

CLINTON TOWNSHIP PLANNING COMMISSION

REPORT OF MEETING

FEBRUARY 23, 2017

PRESENT: Ronald DiBartolomeo, Vice-Chairperson
Denise C. Trombley, Secretary
George Brumbaugh
Michael Deyak
Lawrence Opalewski Jr.
Daniel Spatafora
Joie West

ABSENT: Kirkanne Moseley, Chairperson (Excused)
Stephen Charron (Excused)

STAFF: Carlo Santia, Director
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT

Mr. DiBartolomeo called the meeting to order at 6:30 p.m.

APPROVAL OF AGENDA

Motion by Mr. Spatafora, supported by Ms. West, to approve the agenda as submitted. Motion carried.

**0.45 ACRE OF LAND LOCATED AT THE SOUTHWEST CORNER OF
GRATIOT AVENUE AND KEMP STREET (SECTION 34), ADDRESSED AS
34165 GRATIOT AVENUE**

- **SPECIAL LAND USE: A USED AUTO SALES FACILITY (LARIDON
AUTO SALES)**
 - **PUBLIC HEARING**
FILE #16-5438B: PETITIONED BY MR. JOSEPH W. AGGELER
AGGELER MANAGEMENT COMPANY
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Pertinent correspondence was read and entered into the record. Ms. Trombley advised that notice of this meeting had been mailed to 23 owners and/or occupants of property located within 300 feet of the land in question, with 5 of those returned as undeliverable.

Motion by Ms. West, supported by Mr. Spatafora, to open the public hearing. Motion carried.

Mr. Joe Aggeler, 34330 Jefferson, Harrison Township, Michigan 48045, explained they are proposing to use this building as it has been used before. He offered to answer questions.

There was no one from the audience who wished to speak.

Motion by Ms. West, supported by Mr. Spatafora, to close the public hearing. Motion carried.

Mr. Brumbaugh inquired as to whether this building is adjacent to the main entrance into John's Lumber.

Mr. Aggeler replied affirmatively, noting the office building they will be leasing for the sale of used cars is empty. He replied to further inquiry that the building has been a used car lot for years, but has been empty for about nine or ten months.

Mr. Spatafora inquired as to the anticipated hours of operation for the used car sales facility.

Mr. Jesse Bolmar, partner of Mr. Aggeler, replied it will be open from 9 a.m. to 6 p.m.

Mr. Spatafora inquired as to how many cars they will have in the open area.

Mr. Aggeler replied the spaces are designated on the site development plan but he was not sure without counting them.

Mr. Bolmar replied there will not be more than 50 cars in the lot, and there will be no vehicles inside.

Mr. Aggeler explained they will have two bays where they will clean cars and prep them.

Mr. Spatafora inquired as to whether they have the permission from John's Lumber for this use.

Mr. Aggeler replied Aggeler Management owns John's Lumber. He explained the proposed parcel is separate but it is adjoined on two sides to the John's Lumber property and owned by the same party. He assured there is sufficient ingress and egress to the site.

Mr. Bolmar replied the staff at the used car facility will consist of a secretary and two salesmen. They may have a total of four employees, and they will park to the rear of the building.

Motion by Ms. West, supported by Mr. Deyak, with reference to File #16-5438B and application from Mr. Joseph W. Aggeler, of Aggeler Management company, 34330 Jefferson, Harrison Township, Michigan 48045, concerning the proposed Special Land Use being a used car lot in the B-3 General Business District and the Site Development Plan for Laridon Auto Sales (fka Super Sport Auto Sales, Showdown Motors and part of John's Lumber, located on 0.45 acre of land at the southwest corner of Gratiot and Kemp Street, addressed as 34165 Gratiot (Section 34), that, in consideration of grant of variance by the Clinton Township Board of Appeals, recommendation be forward to the Clinton Township Board for approval of the Special Land Use and Site Development Plan as submitted. Roll Call Vote: Ayes – West, Deyak, Brumbaugh, DiBartolomeo, Opalewski, Spatafora, Trombley. Nays – None. Absent – Moseley, Charron. Motion carried.

