

# CLINTON TOWNSHIP PLANNING COMMISSION

## REPORT OF MEETING

JULY 13<sup>TH</sup>, 2017

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

**ABSENT:** Stephen Charron (Excused)

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

Ms. Moseley called the meeting to order at 6:30 p.m. The pledge of alliance was recited, and roll call was performed by Ms. Trombley.

### **APPROVAL OF AGENDA**

Ms. Moseley asked if there were any additions or deletions to the agenda. There were none.

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

### **PART OF 2.162 ACRES OF LAND FRONTING THE EAST LINE OF GARFIELD, NORTH OF CANAL ROAD, ADDRESSED AS 42142 GARFIELD (PARCEL 16-11-08-151-006)**

- **SPECIAL LAND USE: A TOBACCO BUSINESS SELLING E-CIGARETTES, VAPORS AND RELATED ACCESSORIES IN THE B-1 NEIGHBORHOOD BUSINESS DISTRICT (THE TOBACCO SHOPPE @ SUNSET PLAZA)**
  - **CONTINUED PUBLIC HEARING**  
**FILE #17-1485: PETITIONED BY MR. GHANIM ABRO**  
**REPRESENTED BY MS. FATIN ABRO**
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This is a continuation of a public hearing from June 8, 2017. Ms. Moseley asked Ms. Trombley if there was any additional correspondence submitted, and she replied in the negative.

Ms. Moseley asked the petitioner to come forward to the podium. Mr. and Mrs. Abro presented to the podium. Ms. Moseley asked if there was any additional information for tonight's meeting.

There was no additional information.

At this point, it came to Ms. Moseley's attention that she had skipped item #1, Approval of Agenda. Please see above.

Ms. Moseley apologized for the interruption and continued on with this item, asking again if there was any additional information from the petitioner.

Ms. Abro indicated that there was no additional information from what was submitted at the meeting of June 8, 2017.

Ms. Moseley asked if there were any questions or comments from the Planning Commissioners at this time.

Mr. Spatafora asked the petitioner if he would be willing to repave the parking lot as a condition to approval by the Planning Commission.

Mr. Abro indicated that it is already scheduled for Monday.

Mr. Spatafora then asked how far back he was repaving the parking lot.

Mr. Abro indicated that it would be going all the way back to the fence and to the back of the building. He indicated that it was scheduled for yesterday, but due to the weather, it was changed to Monday.

Mr. Spatafora confirmed with the petitioner that he owned the front portion of the building and that it was being leased out to other tenants.

Mr. Abro replied in the affirmative.

Mr. Spatafora asked if the petitioner also owned the back building as well.

Mr. Abro replied yes.

Mr. Spatafora asked the petitioner if he had several tenants.

Mr. Abro replied in the affirmative.

Mr. Spatafora thanked the petitioner and had nothing further.

Ms. Moseley asked if there were any other questions or comments from the Planning Commissioners.

Ms. West indicated that she went to one of their other locations on Van Dyke and pointed out that there were signs and writings in the windows. She informed the petitioner that the Township has a sign ordinance and that he would have to go through the Director of Planning, Mr. Santia, regarding any signs.

Mr. Abro asked if she was referring to the bookstore.

Ms. West indicated in the negative and indicated that the words “cigarettes” and “vapes” were painted on the windows.

Ms. Abro asked which location.

Ms. West indicated the one on Van Dyke. She said that she saw two sites, and they both had painted signs in the windows. She indicated that she went right after the last meeting.

Ms. Abro stated that they can see out the windows.

Ms. West again indicated that there was stuff in the windows.

Ms. Abro was not sure what Ms. West was referring to but said that she would have to go out and look at it.

Mr. Abro asked when she went and looked at this and saw this.

Ms. West indicated that it was since the last meeting and reminded the petitioner that he had indicated they could go to the other sites to check them out.

Mr. Abro indicated that this has all been removed since then.

Ms. West indicated that if it has all been removed, that is good. She repeated that the Township does have a sign ordinance and wanted to make sure that the petitioner follows the ordinance.

Mr. Abro indicated that they do not have any signs or anything in the windows at this time except for the “OPEN” sign.

Mr. Spatafora then asked if it was the petitioner’s intent to keep the current tenants and keep the building occupied or if he was considering any expansion of this business. Mr. Spatafora was concerned that this could affect traffic, hours, etc.

Mr. Abro indicated that he has good leases and in fact the leases have been extended.

Mr. Spatafora asked specifically when the leases would expire.

Mr. Abro indicated that some have three and five-year leases.

Mr. Spatafora asked if it was the petitioner's intent to keep the building occupied as their landlord.

Mr. Abro replied yes.

Mr. Spatafora again thanked the petitioner.

