

**CHARTER TOWNSHIP OF CHESTERFIELD
PLANNING COMMISSION**

July 25, 2017

A regular meeting of the Charter Township of Chesterfield Planning Commission was held on Tuesday, July 25, 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: 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. **REZONING #344: Meijer Inc. 2929 Walker Avenue, NW Grand Rapids, MI 49544 Requesting to rezone 25.9 acres at the current Meijer property from C-2 Planned Shopping Center to C-3 General Commercial located at 27235 23 Mile Road Parcel Number #09-17-351-009**

Motion by Mr. Miller to open the Public Hearing

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

Michael Johnson, Paradigm Design, Grand Rapids on behalf of Meijer addressed the board.

Mr. LaBelle asked if the applicant received the write up from CPM?

Applicant replied yes before the meeting. He stated that the reason for their request for rezoning the property is to add a drive-up window for the pharmacy at the Meijer store. He explained that the property would have to be rezoned from a C-2 to a C-3 district for the drive-up pharmacy service which is part of the remodel of the Meijer store. He understood that this is the first step in getting the property rezoned and also that this would then have to follow up with a Special Land Use request.

Mr. LaBelle asked if this parcel included the gas station?

Applicant replied that he believed it does.

Mr. Saelens asked if they planned to add any additional buildings to the Meijer out lot?

Applicant replied that would be handled by the Meijer Corporation Real Estate Department and he is not privy to that information. They are just involved in the renovation of the store.

Mr. Stabile asked if this was part of a walk-up pharmacy?

Applicant replied no.

Mr. Stabile stated that he thought on the original plans there was going to be a walk-up pharmacy.

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Applicant replied that there was only going to be a drive-up pharmacy service where they would push back the gardening center and provide a turn-around for pharmacy drive-up.

Mr. Stabile asked if the only reason for the rezoning of the property is for the drive-thru pharmacy?

Applicant replied yes.

Mr. Stabile stated that a C-3 zoning opens up the property to so many other things and that is why he asked if the rezoning is specifically for the drive-thru.

Applicant replied that the drive-up pharmacy is the only reason that they are requesting the rezoning.

There were no Public Comments.

Mr. Alexie asked if they would be eliminating the garden center?

Applicant replied no. The garden center would just be pushed back to allow for a drive-thru pharmacy.

Mr. Alexie asked if there would be an addition to the building?

Applicant replied no it would just be a drive-thru added to the existing building.

Mr. Leonard stated that it appears that this will be similar to the Meijer in Lenox at 26 Mile Road.

Applicant replied that he is not familiar with that store.

Mr. Leonard stated that one is off to the side.

Applicant stated that if it was in front of the gardening center it would probably be a similar plan.

Motion by Mr. Miller to close the Public Hearing

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

Mr. Miller stated that normal procedure is to wait to the next meeting to render a decision. However he will have the Recording Secretary to poll the board to see if they would like to decide on the matter this evening.

The Commissioners all decided that they would like to make their decision that evening.

Motion by Mr. Joseph to approve Rezoning #344 request as stated in the agenda

Supported by Mr. LaBelle

Ayes: All

Nays: None

Motion Carried

- B. REZONING #345: Vince Galati, 52796 Florence Dr. Shelby Twp. MI 48315 Requesting to rezone 2.4 acres of vacant property from RM-2 Multi Family to R-1-B Single Family Residential located at the northeast corner of Cotton Road and Donner Road, Parcel Number #09-29-201-008.**

Motion by Mr. Miller to open the Public Hearing

Supported by Mr. Joseph

Ayes: All

Nays: None

Motion Carried

The applicant was not in attendance.

There were no Public Comments.

Mr. LaBelle stated that he thought this was a wise idea after looking at the configuration of the property he does not know what else could be done with that property.

Mr. Joseph stated that typically he thought they see developments attempting to go from single-family to multi-family developments and asked why they would need to rezone it?

Mr. Palin replied that the issue here is the applicant was told he could do the single-family without the rezoning. He stated that the reason for rezoning was

because the minimum lot requirement for RM-2 is 100' and the owner wanted to split the property to an 80' lot and that would not fit the multi-family district.

Mr. Joseph asked if the applicant could have just asked for a variance and not have to rezone the property. He supported it however, because the more single family the better.

Mr. Meagher stated that assessing probably could have taken a liberal reading of this which indicates that the surrounding zoning district as it is currently zoned under the regulations of that zone, they have a little bit of differentiation with regard to how they are interpreting it.

Mr. Joseph commented so strict interpretation puts us in this path.

Mr. Meagher stated that this will probably clean up their financing as well because it does not show the property as a non-conforming use.