Mr. DiBartolomeo explained that the Planning Commission is a recommending body, and the petitioner will need to submit 24 copies of this site development plan to the Planning Department by March 1st, 2017 to be placed on the March 13th, 2017 Township Board Meeting.

6.07 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF METRO PARKWAY AND GRATIOT AVENUE (SECTION 22/ PRIVATE CLAIM 138), ADDRESSED AS 37129 GRATIOT AVENUE

- **SPECIAL LAND USE: A SMOKE/VAPE SHOP IN THE B-3 GENERAL BUSINESS DISTRICT (THE VAPOR SHOPPE @ NORTH POINTE PLAZA)**
 - **PUBLIC HEARING**
- FILE #17-3135: PETITIONED BY MR. CHRISTOPHER BACHO**

Pertinent correspondence was read and entered into the record. Ms. Trombley advised that notice of this meeting had been mailed to 60 owners and/or occupants of property located within 300 feet of the land in question, with 3 of those returned as undeliverable. She read a list of standard conditions that have been placed upon approvals of similar facilities, including hours of operation, restrictions on the age of customers allowed to enter the facility, and penalties if these are violated.

Motion by Mr. Spatafora, supported by Ms. West, to open the public hearing. Motion carried.

Mr. Christopher Bacho stated he had nothing further to add to the documentation. He replied to inquiry that he is agreeable to all the conditions outlined by Ms. Trombley.

There was no one in the audience who wished to speak on this issue.

Motion by Mr. Spatafora, supported by Mr. Brumbaugh, to close the public hearing. Motion carried.

Mr. Brumbaugh inquired as to whether Mr. Bacho has another shop at 21 Mile and Romeo Plank Roads.

Mr. Bacho replied his company has five locations, but the 21 Mile/Romeo Plank location is not one of them.

Mr. Spatafora inquired as to whether Mr. Bacho is willing to abide by the conditions outlined by Ms. Trombley.

Mr. Bacho replied affirmatively, although he stated he has another location in Clinton Township, and the hours of operation as listed in the conditions are new to him. He indicated his Clinton Township store is at Canal and Hayes, and he is currently operating from 10 a.m. to 8 p.m. Mondays through Saturdays, and from 11 a.m. to 5 p.m. on Sundays.

Mr. Santia stated that the Canal/Hayes facility may have been approved prior to this list of conditions being included as part of all approvals.

Mr. Bacho inquired as to whether his new location would have to close at 7 p.m.

Mr. Santia replied affirmatively, but noted that the previous location was approved under Special Land Use, so he would be covered under that approval to keep his current hours of operation at the Canal/Hayes location.

Mr. DiBartolomeo inquired as to how many customers Mr. Bacho anticipates would be in his store at one time.

Mr. Bacho replied that they have no lounge where people can “hang out”, and it is strictly a retail business. He stated they offer top blends, and people come in, buy the product and leave. He assured he operates according to state and federal guidelines, and will not do anything to jeopardize that. He added that if someone buys a product and wants to vape in the store, there is no law that prohibits it.

Mr. Spatafora inquired as to whether accompanying beverages are served.

Mr. Bacho replied he recently purchased a vending machine where customers can purchase Red Bull, water or soda.

Mr. Spatafora inquired as to whether there is any food consumption in the facility.

Mr. Bacho replied they just added the vending machine for the beverages as a convenience to their customers, but they do not serve food.

