

**CHARTER TOWNSHIP OF CHESTERFIELD
PLANNING COMMISSION**

June 13, 2017

A regular meeting of the Charter Township of Chesterfield Planning Commission was held on Tuesday, June 13, 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
Ray Saelens

Absent: James Moran, *excused*

Others: 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. **CONDITIONAL REZONING #343: Morelli Custom Homes, LLC, 22756 Macomb Industrial Dr., 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. Tabled 5/9/17 with Public Hearing open.**

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

Mr. Kirk stated he was the attorney on the project and introduced Mr. Morelli the developer and owner of the property. He explained that they were there last March with the initial plans on the development and at that time there were some additional items the board wanted them to look at which they did and refined some of the items. He stated that Mr. Morelli owns three adjacent parcels on Cotton Road and the total acreage of the property is 7.5 acres. He explained that parcels 1 and 2 which are on the west side total 3.5 acres and already zoned RM2. He stated that as RM2 Mr. Morelli can develop that property as a multiple family project with a minimum of 450 square feet for one bedroom and 500 square feet for two bedrooms with 51% brick. He explained that in this case they are requesting a conditional rezoning for the third parcel and the numbers are going to go up. He stated that they would have a minimum of 1,000 square feet, but more likely 1,200 to 1,400 square foot units with the way the building plans are going at this time. In addition the units will be 70% brick instead of 51% brick. He mentioned that parcel 3 is four acres and is zoned R1B and they are asking for it to be zoned RM2 which would match the other two parcels. They are asking that these be rezoned conditionally to lock in this site. He stated that those conditions would be that they would build a maximum of 55 units and there would be no variances required. He added that there would be attached garages, no carports. He reiterated that the minimum size would be 1,000 square feet but more likely 1,200 to 1,400 square foot units with the way the building plans are going at this time. In addition, there will be a playground with play structures and one drive to Cotton Road. He mentioned that the last time they were in front of the board there were issues brought up as far as traffic, so they had a traffic study performed. In conclusion, the roads and intersections are in the acceptable level of service and with this project there will be no change to that and they will still meet the acceptable levels of service. He stated that they thought the use of the property was suitable to the area and is consistent with the Township Master Plan as discussed by Mr. Meagher last time. He stated that even though this one parcel is zoned single family, the adjacent parcels are multiple and when they look at the area, they feel this is a reasonable use of the property. He stated that they are offering this as a conditional zoning which gives a benefit to the Township and also Mr. Morelli.

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

Applicant stated that he had large elevation plans. He brought up boards with the site plan and two elevations for the Commissioners to look at. He stated that he knew there was some concern about the aesthetics of the building that will face Cotton Road so they did a Building Type A and Building Type B. He explained that Building Type A are the building that would face Cotton Road. There would be 12 of those units and those buildings are dressed up. He stated that those buildings would have awnings and canopies over the front doors, dormers on the roof, 70 % brick and there would be no garage doors seen from Cotton Road. He explained the rest of the units on the site would be Building Type B with the driveway at the front of the building. He asked if the Commissioners had any questions regarding the elevations?

Mr. Miller stated that the Commissioners would wait of their questions until after they hear from the Public.

Applicant stated that in the revised plans they moved the retention pond to the middle of the site and they planned to put a fountain in there. He mentioned that they would be putting in three large recreation areas; one for a playground, one for a possible dog park and they are still working on the use of the third recreation area. He stated that there would be no back to back units, they would all be spread out.

Public Comments:

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

Mr. Ryntz stated that he lives right across the street from this property and there are already 11 apartment buildings near Cotton and Sugarbush. He knows a traffic study was done and there was also one done four years ago and at that time the Township recommended putting in 12 homes and a cul-de-sac. He stated that Morelli is already building a street with a cul-de-sac at Cotton and Donner. He mentioned that there was already a strain on the utilities with the power going out at least a couple of times a year. He stated that with apartments going in there, there will be no pride in ownership. He remarked that a one car garage just becomes a storage shed. He mentioned that Kolping Park is now for sale and what are they going to build over there; that is right behind their houses. He stated that they all have nice homes over there and with all these things going in it is going to end up like 23 Mile and 94, and they know how bad that is over there. He reiterated that there is no pride in ownership with apartments.

Ken Winalis, 29450 Cotton Road, Chesterfield, MI addressed the board.

Mr. Winalis asked when the traffic study was done because he has live there for 35 years and the traffic is so bad at 4 to 5 PM. He also does not want apartments across the street from his home which is only about 100' from Cotton Road. He also complained about the power going out and the water pressure in their homes.

Mr. LaBelle asked Mr. Winalis if he wanted to see the traffic study that was done on the area?

Mr. Winalis took the report.

Mr. LaBelle asked for it to be returned when Mr. Winalis was done looking at it.

Randy Krantz, 29571 Cotton Road, Chesterfield, MI addressed the board.

Mr. Krantz also shared his concerns about the traffic and fire trucks going down Cotton Road. He also thought there would not be enough room to put all those units on that property.