Mr. Miller also thought this was a good split. He stated that this is the second time that they had property go from RM-2 to Single Family and he feels that is the way people want Cotton Road.

Motion by Mr. Miller to close the Public Hearing

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

Mr. Miller stated that normal procedure is to wait to the next meeting to render a decision. However he will have the Recording Secretary to poll the board to see if they would like to decide on the matter this evening.

The Commissioners all decided that they would like to make their decision that evening.

Motion by Mr. Joseph to approve Rezoning #345 request as written in the agenda

Supported by Mr. Leonard

Ayes: All

Nays: None

Motion Carried

Mr. Palin reminded the board and the applicants that both of the rezoning decisions are recommendations to the Township Board and they should both be on the August 21st agenda

C. SPECIAL LAND USE #2017-12: Bill McMachen, 30200 North River Rd. Harrison Twp. MI 48045. Requesting special land use and site plan approval for office, auto shop, and outdoor storage located at the existing facility at 46457 Continental Drive, lot #10.

Motion by Mr. Miller to open the Public Hearing

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

Bill McMachen, 30200 North River Rd., Harrison Twp. addressed the board.

Mr. LaBelle asked the applicant if he had received the write-ups from CPM and the Township engineer.

Applicant stated that it looked as though he should have Lehner redo the site plan to correct all of these issues. He stated that looking at the Community Planners comments #1 Parking not permitted in the front yard setback. He stated that he would have them look at that. #2 outdoor storage must be screened with a wall or fencing. He stated that he would have Lehner also take care of that. He continued that #3 about the parking calculations. He stated that he would also have them take care of that. He then mentioned that as far as AEW's comments, they are working on taking care of the bad pavement. He explained that #2 is similar to a comment from the other one except this requires fire department approval. He stated that as far as #3 he guessed they would have to add that. In regard to #4 That outdoor storage must be approved by the Planning Commission. He guessed when they get done correcting all of the issues they will come back for that approval.

Mr. Joseph had no questions and he appreciated the applicant's cooperation on everything.

Mr. Saelens asked if the only outside storage area would be the fenced area at the north west part of the property?

Applicant replied yes.

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Mr. Saelens thought the two spaced at the NW corner impede making a turn around there especially with the fenced in area.

Applicant stated that it will come out right because Mr. Meagher stated that they already have plenty of parking spaces.

Mr. Meagher stated that they will have plenty of parking spaces so they will be able to remove those for turning radii.

Applicant replied that he was sure with Mr. Meagher's input they would get it all straightened out.

Mr. Palin asked if Bill Thompson was the engineer?

Applicant replied yes.

Mr. Palin commented that he was meeting with him Thursday and he would discuss everything with him and get it worked out.

Mr. LaBelle mentioned the four parking spaces at the front of the building which are not allowed and he asked Mr. Palin to also mention that because there is plenty of parking on the site.

Mr. Miller thought that there were a lot of things to work on with this site and stated that they would table this for two weeks. He asked Mr. Palin if he thought that was enough time to resolve these issues.

Mr. Palin suggested that they might want to table it for two meetings

Motion by Mr. Miller to Table SLU #2017-12 for up to two meetings.

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

D. SPECIAL LAND USE #2017-13: Conscious Senior Living Properties, 5920 St. Clair Hwy., East China Twp. MI 48054. Requesting special land use approval for a 58 unit housing for the elderly located at 29829 & 29891 23 Mile Road.

Motion by Mr. Miller to open the Public Hearing

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

Scott Bell, 5920 St. Clair Hwy., E. China Twp., MI addressed the board.

Applicant stated that they have a 3 ½ acre parcel on 23 Mile Road and they are proposing a 58 unit assisted living senior housing. He stated that they received the comments from Community Planning Management, AEW and from the Fire Marshall. He mentioned that he has looked through those and is aware that there are several variances that they will have to get and they are actually on the ZBA agenda for tomorrow night to address those variances. He remarked that those variances are the first couple of comments from CPM. He explained that one of the variances that they are requesting is to allow the smaller parcel instead of the 10 acre parcel required by the Township. He stated that as far as the building coverage to site area ratio that should not exceed 25%, they are very tight on that and they may be a little over that at this point in time. He explained that he would have to verify the actual square footage of the building with the architect. He remarked that if they do not meet that requirement, he is sure they can shave off a few square feet of the structure if need be to meet that requirement and they will do so. He stated that 58 spaces are required and that is another one of the variance items. He explained that the zoning requirements are only one space per two units for senior housing as a Special Land Use. He stated that the housing for the elderly requires one space per dwelling unit. He explained that this development is an assisted living and the residents typically do not have a vehicle and most of them do not drive anymore and do not even have a driver's license. They require assistance with day-to-day living and that is the service being provided to them over there; therefore, the parking spaces are for employees and guests that will be visiting. Therefore, they feel that they meet the parking requirement and they are hoping to get the variance. As far as the detention pond in the front yard, he stated that they will have to slide that back about five feet out of the front yard setback. He added that the last item the façade of the building must have 51% brick. He thought that only meant the front of the building, but this talks about the remaining sides also must be 51% brick. He stated that if that is the interpretation, they will have the architect change that. He believes that they already have some masonry and stone at the sides of the building and they will just incorporate a wainscot and that should accommodate that 51%. Applicant stated that as far as the engineer's comments are engineering related and would be addressed later in engineering. He stated that more than 300' from a fire hydrant was one issue.