Motion by Mr. Spatafora, supported by Mr. Brumbaugh, with reference to File # 17-3135 and application from Mr. Christopher Bacho, 3299 Rochester Road, Troy, Michigan 48083, concerning the proposed Special Land Use being a smoke/vapor retail facility in the B-3 General Business District (The Vapor Shoppe @ North Pointe Plaza), located on part of 6.07 acres of land at the northwest corner of Metro Parkway and Gratiot, addressed as 37129 Gratiot Avenue (Section 22 /P.C. 138), that recommendation be forwarded to the Clinton Township Board for approval of the Special Land Use as requested, contingent upon the following conditions being met: 1) Must be 18 years of age or older to enter the facility; 2) The hours of operation are limited to between 10 a.m. and 7 p.m. on Mondays through Saturdays, and 10 a.m. to 5 p.m. on Sundays; 3) If it is determined by the Police Department or the Building Department that the business is allowing the admittance of persons under the age of 18, or distributing or furnishing the e-vapors/e-cigarettes and/or related accessories to those under the age of 18, or operating beyond the hours of 7 p.m., the violations will be subject to additional action with a first-time offense of \$250, a second-time offense of \$500 and a third-time offense being the revocation of the Special Land

Use Permit, and any court costs/attorney fees related to the collection of these fines will be paid by the business owner. Roll Call Vote: Ayes – Spatafora, Brumbaugh, Deyak, DiBartolomeo, Opalewski, West, Trombley. Nays – None. Absent – Moseley, Charron. Motion carried.

Mr. DiBartolomeo advised that the Planning Commission is a recommending body, and this recommendation will be forwarded to the Clinton Township Board for their meeting on March 13th, 2017.

LOT 49, GROESBECK-NUNNELEY SUBDIVISION, FRONTING THE EAST LINE OF GROESBECK HIGHWAY, NORTH OF CARLIER, ADDRESSED AS 36454 GROESBECK (SECTION 28)

- **SPECIAL LAND USE: A RETAIL GAMING / PC SERVICES FACILITY SELLING NEW AND USED GAMES**
 - **PUBLIC HEARING**
- FILE #17-1298: PETITIONED BY MR. RANI DALLO**
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Pertinent correspondence was read and entered into the record. Ms. Trombley advised that notice of this meeting had been mailed to 50 owners and/or occupants of property located within 300 feet of the land in question, with 1 of those returned as undeliverable.

Motion by Mr. Spatafora, supported by Ms. West, to open the public hearing. Motion carried.

Mr. Rani Dallo, 41127 Ginger Court, Sterling Heights, Michigan 48314, replied to inquiry that he sells mainly retro games, and video games. He compared his business to a Game Stop.

There was no one in the audience who wished to speak on this issue.

Motion by Mr. Brumbaugh, supported by Mr. Deyak, to close the public hearing. Motion carried.

Mr. Opalewski inquired as to whether Mr. Dallo has other locations.

Mr. Dallo replied he currently has had booth at the Gibraltar Trade Center for ten years. He heard they may close, so he opted to get a location of his own; however, he indicated he will be operating from both locations. He added that he also provides computer services, but the largest portion of his business is the sale of retro games that can no longer be purchased new.

Mr. Deyak inquired as to whether he intends to host any “internet gaming nights”.

Mr. Dallo replied he will not be having any “game nights” or “tournament games” at his facility. He stated they do not have a setup for that, and they will only be buying and selling games.

Mr. Spatafora inquired as to the proposed hours of operation.

Mr. Dallo replied he intends to be open from 9 a.m. to 8 p.m. Mondays through Saturdays, and closed on Sundays. He replied to further inquiry that there is a lot of parking space. He replied to still further inquiry that he gets about two to three customers every half hour. He indicated the employees will park in the back, which was part of their lease agreement. He estimated there are about twenty parking spaces available for his business. Mr. Dallo replied to inquiry that he signed a lease, but it is conditional upon his receiving all approvals from the Township.

Mr. Dallo replied to inquiry that the facility is approximately 1,400 square feet, but only a portion of that will be used for retail, and the remainder is storage space in the back.

