

**CHARTER TOWNSHIP OF CHESTERFIELD
PLANNING COMMISSION**

February 23, 2016

A regular meeting of the Charter Township of Chesterfield Planning Commission was held on Tuesday, February 23, 2016 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
Jerry Alexie
Frank Eckenrode

Absent: Ray Saelens, *excused*
James Moran, *excused*

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

3. APPROVAL OF THE AGENDA

Motion by Mr. Miller to approve the agenda

Supported by Mr. LaBelle

Ayes: All

Nays: None

Motion Carried

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

5. **PUBLIC HEARINGS:**

- A. **PUD-SITE PLAN #2015-11: Chesterfield Hotel Suites, Inc., 31100 Stephenson Hwy., Madison Heights, MI 48071. Proposed Towne Place Suites Hotel located at 45255 Market Place Blvd. Public Hearing set January 26, 2016 to amend PUD.**

Mr. Meagher stated that the PUD for this area included four lots that were appropriate for a hotel and the request is to allow a hotel on a site which was previously shown as part of a community shopping center west of Marketplace. He stated that they had a couple of minor comments with regard to clarifying the maximum height of the building and maximum height of the architectural features. He explained that right now there is a blank space left for that in the paperwork.

Motion by Mr. Miller to open the Public Hearing

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

James Terbrueggen, 10775 S. Saginaw St., Grand Blanc, MI addressed the board.

Applicant stated that he was representing Bud Engineering. He mentioned that he has been in front of the board on this a few times already and he had been trying to get everything in order. He stated that he can get them the information for the height of the building and the architectural features. He related that he would call them tomorrow with that information.

Mr. Meagher stated that he assumed that the maximum height would be 45', but it was just the wording was not clear in the document.

Applicant reiterated that he would call them tomorrow with that information.

There were no Public Comments.

There were no comments from the Commissioners.

Mr. Miller verified that this was just for the site plan and PUD agreement?

Applicant replied yes.

Motion by Mr. Miller to close the Public Hearing

Supported by Mr. DeMuyneck

Ayes: All

Nays: None

Motion Carried

Mr. Miller stated that normal procedure would be to wait and vote on this in two weeks.

Mr. LaBelle requested that they vote on it this evening because this gentleman has been in front of them multiple times.

The Commissioners were polled and they all agreed to vote on it that evening.

Motion by Mr. LaBelle to approve PUD Site Plan # 2015-11 contingent upon the CPM's recommendations for the two height clarifications.

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

**B. PUD #2016-03 PRE-APPLICATION FOR THE WOODLANDS: JVC
Development, 44250 Garfield, MI., 48036 – Discussion phase for PUD
containing 21 single family lots located on the east side of Gratiot, south
of 22 Mile Road. Public Hearing set on January 26, 2016**

Motion by Mr. Miller to open the Public Hearing

Supported by Mr. Stabile

Ayes: All

Nays: None

Motion Carried

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

Applicant stated that he gave them a written summary, but he just wanted to go over the particulars. He stated that the property is located from the east side of Gratiot back to Fuller Road and north of 21 Mile Road. He showed the board an aerial showing the property and pointed out an area which is adjacent to the Fuller Drain and mentioned that it is encumbered by the 120' wide Fuller Drain easement. He mentioned condos to the north and condos to the south.

Mr. LaBelle asked if there was any way to get another access into the property?