He explained that there are fire hydrants immediately adjacent to the property that well exceed the 300'. One is at the northeast corner of the property, one at the west side of the property behind the detention pond area and there is one in front. The comment about the secondary emergency access being required, he thought that would be an engineering call to make at that time. He added that they will look at the traffic analysis and determine if they need another access.

Mr. Meagher noticed that the Fire Department did not ask for that secondary access and based on their access management, they would not really want a secondary access to that site.

Applicant informed them that the sidewalks would meet ADA requirements; obviously they would have ramps everywhere. He stated that the trees are one of the things that they do have to address. They have some of the principle trees that are not showing on the plans, but they can indicate where those are and they want to preserve as many trees as possible. He mentioned along the west line adjacent to the detention pond there are several large pine trees and they will do their best to maintain those. He believes on the east side there are several trees and there are some at the interior of the property that will have to go, but their intention is to save as many existing trees as possible. He remarked and obviously they will comply with all the landscaping requirements. He does not know if the trees are something that the Planning Commission wants him to address in great detail, but they can talk about that further. He mentioned that the public utility easement did not show up on their paperwork from the Title Company either it was missed or not recorded. He was just made aware of this evening that there is a sewer line there which they need to tie into. He stated that the sign in the easement will be moved back and that will not be a problem. He mentioned that there were a few more comments from the Fire Department. He stated that the building will be sprinkled which is required by State Law. He mentioned that this would be licensed through the State so it does go through all of the appropriate agency reviews at LARA and the State of Michigan for their approval of the building. He commented that things like the Fire Department Knox box, sprinkling the building and egress issues are all addressed at the State level before it comes to the Building Department. He stated that because they do have to go to the ZBA he would like to get approval contingent upon what was discussed on this or at least get some positive response from the Planning Commission so that tomorrow the ZBA can see that the project is favorable in the Planning Commission's eyes and allow them the variances.

Mr. Miller asked if the units were all single family or are some units for two people?

Applicant replied that some of the units are larger studios but for the most part each unit is for one person.

Mr. Saelens asked how many units would there be?

Applicant replied that there are 58 units.

Mr. Miller asked if the applicant knew what kind of trees are on the property right now? He asked if there were any deciduous trees that he knows the names of?

Applicant replied that he has that information but does not have it off the top of his head. He knows that there are several maples on the property but he was not sure of the other trees.

Mr. Miller asked if he could get that information for them and give it to Mr. Palin?

Applicant replied absolutely.

John Shibbert, 50591 Peggy Lane, Chesterfield, MI addressed the board.

Mr. Shibbert was concerned because he was talking about 58 units at the State level. He wanted to make sure that this was not going to be turned into low income or Section 8 housing.

Mr. Meagher stated that this is a senior assisted living so it just has to meet the living standard requirements of the federal and state government.

Mr. Leonard stated that the percentage of the brick was on the variances for the ZBA. He asked if they were still requesting that?

Applicant stated that actually the third variance would actually only be for the length of the building because it is longer than what the ordinance allows for the structure.

Mr. Saelens stated that he appreciates the applicant coming to Chesterfield and appreciates the brick on the side of the building. He commented that will look better than all vinyl siding.

Mr. Miller reiterated that if they could get the list of trees on the property. He stated that some of the trees he might not be require to save. He mentioned that one of the trees in front is a silver maple and they might not want to keep that one anyway.

Mr. Meagher stated they went out to the site and all of the trees on the site were removable trees.

Applicant stated that he would get that list of trees to Mr. Palin tomorrow.

Mr. Meagher stated that they would save a lot of money doing it this way instead of getting a tree survey.

Mr. Alexie asked if it was all one-story?

Applicant replied yes.

