

**CHARTER TOWNSHIP OF CHESTERFIELD
PLANNING COMMISSION**

May 23, 2017

A regular meeting of the Charter Township of Chesterfield Planning Commission was held on Tuesday, May 23, 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
David Joseph
Jerry Alexie
Frank Eckenrode
James Moran
Ray Saelens

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

3. APPROVAL OF THE AGENDA

Motion by Mr. Miller to approve the agenda as submitted

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 #2016-25: (APPLICATION PHASE) JPB Car Wash 29939 S. River Rd., Harrison Twp. MI 48045 Revised proposal is one (1) 3,108' sq. ft. building and one (1) 5,903' sq. ft. building for Dockside Auto Wash for a detailing facility located on the one half mile north of Cotton Road at 47391 Jefferson, remanded back to Planning Commission by Township Board.**

Mr. Miller stated that the application was remanded back to Planning from the Township Board.

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

Mr. Gendernalik presented a number of aerials of the area in question. The first one was of 1964 which showed the Forest Lumber Yard on that site and into the current site with a parcel of vacant land to the north. The second aerial was from 2012 in which he showed the car wash, the vacant parcel to the north, the subdivision behind and an additional 20' strip of land from his client's property to the residential that was an area that is used to get to the detention pond. The next depiction he showed was the revised plans which show the two buildings, the existing car wash where they would be taking the canopy off the front and the new building. He showed the wall with the arborvitaes which he stated would provide proper screening from the residential properties. He also showed the parking areas and the retention basin. There were some additional comments that were inaudible. Applicant then stated that they would be putting in sidewalks that would be ADA compliant and also there would be some additional landscaping done on the property. He stated that the dumpsters at their location have been in existence for a long time and would only be used during peak operating hours. He explained that historically this car wash got a building permit from Chesterfield Township in 1988 and he showed a copy of the permit. He stated that it owned by John Cross and called Gentle Touch Car Wash. It has been there for a long time and his client bought it in 2013. He would just like to use the remaining portion of his property in conjunction with his current business. In a previous meeting here and in front of the Township Board, Carolyn Natzke who lives at 47353 Forton has certain medical problems that she thought this facility would have an impact on. But they did obtain a list with regard to the application of pesticides and the doctor stated that she had a condition related to pesticide toxicity. He explained that the paper informed them that the pesticide particulates can travel anywhere from 2 to 20 miles. He stated that his client is not in the pesticide business, he doesn't plan on being in the pesticide business and so the car wash operation that is currently there and the hand wash proposal should not adversely impact Ms. Natzke. She may have other medical issues that are related to breathing or allergies, but that is not what this document states. When this matter went to the to the Township Board he

presented them with a document which listed the possible uses for property under the C-1 district, and some of those businesses such as a meat market, grocery store, fruit market, or a pharmacy may have more impact on a neighborhood and generate more traffic than the expansion of this car wash to a hand wash facility. He stated that in sections 19 and 20 that they can have accessory buildings and accessory uses in this district. It is his position, that when this was approved in 1988, it was there legally. He mentioned that the business was closed for some time and his clients bought it thru a bankruptcy, invested a significant amount of money into it, obtained permits from the Township and he stated that they should have a permitted use of the property under a similar type of business activity on this property. He then mentioned 5 of 7 car washes in Chesterfield that are adjacent to residential properties. He stated that some of these car washes have some screening and some of them do not. On their site plan they do meet the 50' setback from the back west property line, plus as he showed in the aerial when the subdivision in that area was built there is a 20' greenbelt that gains two accesses to the detention basin which acts as an additional buffer area. Applicant stated that the Planners comments made reference to the noise. He explained that there is some noise now created by a machine operated car wash. However, the new building would be for an indoor hand car wash which would make significantly less noise than the existing facilities. He mentioned that the arborvitaes on the west side have grown significantly and they provide a green belt between the facility and residential. He mentioned that C-1 district states that a building can be 28' and this facility would be just about 21'. They also made mention of the new Master Plan which has not been adopted as of yet, so he did not know if that could be used as a legal guide by which this property is governed as to its intended use. He recalled that in the not too distant past, a neighbor to the south of them tried to rezone from commercial to residential and that request was denied. When looking at the existing land view color coded map of 1999 that was in the previously adopted Master Plan, the property in question is listed as general commercial use. He passed the map around to the Commissioners. He made some additional comments away from the microphone that were inaudible.

