

# CLINTON TOWNSHIP PLANNING COMMISSION

## REPORT OF MEETING

APRIL 12<sup>TH</sup>, 2018

**PRESENT:** Kirkanne Moseley, Chairperson  
Ronald DiBartolomeo, Vice-Chairperson  
Denise C. Trombley, Secretary  
George Brumbaugh  
Lawrence Opalewski Jr.  
Joie West

**ABSENT:** Stephen Charron (Excused)  
Michael Deyak (Excused)  
Daniel Spatafora (Excused)

**STAFF:** Carlo Santia (Absent – Excused)

Ms. Moseley called the meeting to order at 6:31 p.m.

### **APPROVAL OF AGENDA**

Motion by Mr. DiBartolomeo, supported by Mr. Opalewski, to approve the agenda as submitted. Roll Call Vote: Ayes – DiBartolomeo, Opalewski, Brumbaugh, Moseley, West, Trombley. Nays – None. Absent – Charron, Deyak, Spatafora. Motion carried.

### **2.85 ACRES OF VACANT LAND FRONTING THE NORTH LINE OF 15 MILE ROAD, BETWEEN MIAMI ROAD AND SILVER MAPLE DRIVE (KNOWN AS PARCELS #16-11-30-451-009 (1.126 ACRES) AND #16-11-30-451-010 (1.7245 ACRES) (SECTION 30))**

- **PROPOSED CONDITIONAL REZONING: A REQUEST TO CONDITIONALLY REZONE A PARCEL OF LAND CURRENTLY ZONED B-1 NEIGHBORHOOD BUSINESS FOR DEVELOPMENT OF TWO (2) RETAIL STRIP CENTERS WITH DRIVE-THRU (15 MILE/MIAMI RETAIL CENTER), WHICH IS A B-3 GENERAL BUSINESS USE**

-- **PUBLIC HEARING**

**FILE #18-6802: PETITIONED BY MR. DOMINIC BACALL,  
W EQUITIES LLC**

**REPRESENTED BY MR. SHAKIR W. ALKHAFAJI, W EQUITIES LLC**

Ms. Trombley read the letter into the record dated April 4<sup>th</sup>, 2018 from the Director of the Department of Planning and Community Development. She

advised that notice of this public hearing was issued by regular mail to 78 owners and/or occupants within 300 feet of the land in question, with 5 of those returned as undeliverable. She read a letter into the record from Rose and E.J. King, of 35177 Silver Maple, Clinton Township, Michigan 48035, who expressed opposition to this proposed development.

Mr. Randy Martuzzi, representative for the petitioner in place of Mr. Alkhafaji, is present along with Mr. Dominic Bacall, petitioner. He stated the report read into the record is very thorough, and they are in full understanding and agreement. He assured they have no intention of putting in a high-volume restaurant that is open until midnight or 2 a.m. He stated they are looking at a coffee shop, sub shop or possibly someone specializing in smoothies, and the idea is that they would not be competing with time and would have different peak hours. He felt that will help when they meet with the Department of Roads to resolve all of their issues. He stated they understand the building size creates a problem with parking, and he also understands that tenant mix can affect parking needs. He assured they will be willing to make the building smaller or find additional parking that will not impede on the required greenbelt, if necessary. He added that making the building smaller will help them pick up some parking spaces, if needed. Mr. Martuzzi addressed the conditional rezoning with respect to the drive-thru windows, they will be seeking businesses that are open no later than 10 p.m., although he admitted some of the tenants they are looking at open at 6 a.m. or before. He pointed out on the site development plan the water detention area located at the back of the site, which places a nice buffer between the subject site and the abutting residential property. He added that there is residential to the east, and the detention area is behind that, so the buildings and parking do not abut the residences, other than the main drive, which will go between Miami and the private drive on the property. He clarified that the emergency ingress/egress will go there. He acknowledged the comments from Assessing regarding the combination of parcels and assured they will combine them, although he has not yet talked with the Department of Assessing. He indicated they will combine them once they have site development approval, but would not want to combine them prior to that. He clarified that they are the current legal owners, and at the time the request was made, they were in the process of purchasing the property.

Mr. Martuzzi stated he understands the request for a traffic study and expected to make the investment into the study to address the access and all of the issues. He felt that will come back to the hours of the tenants. He addressed the B-1 zoning, pointing out that all retailers are struggling due to the current trend to purchase items on the internet, so the idea is to look to the future needs of the area, and he stressed that the B-3 is necessary for the future. Based upon their experience, the need for having the two drive-thru's and an anchor tenant to facilitate the traffic is essential. Based on their expertise and understanding of the market, the future of retail centers is not small stores, but rather to provide services that cannot be purchased online. He pointed out that anything they are

developing, they want to go “restaurant-heavy”, and need to provide adequate parking. They look at some retail, but also service businesses such as beauty salons, barber shops, which can require a little heavier parking based on the number of seats. He acknowledged they are a little short on the parking, but explained they were trying to turn in this application quickly, so he assured that can be adjusted. He offered to answer questions.

Motion by Ms. West, supported by Mr. DiBartolomeo, to open the public hearing.  
Roll Call Vote: Ayes – West, DiBartolomeo, Brumbaugh, Moseley, Opalewski, Trombley. Nays – None. Absent – Charron, Deyak, Spatafora. Motion carried.

Mr. Grant Collins, 35090 Miami, Clinton Township, Michigan 48035, stated he was at the Planning Commission meeting about a year ago when there was a proposal in front of them for a senior residence. He explained he has two little girls, and they bought this house because it has a nice backyard where the girls can play. He emphasized he does not want to stare at a cinder block wall, and he does not know of anyone who would want that in their backyard. He understands the fact that the people who own the land have a right to build, but he felt an office, possibly a dentist office, would be a much more suitable use.

Mr. Michael Mohr, 1259 Stonetree, Troy, Michigan 48083, also owner of 35169 Silver Maple, Clinton Township, Michigan 48035, stated his opposition to the proposal. His father-in-law bought the condominium and was told the subject property was zoned for a doctor’s office, of which he would be in favor. He pointed out that vacancies in a retail center are very obvious, but in an office building, if one of the offices is vacant, it is not as obvious.

Ms. Rose Mollicone, 35185 Silver Maple, Clinton Township, Michigan 48035, stated she owns the condominium in which her mother is living. She felt it is a detriment to her property value to look at a wall in her backyard. She also commented that there are many restaurants already in the area, including an Arby’s, McDonald’s, Green Lantern, as well as a restaurant directly across the street from them. She did not feel two more fast-food restaurants are needed in the area. She pointed out that the majority of residents in Brookside Village are senior citizens, and the additional traffic and exposure will be hard on them.

Ms. Virginia Fiore, 35275 Silver Maple, Clinton Township, Michigan 48035, stated when they purchased their condominiums, they were told that the abutting property could eventually be developed with medical uses. She pointed out that her condominium association owns Silver Maple Drive, which is a private road, but have since found out that was not true. She complained that this is a high traffic area, especially on 15 Mile Road. She noted that the majority of the residents in her condominium

development are over the age of sixty, so there are quite often medical runs into their development. It is especially difficult to turn in and out of their development because the cars back up in the turn lane. She complained about people cutting through their condominium complex, speeding through their neighborhood to exit onto Miami further north. Ms. Fiore indicated it is a safety issue for senior citizens, many of whom use canes, walkers and wheel chairs. She has lived in this area for twenty-five years, and she claimed there are ten existing restaurants in the immediate area. She also felt the area is saturated with hair salons, and cited several of those in the immediate area. She was concerned about the value of their condominiums, estimating that about 60% of the value of the original owners' condominiums dropped drastically. She was concerned that traffic will be their biggest problem, and there is no cement wall that will stop traffic from coming through. Ms. Fiore explained when they moved in, they were told that Silver Maple Drive was their own private road, and their condominium association just spent \$16,000 for their share of the driveway repair, only to be told it is not owned by them.