Mr. Stabile stated in his opinion there are way too many variances and they will end up with a small number of trees on the property. So it would be way too large of a project for this size property.

Mr. LaBelle asked if the dumpster location is at the front of the building?

Applicant replied yes. He explained that basically it can be pushed back a little further. He stated that if the fire access is on the other side, he can push it back. Their intent is to push that dumpster back from so it is not in front of the building.

Mr. LaBelle asked what the dumpster enclosure would be constructed of? He stated that they require it to be made of the same materials as the building.

Applicant replied that it looks as though it is masonry of brick or stone or a combination of both.

Mr. LaBelle stated that he did not see the details of the dumpster enclosure on the plans.

Applicant mentioned that the it was on Sheet #6, Detail #7

Mr. Leonard asked regarding parking there are 4 handicapped spots and 30 other ones. He asked how many of those would be used by employees?

Applicant replied that there would probably not be more than five employees parked there at any given time. He stated that State law requires 1 staff person per 20 residents. Therefore, they would have to have three staff persons.

Mr. Leonard asked so the balance of the parking spaces would be for visitors?

Applicant replied yes.

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Mr. Leonard stated that as long as each person does not have a visitor at the same time there would not be a problem.

Applicant stated unfortunately, that is not usually the case. There are not that many visitors at any given time.

Mr. Leonard asked if they have other facilities like this one?

Applicant replied yes. This is one of many that they have done.

Mr. Stabile asked what the view would be for residents there or do the people just stay in their rooms?

Applicant replied that there are two interior courtyards that are landscaped with pavilions and some of those units have patios. He stated that this facility also had a dining room that faces into the court yard and various activity rooms.

Mr. Alexie stated that he cannot believe that they are going to run this place with only five staff members.

Mr. Stabile commented that it was impossible.

Applicant explained that this is assisted living and not a nursing home. He stated that the staff is only there to assist people on occasion. He mentioned that kitchen people will be preparing foods, part time people would be coming in and out. He explained that there would be a landscaping company taking care of the grounds and maintenance people who come in a few times a week to address maintenance issues. He stated that typically you have the manager at the front desk who is in charge of the facility.

Mr. Alexie asked if there would be 58 residents or 58 units?

Applicant replied 58 units.

Mr. Alexie stated then that could be double that with a husband and wife.

Applicant answered no. These are single bedroom units and there would not be 100 residents by any means.

Mr. Alexie asked if the bedroom could fit a double bed?

Applicant replied that there would be a few of those and that is what they have the studio apartments for with a larger place to accommodate those people. It is not common for a couple to be in the same room. He stated often one person needs the assisted living and the other one comes in to visit. They do

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have a few larger rooms to accommodate a couple, but they are limited as to how many couples would be in the facility.

Mr. Alexie asked on holidays wouldn't they need more parking for people to visit their relatives?

Applicant replied that they probably would not all be visiting at the same time. He stated that they do have some room at the front of the facility to add some additional parking. Holidays are busy, but they are open all day long and people visit at all different hours and at Christmas the parking lot will be full.

Mr. Saelens asked if the facility would be open 24 hours a day?

Applicant replied yes.

Mr. Saelens asked if someone could visit any time in that 24 hour period?

Applicant answered that visiting hours are from 9 AM to 9 PM and the building is secure, but during those times it is open for visitors.

Mr. Miller asked if the facility was staffed 24 hours with the same amount of people or would it be less at night?

Applicant replied that there would be less staff at night, probably three people.

Mr. Joseph stated that the board room was packed last night and residents came in with the topic of how to pay for Police and Fire. It was a pretty heated discussion. Here they have somebody coming into their Township and they are asking questions about the operation. Now it migrated to how that operation would be staffed and he thought they need to stay within the scope of this board's assessment and be mindful that businesses coming in with a solid plan contribute to the solution of all of the problems that they had last night. He has been discouraged to hear some of the questions asked by some of the Commissioners and he would like to focus on how to partner with this entrepreneur and help him establish this business in this community without a whole basket of nos. It is not helping the bigger issue which is....

Mr. Alexie remarked that as a member of the Commission he can ask whatever questions he would like to ask.

Mr. Joseph stated that he thought he had the floor and it is his turn to talk to the Chairman.

Mr. Miller remarked go ahead Mr. Joseph.

Mr. Joseph stated that he thought their questions should be within the scope of Planning. He explained that when they talk about operations of the facility and staffing levels, he thought that they exceeded their level of expertise and he does not think it is appropriate. He remarked that it is discourteous to talk when someone else is speaking and he knows that is the Chairman's prerogative. He just wanted the Commission to be mindful of what they do. They do not do assisted living staffing and they do not make decisions about what married or single people can do in this facility. Those are operational decisions and not this board's prerogative.

