LaBelle stated that the sign meets the Township Ordinance

Motion by Mr. LaBelle to approve Sign # 2015-101

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

- G. SIGN REVIEW #2015-102: MJR Sign Co., LLC., 256 Narrin Street, Ortonville, MI 48462. Proposed new wall sign (channel lit bars around Building) located at 29425 23 Mile Road for CARite Inc., of Chesterfield Formally the Michael Chevrolet location.**

Mr. Labelle states he would like to table this sign request due to the facade changes.

Motion by Mr. LaBelle to table Sign # 2015-102

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

Mr. Johnson states there was a miscommunication with the building department as to changing the color of the building as to whether or not that needed to be approved, and the existing channels from blue to yellow. He also stated that the existing channels would need to be changed no matter if the building is will stay its existing color or not.

Mr. Leonard asked if there was an approved variance for the blue stripe going around the building?

Mr. Meagher stated that if there was a variance that it would still stand with the building.

Mr. Leonard stated that he believes that needs to be investigated and there may be some kind of recall regarding that.

7. APPROVAL OF MINUTES FROM PRIOR MEETINGS:

Motion by Mr. Miller to approve the meeting minutes from October 13, 2015 with the following correction under Item K, Salt River not to approve the PUD.

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. PLANNERS REPORT:

ADMINISTRATIVE REQUEST #148: Joerg Hensel, 38700 Van Dyke, Suite 200 Sterling Heights, MI 48312. Semco Operations Center, requesting administrative changes at their 56462 Precision Drive.

Mr. Meagher states it is an expansion of the parking lot, which looks like they are expanding onto a separate piece of property. As a condition there should be an irrevocable shared access agreement as well as subject to the Engineers comments.

Sara D'Agostini states they own Semco property as well as the adjacent property where the parking lot will be expanded. They plan to enter into a reciprocal parking arrangement. They have also considered a lot combination.

Mr. Meagher stated that unless it is combined, we would still want the agreement.

Ms. D'Agostini states what they would prefer is to enter into a reciprocal parking arrangement that corresponds with the lease terms. If Semco vacates the property they can take out the parking lot or possibly combine parking if the other parcel is built on.

Mr. Meagher states that if they decided to sell the other piece of property, they could end up with an issue between 2 owners without a legal document. He further states that he would be comfortable if they want to put something together that is irrevocable, subject to the sale or lease of property.

Motion by Mr. Stabile to accept the Administrator Request #148, subject to the comments of the engineer and subject to an irrevocable shared parking/shared access agreement, which can be terminated upon the sale or re-leasing of the property without prior consent of the township.

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

11. NEW BUSINESS:

Mr. Demuynck states the Michael Chevrolet was bought by Carite. The building has been vacant for 9 years. The township would not want to lose this business, but the problem is the painting of the brick.

Mr. Miller states that it has been empty for 9 years; it is in a floodplain and is of no use to anyone.

Mr. Leonard agrees and should explore looking outside the box and possibly be more flexible when a business is spending millions of dollars to bring a building up to code.

Mr. Meagher states he would like to find out what type of paint is being used.

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

Mr. Alexie, no comment

Mr. Stable, no comment

Mr. Labelle stated they are looking for volunteers for pre-planning

Mr. Saelens, no comment

Mr. Leonard, no comment

Mr. Eckenrode, no comment

Mr. Demuynck mentions that the Township just wants the business and that's why he brought it up the discussion of Carite under new business.

13. PROPOSALS FOR NEXT AGENDA.

There were no proposals for the next agenda.

14. ADJOURNMENT

Motion by Mr. Miller to adjourn at 8:36 p.m.

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

Rick LaBelle, Secretary

Julie Jones, Recording Secretary