

**CHARTER TOWNSHIP OF CHESTERFIELD
PLANNING COMMISSION**

March 28, 2017

A regular meeting of the Charter Township of Chesterfield Planning Commission was held on Tuesday, March 28, 2017 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
Jerry Alexie
Frank Eckenrode
David Joseph
James Moran

Absent: Ray Saelens, *excused*

Others: Patrick Meagher, Community Planning & Management

3. APPROVAL OF THE AGENDA

Motion by Mr. Miller to approve the agenda as submitted

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

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

5. PUBLIC HEARINGS:

- A. CONDITIONAL REZONING #343: Morelli Custom Homes, LLC, 22756 Macomb Industrial Drive, Clinton Twp. MI 48036. Requesting to rezone vacant property from R-1-B (Single Family Residential) to RM2 (Multi-Family Residential) located on the north side of Cotton Road between Sugarbush Road and Jefferson.**

Motion by Mr. Miller to open the Public Hearing

Supported by Mr. Moran

Ayes: All

Nays: None

Motion Carried

Mr. Meagher stated that the Planning Commission will hold a public hearing on this matter and take comments on this conditional rezoning. The rezoning has been filed with five or six conditions that are attached to it. He remarked that first they will hear from the applicant who will present the rationale behind the rezoning and the conditions they are offering and then the public will be invited to speak and share their concerns. He mentioned that everyone has land use rights so any petitioner has the right to petition for a rezoning in any case and they must be given due process and each case must be evaluated on criteria established through years of case law and legislation.

Bob Kirk, 19500 Hall Road, Suite 100, Clinton Twp., MI 48038 addressed the board.

Applicant stated that Mr. Morelli is requesting the rezoning on one of the three parcels that he owns. The other two properties are already zoned RM 2. He explained that this parcel is adjacent to the other two properties and is about four acres. Mr. Morelli is proposing a 55-unit multiple development. They believe that the request is consistent with the Master Plan and is compatible with the surrounding areas. He stated that the four acre parcel would be very difficult to develop into a single family development. He verified that as Mr. Meagher stated they are offering conditions which is a little different from the usual rezoning which would insure an orderly development to the Township and then the Township would have some input as to how the property is developed. The conditions they are offering are in a letter and also drafted into an agreement. He stated that the conditions would be that there would be a maximum of 55 units and there would be playgrounds with play structures and landscaping. He explained that all the residential units would be a minimum of 70% brick and would have attached garages and no carports. Each unit would be approximately 1,000 square feet. He explained that they drafted a layout of the site and they have not gone too much further than that.

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Greg Ryntz, 29236 Cotton, Chesterfield, MI 48047 addressed the board.

Mr. Ryntz stated that he and most of the people at the meeting have one acre lots on Cotton Road and they spent extra money and had their large homes built back 150' so they could leave it like a country atmosphere. He commented that the road is already busy and he was concerned about traffic problems in the area.

Andrew Spanos, 29070 Bay Pointe, Chesterfield, MI 48047 addressed the board.

Mr. Spanos stated that he agreed with Greg and brought up the traffic problems. He also claimed that there were wetlands on the property. He asked if they get rid of the wetlands, what would happen to all of that water?

Bill Foster, 29601 Cotton, Chesterfield, MI 48047 addressed the board.

Mr. Foster asked what the Master Plan was for that property?

Mr. Meagher stated that they are writing down the questions and they would be answered at the end of the comments.

Mr. Foster asked if Chesterfield would receive more tax income from apartments than single family homes? He commented that apartment residents are not as invested in the Township as homeowners. He stated that a resident from an apartment rides down the street with a skateboard which he does not like and claimed he does not want to see something like the Chesterfield Motor Inn and those kinds of people in this area.

Shannon Packan, 1607 Stien Rd., St. Clair, MI addressed the board.