Mr. Miller stated that staff does take up parking and that is part of what they do. He explained that if they are going to have ten people on staff, then maybe the parking is not enough.

Mr. Alexie remarked that he is on the Commission and should be able to ask any questions that he wants to ask.

Mr. Stabile commented that the Public Hearing last night on the Police and Fire at the Township Board meeting is not the same as the Planning Commission. He explained that he knows Mr. Joseph is new to this board but his questioning what they do here is not correct. He stated that everything that has been asked here is what the Planning Commission does.

Mr. Joseph remarked that he knows that he is new here, but his comments go to the Chair and the order of the meeting is at the direction of the Chair. He does not engage other Commissioners unless they allow it and the Chair opens the floor for discussion. He expressed the idea that they be orderly and respectful to each other. He appreciates their rebuttal on the staffing. He interpreted that as an operations question. He does not want to debate anyone else on the board and his comments are directed to the Chairman.

Mr. Leonard stated that Mr. Joseph made a comment about a bunch of nos and he does not agree with that. He just heard people asking questions and until a vote is taken he does not know how anybody is going to vote; but he has not heard anyone say no. He explained that he always asks a lot of questions and that is what they are here for.

Public Comments:

Jackie Giordano, Mallard Drive, Chesterfield addressed the board.

Mr. Giordano shared her concerns about the facility. She stated that if it is understaffed what quality of a facility would this be and how would this impact their community.

Mr. Meagher stated that everything that comes into the community may have a positive tax implication as Mr. Joseph brought up. The long term impact and the down-grading of the community can have a terrible impact and have the exact opposite effect that was intended. We can do our best with the quality of the building and to make sure the parking is there and that there are no safety issues. With regard to how a business functions in a particular fashion, they do not really have the authority to look at that type of operation or to judge whether they are offering a good or bad service. He stated that the clientele are the ones that will make that determination. It would be like a pet store coming and us telling them that they are selling too many guppies.

Motion by Mr. Miller to close the Public Hearing

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

Mr. Miller thought that there were a lot of things to work on with this site and stated that they would table this for two weeks.

Motion by Mr. Miller to Table Special Land Use #2017-13 Conscious Senior Living Properties, 5920 St. Clair Hwy., East China Twp. MI 48054 for the requested special land use approval for a 58 unit housing for the elderly located at 29829 & 29891 23 Mile Road up to two meetings.

Supported by Mr. LaBelle

Mr. Joseph asked if the Chair would consider an amendment to the Motion because the petitioner did request some feedback for ZBA? He has witnessed this type of round robin thing to know that when it goes to ZBA tomorrow, someone will say that Planning did nothing with this and we cannot do anything until it goes to Planning. He heard the applicant stated that he would like to avoid that and he wondered if there was any consideration they could give the petitioner to aid in his efforts tomorrow.

Mr. Meagher stated procedurally as long as it comes to Planning Commission first, ZBA should take action on it. Planning Commission's opinion should have very little impact on the decisions made by the ZBA. He explained that they have very different criteria to act upon with regard to the variances. In this particular case the number of parking spaces, perhaps they did not even need a variance because it is listed as an assisted living facility. He would not even think the length of the building would even apply as a building standard because it is more of a congregational use than a multi-family use. ZBA will

have to take a look at these things and decided whether the spirit and intent of the ordinance is being observed. There is no reason that ZBA should wait on any comment made by the Planning Commission.

Mr. Saelens remarked that is why Planning Commission has Mr. Leonard who is their liaison to the ZBA and he is sure Mr. Leonard will express the board's feelings on this issue.

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

Nays: Joseph

Motion Carried

- E. SPECIAL LAND USE #2017-14: Heather Schichtel, 48881 Sugarbush Rd. Chesterfield, MI 48047. Requesting special land use approval for a day care located at 48411 Jefferson.**

Motion by Mr. Miller to open the Public Hearing

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

Heather Schichtel, 48881 Sugarbush, Chesterfield, MI addressed the board.

Applicant stated that she is planning to open a small day care center at 48411 Jefferson. She mentioned that she was there a few months ago for an in-home day care and now she is taking that and moving it over to a larger place.

Mr. Saelens stated that he takes it that the applicant has done well.

Applicant replied yes.

Mr. LaBelle asked her to explain what she is doing on the property and how she plans to keep the children safe.

Applicant remarked that she plans to create three small rooms and to have a toddler area, a preschool room. She stated that the fenced in area is actually perfect for their use. It creates a place for the children to play outside in a large area. She explained that they plan to use the same model as they did at her home and use eco-friendly and organic foods in the childhood center.