Mr. Paul Pizzurro, 35291 Silver Maple Drive, Clinton Township, Michigan 48035, an officer on their homeowner's association, explained one of their main concerns is their worry about illegal traffic driving through their property, and she estimated they can have as many as 25 to 50 cars cutting through their neighborhood each day. The residents have to pay for maintenance on their roads, and he requested a traffic study take that into consideration. He could not imagine what business would go in that is not already in the area, and he added there are ten restaurants within one-quarter mile. He stressed they are not in favor of this proposal.

Ms. Celena Hill, 35204 Silver Maple Drive, Clinton Township, Michigan 48035, complained about traffic cutting through their neighborhood, and claimed she was nearly involved in a head-on collision as a result. She recently purchased her condominium and loves the area. She was concerned about trash and rodents that will end up on their condominium property, and that she will have to go outside daily to pick up the trash that blows over from the subject development.

Ms. Joan Logghe, 16062 Blue Spruce Lane, Clinton Township, Michigan 48035, stated she is opposed to the proposed project.

Mr. Mike Logghe, 16062 Blue Spruce Lane, Clinton Township, Michigan 48035, complained that traffic in the area is already terrible, and the condition of Miami is rapidly deteriorating to the point the road is falling apart. He could not figure out who would go into these new drive-thru facilities, noting there is already an abundance of fast-food places around them. He felt the petitioner should reveal who will be going in there ahead of time.

Ms. Debbie Nilson, 35283 Silver Maple Drive, Clinton Township, Michigan 48035, voiced opposition to the proposed development. She stated her husband was formerly the present of their condominium complex for at least five years, and she explained how he had to pick up garbage every day when he got home from work because of what would blow into their neighborhood from the businesses in the area. She could not imagine the impact this will have on their neighborhood if this is allowed to go in.

Motion by Ms. West, supported by Mr. Opalewski, to close the public hearing. Roll Call Vote: Ayes – West, Opalewski, Brumbaugh, DiBartolomeo, Moseley, Trombley. Nays – None. Absent – Charron, Deyak, Spatafora. Motion carried.

Ms. West inquired as to whether there is an ingress to the subject location from Silver Maple Drive.

Mr. Martuzzi replied there is concrete up to Silver Maple Drive, and the condominium development has been granted an easement to use that property. He explained the reason the condominium association is paying for improvements and maintenance to that road is because that is what is specified in the easement agreement. The burden was placed on the property to the rear, which is the condominium property. He explained they may have to make the buildings slightly smaller and can do that if this is something the Planning Commission sees as a problem. He added if they decrease the size of the buildings slightly, they could possibly put in a small greenbelt along Silver Maple Drive. He replied to further inquiry that they would not be permitted to cut off the condominium's access from 15 Mile by closing off Silver Maple Drive because that is part of a perpetual easement. He understood that drivers are sometimes using Silver Maple Drive, cutting through the condominium development to access Miami further north in an attempt to avoid traffic. Mr. Martuzzi stated they would be willing to meet with the condominium association to discuss the possibility of installing a privacy gate that would have a code, so residents of the condominiums would not have cut-through traffic. He pointed out a gate such as that would cost the developers from \$20,000 to \$30,000, but if the project is approved for what they need, they may be able to work it out through their budget. He added such a gate would work out for them as well because of the pedestrian traffic they have on their site, and he felt it would be safer for them.

Mr. Dominic Bacall, petitioner, agreed that if a security gate would help the neighbors in the condominiums, they would be glad to look at that.

Ms. West inquired as to whether the petitioners are planning to install a wall around their property.

Mr. Martuzzi stated they are willing to put in a very nice detention basin, berm and landscaping, and intend to stagger Blue Spruce and Scotch Pine trees, which he felt would be much more attractive than a wall.

Ms. West stated that is what they did at Meijer on Groesbeck for the abutting residents.

Mr. Martuzzi stated they would rather put in the berm and landscaping rather than a wall, although if the wall is required, he assured they are willing to put it in.

Ms. West complimented the petitioner and his representative on their willingness to sit down with the condominium owners. She admitted that she is not a big fan of the existing plan that contains two drive-thru windows and felt limiting it to one drive-thru would be better. She explained the plan with the two drive-thru's appears to be congested, and she did not know if that is an option for the developers, but she reiterated she is not in favor of having two drive-thru's.

Mr. Martuzzi replied that if the buildings were made slightly smaller, they could add more greenbelt, and he felt that would help with the appearance.

Ms. West pointed out there is a lot of traffic at that location, and a lot of pedestrians in the area. There is not a lot of space, so she felt the issue is more related to cars and pedestrians than it is to the greenbelt. She cited other locations that have two fast-food restaurants sharing one building and one window.

Mr. Opalewski appreciated the petitioner and his representative trying to address the Planning Department's concerns. He questioned whether they have talked with the Macomb County Department of Roads about whether they will be allowed to have the second driveway into the site.

Mr. Martuzzi replied one access is from Silver Maple Drive, and they also have another access point on 15 Mile Road. Based on what they are hearing tonight, it is something they may want to talk about with the Department of Roads. He understood that this is being petitioned as a Conditional Rezoning, with what he referred to as a lot of "conditions", and he understood they will not be voting on it today. During this planning phase, they will need to talk about the ingress/egress with the Department of Roads and the Planning Department.

Mr. Opalewski felt ingress/egress will be a big issue. He pointed out the two drive-thru facilities will create a big stress on Silver Maple, especially if that is the only way in and out. He appreciated the petitioner's willingness to talk to the condominium association. He noted that the Police Department has requested an additional traffic study, which is something they do not do often, so he would not be able to vote in favor of this development at this time.

Mr. Brumbaugh was confident that the Macomb County Department of Roads will not approve a second access from 15 Mile Road, noting they have taken a strict stance with regard to the number of curb cuts they will allow on any of the mile roads. If they are required to eliminate the access point on 15 Mile Road closest to the intersection, that will increase the traffic on Silver Maple.

Mr. Martuzzi assured they also have access to Miami.

Mr. Brumbaugh questioned the original easement agreement on Silver Maple, and noted it seems unfair for the commercial development to significantly increase the wear and tear on Silver Maple and yet have no responsibility for its maintenance and repair. He felt they should talk with the condominium association and work out an agreement where owner of the commercial development assumes some of the cost of repairs and/or replacement of that road in the future.

Mr. Martuzzi admitted that is something that could be “put on the table” for negotiations.

Mr. Brumbaugh liked the idea of a coded access gate for the residents of Silver Maple. He advised if residents are having trouble with motorists cutting through, especially speeding, they can contact the Police Department to request they monitor the traffic. He added that he is concerned about two drive-thru windows on this property causing a lot of additional traffic and congestion.

Mr. Martuzzi pointed out the subject site is actually two separate parcels at this time, and there is another driveway that is clearly there to access the second parcel. He pointed out they are not asking to add another curb cut because it is already there. He felt they may be allowed to keep that additional access on 15 Mile Road, although he admitted it may be restricted to “right turn in, right turn out only”. It was his understanding that although the subject property was never zoned for office use, it was always zoned for small retail. He felt terrible that residents of the condominium association were misled when they purchased their condos. He assured he wants to be up front, which is why he is sharing with the neighbors the fact that if a coffee shop goes into one of these drive-thru facilities, they may be open as early as 6 a.m. or before.

Mr. DiBartolomeo expressed concern with regard to the stacking lanes for cars going through the drive-thru lanes, especially with two drive-thru's. He felt people take the path of least resistance, which is currently through the condominium development. He felt a B-3 zoning could open this up to “anything”, and he is not comfortable with that. He noted that the Planner's review lists five bullet points of concern, and he felt there needs to be a lot more to this before he can vote in favor of a Conditional Rezoning. He anticipated the traffic on both Miami and Silver Maple will great increase, not to mention two

drive-thru windows. He felt this is a lot of development on that corner, and he suggested the petitioner “go back to the drawing board”.