Mr. Meagher asked if Mr. Gendernalik was using the current map, not the future land use map?

Applicant replied correct.

Mr. Meagher stated because that the map that was shown was what is physically on the land. On the existing land use map, general commercial use would be general commercial whether it is conforming or non-conforming. What the proposed land use map which has been adopted shows local commercial for future use which in essence means there was a decision made back then to look at a lighter commercial or local commercial which concentrates primarily on indoor type uses. He just wanted to clarify the difference between the map being talked about and the actual Master Plan Land Use Map.

Applicant stated that AEW in their concerns mentioned the concrete wall which he stated has the arborvitaes. He remarked that there are some existing overhead lines and the revised plan helps to remedy that situation. He stated with the two buildings the line runs on this diagonal and pointed it out on the diagram.

Mr. Saelens asked if the lines would be overhead or underground?

Applicant replied that it was not discussed. He thought this part would be the same and it would probably be above ground. However, Edison has a program to try to get things underground, so they do have flexibility and might put some of the lines underground across the property and around the perimeter. Applicant then mentioned that there are curb and gutter around the paved areas and as he mentioned before sidewalks will be put in and will meet ADA requirements. He stated that when they get to the engineering phase they will identify where the existing utilities are and will be located. He expressed that it is not unusual for property owners to enter into an agreement for a storm water maintenance agreement. He then mentioned that in the Fire Department's comments this is not going to be an auto repair shop, so in the engineering phase those things would be addressed. He stated that obviously water mains and fire hydrants would have to be noted on the engineering plans. He explained that if there is a gas meter on the building or buildings those would obviously be protected by steel and concrete. He added that the Knox box is also part of the norm. He mentioned that in item 6 they recommend that the building be equipped with an automatic sprinkling system. He remarked that is just a recommendation and not a requirement under the building code. He stated that dumpster is 15' away from any combustible items. He remarked that they have made significant modifications to try to make to accommodate the concerns that were expressed by Planning Commission members and members of the public. They eliminated the gate at the front that concerned neighbors that people came to this place of business after hours. He was asking for them to complete the Public Hearing and recommend approval on this modified plan so they can go back to the Township Board for their action.

Public Comments:

Sue LeMire, 29914 Walburn, Chesterfield, MI 48047 addressed the board.

Ms. LeMire stated that she lives across the street from the car wash. She was concerned about water drainage on the property.

Mr. Meagher stated that the drainage is an engineering function and are not related to the Planning Commission's decision, however, if the project were approved it would go through the Township engineer and the applicant would have to go through a process to show where the drainage would occur and at that time they would have to find an outlet so the runoff would not increase and impact the neighbors and this goes beyond the expertise of anyone on this panel.

Ms. LeMire stated that she also wanted to know what would happen if the business fails and then they have an empty building on the site.

William Robertson, 29209 Rachid Ln., Chesterfield, MI 48047 addressed the board.

Mr. Robertson stated that the car wash did not do a lot of business and he does not understand why they need a huge building that he will have to be looking at from his patio. He does not feel this building fits in this area. He was concerned about the property values and his ability to ever sell his house.

Sandy Gendreau, 29217 Rachid Ln., Chesterfield, MI 48047 addressed the board.

Ms. Gendreau stated that she was excited to know there was a new Master Plan for this area.

Mr. Miller stated that the new Master Plan has not been adopted as of yet.

Mr. Meagher stated that the new Master Plan has the same goals and are consistent with the old Master Plan and it shows this particular property as local commercial.

Ms. Gendreau was concerned about the height of this large building that would be in her view. She then asked if they planned to rezone the property from C-1 to C-3?

Mr. Meagher stated that there was no application filed indicating that there was any request to rezone the property.

Marty Niester, 29213 Rachid Ln., Chesterfield, MI 48047 addressed the board.

Ms. Niester stated that she lives west of the car wash. She stated that she made a report that she would like to email to one of more of the commissioners. She explained that she is very concerned about the height of the proposed building, the drainage, the increased traffic and the decrease in their property values.