Applicant replied that if there were over 65 units, they would have to have two accesses, but with only 22 units they were under that requirement. He showed an access on the paperwork and stated that they may think it belongs to this one house, but it actually belongs to this property. He explained that the property owner is seeking approval for 21 single family site condo units with each having a lot size of approximately 60'x 120'. He stated that the front part is zoned commercial and the back is multi-family. He mentioned that the idea with this PUD is to make it all residential. Basically, he stated that it would be a site-condo development and it is less than 800', so it would be a stub street with a cul-de-sac. He stated that there would not be any designated open space other than each person's back yard; so it would be like a typical subdivision. He stated that the next drawing depicted where the landscaping and concrete would be. He mentioned that rather than having a sidewalk in this area, they had designated a green belt, however the Road Commission wants a sidewalk on both sides. He mentioned that this drawing depicts a dedicated open space which can be put at the back of Fuller Road or behind these lots. He stated that with the previous development, there was a tree preservation survey and that former tree preservation plan will be used with this development. He explained that basically this would be similar to an R-1-C development except for the lot layout at 60'. He mentioned that for a good number of years R-1-C provided for 60' lots and he showed the Pulte subdivision off Callens Road where there are all 60' lots. He mentioned Lord Street, Duchess, Duke Road and Regal Drive where the platted lot size is 60' x 120'. He stated that at Madison Manor the streets had lots where the original platted lot size was 40'. However, it was later developed with an average width of 58.5' and a depth of 110'. He stated that there are similar layouts throughout the Township. He showed a commercial development to the north that consists of two office buildings that share the same access driveway. He mentioned that when driving in this area there are a fair amount of vacancies in the commercial property and basically they are eliminating the commercial and making it all residential. He remarked that the elimination of a small commercial piece of property will not have any adverse impact on the commercial development along Gratiot between 21 Mile and 22 Mile Roads. At the northwest corner of Gratiot and 21 Mile, north of CVS, there is a vacant

C-2 parcel that is greater than 10 acres. At the northeast corner of 21 Mile and Gratiot, there are several acres of C-3 property. He explained that when the project was originally approved with the six-plexes and the eight-plexes, it went through engineering and the drain office did give approval for direct discharge into the Fuller Drain and they did not have to have detention. He stated that basically they have been in contact with the County Drain Commission and since it was approved in the past with a greater density; they will approve it now.

Mr. Gendernalik then passed out paperwork to the Commissioners with a copy of the Drain Commission's old approval letter for the direct discharge of the Fuller Drain.

Applicant stated that he thought this was a particular good use of this property. It lessens the density, but it provides a niche for people with moderate income to buy a single family home. He mentioned that there would be a homeowner's association because there would be some greenspace that would have to be maintained.

Mr. Miller asked if the applicant thought by eliminating the commercial out there, it would be a little bit noisy for the people in the first house off Gratiot?

Applicant stated that there would be a buffer of about 30' plus the sidewalk.

Sharon Bower, 48530 Gratiot, Chesterfield, MI 48051 addressed the board.

Ms. Bower stated that she and her husband own the property to the south going to 21 Mile Road and she wondered what would be on that property.

Mr. Meagher stated that they were proposing single family lots.

There was a discussion between Mr. Gendernalik and Ms. Bower away from the microphone and it was inaudible.

Mr. Miller stated that this was just a pre application phase and more information would be forthcoming. He stated that the intent of this meeting is to just show basic ideas and concepts.

Ms. Bower asked if this would change their zoning; would her property still be C-3.

Mr. Meagher stated that there is no proposal to change the zoning of her property as part of this request.

Motion by Mr. Miller to close the Public Hearing

Supported by Mr. DeMuyneck

Ayes: All

Nays: None

Motion Carried

- C. **REZONING #332**: Luigi Pizzo, 49893 Golden Lake, Shelby Twp., MI., 48315. Proposed rezoning located at 47361 Jefferson from C-1 (Local Commercial) to R-1-B (Single Family Residential), Public Hearing set on January 26, 2016.

Motion by Mr. Miller to open the Public Hearing

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

Luigi Pizzo, 49893 Golden Lake, Shelby Twp., MI. addressed the board.

Applicant stated that he purchased a foreclosure with a vacant house on the property which is 170' wide x 122' deep. He stated that his intention is to split the property and build a new home on the lot next door providing the gets the property rezoned from commercial to residential. He mentioned that the property to the rear is residential and there are three homes to the south that are residential. He mentioned a car wash on the north side and that across the road is all residential. He stated that originally it was all zoned as residential with 40' lots and he would just like to split the property in half to 84' and 81' lots. At this time he is remodeling the existing house and at this time he would like to build a new house next door.

Tina Schleben, 47295 Jefferson, 47295 Jefferson Avenue, Chesterfield, MI addressed the board.

Ms. Schleben asked the board how this rezoning would affect her property?

Mr. DeMuyneck asked if she was to the south of this property?

Ms. Schleben replied yes.

Mr. Meagher stated that this would not affect the zoning of her property.

Mr. Stabile commented that he is on the Master Plan Committee and they have plans for that whole area and it does fall more into the commercial rather than the residential for the future. So he guessed he would be in favor of leaving the property the way it is.