Sandra Shenduk, 47465 Michele Court, Chesterfield, MI addressed the board.

Ms. Shenduk related that she lives behind where the units would be built. She stated that she has an empty field behind her home and there are birds and deer over there. Her boyfriend lived across the street from where they plan to build these apartments and she is very concerned about the traffic in the area. She related there is just too much traffic and the crime rate is rising, some houses down the street have been broken into, so putting apartments over there is bringing in a bunch of people that do not need to be around there.

Jeff Ewald, 29146 Cotton Road, Chesterfield, MI addressed the board.

Mr. Ewald stated that he lives across the street from the existing apartment buildings on Cotton Road and at all times of the night there are ambulances and fire trucks going in and out of there. He is the current Kolping Park Manager and was instrumental in getting the chapel over to the Historical Village. He lives on an acre and did not expect to see apartments going in when the property is zoned for houses. He asked that the Commission turn down the proposal to rezone the property and make him put in a subdivision like the property was originally intended for. He also wanted to know when the traffic study was done because the traffic in June, July and August is much worse during the boating season. He also agreed with the other neighbors in the fact that there is a strain on the utilities over there. He has lived in Chesterfield for 31 years and he would like to keep it the way it is.

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Jeff McKeown, 29430 Cotton Road, Chesterfield, MI addressed the board.

Mr. McKeown stated that he has lived in Chesterfield for 14 years. He also shared his concerns about the traffic problems on Cotton and Jefferson and Sugarbush. He questioned about when the traffic study was done and did they allow for seasonal traffic. He does not think that street can take the volume of cars if they put apartments in there. He also his water pressure is lower than it was when he moved in and there are power problems in that area and that would probably get worse with all of those units on that property. He thinks homes would be better.

David Pasco, 29074 Bay Pointe, Chesterfield, MI addressed the board.

Mr. Pasco stated that when looking at the plans with the pond would lead him to believe that all the nice elevations would face the pond and they will have to look at the back of the houses. He is not sure about that. He then stated he was concerned about the back edge of the property because that property is lower than the sub behind it. He asked if there would be room to landscape the property and create a berm to keep the water from coming into the sub.

Mr. Kirk stated that this project meets all the setbacks and the landscape buffer that is required. He mentioned with regard to the traffic study. They had one of the top highway specialists around do the traffic study. Mr. Santino the former chief highway engineer for the County did this study. It is not guess work, they crunch the numbers and it meets the required service for that type of road. He explained that with regard to these 55 units, Mr. Morelli can use half of this site as it is for this type of project and probably get 55 units in there at 500 square feet and get a project probably like next door with 51% brick. So he can build something with 55 units on the property that is already zoned RM2. He stated that they are not looking to rezone all the property from residential to RM2; half of it is already zoned that way. He stated that Mr. Morelli prefers to build these larger units on the entire 7.5 acres which would be a nicer project for the Township.

Mr. Joseph stated that he would like to address some of the areas which the residents brought forward. He first wanted to thank the residents for coming forward. He realized that it is not easy for people to come forward and speak like that. He heard people complain about the power problems and the power grid. He thinks that after hearing about this matter on other projects the Township Board needs to address this with the people who supply the power. It is really not fair because developers at the south end of the Township are being burdened by the need to improve the grid. He stated that everybody who lives in Chesterfield knows that part of your welcome to the neighborhood it that you better get a generator because periodically your power will go out.

In his opinion, that is not fair to dump on someone who is trying to build something here. He stated that there are some real infrastructure problems that need to be addressed by our suppliers and is not necessarily the problem of Mr. Morelli and this project. He mentioned that the traffic problems and the traffic study that was done by generally recognized experts in the field. He heard from residents about the timing of this study, but it was a fairly thorough study and in terms of the traffic, he knows that area and it is tough. He resides near the intersection at Cotton and Donner and so he knows the area and there has been some work done on it to widen the shoulder at the cul-de-sac development that is going in. He stated that it is a tough intersection. He added that as far as the statement that a person purchased a home and there was an empty field next to me. He explained that the only way to ensure that person has the empty field next to them populated with birds and deer is to buy it themselves. It is really unfair to say to somebody else that they cannot do what they want with their property because I like to look at the deer that come on to your property. People should be able to do what they want with the property that they own. He stated that would be like a person telling their neighbor I don't think you should put a pool in because I do not want to hear your kids splashing; I like to see the cardinals who come in. A person cannot really encumber a person to do what they want them to do on their property. Furthermore, the idea of keeping the Township exactly the way it was when a person moved in is not really possible. There is no way to pay for the infrastructure the Township needs, police protection and all the other things that are needed if they say to people and businesses in the community that they cannot build here, because we like it just the way it is. It does not work that way. One of the things he does appreciate is Mr. Morelli's reputation in the community. He has completed various projects in the area and he never heard any complaints. He stated that speaks to the quality of Mr. Morelli's work and the projects that he has done. He explained that this is not a half-baked developer; he does not start projects and leaves them half-finished. He stated that he is a beginning to end kind of guy and he appreciates the excellent work Mr. Morelli has done in our community. He has no relationship to Mr. Morelli and he has never donated to his campaign and he never met him until he looked at this plan. Mr. Kirk laid it out well. Mr. Morelli could build the project on the property that is already zoned RM2 with no consideration from them. However, it would not be a development that looks as nice as what is proposed. He agrees that there are concerns about traffic, but those are growing pains and not fun to deal with. He stated as far as Cotton Road looking like 23 Mile that backs up. In the course of his discussions with some officials in the County, the problem with the 23 Mile Road lights is that they are timed for going to work traffic. So when they get up and try to get to the office the lights are timed to accommodate rush hour. They go back to the default settings on the weekend and that causes an unnecessary back up. He stated that is just the matter of the County doing some work and their traffic engineers are looking at that and there should be relief on that soon.