Motion by Mr. Deyak, supported by Ms. West, with reference to File #17-1298 and application from Mr. Rani Dallo, 41127 Ginger Court, Sterling Heights, Michigan 48314, concerning the proposed Special Land Use for a retail gaming facility selling new/used games in the B-3 General Business District (Xtreme Gaming & PC Services), to be located on Lot 49, Groesbeck-Nunneley Subdivision (Section 28), generally located fronting the east line of Groesbeck Highway, south of Metropolitan Parkway, addressed as 36454 Groesbeck Highway, that recommendation be forwarded to the Clinton Township Board for approval of the Special Land Use as requested. Roll Call Vote: Ayes – Deyak, West, Brumbaugh, DiBartolomeo, Opalewski, Spatafora, Trombley. Nays – None. Absent – Moseley, Charron. Motion carried.

Mr. DiBartolomeo advised that the Planning Commission is a recommending body, and this recommendation will be forwarded to the Clinton Township Board for their meeting on March 13th, 2017.

3.03 ACRES OF VACANT LAND FRONTING THE EAST LINE OF GARFIELD ROAD, SOUTH OF 18 MILE ROAD, ADDRESSED AS 40500 GARFIELD (SECTION 17)

- **REVISED SITE DEVELOPMENT PLAN: CLINTON CREEK ASSISTED LIVING & MEMORY CARE**
 - **REQUEST FOR RECOMMENDATION FOR APPROVAL OF REVISED SITE DEVELOPMENT PLAN**
FILE #17-6711: PETITIONED BY MR. JOSEPH LUCIDO, OF GARFIELD BUILDING NO. 1
REPRESENTED BY MS. DAWN FOULKE & MR. JONATHAN PODOLSKY, FOPOCO REAL ESTATE II LLC
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Pertinent correspondence was read and entered into the record. Ms. Trombley advised that notice of this meeting had been mailed to 184 owners and/or occupants of property located within 300 feet of the land in question, with 2 of those returned as undeliverable.

Ms. Dawn Foulke, 328 E. Lafayette, Romeo, Michigan 48065, and Mr. Jeff Rizzo, of Fenn and Associates, 14933 Commercial Drive, Shelby Township, Michigan, were present and offered to answer questions.

Mr. Rizzo explained they have now opted to go with a fabricated concrete fence in lieu of the vinyl fence for which they were going to seek approval for, and there are notes on the site development plan. He stated they shifted the building by about twenty or thirty feet from the east property line. He clarified it was moved closer to Garfield.

Mr. Santia confirmed the Planning Department approved this because it was discovered that there was a thirty-foot easement that they were not able to encroach upon, so they had to reconfigure the site. He stated the Planning Department is recommending approval because they meet all requirements and will be putting in a cement wall. He noted there are some ground issues, so they may have to work that out when putting in the foundation.

Motion by Mr. Brumbaugh, supported by Ms. West, with reference to File #16-6711 and application from Mr. Joseph Lucido, of Garfield Building No. 1, 39999 Garfield Road, Clinton Township, Michigan 48038, as represented by Ms. Dawn Foulke and Mr. Jonathan Podolsky of FOPOCO Real Estate II, LLC, 328 E. Lafayette, Romeo, Michigan 48065, concerning the revised Site Development Plan for Clinton Creek Assisted Living & Memory Care, to be located on 3.03 acres of land fronting the east line of Garfield Road, south of 18 Mile Road, addressed as 40500 Garfield Road (Section 17), that recommendation be forwarded to the Clinton Township Board for approval of the revised site development plan as submitted. Roll Call Vote: Ayes – Brumbaugh, West, Deyak, DiBartolomeo, Opalewski, Spatafora, Trombley. Nays – None. Absent – Moseley, Charron. Motion carried.

Mr. DiBartolomeo explained that the Planning Commission is a recommending body, and the petitioner will need to submit 24 copies of this revised site development plan to the Planning Department by March 1st, 2017 to be placed on the March 13th, 2017 Township Board Meeting.