Applicant stated that there is nothing commercial going on in that area. He added that there are three party stores on the corners of Cotton Road and the roofing place across the street and there is a home about three doors down that was changed to a daycare. He does not know what the future holds, but he does not see any commercial going in that area.

Mr. Stabile stated that they have it set in the Master Plan where there will be a whole lot more of a Marina area and that whole area will concentrate more on commercial. He stated it is a twenty year plan, but as things go, one new thing gets built and then another. He explained that particular area has been talked about a lot because it is a mish mash and is not completely done yet.

Applicant stated that the lot on the corner of Cotton Road and Jefferson has been for sale forever and nothing has happened.

Mr. Stabile stated that when changing zoning like that, they have to change the setbacks and they do not want property going back and forth.

Applicant agreed and when he had it surveyed, they stated that at some point Jefferson would be five lanes so the setback would be back quite a way from the street.

Mr. Stabile stated that is also part of the Master Plan.

Applicant stated that it would only be one more house to knock down with the other five and meantime, the Township can collect taxes on it.

Mr. Stabile stated that it was just his opinion.

Mr. LaBelle stated that he agreed with Mr. Stabile.

Mr. Miller also agreed with Mr. Stabile. He is also on the Master Plan Committee and they would like to see it come to fruition in the next 20 years.

Mr. Leonard concurred with them.

Mr. Eckenrode had no comments.

Mr. DeMuyneck had no comments.

Motion by Mr. Miller to close the Public Hearing

Supported by Mr. DeMuyndck

Ayes: All

Nays: None

Motion Carried

Mr. Miller stated that their normal procedure is to wait two weeks to render a decision. He asked if the applicant could supply the Commission with what was requested and he stated that they would make their decision at the next meeting.

Motion by Mr. Miller to Table Rezoning # 332 to the next meeting on March 22, 2016

Supported by Mr. LaBelle

Ayes: All

Nays: None

Motion Carried

6. **REVIEWS:**

- A. **SIGN REVIEW #2016-19: MLS Signs Inc., 25733 D'Hondt Ct. MI 48051. Proposed pylon resurface located at 50225 Gratiot for Pete's Cutting Board Sports Bar.**

Mr. LaBelle stated that the sign does meet the Township ordinance. He added that the approval is contingent on the applicant adding the address to the sign.

Motion by Mr. LaBelle to approve Sign # 2016-19

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

- B. **SPECIAL LAND USE: #2015-15: Jonathan Crane for Briggs Industries, 1126 Main St., Rochester, MI 48307. Proposed new Verizon Cellular Communications Tower located at 54145 Bates Rd., South of 25 Mile on the West side of Bates. Public Hearing closed, tabled Feb. 9, 2016.**

Mr. Miller stated that the Commission will vote on this matter tonight.

Motion by Mr. Stabile to approve Special Land Use #2015-15 for a Verizon Cellular Communications Tower

Supported by Mr. Eckenrode

Mr. DeMuyndck stated that the residents are not too happy about this tower going in their community. He mentioned that Mr. Miller told him about a cell tower on Orchard Lake and Telegraph that looks like a tree. He asked Mr. Crane if their clients would do the same for this one?

Jonathan Crane for Briggs Industries, 1126 Main St., Rochester, MI 48307 addressed the board.

Mr. Crane responded that he would not do that for this location because it would not fit. He asked if they really looked at that tower?

Mr. Miller stated that he has seen it.

Mr. Crane insisted that it does not look like a tree and he reiterated that they would not propose that for this location. He stated that was not his clients; that was a Nextel project. He mentioned a tower that he did on Woodward that was buried in the woods and it looks kind of okay, but he is not a fan of it and his client do not wish to do that at this site. He then commented that there is a cool one at Domino Farms with the lightning bolt and his office did that one, but that sits in a field.

Mr. Miller asked the Recording Secretary for a roll call vote.

Mr. Miller responded no.

Mr. LaBelle stated no.

Mr. Stabile replied yes.

Mr. DeMuyndck stated yes.

Mr. Alexie replied no.

Mr. Leonard replied yes.

Mr. Eckenrode answered yes.