Mr. Joseph stated that he does not see Cotton Road becoming that. He does not know how they stop someone from legally doing something they want on their own property.

Mr. Eckenrode stated that this site plan certainly looks better than the first one. He explained that it looks like the front of the homes would be facing Cotton Road instead of the garages; so that is an improvement. He asked if there would be a fence around the retention pond area?

Mr. Morelli replied no because it is going to be a one on six slope and it is not required.

Mr. Eckenrode understood that things cannot be kept the way things are now; they have to move on. However, in his opinion, putting this many units in this area is a good idea. He wondered if this traffic study was only done on one day because they all know on some days traffic is worse than others. In his opinion, he would rather see condos and they could not even turn these into condos in the future because they would be 500 square foot units.

Mr. Morelli replied that the units would not be 500 square foot units. He remarked that they would be a minimum of 1,250 square feet and could go up to 1400 square feet.

Mr. Eckenrode apologized for the mistake.

Mr. Leonard stated that he travels on Cotton Road quite a bit and at Jefferson, if somebody hugs the line to make a left turn then a car can make a right turn by the gas station. However, 9 times out of 10 two cars can't fit on the road and that is the one reason for back-ups on Cotton; anybody turning right is stuck behind the guy turning left who is waiting for the light to change. He explained that does compound the problem and with more people on the road it will only get worse because the road is narrow.

Mr. Saelens asked the applicant if he planned to install the playground equipment in the playground area as part of the development?

Mr. Morelli replied yes, that is part of the conditional rezoning.

Mr. Saelens asked if the applicant planned to put in all one-car garages?

Mr. Morelli answered yes about 11' wide by 20' deep.

Mr. Saelens stated that he did not see much off street parking. He stated that typically most families have two cars and he does not see where they would park?

Mr. Morelli explained that there would be one parking spot in the garage and one in the driveway in front of the garage and there are 161 other parking spaces provided on the site. He stated that they were only required to have 138 parking spots so they are well over the required parking spaces.

Mr. Saelens verified so they will have the required parking spaces.

Mr. Morelli replied that they have more parking spaces than required.

Mr. Saelens stated that this site plan looks a lot better than the first one.

Mr. Morelli commented that this is about the 10th site plan.

Mr. Alexie asked how this fits in with the Master Plan?

Mr. Palin replied that part of the parcel is already zoned multi-family and generally in that area where it is zoned single family is where the split is. He stated that they can see with the line behind that area is where the change occurs from multi-family to single-family.

Mr. Alexie asked if they were there to approve the site plan or just a rezoning from R1A to RM2?

Mr. Palin stated that this application is for rezoning with the conditions. He does not believe that the site plan was attached as a condition. He stated that if the rezoning were to be approved, the site plan would then come in for approval, but the site plan would be needed to set the conditions of this hearing.

Mr. Stabile stated with the traffic study he was surprised to hear that they did not feel they needed to put a light at Cotton and Sugarbush. He thought that it hasn't been as bad lately and thought maybe people are getting used to the four way stop. He commented that he agreed with Mr. Leonard that the hang up is at Cotton and Jefferson because of the narrowness of the road there.

Mr. LaBelle stated that the one gentleman stated that there was no information with the traffic study concerning Cotton and Sugarbush. He wanted to let him know that information as at the back of the study and if he wanted to take another look at it, he was welcomed to do so. He does appreciate all the letters that were written and the comments that were made. They will certainly take it all into consideration and thanked the residents for their time.

Mr. Miller stated that he received two letters against the rezoning one from Nathaniel & Kathleen Jakinovich and the other from Gary & Laura MacManus.

Mr. Miller stated that he also had some concerns about this project. He travels down Cotton Road numerous times daily. Mr. Morelli's complex is on Donner that will add 24 houses, Clover estates that is finishing being built and Stonehenge Condominiums that also being completed; so this is going to add more traffic on Cotton Road. He thought maybe this traffic study showed what exists, but doesn't show what is going to be coming. He stated that sometimes Cotton Road is difficult to get in and out of and sometimes he has to wait five minutes to get out of his subdivision.