C. Natzke, 47353 Jefferson Ave., Chesterfield, MI 48047 addressed the board.

Ms. Natzke stated that she was against this structure being put up on that property. She mentioned that her and her husband have been married for 56 years and have lived in Chesterfield for 50 years. She informed them that she not only has sensitivity to pesticides but has multiple-chemical sensitivity.

Applicant stated that a few of the residents wanted to know the location of the Edison lines and he would like to show them. He pointed it out on the paperwork.

Applicant then mentioned he heard someone was concern about the water drainage. He stated that in Chesterfield the requirement is that they have to detain 2" of water on the property and discharge it after a 48 hour time frame. So any water that accumulates on his client's property is detained and discharged on a regular basis. It has to go through the engineering process and in all probability it would be discharged in the roadside ditch which is under the jurisdiction of the Macomb County Road Commission and they would get a permit from them. He explained that they are not changing their driveway and approach so they do not need a new permit for that. He mentioned the comment about the height of the building. He stated on the previous submission there was a gabled roof and at the peak it was 31' and the new building is about 21'. So they have reduced the height of the building by 10'. He made some additional comments away from the microphone that were inaudible. He stated that if the building is at 21' it would be below or meet the height requirement of the zoning ordinance. He stated that he has lived in the New Baltimore/Chesterfield area all of his life and there has been flooding at times and there will be in the future. With reference to the set-back, on the new plan they meet the requirements of 50' in the rear yard and there is a 20' space from the subdivision. He explained that the lights are all aimed down so there will be no light that escapes from his client's property to the adjacent properties. He stated when the subdivision was built , it was built adjacent to commercial property and there is a large spectrum of C-1 and Special Land Use buildings in that district that could have more impact than this facility. He stated that there is no doubt that their properties sit higher than his client's property because when that subdivision was built it was configured by the engineers to facilitate their drainage and everybody had to control their drainage and that is why they have that detention pond. He stated that if this is built it will obviously tap into the Township sewer system and in the engineering process; they will tell us if they need any type of grease interceptor or devices before the water enters the system. He explained that this is not going to be an auto repair shop, so those stipulations will not be applicable to this facility. He stated that someday if there is a market for it there is going to be more commercial on those properties. He expressed that the fact that his client is not here or doesn't live in the Township does is not a criteria to approve or deny his PUD. He explained that there are a lot of businesses in Chesterfield that are not owned by local residents and a lot are national chains that are owned by a multitude of stock holders. He expressed that they think this modified plan meets the general criteria for commercial activity and they ask that they review it and recommend approval of the PUD by the Township Board.

Mr. Joseph asked why in the letter to the Township Board dated March 1st , items 19 and 20 were notated Accessory buildings and Accessory uses.

Applicant stated that is from the ordinance and he just had his staff type it. The reason he pointed that out is because if they have this existing car wash facility then the new buildings would be an accessory to that existing operation. He stated that when they have that PUD language, the case law states that they have to interpret

the ordinance in favor of the property owner, which in this case would be Mr. Bowden and his company.

Mr. Joseph stated that when getting into the wording and just the basic definition; accessory and the spirit of that doesn't seem to be consistent with having an existing building and add a building that is 150% larger than the original structure and an additional building that is 300% larger than the original building. It doesn't seem that the new building could be referred to as an accessory when they are attempting to change the whole landscape of the property. The reason he pointed this out was because they are all in agreement that a car wash is more consistent with a C-3 zoning even though it was in a C-1 zone as was indicated by the permit for decades. He stated that it is a C-1 with a car wash operating so adding another 400% he doesn't think of that as an accessory and if it were, why would they even need to come to the Planning Commission. He stated that if they were just adding an accessory building under C-1 what would be the reason for requesting a PUD.

Mr. Gendernalik stated that when this was started by his client and Mr. Dennis DeWulf, he was not involved. He pointed this out in his position letter as a point of reference as maybe a basis to obtain this and with the PUD, they have a specific use based on a specific site plan versus having that accessory use. It does not have a definition so he just pointed it out to say that, hey maybe there is a provision that somebody can hang their hat on. He brought up the fact that it does not say the accessory use has to be larger or smaller or the same size. He does not disagree with Mr. Joseph in that in common use an accessory structure is generally smaller, but that is just the way things happen. The ordinance does not limit the size and that is why he pointed it out.