Mr. Packan stated that he owns the property right next door to this property and he saw a stub road there that leads to his property. He wondered how that would affect him. He wondered if this should get rezoned would his property get rezoned the same way?

Gary MacManus, 29082 Bay Pointe, Chesterfield, MI 48047 addressed the board.

Mr. MacManus commented that he heard on the news that there is more tenant living than property owners. He moved from Clinton Township where there was growth of this kind of housing which brought in a lot of people who brought down the quality of life. He was concerned about more traffic, noise, break-ins, dumpsters not being closed and an increase in the rodent population. He stated that they were glad to get away from that and wondered how this would affect the quality of life for the people who have established properties. He was also concerned about the increased traffic.

Applicant stated that in regard to the comment from one individual. They do not believe that there are any wetlands on that site. However, whatever is there, they will abide by all the rules and regulations for the property. He stated that with regard to the buffer, their proposed plan lays out the ordinance requirement which is a 50' setback with which 20' would be a landscaped buffer. He stated that they are offering the 70% brick because they feel these would be some of the nicest apartments around and that is the reason for the conditional rezoning so they could put up a nice development and higher-end apartments. He mentioned that they do not have a stub road on the development that road would be to service units within the project.

Mr. Meagher stated that the stub road they are talking about is from the subdivision stubbed into the piece to the southeast.

Mr. Packen made some additional comments from the audience that were inaudible.

Mr. Meagher stated that typically they would not stub multi-family developments together because they are private roads for the most part.

Mr. Miller asked the size of the individual units?

David Morelli, 22756 22756 Macomb Industrial Dr., Clinton, MI addressed the board.

Mr. Morelli stated that the units would be a minimum of 1,000 square feet in size.

Mr. Miller asked if they would be apartments or units for sale?

Mr. Morelli replied that they would be townhouse style apartments.

Mr. Joseph stated that he also wondered about the question Mr. Foster asked if this fit in with the Master Plan?

Mr. Meagher stated that the Master Plan shows this particular lot as single-family and it shows the lots to the northwest as multi-family so this property is teetering on the border of the two districts. He explained that what they do with Master Plans is a general guide for development. They usually do not look at parcel specific, but rather at the general progression of land development. He hates to dwell on the map itself, but would like to consider the goals and objectives. He stated that in this particular case it would depend upon how this fits in with the surrounding parcels. He commented that at this point it could go either way.

Mr. Joseph asked so this would certainly not be a deal breaker at this stage?

Mr. Meagher replied no, he does not believe it would be.

Mr. Joseph stated that the issue he has is that there is a new development to the east on Cotton and the traffic there is quite a concern. He does not know how they would accommodate the traffic from 55 additional units there. He remarked that certainly before he could support the project he would like to know the impact of the additional traffic on the site. He agrees with a number of the comments, however, he cannot get behind the comment about "those people". The hope would be that any resident that comes into this community would have respect for their neighbors and so forth. He thought that a project that the applicant is looking to put in of this size and scope is not a transient rent-by-the-week environment. He stated that for him this would come down to a space issue and could this parcel accommodate that level of development without a negative impact on the surrounding community. He stated that he would like to see what that looks like as far as traffic and so forth before he can support the project.

Mr. Leonard stated that on the plans he sees some parking spaces. He asked if there were going to be attached garages?

Mr. Morelli replied yes there would be one-car attached garages.

Mr. Leonard asked if they would be tucked under?

Mr. Morelli replied yes.

Mr. Leonard asked if there would be living area above the garage?

Mr. Morelli answered yes.

Mr. Miller asked where they would enter the garage?

Mr. Morelli replied they would enter from the street.

Mr. Miller remarked that there were no garages on the front of the buildings depicted in the drawings.

Mr. Morelli stated that was a general rendering and he did not know they needed to show that much detail at this point. He stated that there would be garages added at the front of each unit.

Mr. Miller asked if there would be a garage and a front door?

Mr. Morelli replied yes.