Mr. Joseph stated that tonight this is the conditional rezoning. He wanted to ask Mr. Palin if the applicant does not get the relief with rezoning and is not able to go forward with these plans what prevents him from coming back with the 11th plan with 500 square foot units in a shrunken version of this on the parcel that is already zoned as RM2? He asked if there was anything to prohibit the applicant from doing that?

Mr. Palin replied no, as long as the applicant met the ordinances as far as set-backs, water retention, the road, and parking. In that case, it would be a permitted use and as long as the site plan met the requirements, it would have to be approved. He added that there is no public hearing for that process either.

Mr. Joseph stated so the disappointing thing would be that all these citizens came forward with their concerns about traffic and to bring the project to fruition one parcel needs to be rezoned. In the event, that the Commission votes it down, the applicant can come back with an 11th plan that does not need the approval of a public hearing at all and the applicant puts the smaller version of this complex with the same number of units and the concerns of the people go unaddressed. In that case, the development goes in as long as it meets statutory requirements that at current levels it meets. Theoretically, they turn it down and celebrate and six months later they get a shrunken version of the same project and legally it is feasible.

Mr. Palin stated that is correct.

Mr. Alexie stated that if they do rezone it, what is stopping the applicant from coming back with 500 square foot units?

Mr. Joseph replied because of the conditional zoning. The Commission has the ability to approve it conditionally to makes sure the site plans submitted tonight are the go forward plans and he thought they would then be in the position to say that the applicant cannot switch horses on us. He brought the site plans to them and this was the intent, assuming they go through engineering and with minor changes. If the applicant wanted to then put in the smaller units, he would not be in favor of allowing that. He thinks the builder

comes in good faith and states this is a conditional request and if it is approved, this is what he is going to put in. In his opinion, this is pretty straightforward.

Mr. Kirk stated with regard to the traffic study, it was not just done in one day. Mr. Santino also used historical data from SEMCOG, he measured the intersection there and it did not meet the criteria for signalization for MDOT. He remarked further that Mr. Joseph is correct, at this point Mr. Morelli probably could get the 50 to 55 units on half the property zoned RM2 and build 24 houses on the other parcel and then there would be much more traffic than with this plan and they would have no opportunity to deny that.

Mr. Stabile addressed the gentleman in the audience who wanted a copy of the complete traffic study and told him that he could have his copy and keep it.

Mr. Ryntz stated that this sounds like a threat. He stated that they just stated that if we don't give into them, they can build these little ones. He claimed then the residents will come back and stop that. He stated that we have to live right across the street from this. He reiterated that is the board going to give in to a threat. If they don't give them what they want, they will turn around and build these little places. He yelled that they guy is building places on Donner and Cotton; build the same frigging thing on this property. He claimed they were here four years ago and that builder let the property go for back taxes because his plans were denied and now they are going to give in to a frigging builder who is not even going to live there.

Motion by Mr. Miller to close the Public Hearing

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

Motion by Mr. Miller to Table Conditional Rezoning #343 Morelli Custom Homes, LLC, 22756 Macomb Industrial Dr., Clinton Twp., MI 48036 to the next meeting.

Supported by Mr. LaBelle

Ayes: All

Nays: None

Motion Carried

Mr. Joseph asked why they made a Motion to table? He asked Motion to Table based on what? What is the new information has to come to the board for the purposes of tabling and why were they extending the process for this petitioner.

Mr. Palin stated that according to the Planning Commission's by-laws, whenever there is a Public Hearing, standard procedure is to close the Public Hearing and then table it to the next meeting to give the Commissioners a chance to consider all the facts and everything brought before them by the public and the applicant before they render their decision.

Mr. Joseph stated that he thought that but this was tabled from 5/9.

Mr. Palin replied that it was because the Public Hearing was left open and new information was submitted by the applicant. He stated that it is typically set forth that once the Public Hearing is closed it is tabled to the following meeting for a decision.

Mr. Miller called for a two minute recess.

Motion by Mr. Miller to call the meeting back to order

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 Retail Plaza. Tabled 5/23/17.**

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

Applicant stated is proposing to put in a Jackpot Café in the Kingston Retail Plaza and it was presented to the board on May 23rd He remarked that at that time Mr. Joseph wanted to do his due diligence and get more information. On May 30th he summarized and gave his proposal concerning this to the Planning office, addressed questions and comments by the Community Planning and Management as well as AEW and also submitted the information as laid out by the Pfeiffer Law Group in Florida, who works with the law group in Troy, MI. He trusts that everyone has received the information that was submitted and he asked if anyone had any questions.

Mr. Joseph stated that he learned more than he ever wanted to know about this type of business. It is profound and what was interesting was the letter provided by the Jackpot Café. He stated that the Pfeiffer Law Group was actually the firm involved in a lot of litigation on this matter. He explained that this follows the same premise as what occurs in Chuck E. Cheese or Dave & Busters and the token and redemption policy. He stated that the litigation that has gone forth in the State of Florida has to do with the fact that if they have one, the law does not carve out a special niche for the place that has the human -sized mouse. It is the exact same law used for this endeavor. In short the skill based gaming industry, internet café appears to cater to a very specific group of people and utilizes the same redemption law. It does not encroach on any type of gambling. He has checked it out and is satisfied with what he learned and appreciates the applicant's patience with him. This is a very interesting business model and caters to a group deserving of the service. He hopes the applicant does well and he has no reason to withhold support.