Mr. Joseph commented that Mr. Gendernalik makes some good points, but he is concerned about a number of things. He mentioned that there are operations that could go into that property that would satisfy the neighborhood either. However, when standing on the sidewalk of the second presenter he could see traffic on Jefferson going by and the greenbelt or arborvitaes are not really mature yet to provide much screening. He stated that there is a very commercial feel to the property there and he understands the apprehension concerning the building going in but there are businesses that could go in there that are completely within the zoning and the entire neighborhood may not be please with that either. He just wanted to address some of the comments because he was taking notes. He stated as far as the first presenter with the comment about the drainage. As Mr. Meagher explained that Planning goes through this process first and then it goes to engineering and they would address any concerns about drainage. He stated that as far as the turn-over, it is not really appropriate for this board to make a determination on feasibility of a project and give a thumbs up or down. He explained that when an entrepreneur wants to do something within the law, they should be afforded the opportunity to do that without being encumbered by government. They cannot hold everybody to the idea when they want to do

something on their land, what if it fails. He mentioned the second presenter and he stated that this is not an automotive repair facility. He explained that there is a very detailed list of the businesses that can be put on the properties in different zones and he thinks the residents will find on that list some businesses that would fall into that zoning, they would not like on that property. Therefore, he would like to caution them as they come forward on this particular project. He stated that the Master Plan they are operating under is due for a change and there is a process where the Township Board must approve the new Master Plan of this body. It has been a project of his as they can imagine since he is the Board liaison to the Planning Commission. There was a lot of work done on it and it is important because plans can be approved or denied because of compliance with the Master Plan. In reviewing the Master Plan in existence and the new one prepared by this body, it does not substantially change their neighborhood. It changes the area to a more village like setting and personally he does not think this or the existing fits in with that. He commented that the next commenter mentioned commitment to the community and the owner not living in Chesterfield. He stated that if they made every decision on if they like a certain individual presenting, it would not be a very orderly or fair community. He stated that they have a number of national chains that do business in Chesterfield and some of those are publicly traded. He mentioned a certain company from the state of Nebraska and if not for the good fellowship in the Township of Chesterfield, they would not have Cabela's going up. They really do not have a standing to say, he has never presented himself to us; that is just not appropriate. Lastly, Ms. Natzke he would like to congratulate her and her husband on their 56 years of marriage and she knows how he feels about her concerns. He does not know that with the contaminants and irritants they she is exposed to now, this would really change anything although he appreciates her concerns. In the end, when he reviews the entire thing, it is a bit of a stretch operating a car wash within a C-1 district. He agrees with the Planning Department that the expansion would dramatically change the size and scope of the footprint on this particular parcel and he cannot support it for that reason.

Mr. Eckenrode asked about the area for the detention pond between the applicant's property and the residents. He stated that the area is marked as turf and they thought about putting a fence around it. He made another comment that was inaudible.

Applicant stated that the size of the detention basin is based on engineering's calculations; they have to detain 2" of water per their square footage. Generally, the detention pond can be within three to four feet in depth and the side slope would be 1 to 3 or 1 to 4 based on the engineer's comments. He stated that generally, they have to fence the pond in. He stated that sometimes people get a variance from engineering and get the detention underground in tubes.

Mr. Palin stated that 1 to six is the requirement for the fence.

Mr. Eckenrode asked the height of the carport?

Applicant replied that it is about 13'.

Mr. Eckenrode asked if it was open to the front side?

Applicant replied it was open to the front and back sides. He stated that there was no solid back wall.

Mr. Eckenrode asked what the carport would be used for?

Applicant replied that it would be used for customers to park their cars.

Mr. Leonard had no questions.

Mr. Saelens asked why do they need a carport if there is parking on the other side?

Applicant replied to accommodate additional people. He stated that they can have more land than is required. The carport will be used for the top end cars to provide shelter.

Mr. Saelens commented that he thought there was just too much on this site.

Mr. Alexie agrees with everything Mr. Joseph had to say. He does not think it is a good fit for the property and they really have not even addressed the noise issue. RV's are noisy when they go in reverse and all those back up beepers are noisy. He is not in favor of this proposal.

Mr. Moran had no comments.

Mr. Stabile commented that the Planner recommended a denial of the PUD. He stated that he would like to read part of their recommendation. "The potential for truck and RV cleaning adds almost an industrial character of use not appropriate for the C-1 district." He agrees with that is not in favor of this proposal.