Mr. Alexie commented that he would like to see a lot more detail and a landscaping plan for the project, whether there would be a berm or a wall between this complex and the residential.

Mr. Morelli stated that he would be following the zoning ordinance required by the Township and that would be a 20' landscaped buffer.

Mr. Moran stated that Mr. Joseph kind of summed up his concerns.

Mr. Stabile wanted some verification about the garage door and front doors because he does not see a garage door.

Mr. Morelli explained that the drawings do not depict the garage door that is just the style and elevation that he planned to use for the apartments. The actual plans will show a garage door and a front door.

Mr. Stabile asked if the garage door would be separate from the front door or would you have to go through the garage to get to the front door?

Mr. Morelli stated that the garage door and front door would be separate.

Mr. Stabile asked if it would be a one-car or two-car garage?

Mr. Morelli replied one-car.

Mr. LaBelle asked whether they were there to discuss or hear about zoning change as far as the classification of the property or are they looking at site plans and elevations of buildings?

Mr. Meagher stated that one of the conditions cited within the application indicates that if rezoned the development would be presented for site plan consistent with what is attached.

Mr. LaBelle stated that was what he wondered according to Item F. He read "Owner agrees to develop the Property with the Proposed Development in accordance with this Agreement and in a manner consistent with the attached Development Plans, including proposed conceptual elevation and site plans." He stated that he does not feel comfortable to even consider something like this without some additional information.

Applicant stated that was fair, he has done them both ways and he thought it would be sufficient to just use a conceptual layout. He stated that if the Commission wants more detail they can provide that.

Mr. LaBelle agrees with the people in the audience. They would like to know what is going to buffer their homes from the development and also what the townhouses are going to look like. He would like to know how the roads are going to lay out and he imagines that the Fire Department would like to know if their fire trucks and equipment can make the swing around the corners in case of an emergency. He

stated that they need all of that information if they are going to attach the site plan and consider the site plan along with this rezoning.

Mr. Miller asked if they considered making it a single horseshoe drive the way they did the project on Cotton and Donner?

Applicant explained that the way the site plan shows is the way the streets would lay out. He commented that they could add more detail, show driveways for the townhouses, revise the elevations and more accurately depict what it is going to look like.

Mr. Miller asked how long it would take?

Mr. Morelli replied it would take about a couple of weeks.

Mr. Miller asked if it was tabled for up to two meetings, would a month that give you enough time?

Mr. Morelli replied yes. He then asked what the deadline would be for that meeting?

Mr. Meagher stated it would have to be in by Thursday, April 13th.

Mr. Morelli thought he would need more time than that.

Mr. Meagher remarked as requested by Mr. Joseph, they would also have to get a traffic study and address some of the concerns by the neighbors.

Mr. Morelli stated that they better make it the first meeting in May.

Mr. Miller stated okay then they would table until May 9th and leave the public hearing open.

Mr. Meagher stated that there were some other questions by members of the public. There was a comment about wetlands and the applicant indicated there were no wetlands on the site but they would address everything on a legal basis. He stated that the general maps indicate no wetlands, but there is a flood plain on the site. He explained that does not necessarily mean that there are no wet lands or there is a flood plain so either way the applicants before development would have to file papers with the MDEQ. He mentioned another questions was with the benefit of tax base on multi-family and single family. The multi-family may generate more tax dollars, but they might also generate a need for more services so the net benefit may not be there. He stated that there was also a question about the stub road and he originally thought the gentleman was speaking about the stub road coming in off of Bay Court. He stated that stub would lend itself to continued single-family on that

site if there is additional interest in Bay Court in the future. He stated so that would be impacted by this decision one way or another so that will have to be examined as part of their deliberations. He explained that in this matter the Commission is talking about postponing their decision with the Public Hearing still open so they will have more information for the public to view as well as the Planning Commission. Therefore, they will have another opportunity to comment after they receive the additional information. He mentioned that there was another questions about the standard of living for the area and he could not speak to that because the question comes into characterizing those people who might move into those units. He stated that quite frankly the Fair Housing Act does not allow for that type of deliberation to take place as part of the rezoning.