Ms. Trombley agreed with her fellow commissioners and would like to see one drive-thru window rather than the two being proposed. She liked the idea of the gate and felt it would solve a lot of the traffic problems for the condominium owners. She suggested the petitioners work out the details with the neighbors and possibly redesign the site with one drive-thru window, she would like to look at that for further consideration. She cautioned the residents that someone will develop this property because they have the right to do so. She liked the idea of the trees and berm as a screening in lieu of a wall.

Mr. Martuzzi explained he will need to understand what will be allowed by the Department of Roads prior to meeting with the condominium association.

Mr. Brumbaugh stated this can be postponed to provide the petitioner an opportunity to work on some of the details.

Motion by Mr. Brumbaugh, supported by Mr. DiBartolomeo, with reference to File #18-6802 and application from Mr. Dominic Bacall, W Equities LLC, 29580 Northwestern Highway, Suite 1000, Southfield, Michigan 48034, as represented by Mr. Shakir W. Alkhafaji, W Equities LLC, same address, concerning the proposed Conditional Rezoning of 2.85 acres of vacant land fronting the north line of 15 Mile Road, between Miami Road and Silver Maple Drive (known as Parcels #16-11-30-451-009 (1.126 acres) and #16-11-30-451-010 (1.7245 acres) in Section 30, currently zoned B-1, to permit a retail development with a drive-thru restaurant, which is a B-3 use, and a Site Development Plan for 15 Mile Retail (W Equities LLC), with a drive-thru fast-food restaurant, that further consideration of this request be postponed indefinitely to provide the petitioner an opportunity to work with the Macomb County Department of Roads, representatives from the abutting condominium association and the Planning Department to address the issues in the Planner’s review. Roll Call Vote: Ayes – Brumbaugh, DiBartolomeo, Moseley, Opalewski, West, Trombley. Nays – None. Absent – Charron, Deyak, Spatafora. Motion carried.

**PART OF LOT 16, SUPERVISOR'S PLAT #10 SUBDIVISION, BEING 19.52 ACRES FRONTING THE SOUTH LINE OF 15 MILE ROAD, WEST OF HARPER AVENUE, ADDRESSED AS 23350 15 MILE ROAD (PARCEL #16-11-35-201-001) (SECTION 35)**

- **SITE DEVELOPMENT PLAN: GALLOUP DISTRIBUTION CENTER**

-- **REQUEST FOR RECOMMENDATION FOR APPROVAL**

**FILE #18-6808: PETITIONED BY MR. ANDREW GRIMES,  
KENDALL ELECTRIC, INC.**

**REPRESENTED BY MR. NICHOLAS BRASS, SPALDING DEDECKER**

Ms. Trombley read the letter into the record dated April 5<sup>th</sup>, 2018 from the Director of the Department of Planning and Community Development. She advised that notice of this public hearing was issued by regular mail to 137 owners and/or occupants within 300 feet of the land in question, with 8 of those returned as undeliverable.

Mr. Andrew Grimes, of Kendall Electric, Inc., thanked the Planning Commission for considering this development. He introduced Mr. Nick Brass of Spalding DeDecker Associates, Mr. Mark Wassink, General Manager of Galloup, and Mr. Dean Maxwell, Location Manager for Galloup-Warren. He invited Mr. Wassink to introduce their company.

Mr. Mark Wassink, General Manager of the Galloup Company, which is a solely-owned subsidiary of the Kendall Group. He stated serves on the Executive Board for the Kendall Group, and explained that Galloup is a distributor of industrial pipes, valves and fittings, currently located in Warren. He added they have other locations in Michigan and Ohio and have outgrown their facility in Warren. He has been focused on the north side of Clinton Township for some time based on the infrastructure in place and the talent in the area. He explained their business currently has 75 employees and they hope business is robust enough that they can continue to grow. He noted the site is of a size to house what they plan to do and is zoned properly for their needs. He assured they are excited for the opportunity to invest in Clinton Township.

Mr. Brass reviewed the plan with regard to traffic flow, noting they are adjacent to I-94, so most of the traffic will be coming off of I-94 to Harper, then to 15 Mile Road. All inbound deliveries will come through the west entrance to loop around the building and access the loading docks on the east side of the building. They get about ten to fifteen trucks daily, and they operate seven trucks on their own that will be leaving the facility. Aside from a local delivery, all of those trucks will be exiting eastward on 15 Mile to Harper Avenue, then to I-94. Mr. Brass outlined the proposed building, which will consist of a 13,000 square foot office, 62,000 square foot warehouse space with a detached 28,000 square foot storage facility. They currently have 75 people working in this facility, and their hours of operation will be primarily from 7 a.m. to 5 p.m. with a couple of people who may

arrive a little earlier and a couple who may stay a little later. They developed the site plan so that the traffic flow is continuous, and expect all pedestrian traffic to remain by the office area, where the majority of their parking spaces are located.

Ms. Moseley inquired as to whether they will be moving to this facility from Warren.

Mr. Wassink replied affirmatively.

Mr. Grimes replied to inquiry that they are currently located on Concept Drive, off of Dequindre.

Mr. Wassink clarified they are located just off of I-696 and Dequindre.

Ms. West inquired as to whether this is a seven-day-a-week operation.

Mr. Grimes replied they are open Monday through Friday of each week. He replied to further inquiry that west of the proposed site is commercial, to the south is the Macomb County Department of Roads, east of the site is the Clinton Drain and the exit ramps from I-94, and the only residential area is to the northeast.

Ms. Julie Maher, Administrator for Church of Christ Care Center directly across the street from the subject property, stated she is here tonight to represent their campus. She informed they have 250 senior residents at their location, with assisted living housing 93 individuals, as well as 52 independent living apartments and a 129-unit rehab and care facility. She stated her concerns are traffic at 15 Mile and Harper, where the traffic situation is already bad with vehicles getting on and off of I-94. She added it is a tight intersection for large trucks to maneuver their turns. Ms. Maher explained that they also have about 250 employees to cover their 24-hour-a-day, 7-day-a-week operation, so there is a lot of traffic turning into their campus with no traffic light at that location, and that does not take into consideration the visitors coming to their campus. She was concerned that, even if the proposed site is well-kept, she is concerned that family members will not want to choose their care facility as an option for their loved ones because she claimed it looks as though their care center was “dropped in the middle of a lot of industry”. She explained they own 2.97 acres of undeveloped property, so for any future plans they have to expand their center, she felt the proposed development would have a major impact on their plans. She appreciated the fact that this is a local company, but she pointed out that Church of Christ has been a part of Clinton Township for forty-one years.

Mr. Wassink replied to inquiry that Galloup owns the subject property.

Mr. Grimes responded to inquiry that there is currently a pole barn, a house and shed on the subject property. The portion of the property where the facility will be located is an asphalt millings pad, as well as soil piles. They have had the millings removed at this time, so it is mainly flat. There is some grass, but where the facility is to be located is mostly gravel and asphalt millings. He indicated they will be removing the buildings that are currently on the property.

Mr. Brumbaugh noted the recommendation from the Department of Roads is to provide acceleration/deceleration lanes per their standards, and he inquired as to whether they are willing to commit to this.

Mr. Grimes replied affirmatively, noting that they have been in contact with the Department of Roads and fully plan to make those adjustments on the plan.

Mr. Joseph Cherluck, Cherluck Brothers LLC, 34730 and 34692 Nova, Clinton Township, Michigan 48035, stated they welcome the development as opposed to having piles of asphalt behind them, but he expressed the same concerns expressed by Ms. Maher. He pointed out that 15 Mile Road is falling apart and has not been touched. He felt the amount of truck traffic proposed for this site will destroy the road the rest of the way. He was concerned the traffic will back up and become a hazard. He felt that 15 Mile Road should be addressed first, and then they would welcome this development. He clarified that I-94 would be fine, but he felt 15 Mile Road will not be able to handle the traffic generated by this business.