Mr. LaBelle stated that he did not feel this was consistent with C-1 and what they would like to see in their Township.

Applicant asked if there was a place in the ordinance which addresses noise criteria measurement in a C-1 district?

Mr. Meagher stated that he does not know if there is something directly relating to the C-1 as far as noise, however, they are going through a special PUD so they are allowed to use EA standards for special Land use and one of those would be the

impact on surrounding properties which would include noise. It would have a negative impact and should be looked at.

Mr. Joseph stated on that point they have the spirit of the law and the existing zoning laws and it is very easy to see consistency with regard to noise. They have a car wash operating in C-1 zone and the proposal of an even larger building is really an overshoot of a C-1 overstepping the bounds and there should be a consideration of noise because of the square footage. With the list of businesses associated with C-3 and the businesses associated with C-1, there is a natural general concept of how much noise those create. He thinks the general feeling is supported by their legal department, that this is more consistent with a heavier commercial use than a C-1 and he thought the reasons cited by this panel will serve them well should they find themselves at the next stage; which would be potential litigation. He stated that he agreed with the Planner and they laid out very appropriate reasons for the denial.

Applicant stated that theoretically if his guy bulldozed the existing car wash because it has a limited utilities he could rebuild this building and other buildings to equal the car wash.

Mr. Joseph stated in that case they would still be accountable to the C-1 zoning.

Applicant explained that he guessed he did not explain his point. He stated that they could bulldoze the car wash and build a commercial building that is not a car wash that is of the same square footage of the proposed buildings and meet all the setback requirements and have delivery at night with back up noises that would have just as much or more impact than what they are proposing; especially if the Township continues on its plan to make this a village commercial area. He remarked then his client's piece would develop commercially as would the properties to the north and south.

Mr. Meagher stated that if the applicant wants to simplify it like that, potentially. The question would be could they build something of this intensity and type of use the size being proposed under the C-1 district and the answer is no.

Mr. Joseph stated that they could build a structure of the same square footage, but the business would have to be a fruit and vegetable market, a bakery, a beauty shop or other businesses designated as C-1. He thinks there is a combination of things happening. They have a C-3 business operating in C-1 and then they would like the privileges extended to a C-3 business, but in reality it is C-1. He stated that they cannot interchange the two because it meets the plans of his client.

Applicant stated that was why they submitted the PUD.

Mr. Joseph stated but the PUD is more of a C-3 operation.

Motion by Mr. Joseph to close the Public Hearing for PUD #2016-25

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

Mr. Miller asked the Recording Secretary to poll the board to see if they wanted to make their decision that evening.

All the Planning Commission board members voted to make their decision that evening.

Motion by Mr. Joseph to deny PUD #2016-25 for JPB Car Wash for the reasons cited in the deliberations and recommendations from the Planning Consultant, specifically that this type of use is definitely a more intense commercial use than classified in the Zoning Ordinance. The potential for truck and RV cleaning adds almost an industrial character of use not appropriate for the C-1 district. He added as well as items 2 and 3 in the Planner's Recommendations.

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

Mr. Gendernalik asked since this would go back to the Township Board, he asked if they knew when that would be?

Mr. Joseph replied that he did not know the timeline for items to be submitted for the meetings. He made an additional comment that was inaudible.

Mr. Miller called for a two minute recess.

Motion by Mr. Miller called the Planning Commission meeting back into session

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

**B. SLU #2017-08: Len Szalai 27153 Robin Drive, Chesterfield, MI 48051.
Proposed Skill Based Game Center located at 48724 Gratiot in the
Kingston Plaza.**

Motion by Mr. Miller to open the Public Hearing

Supported by Mr. Joseph

Ayes: All

Nays: None

Motion Carried

Len Szalai 27153 Robin Drive, Chesterfield, MI 48051 addressed the board.