Mr. Alexie asked how many children is she going to have?

Applicant stated that she would have a maximum of 30 children. She explained that they could put more in there, but her goal is to keep it small. She plans to over staff, because working in the in-home day care with 12 children, two people are not enough.

Mr. Stabile asked how many children would actually be allowed in that size building?

Applicant replied that based on the square footage she thought it could probably have 45 children because the rule is 35 square feet per child. However, she plans to divide the rooms but still have an open concept.

Mr. Saelens asked the size of the building?

Applicant replied 2100 square feet.

Mr. Saelens asked if the applicant saw the comments from CPM and AEW?

Applicant answered yes.

Mr. Saelens asked if the applicant thought she could meet those requirements?

Applicant remarked that both papers seem to contradict on the parking. She knows parking is the big issue with this building and she proposed where spots could be put and one says that looks okay and the other states that is not going to work. One suggested a one way area on the side of the building and she never envisioned it another way.

Mr. Saelens stated that with children they are just trying to make sure that they have a mechanism to keep those children safe especially at drop off and pick up times.

Mr. Miller verified that all the children would not be dropped off or picked up at the same time. He would like to remove parking spaces 4 and 5 and have only two at the rear and possibly put in a side walk on Jefferson.

Applicant wonders if there would be enough room to park on Jefferson.

Mr. Meagher replied that the sidewalk would have to go at the proposed right-of-way. He looked at this as an existing non-conforming building and he did not look at adding improvements which is why he suggested that the existing parking stay the same with 5 spaces to the north and 4 at the side. He

explained that by adding 10 parking spaces there would be a lot of difficulty through the entrance on Jefferson and coming through that one way aisle and off toward Mallard. He knows that the Planning Commission has an emphasis on adding sidewalks and if they decide to approve it making it subject to the conditions of the sidewalk, the applicant would end up working with the engineer to figure out the appropriate location at the right of way.

Mr. Stabile remarked that he is very familiar with that spot and that is a place where school buses stop and the area by the sidewalk is not enough for parking. He agrees with Mr. Meagher in that he does not think the parking they think will fit will actually fit. He commented that there is a lot of bicycle traffic, people walking and running on that street because of the circle. He thought the biggest deterrent for using that building as a day care center is the fact that it is a school bus stop.

Applicant asked if they were thinking to put the sidewalk along parking spaces 9 and 10. She asked what do people do now?

Mr. Leonard stated that they dangerously go across the street on bikes and in wheelchairs and it is a community safety thing.

Public Comments:

Ms. Giordano is concerned that Jefferson Avenue has so much traffic and people use Mallard as a short cut to bypass some of the traffic on Jefferson. She stated that her concerns are for bicyclist, people walking their dogs, people running and children playing because they do not have sidewalks and now there will be more people using her street as a permanent detour.

Mr. Miller stated that they could make that a left turn only out of there.

Mr. Saelens stated that would work a one way off of Jefferson and not allowing right hand turns on Mallard.

There was a discussion among the Commissioners about how best to solve the traffic situation for the daycare.

Mr. Joseph stated that the applicant was here last time trying to expand her in-home day care and there were the same concerns about traffic and parking. She proved her point by having staggered drop-off times and pick-up times of the children. There are not going to be 30 children picked up at the same time. He agrees that this particular site is difficult and there are some inherent challenges, but on a personal note this applicant is a real winner and the day care niche she has created is entrepreneurial and along with her credentials are very impressive. She has a demonstrated track record on not putting her

customers or their children in danger is pretty honorable. He just asked her to pay attention to the experts who might not have her expertise, but there are people who work at the Township who are experts in their fields and may be able to help the applicant mitigate some of the risks. He stated that the applicant should not be discouraged but be mindful of the safety concerns.

Mr. Eckenrode stated that with the previous record of the applicant and how drop-offs and pick-ups are staggered. He stated that whatever business goes into this property there is going to be additional traffic. He commented that the applicant probably can just direct her clients when they sign up at the day care, not to drive down Mallard.

Mr. Leonard agreed with Mr. Joseph and Mr. Eckenrode.

Mr. Alexie does not think parking is really a big concern because one person may be dropping off or picking up 3 or 4 children.

Applicant replied that she has a number of people who drop off more than one child.

Mr. Stabile stated that the sidewalk and the little piece of property on the side have been used by parents dropping off their children at the bus stop for years and he is strongly against this because of the traffic, the parking and people walking in that area especially because there are no sidewalks.