Ms. Trombley inquired as to whether the property is zoned appropriately for this development.

Ms. Moseley questioned the types of deliveries, how often, the times, and what types of trucks will be making the deliveries.

Mr. Wassink replied they have incoming freight so they distribute throughout the metro Detroit area, both north and south of the City, so they have LTL Freight coming in. He explained it is difficult to specify exactly how much because it varies, with possibly one or two trucks coming in one day, and other days they can have eight to ten. They also have eight semi-truck and trailer or straight trucks that leave every day to deliver throughout southeast Michigan.

Mr. Brumbaugh felt this is very good for Clinton Township, and he sees it as an improvement to property that has been vacant. It will increase taxes and revenue for the Township, and they can use that to make improvements. He pointed out the petitioner has agreed to put in an acceleration lane, so that part of 15 Mile will be improved. He reminded that all roads in Clinton Township and beyond are in need of roadwork, but he sees this as a good thing for the Township.

Motion by Mr. Brumbaugh, supported by Mr. DiBartolomeo, with reference to File #18-6808 and application from Mr. Andrew Grimes, of Kendall Electric, Inc., 5101 South Sprinkle Road, Portage, Michigan 49002, as represented by Mr. Nicholas Brass, P.E., of Spalding DeDecker, 905 South Boulevard East, Rochester Hills, Michigan 48307, concerning the proposed Site Development Plan for Galloup Distribution Center, to be located on part of Lot 16, Supervisor's Plat #10 Subdivision, being 19.52 acres of land fronting the south line of 15 Mile Road, west of Harper Avenue, addressed as 23350 15 Mile Road, that recommendation be forwarded to the Clinton Township Board for approval of the site plan, subject to the following conditions being met prior to going to the Board:

1. Parking lot curbing and sidewalks along 15 Mile Road will require a waiver from the Township Board and will need to be obtained prior to site plan approval, so an application to the Clinton Township Budget/Ways & Means Committee will need to be submitted to complete this process;
2. Site Plan and Landscape Plan shall each include a location map as required by the Planning and Zoning Code;
3. Landscape areas will require irrigation per Section 1292.01-q of the Zoning Ordinance;
4. Front yard landscape area will require a minimum 30-inch earth berm or masonry wall per Section 1292.01-q of the Zoning Ordinance; and
5. The Macomb County Department of Roads is requesting, and the petitioner has agreed to install by-pass and decal lanes per Macomb County Department of Roads standards and specifications;

Further, Parcels #1611-35-201-001 and -003 will need to be combined, and the recommendations of the Department of Public Works and the Fire Department will need to be addressed. Roll Call Vote: Ayes – Brumbaugh, DiBartolomeo, Moseley, Opalewski, West, Trombley. Nays – None. Absent – Charron, Deyak, Spatafora. Motion carried.

Mr. Opalewski inquired as to whether the petitioner understands that he needs to submit a request for waiver of the curbing and sidewalks.

Mr. Grimes replied he understood they have already started the process to go before Budget/Ways and Means, and he hoped they will be on their May agenda.

Mr. Opalewski clarified that, due to the current zoning of the property in question, the Township cannot prevent this use even if they would want to. It is allowed in this particular zoning district, and they are discussing the site development plan at this time.

Ms. West agreed with the gentleman who talked about 15 Mile Road and the need to have it fixed.

**3.26 ACRES OF LAND FRONTING THE EAST LINE OF GRATIOT AVENUE,  
NORTH OF JOY BOULEVARD, ADDRESSED AS 43388 N. GRATIOT (P.C.  
141 & 626 / SECTION 12)**

- **PROPOSED CONDITIONAL REZONING: LAND ZONED B-3 GENERAL BUSINESS FOR DEVELOPMENT OF A TRUCK PARKING LOT WHICH IS AN I-2 GENERAL INDUSTRIAL USE**
  - **PUBLIC HEARING**  
**FILE #18-6813: PETITIONED BY MR. JESSE BURGER,  
CROMWELL INVESTMENT, INC.  
REPRESENTED BY MS. STACY CERGET, FVPM**
- 

Ms. Trombley read the letter into the record dated April 6<sup>th</sup>, 2018 from the Director of the Department of Planning and Community Development. She advised that notice of this public hearing was issued by regular mail to 97 owners and/or occupants within 300 feet of the land in question, with 19 of those returned as undeliverable.

Mr. Jesse Burger, of Cromwell Investment, Inc., provided some background on this project. He explained he also owns property to the south of this. He has been in the truck parking business for about twenty years, and they are applying for a Conditional Rezoning to allow this type of use for this property. He stated he has cleaned up the property and planted trees across the back of the property and along the north property line. He explained that Ms. Stacy Cerget, of FVPM, helped him to develop the site plan. They will install all new sidewalks in front, and he pointed out that this use is actually a service to the community. The property has been designed to accommodate 43 parking spots measuring 15 feet in width for semi-trucks. They used to charge \$150 per month for drivers to park their trucks, but they have had to raise that to \$200 per month, which covers property taxes, snow removal, bathrooms on site, etc. He compared it more to a co-op, but this development will allow semis to park in the lot, thereby keeping them from parking in parking lots throughout the community. He stressed these drivers are thrilled to have a place to park. He stated 14 of the people he is renting to live in Clinton Township, 6 live in Chesterfield, and another 6 live in Macomb Township, with others living in nearby communities. They are happy with the arrangement they have to park their trucks at this location, which affords them a safe place where they do not have cargo stolen and they are kept safe from being towed. Mr. Burger pointed out that trucks are involved in the delivery of every type of product, but they can also be involved in criminal activities such as human trafficking, so it is better to keep the trucks from being parked in random areas throughout the community.

Motion by Ms. West, supported by Mr. DiBartolomeo, to open the public hearing.  
Roll Call Vote: Ayes – West, DiBartolomeo, Brumbaugh, Moseley, Opalewski, Trombley. Nays – None. Absent – Charron, Deyak, Spatafora. Motion carried.

Mr. Mark Abraham [no address given] stated he has been in the trucking business for thirty-four years, and he commented that this type of service is essential to the trucking industry. He stated that on December 18<sup>th</sup>, 2017, electronic log books were put into effect, and when the computer tells the driver he has to park, he has to do so right then. The big box stores were always friendly to the trucking community, but with so many parking there, they cannot always be so accommodating. He felt this is a great proposal and will keep the trucks where they should be.

Motion by Ms. West, supported by Mr. DiBartolomeo, to close the public hearing.  
Roll Call Vote: Ayes – West, DiBartolomeo, Brumbaugh, Moseley, Opalewski, Trombley. Nays – None. Absent – Charron, Deyak, Spatafora. Motion carried.

Mr. DiBartolomeo inquired as to whether Mr. Burger was in front of the Planning Commission prior to tonight.

Mr. Berger replied affirmatively. He replied he owns the shop to the south of this property. He explained the parcel is an L-shaped piece of property, so there is a small piece in front that was a former used car lot. He is in the process of cleaning it up, tearing one of those buildings down and fixing the one building up so they have a bathroom and a retail front. It will be a rental office for the truck parking. He stated he will have a private office in the building, and he confirmed he has a vehicle dealership license that will be hung at that address, but he assured there will not be much activity there related to that business. He explained the truckers live in the community, so they go for four or five days in their truck, come back and park their truck, and their car or pick-up truck is in their spot when they are on the road, so they will pull out their vehicle, park their semi, and they head home. He stated trucks will not be running all night, but they may come in at various times at night. He added that they have not had a lot of complaints from the mobile home park over the 25+ years they have been there. He assured he tries to be respectful of neighbors. He stated he would not be interested in putting up a wall because the cost will not be supported by their rent, but he added they are willing to plant trees.

Ms. Moseley inquired as to whether the petitioner intends to combine the properties.