Applicant stated that he was proposing to open up a skill based redemption game center. It would be something like CJ Barrymore's or Dave and Busters except it would be more geared to adults. He explained that people would come in open an account and purchase so many credits and based on the skilled games that they pick they can earn credits and redeem them for a prize which are prepaid Master Cards or Visas. He stated that they are noncash based to comply with State of Michigan laws. He explained that the board members received a handout with the explanation of the Michigan laws regarding these types of businesses. He mentioned item (c) and read "Only noncash prizes, toys, novelties, or coupons or other representations of value redeemable for noncash prizes, toys, novelties are awarded. A gift card may be awarded." He stated that it would not be licensed under the State of Michigan, but they would be registered with the State of Michigan as a Corporation as well as their L.L.C. He received some questions by Community Planning & Management that were not answered in the packets. He read: "The applicant is proposing a special land use to locate a "Game Center" with regard to how the operation is run." He stated that he gave them a brief explanation of how the operation is run. He mentioned that another question was would food and drink be served. He explained that they would not be serving prepared food there. They will have snacks and beverages free of charge and might even bring in pizza, but nothing will be prepared on site. He stated that another question was how many computers would they have at the site. He explained that they are allowed one computer for every 50 square feet of the building which would mean because the building is over 1300 square feet, they would be allowed to have 26 computers. At this point, they plan to open the business with 20 computers. He explained that he was not familiar with maximum occupancy of the building and would have to speak to the Fire Department who already gave their approval. He stated that CPM also asked what type of games. His reply was that if they go at the back page of the packet, they can see they will have what they call a skilled pick which would mean the person would pick the game or the best screen that they would like to play or there is also a nudge where the player uses a mouse to nudge up one of the rolls to give themselves the best chance of obtaining more credits. Obviously the more skill

the person has the more reward from their entertainment. If a person is very skilled there could be a 93% return. He remarked that there are multiple locations with these types of businesses. There is one in Sterling Heights on Hall Road by Lakeside Mall and Olive Garden called Jackpots, one in Waterford and one in Burton that he is familiar with. He mentioned other locations in Michigan are listed on their handout and there are more because the list is from 2013 which is when TS Trading Systems started. He explained they are a programmer and they supply the business. He mentioned that they have no control over any payouts or redemptions or anything like that; it is all based on skill. He stated that CPM also commented that approval should be contingent upon the Police validating the use of the premises as legal. He mentioned that Mr. Palin ran it by the Chief of Police who gave his approval.

Mr. Saelens asked what happens when he comes in the door?

Applicant replied that he would be greeted by one of the staff members and they would explain what is going on and if the person wants to play, they will open up an account for him.

Mr. Saelens asked what is the cost?

Applicant replied nothing. There are no membership fees. It would only be how many credits the person would like to purchase.

Mr. Saelens stated so they purchase the credits and then play the game. He asked if they are playing against other people who are there?

Applicant replied no it is all self-contained.

Mr. Saelens asked so the person would be playing against the computer?

Applicant answered yes, but the games are based on skill.

Mr. Saelens stated so someone plays for a half-hour and they accumulate 100 credits.

Applicant replied that a person can redeem their points depending on how many points they have for maybe a \$20 gift card, \$50 gift card or \$100 gift card. He stated that the maximum amount of payout is \$499 in one day otherwise they have to pay taxes on it. He stated if someone accumulates more than that, the computer would keep track and they would have to get the rest of their payout the next day.

Mr. Saelens asked if there was a minimum amount of credits that someone has to purchase when they come in the door?

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Applicant replied no.

Mr. Miller asked if these were slot machines?

Applicant replied not. It is a computer with a monitor, tower and a mouse and the games are based on skill.

Mr. Alexie asked if they would be serving alcoholic beverages?

Applicant replied that there would be no alcohol or smoking on the premises.

Mr. Alexie asked if it would be open 24 hours?

Applicant replied no. The hours of operation would be 10 AM to 10 PM Monday thru Saturday and Noon to 8 PM on Sunday.

Mr. Alexie asked the age requirement?

Applicant replied that age requirement would be 18 and older. He stated that they do not want any children on the premises.

Mr. Alexie asked if there would be a security person on the premises?

Applicant replied no. But there will be security cameras and a panic button.

Mr. Alexie asked so no one would be there to monitor the place?

Applicant answered that there would be at least one person there in the morning and two people at night to monitor the business.

Mr. Miller asked how many people did the applicant think would play at one time?

Applicant replied that they are going to have 20 computers, but they can put up to 26 in the structure.

Mr. Saelens asked if they take cash?

Applicant replied yes they take cash and credit cards.

Mr. Joseph had no questions at that time.