Steve Dettkewicz, 29254 Cotton, Chesterfield, MI 48047 addressed the board.

Mr. Dettkewicz stated that he was against the rezoning of the property.

Mr. Foster stated that he did not want to make comments about potential tenants. It was more of a concern for security systems and property upkeep by the owners.

A gentleman, who did not sign in, asked if the new tenants have access to the amenities of the existing apartments.

Applicant replied no.

Nathaniel Jakonovich, 29086 Bay Pointe, Chesterfield, MI addressed the board.

Mr. Jakonovich stated that he bought the property because it was wooded and he wondered what he was now going to be looking at outside his kitchen window. He added that his back yard is a flood plain and is currently flooded.

Mr. Meagher stated that if there is a flood plain, the applicants would have to work with the MDEQ and the Township Engineers because they are not allowed to put additional water onto surrounding properties so water would have to be retained on site.

Motion to Table Conditional Rezoning #343 for Morelli Homes with the Public Hearing open to May 9, 2017.

Supported by Mr. LaBelle

Ayes: All

Nays: None

Motion Carried

6. **REVIEWS:**

- A. **SIGN REVIEW #2017-14: Jan Sign, LLC, 614 Belmonte Dr. Unit B, Waterford, MI 48328. Proposed new wall sign at 25522 21 Mile Road for AT&T located in the Orchard Plaza Strip Center.**

Mr. LaBelle stated that the applicant is not present at the meeting and there is some question about the size of his building. He explained that the application indicated 40 lineal feet, but on the drawing it states that it is 53 lineal feet which greatly effects the size of the sign.

Motion by Mr. LaBelle to Table Sign #2017-14 until the next meeting to give the applicant the opportunity to clear up this confusion.

Supported by Joseph

Ayes: All

Nays: None

Motion Carried

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

Motion by Mr. Miller to approve the meeting minutes from 3/14/2017.

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

8. **COMMUNICATIONS:**

Mr. Miller stated that there were two letters presented to the Commission that evening. The first one was from John and Lisa Meyers that was opposed to the rezoning on Cotton Road. He stated that the second letter was from D. Packan, S Packan and G. Rowloff and asked about re-zoning another parcel of property.

9. **OLD BUSINESS:**

There was no old business.

10. **NEW BUSINESS:**

There was no new business.

11. **PLANNERS REPORT:**

A. **Administrative Request #178: Steve Warner of Milestone Motors, 48470 Gratiot Chesterfield, MI 48051. Requesting permission to construct a 6' commercial grade galvanized chain link fence with a double swing gate in the rear of their property at the above address.**

Mr. Meagher stated that basically the applicant is requesting a commercial galvanized chain link fence with a double swing gate at the rear of the property. He mentioned that a couple of questions came up on this such as only a portion of that back area is paved. He asked what would the use be for that area? He stated that a decorative aluminum fence would be required instead of a galvanized chain link fence. He thought that the engineer had some comments as well.

Mr. La Belle asked the applicant if he had received the letters from AEW as well as Community Planning?

Steve Warner, 48470 Gratiot Chesterfield, MI 48051 addressed the board.

Applicant replied yes. He stated that the use of the property would not change from what it is currently being used as, which is a small family owned used car lot. He explained that currently they park cars back there that are being prepped for sale. He mentioned that the increasing problem that they are having is from a condemned house on one side of his building and an office building that has never been occupied or finished since the 70's. He commented that there are a lot of homeless people in that area and he is concerned with his own safety and the safety of his family and employees. They have had several thefts in that area because the homeless people that stay back there. He explained that he is requesting a the galvanized fence because the homeless people have cut the copper off of the telephone poles, they have looted his cars to the point that he does not even make police reports any more. He stated that it is a real nuisance with the homeless people back there. He remarked that he has been there for 15 years and what they have to stare at is a condemned house that has been abandoned for at least 7 years, a commercial building that has never been occupied and a scrap yard that is across the street. He stated that if they put up an aluminum fence, the homeless people will chop it out and take it across the street to the scrap yard, because they do it to the telephone poles. He has called the police numerous times and if they are physically caught doing it they are arrested. He commented that is why they are requesting to put in the galvanized fence.