Mr. Berger stated they split the properties a couple of years ago, and felt there is no reason to combine them now.

Ms. Moseley inquired as to what he intends to do to have a building on the site.

Mr. Brumbaugh pointed out that, according to the Planner's Review, it indicates that a facility is required on site, so the properties will have to be combined to provide the subject parcel with a facility.

Mr. Berger stated if he is required to combine the parcels, he will do so. He explained they had split them for a reason that is no longer relevant. He had a car lot in front for about seven years, and someone was going to buy it; however, the sale fell through. It was one parcel prior to that. He reiterated he will combine the parcels if that is required.

Mr. Brumbaugh stated according to the review, combining the properties would be mandatory and not an option.

Mr. Berger assured he is willing to combine them.

Ms. Moseley noted the Planner Review also indicates that the distance from the mobile home park “needs to be greater”. She inquired as to the current distance from the mobile home park.

Mr. Berger replied he is not sure, but he will ask Ms. Cerget to talk with Mr. Santia to work it out. He estimated they are about 50 feet from the property line.

Ms. Moseley stated she talked with Mr. Santia today, and he had indicated they may need an additional twenty feet.

Mr. Berger assured they will analyze it, and as long as the trucks have space to turn around, that will be sufficient. He added they do not need to make it any bigger than it needs to be.

Mr. Opalewski noted the Planning Department indicated a 6-foot masonry wall is required, and he questioned whether that would be a deal-breaker for Mr. Berger.

Mr. Berger is aware of the cost of a wall, and he felt he would have to give up on this plan and sell the property. He noted there was a wall required on the property at 43320 North Gratiot years ago, and he saved the paperwork that indicated the mobile home park was supposed to put up the wall, which they never did. He stated he built his building in 1988, and the wall was never put up.

Discussion took place regarding the wall.

Mr. Opalewski stated he would hate to deny this plan based on that. He felt there are a few of these issues where a little more discussion with the Planning Department may help.

Ms. Moseley inquired as to whether the petitioner has reviewed the Planning Department’s recommendations.

Mr. Berger replied he has not reviewed them.

Ms. Moseley advised there is a list of recommendations that Mr. Berger should discuss with Mr. Santia.

The stenographer indicated that Mr. Berger and his representative would have each received a copy of this letter.

Mr. Berger believed that Ms. Cerget received it, but she was unable to attend tonight's meeting as she was at a meeting tonight in another community.

Ms. West inquired as to whether there will be anyone sleeping in their cabs, and what they do if they have to go to the bathroom.

Mr. Berger replied that the bathroom is for them. There will be a bathroom in the one building, although it is a separate parcel at this time. It is a 30-foot by 40-foot building and will have a bathroom for them, controlled by the same code they use to get into the gate.

Ms. West inquired as to whether there will be a fence around the property.

Mr. Berger replied there is currently a fence in place. The place is running and has been running for quite some time. He replied to further inquiry that it is a 6-foot-high chain link fence.

Ms. West suggested the possibility of a chain link fence with slats on the side where the wall would be required. She suggested he talk with Mr. Santia about that possibility.

Ms. Moseley inquired as to whether Mr. Berger feels there is a possibility that people will be sleeping overnight in their cabs.

Mr. Berger did not anticipate that will occur, because they are all anxious to get home.

Ms. Moseley stated that would be a stipulation of approval, and inquired as to whether Mr. Berger is ok with that.

Mr. Berger stated the trucks used to have black smoke, but because of catalytic converters, they do not emit pollution. He clarified that, while he does not anticipate that trucks will be running all night, a driver may start his truck and pull out if he has to leave in the middle of the night.

Discussion took place regarding postponing this item and when it should be brought back to the Planning Commission for further consideration.

Mr. Berger explained that the site with the buildings is currently being reviewed as a site plan, and that will be coming to the Planning Commission. He felt it could be addressed the same night as that plan.

Motion by Ms. West, supported by Mr. Opalewski, with reference to File #18-6772A and application from Mr. Jesse Berger, of Cromwell Investment, Inc., 26519 25 Mile Road, Chesterfield, Michigan 48051, as represented by Ms. Stacy Cerget, of FVPM, 45138 Cass Avenue, Utica, Michigan 48317, concerning the proposed Conditional Rezoning for 3.26 acres of vacant land fronting the east line of Gratiot Avenue, north of Joy Boulevard (Section 12), currently zoned B-3 General Business, to be used for truck parking, which is an I-1 Light Industrial use, that further consideration of this request be postponed until such time as the adjacent property, which is currently being reviewed under a separate site development plan application and is intended to be combined with the subject property, comes to the Planning Commission for review and consideration. Roll Call Vote: Ayes – West, Opalewski, Brumbaugh, DiBartolomeo, Moseley, Trombley. Nays – None. Absent – Charron, Deyak, Spatafora. Motion carried.

**4.06 ACRES OF LAND FRONTING THE NORTH LINE OF ST. FRANCIS,  
EAST OF ORMSBY, ADDRESSED AS 24475 ST. FRANCIS (P.C. 173 /  
SECTION 13)**

- **SPECIAL LAND USE: A CHURCH AND SCHOOL IN THE R-5 ONE-FAMILY RESIDENTIAL DISTRICT (BOND OF PEACE MINISTRIES / PRECIOUS ANGELS CHRISTIAN ACADEMY)**
  - **PUBLIC HEARING**  
**FILE #18-6815: PETITIONED BY MR. MAURICE A. MARSHALL**  
**PRECIOUS ANGELS CHRISTIAN ACADEMY**
- 

Ms. Trombley read the letter into the record dated April 6<sup>th</sup>, 2018 from the Director of the Department of Planning and Community Development. She advised that notice of this public hearing was issued by regular mail to 75 owners and/or occupants within 300 feet of the land in question, with 3 of those returned as undeliverable.

Mr. Charles Babcock, of Babcock Asset Management, 32750 South River Road, Harrison Township, Michigan 48045, representing the owner of the property, Mr. Maurice Marshall.

Mr. Marshall stated that they currently own a pre-school day care in Chesterfield Township, and they are leasing space from where he has a membership as a church. They have outgrown that facility and have been looking for a suitable facility. He added that he and his wife have been looking at starting a church. He explained the church portion of this is “a ways off” and they are in the process of getting a name and corporation. He emphasized that they want to move forward with the pre-school/day care by moving it from their current location to

the proposed location. He assured it is perfect for them and will give them room to grow. The building was formerly used as a school at one time. He noted the letter indicated the reason for the variance is because they are proposing a church and inquired if that is correct.

Ms. Moseley replied that is correct, because it is on a residential street, and a church must be situated on a street having a right-of-way of at least 120 feet.

Mr. Marshall asked whether it would be possible that the Commission would consider recommending approval of the Special Land Use for the preschool at this time. As they establish a relationship with the community, he indicated they can look at the variance for the church at a later date. He clarified that they have already applied for the variance and will be on the agenda for May's Board of Appeals meeting.

Ms. Mosely inquired as to whether Mr. Marshall wants to separate the two requests.

The stenographer replied that a school-for-profit would not be permitted to go in a residential district unless it is affiliated with a church.

Mr. Marshall confirmed that it is a preschool and is a school-for-profit.

The stenographer did not feel the property is zoned properly for a school-for-profit.

Ms. West inquired as to what this building was used for prior to this proposal.

The stenographer replied it was operated as St. Mary's School.

Mr. Babcock replied it was owned by various churches and operated as a school. He recalled it was most recently owned by the Archdiocese under the name of St. Mary's Elementary School. It stopped functioning the last couple of years when St. Mary's merged with another building in Mount Clemens.

Ms. West stated she is confused as to whether it can be used for a school.

Discussion took place regarding whether it can be used as a school if it is not affiliated with a church.

The stenographer indicated she was attempting to text Mr. Santia to confirm that a school-for-profit cannot be considered for this location if it is not affiliated with a church.