Mr. Eckenrode had no comments.

Mr. Stabile asked what would make these games of skill?

Applicant stated that a person is not just pulling a handle or pressing a button.

Mr. Stabile asked for an example of a question the computer might ask?

Applicant replied when you cash out, the person would have to follow a certain pattern and if they do not know the pattern, they could lose credits.

Mr. Joseph stated that the confusion comes to play because of the whole game of skill. He is not a big fan of these. He stated that the difficulty Mr. Stabile is having with this is that there is one layer of skill that is infused in the process so as not to make it a game of chance which would then be regulated by gaming. He stated that there is no brain gym a person can go to enhance the skill set with this. He is concerned about this because it has all the appearances of tiered down gaming center which is a game of chance. He does not see the skill set here and thinks this is a dangerous slope to be on. He would like to do some investigating on his own before approving something like this. He stated that games of skill where someone demonstrates mental aptitude is different where it would be knowledge based like a Trivia based skill or a physical based skill. In his opinion, this is a series of puzzles that lends itself to more of a game of chance. He mentioned that the creation of this is slick because it does not quite fall under lottery or true games of chance because of the added layer of opportunity to engage in the activity that they call skill. He stated that in his opinion this is dangerous because it is nothing more than gambling with an infused part of skill. The payout in gift cards or novelty prizes doesn't make a difference because this very much seems like gambling.

Applicant stated that this is based on the same model as a Dave and Buster's and CJ Barrymore's.

Mr. Joseph stated that CJ Barrymore's and Dave and Buster's there is entertainment. He stated that he could challenge his fellow board member to shoot some baskets in a certain time limit and if they get coupons they can exchange them for the big foam hat and those are novelties with the added attraction of beer, pizza, an opportunity to host a party. He reiterated that this seems a lot like gambling.

Mr. Stabile asked if there was an age limit?

Applicant replied 18 and older.

Mr. Stabile asked if that was a State regulation? He asked if they could have 12 year olds playing?

Applicant stated that there is no law that they can't have 12 year olds on the premises, but they are not going to allow that.

Mr. Meagher stated keep in mind the facts that are being offered for a Special Land Use dictating the 18 year olds.

Applicant stated that the demographic indicates that the majority of people that frequent these types of places are women in their 40's, 50's and 60's. They just want a comfortable place to go to and they feel safe. There will not be any alcohol served and no kids running around. People can just come in mind their own business and maybe come in with their friends to have a good time.

Mr. Miller stated that their normal procedure is to wait two weeks to render a decision.

Motion by Mr. Miller to Table SLU #2017-08 Len Szalai 27153 Robin Drive, Chesterfield, MI 48051. Proposed Skill Based Game Center located at 48724 Gratiot in the Kingston Plaza.

Supported by Mr. Moran

Ayes: All

Nays: None

Motion Carried

6. **REVIEWS:**

A. **SIGN REVIEW #2017-52: Yassine Soph, 47127 Gratiot Avenue, Chesterfield, MI 48051. Proposed new wall sign resurface from Kabob Hut to Kabob Town located at the above address.**

Mr. LaBelle stated that the sign does meet the Township ordinance. He added that the applicant agreed that there was an excessive amount of signage in the windows and he had agreed to reduce the amount of signage to the Township Ordinance.

Mr. Leonard asked if the reduction of the signage in the window include the rope lighting around the window.

Mr. LaBelle stated that they did discuss the rope lighting around the window and reducing the signage to 15%.

Motion by Mr. LaBelle to approve Sign #2017-52

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

7. APPROVAL OF MINUTES FROM PRIOR MEETINGS:

Motion by Mr. Miller to approve the meeting minutes from 5/9/2017.

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

8. COMMUNICATIONS: None.

9. OLD BUSINESS:

There was no old business.

10. NEW BUSINESS:

There was no new business.