10.84 ACRES OF LAND FRONTING THE NORTH LINE OF ELIZABETH ROAD, EAST OF GROESBECK HIGHWAY, ADDRESSED AS 43230 ELIXABETH ROAD (SECTIONS 2/11 & P.C. 139)

- **REVISED SITE DEVELOPMENT PLAN: DTE MT. CLEMENS SERVICE CENTER EXPANSION**
 - **REQUEST FOR RECOMMENDATION FOR APPROVAL OF REVISED SITE DEVELOPMENT PLAN**
FILE #17-4483: PETITIONED BY MR. JOHN STERLINI, DTE ENERGY
REPRESENTED BY MR. SAM KOZMAN, TETRA TECH
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Pertinent correspondence was read and entered into the record. Ms. Trombley advised that notice of this meeting had been mailed to 23 owners and/or occupants of property located within 300 feet of the land in question, with none of those returned as undeliverable.

Ms. Geri Decatur and Mr. Sam Kozman, of Tetra Tech, 1005 River Street, Suite 1, Port Huron, Michigan 48060, were present to answer questions.

Ms. Decatur explained the intent of the building addition is to provide more office space, and they will be doing some interior renovations and moving a truck shelter to the back. They are moving people around to the service center from different areas, so this is to accommodate them. It is an approximate 16,000 square-foot addition of the building space, and the 9,000-square-foot shelter will be moved to the back. They will be including the drainage up front, and will be installing landscaping and drainage infrastructure for water filtration, as well as providing additional trees along the front, side and rear. They have new parking proposed on the side for the Edison trucks so they will have better traffic flow. They are also increasing the pond size to accommodate the drainage. She indicated the site has a lot of workers who come in, get their work orders and leave the site. There are also contractors who come in with their tree-trimming equipment. They currently park up front, but that will not be allowed with the new site renovations, and she explained that only the Edison employees can park in front. They will have a staging area which will be a benefit to their contractors. They are making a few utility changes and installing a hydrant in front.

Motion by Mr. Brumbaugh, supported by Mr. Opalewski, with reference to File #17-4483 and application from Mr. John Sterlini, of DTE Energy, 1910 One Energy Plaza, Detroit, Michigan 48226, as represented by Mr. Sam Kozman, of Tetra Tech, 1005 River Street, Suite 1, Port Huron, Michigan 48060, concerning the Site Development Plan for DTE Mt. Clemens Service Center Expansion, that

recommendation be forwarded to the Clinton Township Board for approval of the Site Development Plan as submitted. Roll Call Vote: Ayes – Brumbaugh, Opalewski, Deyak, DiBartolomeo, Spatafora, West, Trombley. Nays – None. Absent – Moseley, Charron. Motion carried.

Mr. DiBartolomeo explained that the Planning Commission is a recommending body, and the petitioner will need to submit 24 copies of this revised site development plan to the Planning Department by March 1st, 2017 to be placed on the March 13th, 2017 Township Board Meeting.

REPORT OF MEETING

-- APPROVAL OF THE FEBRUARY 9TH, 2017 REPORT

Motion by Ms. Trombley, supported by Mr. Brumbaugh, to approve the report of the February 9th, 2017 Planning Commission meeting as submitted. Motion carried.

PLANNING COMMISSION SCHEDULE OF MEETINGS

-- NEXT MEETING SCHEDULED FOR THURSDAY, MARCH 9TH, 2017

Mr. Santia confirmed that there is one rezoning at this point for the March 9th, 2017 Planning Commission meeting, and the property is located on Penrod, east of Garfield. He indicated the proposal is to rezone from One-Family Residential to Two-Family Residential. He noted the property across the street from this location is already zoned RT Two Family Residential.

Mr. Spatafora requested to be excused from the next meeting.

ADJOURNMENT

Motion by Ms. West, supported by Mr. Deyak, to adjourn the meeting. Motion carried. Meeting adjourned at 7:12 p.m.

Respectfully submitted,

Denise C. Trombley

Denise C. Trombley, Secretary
CLINTON TOWNSHIP PLANNING COMMISSION