Mr. Marshall understood what the stenographer was saying, and he indicated he has had conversations with Mr. Santia, who had advised him he would have to

get special land use approval for the school, but because of the way the letter is written, he felt the variance is specific to the church, so if he pursued approval of the church at a later date, the Planning Commission could consider the Special Land Use for the school at this time without the variance.

Ms. Moseley suggested postponing this until they can get these questions answered to see if he can go in the direction of getting the school approved without the church.

Ms. West understood Mr. Marshall to say this would not only be preschool and daycare but would go up to fifth grade.

Mr. Marshall explained they opened their current school in January 2015. In 2016, they began following and have a preschool curriculum called Abeka Books, out of Pensacola, Florida. They have a master video school that goes through twelfth grade. He and his wife decided it would be a good idea, and it is basically like a homeschool. He noted the videos have the teachers in Pensacola, Florida, and they have administrative staff present to make sure the children stay on task. He stated they are currently licensed for sixty students at their current location, but they are getting calls and having to turn students away. Mr. Marshall stated he lives in Clinton Township and would love to be able to serve in this community as well.

Ms. Moseley inquired as to whether Mr. Marshall's current location goes through fifth grade.

Mr. Marshall replied the majority of them are preschool. He added a few of them are going into kindergarten, but they have received calls from people interested in having their children go there up through fifth grade.

Motion by Ms. West, supported by Mr. Opalewski, with reference to File #18-6815 and application from Mr. Maurice A. Marshall, Precious Angels Christian Academy, 46000 Gratiot Avenue, Chesterfield Township, Michigan 48051, concerning the proposed Special Land Use for a church and school in the R-5 One-Family Residential District (Bond of Peace Ministries and Precious Angels Christian Family Academy, to be located on 4.06 acres of land fronting the north line of St. Francis, east of Ormsby, addressed as 24475 St. Francis (P.C. 173, Section 13), that further consideration of the request be postponed until more information is supplied and a variance obtained by the petitioner to allow a church that does not have ingress/egress onto a major or secondary thoroughfare having a right-of-way of at least eighty-six (86) feet in width. Roll Call Vote: Ayes – West, Opalewski, Brumbaugh, DiBartolomeo, Moseley, Trombley. Nays – None. Absent – Charron, Deyak, Spatafora. Motion carried.

The stenographer noted this is a public hearing and they have had calls in the Planning Department on this request.

Motion by Mr. Brumbaugh, supported by Mr. Opalewski, to open the public hearing. Roll Call Vote: Ayes – Brumbaugh, Opalewski, DiBartolomeo, Moseley, West, Trombley. Nays – None. Absent – Charron, Deyak, Spatafora. Motion carried.

Mr. Fred Gibson, resident of property immediately north of the subject property since 1954, stated he recalled when that building was operated as Edison School and he could hear the children playing outside. He had two issues with it, one being the drain running on the east side of the property, which carries all of the water from that entire area into the ditch. He noted the ditch is uneven and, in the summer, after it starts drying, there are still areas where the water is ponding, creating an area for mosquitoes to breed. He claimed that the Drain Commission appropriated funds to put in a culvert, but ended up spending the money on other projects and it was never put in. He questioned who owns the ditch and what can be done about it. He had talked with the previous owners years ago and they decided to put up a fence. He put part of it up, but they never put the other part up. He stated people walk over from the school to his yard as though it is part of the school's property. He felt there should be some type of fence, so he does not have people sneak up into his yard at night.

Mr. Brumbaugh suspected it was owned by Mount Clemens or Clinton Township through the County Drain Commission. He suggested if Mr. Gibson has an issue, he should contact Drain Commissioner Candace Miller's office, who will direct him to someone to discuss this. Mr. Brumbaugh recalled the Department of Roads, formerly the Macomb County Road Commission, had mosquito repellent pellets they could put in the ditch.

Mr. Gibson stated he did that himself.

Mr. Brumbaugh felt they will send someone out to look at it, and he should mention the concern with the fencing.

Mr. Babcock replied he is not sure whether the ditch is part of the school property, and it is possible the Drain Commission may own the easement.

Mr. Brumbaugh reiterated Mr. Gibson should contact the Drain Commission, and he indicated the Drain Commission is generally responsive to complaints such as this because it can pose a danger to the public by having the sitting water there. He was confident they will send someone out to talk about it with Mr. Gibson.

Mr. Gibson confirmed there is a fence around that area, but he questioned whether the fence has to be around the subject property.

Mr. Babcock thought the fence went around the entire property, but he stated he would be willing to talk with Mr. Gibson. He stated he knows where Mr. Gibson lives and will stop by to see him.

Motion by Mr. DiBartolomeo, supported by Ms. West, to close the public hearing. Roll Call Vote: Ayes – DiBartolomeo, West, Brumbaugh, Opalewski, Moseley, Trombley. Nays – None. Absent – Charron, Deyak, Spatafora. Motion carried.

**MEDICAL MARIHUANA FACILITY LICENSING ACT (MMFLA)**

- **PROPOSED AMENDMENT TO THE PLANNING AND ZONING CODE**
  - **PUBLIC HEARING**
- 
- FILE #18-6806**

Ms. Trombley read a letter into the record signed by the Guidance Department of Chippewa Valley High School, indicating their opposition of opening medical marihuana businesses in Clinton Township.

Ms. Moseley stated this is a public hearing on the proposed amendment to the Planning and Zoning Code regarding the Medical Marihuana Facility Licensing Act (MMFLA). She provided some background regarding the public hearings and work sessions they have had so far on this item. They have looked at a draft of an ordinance, and at the last meeting, they indicated they want to look at a map to see where these facilities could be located. They do not have the map yet, and Mr. Dolan is currently in the process of reviewing a regulatory ordinance for MMFLA. She recommended opening the public hearing to take comments from the public, and she requested those who have spoken at the public hearings or the work sessions to allow those who have not spoken to give their comments first, and she requested that, due to the large number of people present tonight, comments be limited to two minutes per person.

Motion by Ms. West, supported by Mr. DiBartolomeo, to open the public hearing. Roll Call Vote: Ayes – West, DiBartolomeo, Brumbaugh, Moseley, Opalewski, Trombley. Nays – None. Absent – Charron, Deyak, Spatafora. Motion carried.

Ms. Mosa Richter, 23400 Thornton, Clinton Township, Michigan, stated she has been a caregiver for five years. She claimed that five years ago, she could not even afford to buy rubber bands for her children, and her daughter was trading drawings in school because she did not want to ask her mom for something they could not afford. She became a caregiver at that time, and in the last five years, she has paid off her student loans, bought her first house, paid off her first vehicle that she has owned, and her children are not lacking for anything they want as long as they earn it. She added that they are straight-A students and are involved in after-school activities. She explained that for the last four years, she has donated all of the bicycles to South River Elementary for the spring raffle,

and has been extremely involved in her children's schools, and she emphasized that every dollar she donated to the schools was derived from medical marihuana. She claimed this has changed her life, and she has a way to be a single mother and be present in her children's lives. She disagreed with the school district that "this drug is insidious" and claimed she has helped people get off of narcotics and opiates. She claimed that one of her patients was diagnosed with cancer and given six months to live, but he beat the cancer which she attributed to marihuana. Ms. Richter explained she is growing a small amount of marihuana but is currently going for her state license to process medical marihuana, and makes things like peanut butter, honey, sugar and things that are easy for cancer patients to ingest. She stressed not one of her medical marihuana patients is under the age of forty, and she added she is determined to bring this product into the hospitals and doctor's offices to get people off of opiates and save lives. She felt this helps a lot of people, and she claimed the money generated in Colorado has been used to fix their roads, and were able to give every resident an \$800 refund as well. She assured she files taxes on every dollar she makes. She urged the Township to consider approving this, and she assured the service she provides does not generate a bad odor at all, because she is baking goods in her oven. She understands there are certain areas where it is not appropriate for this industry, and she felt people who want to have commercial grow operations should be in more rural areas. She urged the Township not to punish everyone, and she claimed she has a building in Clinton Township for which she claims she has been approved for this use, but she has to wait for the Board to approve it. She cautioned if it takes too long, she will take her business to another city. She claimed that each city allowing a license gets "one piece of the pie", so it will depend on how many communities opt in.