11. PLANNERS REPORT:

**A. ADMINISTRATIVE REQUEST #181: Michael Venditti / Biggs Bar & Grill
48265 Gratiot, Chesterfield, MI 48051 Requesting removal & to tear down
the existing wood fence & replace with a decorative concrete wall at the
above address.**

Mr. Meagher stated that the applicants are requesting to replace the existing wood fence with a paneled concrete wall. He explained that typically they would not approve these walls because in the past they have had heating that is very common with Michigan weather that would cause some of the sections to fall or separate over time from the remainder of the fence causing an eyesore and defeating the purpose of having a wall there. He stated that this is located abutting an industrial district and the wall is not really seen except from the industrial drive. Therefore, he probably would not object to that type of material for the wall, however, if they are going to permit that type of wall it would have to

be done with the condition that if in fact that wall does have a panel that falls out or shifts in any fashion that it be repaired or replaced within a 15 day period from receiving notice from the Township. All that being said, he noted that the engineer has submitted some comments in regard to this development with regard to an exterior grease and oil receptor being installed on the kitchen sewer lead per Township standards. He stated that also part of the practical development they would have to contact Miss Digg prior to the installation of the wall to determine the location of existing utilities within the fenced area which would be part of the contracting practice. But in light of the requirement of the exterior grease oil interceptor, this should probably be hold off on this until the grease oil interceptor is installed and then act on whether the wall can be put in place.

Mr. Joseph asked if the entire site would have to be consistent with the requirements before considering additional amendment to the site?

Mr. Meagher stated that in most cases they would look at the administrative approvals they look at a site and confirm it is predominately in conformance with the Township ordinances and they can act on this without spending a whole lot of time reviewing the rest of the site. He stated that in this case with the engineers calling this issue out, it just seems to him that is something that could be taking place prior to them honoring this review. He mentioned that they could certainly come back in with a full site plan review as well and they would examine the entire site, but since this was called out, it seems procedurally it would be reasonable to ask for this to be completed as a condition of approval or delay it until the applicant has met the requirement.

Mr. Joseph stated that it would make sense to go through what is required by the engineers and the planner and approve it all at once.

Mr. Meagher agreed that it would make sense to get it all done at once.

Mr. Saelens stated that with a restaurant and so much grease going down the drains, it makes sense to have the exterior grease oil interceptor.

Michael Venditti, 48265 Gratiot, Chesterfield, MI 48051 addressed the board.

Applicant stated that they currently have a grease trap in the building and this has never been brought to his attention before that they want a grease trap outside the building. He is just looking to replace the fence here. He remarked that he does not even know how much something like this would cost. He just wants to improve the current fence with something that is nice and decorative.

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Mr. Meagher stated that he respects his request, but the engineers have called this out as a potential issue. He explained that they are asking for this to be postponed for the minimum of two weeks so they can get some communication from the Engineer and Planning Department and get this thing sorted out.

Applicant asked if anyone had any idea of what something like this costs?

Mr. Joseph replied personally no.

Applicant asked if this is something he had to do, because this may just be a total deal breaker.

Mr. Joseph stated that if he understood right, he does not like the idea that a guy comes in to improve his property and the wall sounds like a good proposal. As he understood it independent of the wall, the exterior grease oil interceptor is a site requirement. So it sounds like the applicant and certainly he need more information on this matter.

Mr. Meagher explained that maybe there is a misunderstanding and they do not realize the applicant has an interior system but they can certainly have a meeting and find out that information.

Mr. Miller stated that they are just going to table this for up to two meetings.

Mr. Saelens stated that he knows that there have been a number of restaurants that have been required to add exterior grease traps because of the contamination that has been going into the sanitary sewers.

Mr. Joseph mentioned that on the Township Board they have heard this from DPW and the Township Engineers about them going in to the sewers with cameras and there are some bad areas and they are looking at a 25% rate increase for the water bills. He stated that this is really an area that has to be looked at so he thought tabling it was a good idea.

Motion by Mr. Miller to Table Administrative Request #181 Michael Venditti/ Biggs Bar & Grill 48265 Gratiot, Chesterfield, MI 48051 Requesting removal & to tear down the existing wood fence & replace with a decorative concrete wall for up to two meetings.

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. Leonard and Mr. Saelens volunteered to attend that meeting on 6/14/2017.

Mr. Palin mentioned that on the next agenda he planned to put something concerning the new ordinances on administrative approvals and accessory structures.

13. **PROPOSALS FOR NEXT AGENDA.**

There were no proposals for the next agenda.

14. **ADJOURNMENT**

Motion by Mr. Saelens to adjourn at 9:32 PM

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

Rick LaBelle, Secretary

Grace Mastronardi, Recording Secretary