There were no Public Comments.

Mr. Saelens stated that the Police Chief has no problems with it and that is good enough for him.

Mr. Alexie asked the hours of operation?

Applicant replied the hours of operation would be Monday thru Saturday 10 AM to 10 PM and Sunday 12 to 8 PM.

Mr. LaBelle stated that the only thing he would have a problem with is how are they going to make sure someone is 18 or older?

Applicant stated that when a person comes in the business they open an account and they take the driver's license and they open the account with the name, address, birthdate. If a person is under 18, they are turned away and they can come back when they turn 18 years of age.

Mr. LaBelle asked if a child can be in there with a parent?

Applicant stated that technically, yes, but from talking to the owners of Jackpots up in Burton, Waterford and in Sterling Heights, no one really brings kids in there. He explained that it is usually women in their 40's, 50's and 60's who come in when their kids are in school or otherwise occupied. There is no law that children can't come in, but they want to keep it a place for adults.

Mr. Alexie asked if the machines take cash?

Applicant replied no. A person comes to the desk and give us a credit card and then points are put on their account. Then the person punches in their account on the computer and it brings their account up.

Mr. Miller asked if there was a minimum a person has to play with?

Applicant replied no. He stated that most people come in with \$20.

Mr. Joseph stated that kids can come into some places and play skeet-ball and may be able to win an X-Box. He reiterated that there is no carve out for a Dave & Busters that is any different from what they are proposing to do. He stated that the Police Chief gave his approval and the legal green light is there and this does comply with the Michigan Redemption Act. He stated in this case they are catering to a specific crowd.

Motion by Mr. Miller to close the Public Hearing

Supported by Saelens

Ayes: All

Nays: None

Motion Carried

Mr. Miller stated that the normal procedure is to wait two weeks before rendering a decision. However, he asked the Recording Secretary to poll the board to see if they would like to render a decision tonight.

Mr. Miller, Mr. Joseph, Mr. Leonard, Mr. Alexie, Mr. Eckenrode voted to decide tonight.

Mr. LaBelle, Mr. Stabile and Mr. Saelens voted to wait to the next meeting.

The Commissioner's voted 5 to 3 to make the decision tonight.

Motion by Mr. Joseph to approve the petitioners request to open a skill-based game center located at 48724 Gratiot Avenue, in the Kingston Retail Plaza.

Supported by Mr. Alexie

Mr. Palin asked is Mr. Joseph would like to add to the Motion that they get a letter from the Police Chief as part of the record. He stated that they may also want to get something into the record with regard to hours of operation.

Mr. Joseph stated that he would like to include that in the Motion that the hours of operation would be Monday thru Friday from 10 AM to 10 PM and on Sunday from 12 to 8 PM and the aforementioned letter from the Police Chief would be filed as part of the records.

Ayes: Joseph, Alexie, Miller, LaBelle, Leonard, Saelens and Eckenrode

Nays: Stabile

Motion Carried

6. **REVIEWS:**

A. SIGN REVIEW #2017-21: Pilot Travel Centers, LLC, Brad Alsup-Project Mgr., 5508 Lonas Road, Knoxville, TN 37909. Proposed new ground sign located at 56777 Burdon road for new travel center. Tabled 4/25/17.

Motion by Mr. LaBelle stated that this is the sign for the CAT Scales. The original sign was to be over the top of the trucks and was extremely large. They have reduced the size of the sign and it is now a pylon sign. He stated that this site has an excessive amount of signage in his opinion and they have gone out of their way to make this business successful. This sign is necessary as a safety precaution so the trucks know how to make their way to the scales.

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

B. SIGN REVIEW #2017-41: Pilot Travel Centers, LLC, Brad Alsup-Project Mgr., 5508 Lonas Road, Knoxville, TN 37909. Proposed new wall sign (We Make Pizza) located at 56777 Burdon Road for new travel center. Tabled 4/25/17.

Mr. LaBelle stated that this is a proposed new wall sign and this one is the sign that says (We Make Pizza). He stated that if they remember there was a large sign at the front of the building with a mural and it was proposed at the last meeting that they come up with some type of mural that enhances and shows off Chesterfield Township. He has come across with that, however, he still has mixed emotions. This development already has quite a few signs and he would like to know what other people on the panel think about this matter. He explained that this would be a very large marquis or mural on the building and in his opinion they would be allowing something that they probably should

not allow. He thought then other business owners are going to try to do the same things on the front and back of their buildings.

Mr. Saelens stated that he totally agreed with Mr. LaBelle. He stated that they already have more than enough signs on this property. He does not see how this sign would help the business become more successful.

Mr. Stabile remarked that he also agreed with Mr. LaBelle

Brad Alsup-Project Mgr., 5508 Lonas Road, Knoxville, TN 37909 addressed the board.