Ms. Kathy Voss, 20215 Webster, Clinton Township, Michigan 48035, stated she is in fully support of legalizing and allowing medical marihuana in Clinton Township. She felt there is a huge need for it, and her only concern is that she lives in the south end and does not want to see her area opened up as the "grow" area or something that will not be as suitable for the Partridge Creek / Hall Road area. She felt it is past time to allow this in Clinton Township, and there is a lot of money and jobs to be brought in from this industry.

Ms. Roma Thurin, an attorney in Livonia representing two clients in Clinton Township, submitted a packet of information to the Planning Commissioners. She felt this is an opportunity to have every type of the marihuana industry represented in Clinton Township in appropriate places. She felt there is a lot of misconception by the public of the appearance of grow centers. She explained her clients are looking to invest \$2.5 million in a vacant building that has been vacant for eight years. They intend to

put up brick walls and will not allow no graffiti. She assured they will provide the necessary protection so there will be no infiltration of any individuals or children who should not be there, and they will not be able to get in. She assured they will be good corporate citizens in the community and noted that they are going through the vetting process of prequalification. They have put together the capital investments and can prove they have the finances required. She stated she looks forward to the Township putting forth an ordinance, and she has had the pleasure of working with other communities as they draft ordinances for MMFLA. She cautioned that there are not a lot of properties in Clinton Township that are zoned industrial, especially when taking into consideration setback requirements put in place and whether the existing buildings are conducive to that type of business. She hoped they will look at those applicants who are not only good corporate citizens but also those who have good proposals to show they are and will be a business for which they will be proud to have in the community.

Mr. Marvin Hanawa stated he is not yet a resident of Clinton Township but he stated he has witnessed first-hand those who need medical marijuana and have to try to get it. He knows that people have to drive an hour or two away, which is a difficult drive for those who have cancer and have just completed a chemotherapy session, or someone who is a paraplegic and has to arrange for a ride to get their medicine. He felt it would be so much easier for people in the surrounding areas if they could come here to Clinton Township, and as a result, the Township will thrive off of this business. He felt those from the Chippewa Valley School District who are objecting are looking at it like someone will be “standing on the corner, giving out weed”. He claimed it is much more professional than that, and people are building state-of-the-art facilities to help others. He claimed chemotherapy kills 95% of the people who take it, and marijuana is a drug that helps those people. He urged the Township to approve bringing this into their community because he felt everyone will be a lot happier when they see the benefit.

Ms. Merneck, 40396 Aynesley, Clinton Township, Michigan 48038, stated she does not want her children to come across these types of businesses in her community. She noted there has been mention that those who want marijuana now have to drive to Detroit or Flint to get it, but she indicated she works in Detroit, has driven past plenty of these places and it is nothing she would want her children to have to come across or have access to. She understands there is a purpose behind the medical marijuana and the benefit it can give to those patients who need it, but she has seen what it turns into, claiming it starts out very regulated, but once the regulations become lax, the backdoor sales begin. She claimed she has seen the types of people this attracts outside of the card-carrying

patients going forward legally to obtain it. She is opposed to allowing this in Clinton Township.

Ms. Sophia Aiden, a resident of Birmingham who just moved here from New York, stated she is a nurse and she started researching marijuana about five years ago. She stated she can see the benefits of it and claimed it benefits patients with cancer or chronic pain. She felt it should be allowed in retail settings, and she compared it to the sale of cigarettes, which cause cancer, yet they are sold in corner stores. She claimed marijuana has no side effects that will be causing lung cancer. She felt people should do more research.

Ms. Barbara Cummings, 35321 White Birch, Clinton Township, Michigan, stated she is 100% against this.

Mr. Brian Breuhan, 17849 Maybury, Clinton Township, Michigan 48035, resident in this area for about two years, commented that, according to the federal government, marijuana is considered a Schedule 1 drug, and he urged the Planning Commission to read the definition. It states that "it is a drug that has no current acceptable medical use and a high potential for abuse". He stated that is based on 40-year-old information by the government, but if the federal government could do more research, he felt that would be a drug that would be sold through pharmaceuticals and not through dispensaries. He is opposed to having dispensaries in his community, so he stressed his opposition. He felt the federal government, which is higher than the state government, should have more say as to what should be legalized for the country.

Mr. John Marino, of Harrison Township, stated he owns an industrial building in Harrison Township, one in Clinton Township, and vacant land in Lenox Township. He commented that the communities opting in to medical marijuana is good for him, because he already signed better leases than he has had in ten years in Harrison Township and Lenox Township. He urged the Township to look at the aspect of industrial property values, which will go up and bring in more tax money. He felt it is better for the economy. He does not have an opinion on medical marijuana itself, but from a business standpoint as an owner of industrial buildings, it has been a good thing.

Ms. Celena Hill, 35204 Silver Maple, Clinton Township, Michigan 48035, agreed with the previous speaker who works in Detroit and has seen medical marijuana businesses that may have started out good, but when people come in who do not have authorization to purchase it, it can result in crime and murder. She added that she has had some relatives and close friends who have started using it, and it has destroyed them. She

has lost some of them to drugs, and she is totally opposed to the Township allowing medical marihuana.

Mr. Anthony Vitale, 44405 Thunder Bay, Clinton Township, Michigan 48038, stated from a business aspect, he is owner of industrial buildings, and he claims he has some good people who want to lease his building to grow. He could not see how growing plants in a building will hurt anyone, and he felt the majority of people would not know they are in the building at all. He is in favor of the grow operations in industrial, but he added that dispensaries may be a different issue. He understood the smell can be bad, but he felt that could be addressed.

Ms. Ann Perry, 16612 Sarjay, Clinton Township, Michigan 48038, resident for nearly thirty years, apologized she does not have many of her other colleagues from Chippewa Valley High School present tonight, but explained today they had Tastefest, their biggest fundraiser. She questioned whether they want this use in buildings where the owners may “turn a blind eye” in order to make money in their industrial buildings. She pointed out that Clinton Township is home to Macomb Community College and University Center, and she felt the state is in need of a higher concentration of training in the STEM (Science, Technology, Engineering and Math) programs, and felt the community should be looking at more robust development with the development of these industrial sites to be for better uses than marihuana. She admitted there may be some credence to the benefits of medical marihuana, but she claimed there are less than 20 illnesses that qualify a person for a marihuana card, so she did not believe there is that much need for every community to have dispensaries. She understood the Township is looking at buffer distances of as little as 500 feet from this type of business to schools, religious institutions, daycares, substance abuse treatment centers and 300 feet from residentially-zoned properties. She has heard a lot of people say they have no problem with medical marihuana, but yet they do not want it in their own neighborhoods. She is concerned that this is moving too fast, and she felt the federal government should make this a drug that has some medical use to it and would be handled as a pharmaceutical like other drugs. She felt the FDA needs to approve it and suggested it could be taxed like tobacco and alcohol. She was concerned the Township is looking at this like “it is too good to be true to get a quick amount of money into the Township”, and she cautioned them to look at this long-term. She was concerned they will have everything in place to mass-produce, and she emphasized her opposition to this ordinance.

Mr. Maurice Marshall, 42610 Colorado Drive, Clinton Township, Michigan 48036, understood a lot of people do not like to hear quotes from the Bible, but he felt there is a lot of wisdom in the Bible. He is concerned what he has heard tonight is “money, money, money”, and he cited the

Bible, stating “the love of money is the root of all evil”. He also quoted, “Let no man say when he is tempted, I am tempted of God, for God cannot be tempted by evil, nor does He tempt anyone”. He felt they need to be aware if they let this happen, there will be repercussions because men find a way to mess up.