Mr. LaBelle asked if there was an access gate for the Fire Department to get into that fenced area. He asked if she had any intention of putting in a gate or something that can be locked to keep the children in and people out. He knows the property and there is a gate in the front, but he did not see it on the drawings.

Applicant stated that they plan to remove the current gate will be removed and also the first linked area will be removed and they are going to put a fence across the grass line. She stated that from the exit part of the building it would create a fence that would take the kids around the side of the building over into the back of the property.

Mr. LaBelle asked how they would get emergency staff into that fenced area.

Applicant replied that they would have to put a gate at the first fenced area towards Mallard making that an area that would open up to get in there in an emergency situation. She commented that she did not think about that.

Mr. LaBelle stated that they did not want firemen going through the building in order to get to the fenced in area.

Applicant agreed in an emergency, she would want them to get into the yard immediately.

Mr. Miller agreed that the commercial building is a good idea for her business.

Motion by Mr. Miller to close the Public Hearing

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

Mr. Miller stated that normal procedure is to wait to the next meeting to render a decision. However he will have the Recording Secretary to poll the board to see if they would like to decide on the matter this evening.

Mr. Leonard asked if the 6300 square feet in the back of the building is that a requirement to have that much open space for a playground. He asked because when they talked about parking spaces if that could use some of that area?

Applicant replied the 6300 square feet cuts it pretty close to what is required by the Township for an outdoor play area per child.

Mr. Miller asked if they would have play equipment back there for the children?

Applicant stated that they plan to keep the area as natural as possible and there would not be any big playground equipment.

Recording Secretary polled the board and the results were as follows:

LaBelle, Stabile, Joseph, Eckenrode, Leonard, Saelens, and Alexie voted to make the decision that evening.

Miller voted to Table it to the next meeting.

Motion by Mr. Stabile to deny Special Land Use #2017-14 for the property at 48411 Jefferson due to the fact that it will be dangerous for pedestrians around the building.

There was no Support for the Motion.

Motion Denied

Motion by Mr. Joseph to approve Special Land Use #2017-14 as proposed in the agenda

Supported by Mr. Alexie

Mr. Miller asked if the Motion would include a sidewalk at the front of the building?

Mr. LaBelle asked if Mr. Joseph would include the emergency gate to the fenced area as part of the Motion?

Ms. Saelens asked Mr. Joseph about the possibility of no right turn out of the site.

Mr. Joseph asked the applicant if the sidewalk, the gate and the no right turn would pose any problem for her.

The applicant agreed with all of those items. She would also supply a parent handbook and include that parents are not to drive down Mallard.

Mr. Joseph restated the **Motion** to approve the Special Land Use #2017-14 with the amendments that have been pointed out as follows: no right turn on Mallard, the addition of the sidewalk and the addition of the emergency access/ first responder gate to the fenced play area.

Mr. Alexie continued **Support**.

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

Nays: Stable

Motion Carried

6. **REVIEWS:**

- A. **SIGN REVIEW #2017-71: Livonia TSFR Del Retail Center LLC., 17800 Laurel Park Dr. N Suite 200 C, Livonia, MI 48152. Requesting an expansion to the Gratiot Crossing Gratiot frontage monument sign to include panels for Del Taco, Mod Pizza, and an additional tenant panel.**

Mr. LaBelle stated that there is an existing sign there and they want to add to the structure of the existing sign which increases the allowable square footage of the signage. The applicant is also adding a space for a future tenant as part of this application. He stated that a number of spaces are vacant and they do need to have an expansion of this signage. He added that the sign also exceeds the height limit that is going into effect on 8/16/2017 of 12'.

He mentioned that if they do give them a variance, he thought the sign would stay taller than 12'.

Mr. Meagher stated if the variance is approved this sign would be exempt from the signage stature provisions

Tom Gerich, 17800 Laurel Pk. N., Livonia, MI addressed the board.

Applicant remarked that his group owns the Del Taco and Mod Pizza and they would like to modify the existing sign for Gratiot Crossing. He stated that this parcel was created out of the Gratiot Crossing Shopping Center and they did a lot split and through some technicalities and during the lot split processes they ended up with the Gratiot Crossing sign on their property. As they know only one ground is allowed per parcel so that left them in a difficult spot and now there are two new businesses there without the ability to have signage and that is not going to work. He stated that the Planning Department and the Township were nice enough to give them permission to put temporary signs up and they have been working on getting a reasonable solution for them and the Township to A. get signage and B. get a cross access between their parcel and the hotel development. So through an awful lot of blood, sweat and tears they were able to put that all together and what they are presenting he hopes is a reasonable solution to the problem.