Applicant stated that they have taken away anything that references their building and the current mural is just a picture of the pier and certainly they would work with staff to come up with something. He explained that the mural is not about the success of the business. He stated that this mural is a focal element in the design of the building. It is a nice ceramic wall and a sign that has some light shining on it that draws attention to the building. He stated that they are proposing to put up something that references nothing about their business but instead something about the community. We would certainly be willing to put in something like "Welcome to Chesterfield" across the top of the mural or whatever they want to call it. He explained that this is not about our business success; this is about maintaining an image that they have created across the country with a look that has this focal wall. Typically, they do want something that does advertise the products that they sell, but in order to maintain the look of the focal element, they would be willing to give that up and just put something that would draw attention to a landmark here in Chesterfield Township. He hopes they have seen the photo of the picture of the pier and certainly they would be able to get a professional photographer to do something that would look nice for the front and back of the building and it would have nothing to do with business success, but to just maintain an image.

Mr. Joseph asked the Chairman when does a sign not become a sign? He asked if they are not advertising business is that still a sign or is that art work?

Mr. Palin stated that was a really good question. He stated that in his opinion if they reference the recent Supreme Court Case, he does not think they can make that distinction. He explained that they cannot regulate based on content, therefore, in this sense it came in under a sign application and has been considered as a sign and is being considered now as a sign variance. In that sense, it is a sign regardless of what the content is.

Mr. Joseph stated that was it not considered a sign because there was a picture of pizza on it with the verbiage "We Make Pizza", which was clearly drawing attention to the products in the facility. However, if they put up a mural of a Chesterfield icon, it ceases to be a sign, does it not?

Mr. Palin replied, not as currently proposed. He explained that if the applicant came in under a different process as a façade change or as part of an architectural feature of the building that would probably be justifiable. He stated that the way he would look at it is, as the Township currently operates with our policies regarding a resurface, this would be approved as a variance under its current sign application and the applicant or another business down the road could come back as a resurface and as long as it meets that same size as approved here tonight, they could then put anything they want on there because they cannot regulate based on content. He stated that if it gets approved tonight, one week later, they could change it and then by Supreme Court ruling, they have no authority to stop it.

Applicant asked if they could do some kind of condition that states it has to represent the Township and they could not advertise their business on that surface?

Mr. Miller replied that he could not answer that question.

Mr. Palin stated that his answer would be no they cannot do that because the way he looks at it, if he has to look at it or read it to know what it is, that is unconstitutional based on the Supreme Court Ruling. He stated that he could speak with the Township Attorney and see if his opinion differs on that, but that is his interpretation of it.

Mr. Alexie asked what if he put a sign up there that says "Welcome to Chesterfield"?

Mr. Saelens stated then two weeks later, the applicant could change it and they cannot do anything, because they approved the sign but they cannot regulate the content.

Mr. Miller stated that they could make a motion to table it and they could check with Mr. Siebert.

Mr. Stabile remarked that this is something that is new to them for quite a few years and now they have to have a different mind-set. Years ago, the Commission had a lot to say about the content of a sign. He was one of the people who went to the presentation about the Supreme Court ruling and literally this is simply a sign. He stated now the Commission has no control on the content of a sign.

Applicant stated that a little while ago Mr. Palin commented that if this had not been applied for as a sign and instead was considered an architectural feature or a façade change, it may be treated differently.

Mr. Palin stated that he does not know where that distinction is. He does not think they have anything in their ordinance that deals with this. He would have to check with the Township Attorney in order to find the answer. It is his job to act in the best interest of the Township and basically as far as the Supreme Court ruling the Municipality or Township can regulate size, location and zoning district of a sign, but not the content. So as long as the applicant meets those requirements, what is on the sign is irrelevant once it is there.

Mr. Leonard stated that the front elevation of the building is very attractive and it has a lot of nice features, curb appeal, signs and glass. He does not remember the Commission ever addressing a mural. He stated that this would be a first, so if it is part of the façade maybe, but he does not see a real purpose because he thinks it looks very nice as it is. He stated that a mural is not something he would even be in favor of.

Applicant stated that it appears that he is headed for a denial and at that point he is dealing with a blank canvas on a rather large wall. He asked if he decides that he doesn't want that blank wall and maybe they move the PJ Fresh sign there or make that area some type of glass, would he have to come back in front of this board.

Mr. Palin replied yes.

Mr. Leonard stated that as far as the façade, they still go back with the brick or better and they have given a lot of relief on that as it is and he is not even sure what is behind the mural is considered brick or better.

Mr. Stabile asked Mr. LaBelle if they already maxed out on the signage?

Mr. LaBelle stated yes. He explained that the sign at the front of the building is 201 square feet and the one at the back of the building is 63 square feet so they have certainly exceeded the amount of their allowable signage.

Mr. Palin stated that if the applicant is just looking to move the sign and the Planning Commission is okay with the location changing as long as the sign is not changing size that would be doable without the applicant having to come back.