Ayes: Stabile, Eckenrode, DeMuyndck and Leonard

Nays: Miller, LaBelle and Alexie

Motion Carried

- C. PLYMOUTH VILLAGE PUD #2013-19: (Final Review) Leone Companies, 49212 Van Dyke, Shelby Twp., MI 48315. Proposed multi Family lots located in Plymouth Village II, located on the East side of Gratiot, North of Hickey. Tabled Feb. 9, 2016. (No revised plans been submitted to the Planning Department).**

Mr. LaBelle stated that the Commission had not received the revised plans so they would like to table it to the next scheduled meeting.

Motion by Mr. LaBelle to Table Plymouth Village PUD # 2013-19 to March 22, 2016.

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

- D. SITE PLAN #2016-01: McKee Contractors, Inc., 10800 Middle Ave., Unit A-7, Elyria, OH 44035. Proposed daycare recreational structure at 31480 23 Mile Road for Child Time Daycare. Tabled January 12, 2016.**

Larry Miller, 2716 N. Houans Road, Toledo, Ohio addressed the board.

Mr. LaBelle stated that during the pre-meeting the applicant made mention that he has been trying to get in touch with the Building Official as well as the engineer and he has not had any success. He suggested that maybe Mr. DeMuyndck could help the applicant with that.

Applicant stated that the job on this daycare was stopped a couple of months ago when they were pouring concrete for a kid's bicycle path and a children's 20' x 20' basketball court. Someone saw the cement truck on the property and came in to stop the job. He mentioned that eventually they called the police because the workers were trying to clean up and they tried to stop them from doing that. He came up here to try to find out what they needed to do and what the procedure was and nobody would talk to him. He stated that the Building Official would not speak to him and the Planners were not there. He found out that there were consultants and on his way home he talked to a gentleman who stated that there was a change to the site plan, and they would

have to submit a whole new site drawing. He explained that these play structures are kind of like the things that are put in a back yard like swings and a slide. He stated that in daycare centers they want to make sure kids do not get hurt so they put a pervious surface around these structures, so the water goes through, but the children do not get hurt. He stated that the small amount of concrete that was being poured was outside the building. He mentioned that the building codes are for cement being poured by the building. He claimed that the cement was not close to the building and was not regulated by any building code. He tried to explain the situation to someone, but nobody would talk to him. So now it has been two months and they have not been able to finish the project. He stated that as an architect for over 35 years, he has never had to do a site plan for play structures because it is a temporary structure and is not connected to or has anything to do with access to the building. He brought corrections to the existing site plan, came back up here, walked the entire site and measured everything. He stated that his drawing was pretty accurate. He was told that he needed to talk to the Building Department and the engineer. In his experience, this type of stuff is not even regulated; there is a play structure and they put it together according to the manufacturer's instructions. He commented that they put daycares in residential areas because there are children there and it will not create any special noise or cause any problems for neighbors. He has now been told that he needs building permits and there are no building codes or jurisdiction for something done 30 feet from the building. He asked why there would be a permit for a child's bicycle path or a child's basketball court because it is nowhere in the building code.

Mr. DeMuynck verified with the applicant that he has not been able to get in touch with Mr. DeMaster.

Applicant insisted that they would not talk to him. He stated that he has left messages and they do not return his phone calls. He mentioned that it is the same thing with Planning, he calls up the Department and the woman he gets on the phone cannot really give him a lot of information and it has been very frustrating. He has spent a lot of time on this and he does not think it is even something that is regulated.

Mr. Miller asked the applicant to give his name and phone number to Mr. DeMuynck.

Mr. DeMuynck asked for the applicant's business card with his name and number and he will talk to Mr. DeMaster in the Building Department tomorrow. He asked the applicant if he had received the reviews from the Fire Department and Engineering.

Applicant replied he got something from Engineering about drainage.

Mr. DeMuyneck gave the applicant copies of both reports.

Motion by Mr. LaBelle to approve Site Plan #2016-01 subject to having approval from Engineering and the Building Department.

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

- E. SPECIAL LAND USE #2016-02: Giffels Webster, 6303 26 Mile Rd., Washington, MI 48094. Request is for a Chemical Addition Station, proposed under-ground tanks to correct a moderate to severe corrosion to the Lakeshore Interceptor, located on the South side of 21 Mile, East of Sugarbush Rd. Public Hearing closed, tabled on 2/9/16.**

Motion by Mr. LaBelle to recommend approval of Special Land Use #2016-02 by the Township Board.