Ms. Nancy Buell, works in Clinton Township and is very involved with the Chippewa Valley schools. She thanked Mr. Marshall for his comments. She referred to comments about taxing this like alcohol and cigarettes, and claimed that is a “sin tax”. She claimed there has been plenty of research, and referred to an earlier comment by someone who thought that the Chippewa Valley School District was misinformed in thinking that there will be people standing on the corner selling marihuana. She explained the Chippewa Valley Schools Coalition for Youth and Families has been around for over twenty years, and has been doing a lot of research in this area. They are very informed, looking at Colorado and Detroit, and all of what is going on locally and across the country. In the Brighton Center for Recovery, she claimed it shows that 90% of the adults who were admitted for opioid abuse started with marihuana. A lot of federal agencies put together “Chasing the Dragon”, a documentary that she recommended the Planning Commissioners watch. She noted that Chippewa Valley shrunk that documentary down to a 15-minute lesson for their students in their schools on how a youngster started with marihuana and ended up with heroin or opioids. She has heard about people who recognize the medicinal benefits of marihuana but do not want the unsavory part, and she has asked herself if this is all about medical benefits, why everyone would have to be concerned. She sent a letter to the Township about a month ago, asking them to survey their residents. She pointed out that is what the City of Sterling Heights did. She claimed a lot of Clinton Township residents are not even aware this is going on, and she recommended they survey the residents via an electronic survey, and ask them what they think of this proposal before decisions are made. She pointed out this is still a cash business because it is against federal law. She did not feel they will realize the taxes that everyone thinks this will bring in to the Township, and she expressed concern that crime will increase because of the unsavory nature of this business.

Mr. Jared Maynard, a Township resident, stated he has addressed this issue before and is here again tonight to address it. He thanked each of the Planning Commissioners for their diligence in following their Board directive to come up with an ordinance to be reviewed by the Board. He admitted it is not easy, but they are doing what he would expect as a resident, and that is for them to take their time and “get it right the first time”. He agreed with those from the schools that students have to be protected, and this has to stay out of their hands. He cautioned, however, that the Township also needs to provide a service to take care of the

people who are legally using this as pain management to help them with the symptoms for which their physicians say will provide relief. They need to keep in mind this is between a patient and their doctor, so there is a lot to balance. He addressed what he would like to see in the ordinance, focusing on security strict tracking, and background checks, and cautioned if that is not required in Clinton Township, they will have black market sales. He stressed they need to know the cash side of this, and the required forms need to be filled out. He felt if they are not filled out, the Township should not be allowing them to operate their business in Clinton Township.

Mr. Shawn Mansour questioned whether this Commission is deciding whether or not to opt in. He stated he is with the understanding that this Commission is not deciding whether or not to opt in, but only to look at the zoning issues related to it.

Ms. Moseley replied this Commission is not deciding whether to opt in or out, but they will be making a recommendation on the Zoning Ordinance. She cautioned that it will not be decided tonight.

Ms. Voss did not feel people are saying they do not want this in their neighborhoods, but they have concerns as to how it will be done, where it will be placed, the division between a grow area and a distribution center, and she stressed the residents want it to be done right. She clarified they are addressing medical marihuana that helps people drastically with whatever illnesses they have. She did not feel it will be a lure for school-aged children to go to dispensaries, noting that marihuana is extremely expensive.

Mr. Mark Abraham, of Fort Gratiot, Michigan, owns and operates a dispensary in a township in Genesee County, and he cautioned sales can either occur in a dispensary, which is completely regulated, or in a home, where there is no control on the quality of the product. He stressed that dispensaries will not be able to dispense without it being tested. He agreed with everyone else that it is of the utmost importance to keep children away from this and it should be the highest priority. He added this is an adult use, it is tested and he felt it is a good thing. He emphasized the POS system, and noted they are having it installed in his location to make sure there will be no backroom deals. He agreed with Mr. Maynard that people in the industry must fill out the required forms; otherwise, they are not operating legally and should not have the right to ask for a license.

Motion by Mr. DiBartolomeo, supported by Mr. Opalewski, to close the public hearing. Roll Call Vote: Ayes – DiBartolomeo, Opalewski, Brumbaugh, West,

Moseley, Trombley. Nays – None. Absent – Charron, Deyak, Spatafora. Motion carried.

Ms. West questioned Ms. Thurin as to how far the building is from the residents.

Ms. Thurin replied it goes property line to property line, and it also includes the measurements for building to building, and from the middle of the street to the property line. Ms. Thurin's client [no name given] replied that the shortest distance is about 100 feet to residential property.

Ms. West stated she has been in health care most of her life and is a 30-year Leukemia survivor. She added that she grew up in the 1970's, when marihuana was accepted. She has heard people say there is more access to it now than ever before, and she disagreed with that statement. She stressed her entire view of the "opt in / opt out" is to give structure to what they are going to do in Clinton Township. She felt this will eventually be approved by the voters for recreational use, so she wants to make sure the structure is put in for medical marihuana, so they can then take that over to recreational. She pointed out this has not been done in the past. She explained they are looking at everything, including the Zoning Ordinance and a regulatory ordinance, and she pointed out that this Commission is a recommending body and it will go to the Township. She added she is a Township Board member, so she does not take this lightly. She knows there is a lot of research that has been done, and THC and CBD are in a lot of medications. It has been found to be very helpful for the elderly, especially those who do not want to eat anymore and are depressed with life. She felt they have never done enough research, however, although they have done some research on the effects of this drug for children suffering from epilepsy, and those results have been great. She clarified she is not necessarily pro-marihuana, but she is pro-structure to make sure what they have will be correct and give the patients who need it what they need. She stated she has been going over the studies, and she claimed one study in New Mexico shows that in states that have approved marihuana, the opioid use has fallen dramatically.

Discussion took place regarding the next step.

Ms. Moseley stated they will talk about it in a couple of weeks, and she hoped they will have the Regulatory ordinance ready to review.

Ms. Trombley inquired as to whether the map will be ready for review at the next meeting.

Ms. Moseley replied that she understands Mr. Santia is working on it and hopes to have it ready for the next meeting.

Motion by Ms. West, supported by Mr. DiBartolomeo, to add this as an agenda item for the next Planning Commission meeting, scheduled for Thursday, April 26<sup>th</sup>, 2018. Motion carried.

## **REPORT OF MEETING**

### **-- APPROVAL OF THE MARCH 22<sup>ND</sup>, 2018 REPORT**

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Motion by Mr. Brumbaugh, supported by Mr. Opalewski, to approve the report of the March 22<sup>nd</sup>, 2018 Planning Commission Meeting, as submitted. Motion carried.

## **PLANNING COMMISSION SCHEDULE OF MEETINGS**

### **-- NEXT MEETING SCHEDULED FOR THURSDAY, APRIL 26<sup>TH</sup>, 2018**

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Ms. Carol Sobosky, stenographer, confirmed the meeting for Thursday, April 26<sup>th</sup>, 2018, and stated the following items are anticipated to be on that agenda, in addition to more discussion on the MMFLA (Medical Marihuana Facility Licensing Act).

- A Special Land Use for a massage facility, to be located east of Hayes, south of 18 Mile Road
- A rezoning of property located on Hilldale, south of Harrington, from residential to office for the purpose of developing medical offices across from McLaren Hospital.

## **ADJOURNMENT**

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Motion by Ms. West, supported by Mr. Opalewski, to adjourn the meeting. Motion carried. Meeting adjourned at 9:35 p.m.

Respectfully submitted,

*Denise C. Trombley*

Denise C. Trombley, Secretary  
CLINTON TOWNSHIP PLANNING COMMISSION

ces:04/18/18  
ces:04/20/18  
Approved 04/26/18