Applicant asked if he would go with glass in that area instead of the tile, what about that. He does not even know. He is going to have to take this back to corporate and see what they suggest. He stated that the material would still

be the same as far as stone, tile and glass; they might just be rearranged or maybe the PJ Fresh sign would be put in a different area. He asked if the board would be opposed to letting him just work with Johnathon on that instead of coming back to another meeting?

Mr. LaBelle replied personally, he would be fine with letting Jonathon handle it. He stated that if were just minor changes, they could just review it of course if there were dramatic changes to the elevation of the building it would need to come back in front of them.

Mr. Joseph likes the idea of consulting the Township Attorney. He is not so sure that art is a sign and a sign is art. He thought that a picture is a piece of art or even ornate tile arranged in a pattern. He thought they were in a real tricky spot and the fact that the applicant started out requesting a sign with "We Have Pizza" which is clearly a sign; at what point is it no longer a sign and instead is an ornate façade. He asked if the picture of the Township would represent a sign or is it art? He would like the attorney to weigh in on that. He stated that they have a lot of opinions, but they are not attorneys. He would like to know what they are entangling themselves into legally. He stated that there is an argument that this could be considered not a sign and if they change the façade that would be a site plan issue. He related that he gets the content and he sees the point one minute the sign could say welcome to Chesterfield and the next minute it could be something different. So when speaking of the content of the sign it could get kind of tricky. He remarked that they grant variances on the uniqueness of a sign and he thought the petitioner made an effective case throughout his signage discussion because of the requirement to navigate traffic which does lend itself to directional signage, so a lot of the signage is getting customers safely through the development. He stated that he would not like to make a general statement that they have enough signs.

Mr. Leonard commented that he kind of agreed with that. He has just never seen them having to deal with a mural and if this is something that passes, then in the future if they allow one, where does it go from there. He thought that getting a legal representation on this matter might be something they need.

Mr. LaBelle stated that going back to his original statement, this is a sign review.

Mr. Miller asked if they make a Motion to table would the applicant have to come back? He asked where the applicant comes from?

Applicant replied Knoxville, Tennessee.

Mr. Joseph stated that he would like a legal opinion to clarify this for them. He explained that they could deny the sign application in absentia and he does not need to be here if it is a mural. If it is the legal determination that they do not have a sign issue, then they can simply deny the sign and lay to rest the sign. If the determination from the attorney is that this would not be a sign and this is a façade issue. He remarked maybe this would be considered art as a mural and not signage and he thought the missing ingredient is the attorney's interpretation of this matter.

Mr. Leonard remarked that the applicant would probably still have to come back for a façade change anyway. Even, if the attorney decides this is not a sign, it would still come back as part of the façade and they would have to address that because they would be using different materials.

Mr. Stabile stated that he would like to make a motion.

Motion by Mr. Stabile to deny Sign Review #2017-41 Pilot Travel Centers. He stated that the reason for the denial would be that the project already exceeds the maximum amount of signage.

Supported by Mr. LaBelle.

Mr. Miller asked the Recording Secretary to poll the board for their vote.

Ayes: Stabile, LaBelle, Eckenrode and Saelens

Nays: Miller, Joseph, Leonard and Alexie

The result of the vote was a tie.

Mr. Joseph stated that no action would be taken. He asked Mr. Miller if that was correct.

Mr. Miller agreed

Motion by Mr. Joseph to Table Sign Review # 2017-41 pending a legal opinion by the Township Attorney.

Supported by Mr. Miller

Mr. LaBelle stated that the next item is the same issue so Mr. Joseph might as well make a motion to also Table that one.

Mr. Joseph agreed to make the Motion to table both, however, he did not know procedurally if they could table both of them, because one person may vote one way on one and another way on the other.

Ayes: All

Nays: None

Motion Carried

- C. SIGN REVIEW #2017-42: Pilot Travel Centers, LLC, Brad Alsup-Project Mgr., 5508 Lonas Rd. Knoxville, TN 37909 Proposed new wall PJ Fresh Marketplace located at 56777 Burdon Road for new travel center. Tabled 4/25/17.**

Motion by Mr. Joseph to Table Sign Review # 2017-41 pending a legal opinion by the Township Attorney.

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

Mr. Leonard asked if two weeks is enough time to get the legal opinion?

Mr. Palin thought that should be enough time.

Applicant asked if someone could let him know when the items would appear on the agenda?

Mr. Palin stated that he would inform Brad when the meeting would be scheduled and remarked that he had him on speed dial.