Supported by Mr. Alexie

Ayes: LaBelle, Alexie, Miller, DeMuyneck, Stabile, and Leonard

Nays: Eckenrode

Motion Carried

- F. SITE PLAN #2016-04: MGM Construction, 29920 Little Mack, Roseville, MI 48066. Proposed addition to Applegrove Condos containing 63 units located on the east side of Gratiot, south of 22 Mile Road tabled on January 26, 2016.**

Mr. LaBelle stated that there are still questions to be answered for Community Planning Management and AEW; therefore they would like to table it at this time.

Motion by Mr. LaBelle to Table Site Plan #2016-04 for up to two meetings.

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

- G. SPECIAL LAND USE #2016-06: Mr. Derrick Sesi with Culver's, 3715 Hogan Circle, Rochester Hills, MI 48307. Proposed Culver's restaurant with drive-thru in Chesterfield Corners directly behind Bob Evans & Michigan Schools & Government Credit Union. Set the Public Hearing for March 22, 2016.**

Motion by Mr. Miller to set the Public Hearing on Special Land Use #2016-06 for March 22, 2016

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

- H. SPECIAL LAND USE #2016-07: Schostak Family Restaurants, for Del Taco & MOD Pizza 17800 Laurel Park Drive North Suite #200-C, Livonia, MI 48152 Proposed Restaurant with a drive thru located on the east side of Gratiot, south of 23 Mile Road. Set the Public Hearing for March 22, 2016.**

Motion by Mr. Miller to set the Public Hearing on Special Land Use #2016-07 for March 22, 2016.

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

- I. SPECIAL LAND USE #2016-08: PGA Marine Fiberglass Repair & Refinishing 32393 Lakepoint, Chesterfield, MI 48047 Proposed gravel parking area located on the Southeast corner of Jefferson and Lakepoint for existing Water-front use. Set Public Hearing for March 22, 2016.**

Motion by Mr. Miller to set the Public Hearing for March 22, 2016.

Supported by Mr. Stabile

Ayes: All

Nays: None

Motion Carried

- J. **CHESTERFIELD MOTOR INN PROPOSED RETAIL CENTER:** Proposed retail center containing two drive-thru restaurants located on the south east corner of Gratiot and 23 Mile Road at 50900 Gratiot. Set Public Hearing for March 22, 2016.

Motion by Mr. Miller to set the Public Hearing for Chesterfield Motor Inn Proposed Retail Center for March 22, 2016.

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

7. **APPROVAL OF MINUTES FROM PRIOR MEETINGS:**

Motion by Mr. Miller to approve the meeting minutes from February 9, 2016.

Supported by Mr. LaBelle

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:**

There was no Planners Report.

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

Mr. LaBelle asked for volunteers to attend the preplanning meeting on 3-22-16.

Mr. Leonard and Mr. Stabile both agreed to attend the meeting.

Mr. DeMuyneck stated that regarding the cell phone tower. He was not really in favor of it. However, after reading the brief by Township counsel and seeing what happened in West Bloomfield, he really did not have much of a choice. He explained if it would have gone to court it would have cost a minimum of \$10,000 and he would have to explain that expense to the rest of the residents rather than just a special interest group. He understands why the people are upset and he is not in favor of these cell phone towers in certain areas, but basically everything was taken away from the Township by the Federal government. They have dictated this stuff and taken these decisions out of the hands of local government. He reiterated that he is not in favor of this but with the choice of going to court and losing a battle which he knows would have been lost on the advice of counsel. He realized that the residents were not too happy with his decision, but he also has to answer to the rest of the residents for frivolously spending money.

Mr. Alexie stated that they should not even give them the choice of voting on it because it is a waste of their time.

Mr. DeMuyneck stated that they were between a rock and a hard place.

There was a short discussion on this matter among the Commissioners.

13. PROPOSALS FOR NEXT AGENDA.

There were no proposals for the next agenda.

14. ADJOURNMENT

Motion by Mr. DeMuyneck to adjourn at 7:57 PM

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

Rick LaBelle, Secretary

Grace Mastronardi, Recording Secretary