Mr. Saelens asked why the signs could not go below the existing signs?

Applicant stated that it is really tough because if they don't want to mess with the Hobby Lobby and Planet Fitness signs who already have their signs approved. They do not want disturb them and this was the best solution they could come up with. He stated that they would appreciate the Township's support because they have had sales a little less than they expected at these locations and hope the signage will change that.

Mr. Meagher mentioned that this site has been quite a challenge since the hotel site started trying to get this cross-access easement. They have been trying to work with the Shostak Group as well as the Arizona partner and the sign did become somewhat of a leverage to help them get to this point of having a cross-access. This does not exactly justify the sign, but certainly the applicants themselves put a lot of work into getting us that access and part of the leverage was the sign location. He stated that they certainly would not want to have another large sign added between this sign and the one further south on Gratiot for Waterside. At this time, he would recommend approval of the variance.

Mr. Miller asked if there was an actual signed agreement for the cross-access?

Applicant replied that they have a general agreement between all parties that the access will be granted.

Mr. Stabile stated that he was in favor of the cross-access. He asked if the applicant was certain about the cross-access being approved?

Applicant stated that he had a certain level of confidence that the agreement will be signed.

Mr. Joseph stated that this has been very difficult negotiating and he is fully in favor of granting the variance for the sign. He was saddened to hear that the business is not going as well as expected for Del Taco and Mod Pizza.

Mr. Miller thought that once the construction ends the business will pick up for both Del Taco and Mod Pizza.

Motion by Mr. LaBelle approve Sign #2017-71 for the expansion to the Gratiot Crossing Gratiot frontage monument sign to include panels for Del Taco, Mod Pizza, and an additional tenant panel. He is asking for approval of the variance for them to put the larger sign up.

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

B. SIGN REVIEW #2017-72: Livonia TSFR Del Retail Center LLC., 17800 Laurel Park Dr. N., Suite 200 C, Livonia, MI 48152. Requesting an expansion to the Gratiot Crossing 23 Mile frontage monument sign to include panels for Del Taco, Mod Pizza, and an additional tenant panel.

Mr. LaBelle stated that this sign is not quite as large as the sign on Gratiot and the gentleman has explained his needs very clearly on the last sign and if no one has any comments he would like to make a motion to also approve the variance for this sign.

Motion by Mr. LaBelle to approve Sign #2017-72

Supported by Mr. Stabile

Ayes: All

Nays: None

Motion Carried

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

Motion by Mr. Miller to approve the meeting minutes from 7/11/2017.

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 #188: Livonia TSFR Del Retail Center LLC. 17800 Laurel Park Dr. N Suite 200 C, Livonia, MI 48152. Requesting approval to install cross access between Del Taco/ Mod Pizza parcel to Chesterfield Commons parcel.**

Mr. Meagher stated that this Administrative Request which we just discussed is for the cross-access between Del Taco/ Mod Pizza parcel and the Chesterfield Commons parcel. He remarked that they are certainly recommending approval of that.

Motion by Miller to approve Administrative Request #188

Supported by Mr. Saelens

Ayes: All

Nays: None

Motion Carried

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

Mr. Joseph apologized if he hurt any one's feelings tonight. He is a pretty direct person and he takes his permission to speak to the Chair very seriously and he looks to the Chair to direct the flow of the meeting. He realizes that sometimes people just blurt out things and he just wanted to make sure they stay on task and in the future he would defer to the Chair on these matters.

Mr. Eckenrode stated that he may or may not be at the next meeting.

Mr. LaBelle asked for volunteers for the next Pre-Planning meeting on August 8th ?

Mr. Saelens and Mr. Leonard both agreed to attend Pre-Planning.

Mr. Alexie wanted to apologize to Mr. Joseph. He stated that sometimes he may get a little excited. He realizes that sometime he asks weird questions, but he just wants to have the right to ask his questions.

Mr. Stabile stated that at the last meeting a man asked about a different formula for figuring out the size for signs.

Mr. Meagher replied that both Jonathan and he are working on the signs as they speak to bring the ordinance in line with the Supreme Court action. He stated that they could look at some other options but a square foot for a linear foot is fairly standard throughout most communities. Other communities go with a percentage of signable area, but it all figures out about the same.

13. **PROPOSALS FOR NEXT AGENDA** : There were no proposals for the next agenda.

14. **ADJOURNMENT**

Motion by Mr. Miller to adjourn at 8: 45 PM

Supported by Mr. Joseph

Ayes: All

Nays: None

Motion Carried

Rick LaBelle, Secretary

Grace Mastronardi, Recording Secretary