Mr. Meagher asked if it the abandoned house is the brown one back there?

Applicant stated that there are two houses there. He explained that there is the gray cinder block home that is in front and the barn looking house in back with the green swimming pool, where there is a mold problem and the gas, electric and water have been shut off for years now. He mentioned that on the other hand, the commercial office building doesn't even have cement floors poured in them yet and it was developed in the 70's. He stated that is what they have to look at. Homeless people are there trying to make a home back there. He mentioned that they just want to put a swing fence with a padlock so if the Fire Department has to get back there, they could just cut off the padlock. He explained that it is not a fancy set up, there is no electricity back there.

Mr. Meagher stated that if it were approved it would be contingent upon the Fire Department's approval during inspection. They might require a Knox Box.

Mr. Miller asked if they approve a galvanized fence, could the applicant get the price on a black one?

Applicant replied yes he would imagine it would be reasonable. He does not know if anyone has driven by his business but they keep the area clean and take pride in what they do.

Mr. Alexie stated that he did not think he would have a problem with it because it is so far back from the road.

Applicant stated 250' off of Gratiot. He understood if the fence was aluminum, it may not be there the next day.

Mr. Leonard asked about the unpaved area is that going to be extended where the grass is?

Applicant replied no. they would not be putting any new gravel in.

Mr. Leonard stated so the only place for vehicles would be the area where they are located in the photo.

Applicant replied yes.

Mr. Leonard asked if there was a reason to fence the entire area or just the gravel area?

Applicant stated that he thought it would look a lot nicer and uniform if it was all fenced in. He added that he planned to put in arborvitaes where the grass is to kind of cover the fence.

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Mr. Leonard asked if the applicant ever wanted to expand the gravel area would he be able to do that?

Mr. Meagher stated that he would have to file a site plan or at least an administrative review.

Mr. Leonard stated that if approve tonight they would be approving the black galvanized chain link fence and if the applicant wanted to expand it he would come back later.

Mr. Meagher replied yes.

Mr. Miller asked the applicant if he would like them to table this so he can get a price for the black galvanized fence?

Applicant replied no, he would do it right now.

Mr. Eckenrode asked if there would be slats in there for coverage?

Applicant asked if they would like slats in there?

Mr. Miller stated that it would be better open, so the police could see in that area.

Applicant mentioned that with the arborvitaes he plans to put in, eventually the area will be covered somewhat from view.

Mr. Joseph stated that he was disappointed to hear the hardship this has created for the applicant and the reasons he has articulated for needing the fence. He thought that the suggestions by the Commission have created a happy medium and he would support allowing the proposed fence.

Motion by Mr. Miller to approve Administrative Request #178 for a six foot commercial grade galvanized black vinyl coated chain link fence with a double swing fence for the property at the above address.

Supported by Mr. Alexie

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 Pre-Planning Meeting.

Mr. Alexie agreed to attend the next Pre-Planning Meeting on 4/11/2017.

Mr. Leonard also stated that he planned to attend that meeting.

13. **PROPOSALS FOR NEXT AGENDA.**

There were no proposals for the next agenda.

14. **ADJOURNMENT**

Motion by Mr. Miller to adjourn at 7:56 PM

Supported by Mr. Moran

Ayes: All

Nays: None

Motion Carried

Rick LaBelle, Secretary

Grace Mastronardi, Recording Secretary