- D. SIGN REVIEW #2017-53: Chris Van Heusden, 41640 Belvidere St. Harrison Twp., MI 48045. Proposed new wall sign located at 48812 Gratiot Avenue for Compass Salon Suites at the above address.**

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

Motion by Mr. LaBelle to approve Sign #2017-53

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

- E. SIGN REVIEW #2017-54: Sign Fabricators, Inc., 43984 Groesbeck Highway, Clinton Twp., MI 48036 Proposed new wall sign located at 27805 23 Mile for Tropical Smoothie Café`.**

Mr. LaBelle stated that this sign is at the side of the building and it was at 50 square feet which exceeded the allowable signage for a sign at the side of the building. The applicant has agreed to reduce the sign to 19 square feet which is ½ the size of the sign at the front of the building

Motion by Mr. LaBelle to approve Sign # 2017-54 at 19 square feet

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

- F. SIGN REVIEW #2017-55:Sign Fabricators, Inc., 43984 Groesbeck Highway, Clinton Twp., MI 48036 Proposed new 2nd wall sign located at 27805 23 Mile for Tropical Smoothie Café.`**

Mr. LaBelle stated that this is the sign for the front of the building. He explained that the sign is 38 square feet and the façade is 38 square feet so it does meet the Township ordinance.

Motion by Mr. LaBelle to approve Sign # 2017-55

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

- G. SITE PLAN #2017-10: Lehner Associates Inc. 17001 19 Mile Rd. St #3, Clinton Twp., MI 48038. Proposed 4,295 square foot Dental Office on the south side of 23 Mile road, west of Seaden.**

6-13-2017

Mr. LaBelle asked the applicant if he received the write up from the Planner, AEW and the Fire Department?

Bill Thompson, 17001 19 Mile Road, Suite 3, Clinton Twp., MI addressed the board.

Applicant replied yes. He stated that this site is located next to Raintree and there will be a new drive which will tie into Bower and the subdivision. He mentioned that the road will be put in and dedicated to the Road Commission as part of this development. He explained that they are proposing the 4,000 square foot building which is strictly a dental office at this time. He stated that there is room at the back for future expanding but that has not been determined as of yet. There are several trees in the area that buffer the site from anything to the south. He stated that the grassed area there will be maintained as a grassed area. He stated that they have no objections to the comments from Mr. Palin, CPM or AEW. He added that he, Dr. Lee and the architect were present to answer any questions the board may have

Mr. Saelens asked if there would be a cross access to the site to Raintree and to the south?

Applicant stated that he spoke to Dr. Lee and they do not have a problem with that.

Mr. Saelens stated that is critical to the west and to the south even though he owns the parcel now, they want to make sure there is cross access available.

Mr. Alexie asked if this location was next to Rosie O'Grady's?

Applicant replied yes. He explained that there is a vacant parcel, then there will be a road and next would be the dentist's office. It would immediately be adjacent to Raintree.

Mr. Miller stated that the landscaping did not come through on the documents.

Applicant replied that it was a screw up.

Mr. Miller asked if the applicant could get them a copy of that.

Mr. Palin stated that the landscaping is an ordinance requirement, so if it is okay with the Planning Commission it is something that he can look at and approve. The trees were on the paperwork, it was just a printing problem or something.

Mr. Saelens stated that he did not see sidewalks along the side road.

Applicant replied that the sidewalks would be installed.

Mr. Saelens commented that it is a very nice looking building.

Motion by Mr. LaBelle to approve Site Plan #2017-10 for a proposed 4,295 square foot Dental Office on the south side of 23 Mile road, west of Seaden.

Supported by Mr. Miller

Mr. LaBelle added to the Motion that as Mr. Thompson discussed the applicant will adhere to the comments by Community Planning Management, the Fire Department and AEW prior to construction and as they also discussed that a cross access be provided. He stated that he has no problem with Johnathon reviewing and approving the landscape plan.

Mr. Miller continued support.

Ayes: All

Nays: None

Motion Carried

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

Motion by Mr. Miller to approve the meeting minutes from 5/23/2017.

Supported by Mr. LaBelle

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. Palin stated that this request was from the last meeting requesting to replace their wood fence with a decorative concrete wall. There were some issues with DPW who requested that the applicant install an exterior grease interceptor. He explained that the applicant has come in and met with the Township and is in agreement. He mentioned that there is a letter with the paperwork and the applicant has agreed to have that exterior grease interceptor installed by January 1, 2018. He stated that they have no objection to the request.

Mr. LaBelle stated that he noticed that the concrete wall does not have a gate

Mr. Palin stated that the applicant submitted drawings to the Fire Department and the Building Department and stated that it was an oversight and he intended to have a gate all along. He stated that they can make sure that is contingent on the approval.

Mr. LaBelle asked Mr. Miller is he would amend his motion to stated that there must be an access gate

Motion by Mr. Miller to Table Administrative Request #181 Michael Venditti / Biggs Bar & Grill 48265 Gratiot, Chesterfield, MI 48051 Requesting removal & tear down the existing wood fence & replace with a decorative concrete wall with a 5' gate.

Supported by Mr. Leonard

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 both volunteered to attend that meeting on 6/27/2017.

There was a discussion among the Commissioners about the changes implemented by the Supreme Court regarding signs.

13. **PROPOSALS FOR NEXT AGENDA.**

There were no proposals for the next agenda.

14. **ADJOURNMENT**

Motion by Mr. Miller to adjourn at 8:41 PM

Supported by Mr. Stabile

Ayes: All

Nays: None

Motion Carried

Rick LaBelle, Secretary

Grace Mastronardi, Recording Secretary