Ms. Moseley asked if there were any other questions or comments from the Planning Commissioners. There were none.

Ms. Trombley indicated that she will make a motion to approve with the conditions that were cited at the last meeting, specifically indicating the hours of operation would be limited between 10 a.m. to 7 p.m. on Mondays through Saturdays and 10 a.m. to 5 p.m. on Sundays.

Mr. Abro indicated that he has nine other stores, and all of his stores are open from 9 to 9 Monday through Saturday and 10 to 6 on Sunday.

Ms. Trombley indicated that this (the limited hours) would be a requirement of Clinton Township.

Mr. Abro asked for a few extra hours to help the business out.

Ms. Trombley indicated that she did not believe this was something the Township would want, and her motion would have to include the hours as noted above.

Ms. Moseley asked that the conditions be outlined.

Ms. Trombley stated the conditions are as follows:

- 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 between 10 a.m. and 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.
- 4) There is no food to be served at the business. Coffee, water and/or tea can be served as complimentary beverages but are not to be sold.
  - 5) All requirements of the Planning Department and Building Department must be met prior to the issuance of the Certificate of Occupancy.

Ms. Trombley indicated that this would be her motion along with Mr. Spatafora's condition of repaving the parking lot, which is to be completed within 30 days.

Mr. DiBartolomeo seconded that motion.

At this point, Ms. West asked to show the petitioner pictures from her cell phone regarding the location with the signage in the windows.

Mr. Abro replied that all of the signs and paintings in the windows have been removed.

Ms. West indicated that she went right after the last meeting to the 22 Mile and Van Dyke location. She indicated that she will be visiting that location again to make sure that the signage in the windows has been removed. In addition, Ms. West informed the petitioner that the Planning Commission is a recommending body and that this item will also need to go to the Township Board. She indicated that she did not feel the Board would approve any extra hours for this store.

Motion by Ms. Trombley, supported by Mr. DiBartolomeo, with reference to File #17-1485 and application from Mr. Ghanim Abro, 4048 West Point Ct., Shelby Township, Michigan 48316, as represented by Ms. Fatin Abro, same address, concerning the proposed Special Land Use request for a business selling tobacco, e-cigarettes / vapors / related accessories in the B-1 Neighborhood Business District (The Tobacco Shoppe @ Sunset Plaza), located on 2.162 acres of land fronting the west line of Garfield Road and north of Canal Road, addressed as 42142 Garfield Road (Section 8), that recommendation be forwarded to the Clinton Township Board for approval of the special land use as submitted with the following conditions:

- 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 between 10 a.m. and 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.
- 4) There is no food to be served at the business. Coffee, water and/or tea can be served as complimentary beverages but are not to be sold.
- 5) All requirements of the Planning Department and Building Department must be met prior to the issuance of the Certificate of Occupancy.
- 6) The parking lot must be repaved within 30 days of receiving Township Board approval.

Roll Call Vote: Ayes – Trombley, DiBartolomeo, Brumbaugh, Deyak, Moseley, Opalewski, Spatafora, West. Nays – None. Absent – Charron. Motion carried.

Ms. Moseley reiterated that the Planning Commission is a recommending body, and this will be forwarded to the Township Board for their final determination. This will be placed on the August 14, 2017 meeting.

## **REPORT OF MEETING**

### **-- APPROVAL OF THE JUNE 22<sup>ND</sup>, 2017 REPORT**

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Motion by Ms. West, supported by Mr. Opalewski, to approve the report of the June 22<sup>nd</sup>, 2017 Planning Commission meeting as submitted. Roll Call Vote: Ayes – West, Opalewski, Brumbaugh, Deyak, Moseley, Spatafora, Trombley. Nays – None. Abstain – DiBartolomeo. Absent – Charron. Motion carried.

## **PLANNING COMMISSION SCHEDULE OF MEETINGS**

### **-- NEXT MEETING SCHEDULED FOR THURSDAY, JULY 27<sup>TH</sup>, 2017**

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Mr. Santia confirmed that there will be a meeting on June 13<sup>th</sup>, 2017, noting the only item anticipated on that agenda will be consideration of the Special Land Use request for Progressions Assisted Living, which was postponed from the June 8<sup>th</sup>, 2017 meeting. He mentioned that they need to visit their location in St. Clair Shores. Ms. Trombley will not be able to do so as she has a conflict. Mr. Santia indicated that perhaps one day next week they could all go and visit this location. Ms. Moseley indicated that she would have to go after work. Mr. Santia indicated that he has conflicts and would not be able to attend after work on Monday, Tuesday and Wednesday. Ms. West asked if Mr. Santia would like to go during the day. Mr. Santia was not sure if anyone else wanted to go or

was able to go; he asked if she had a specific time. Mr. Spatafora indicated that maybe a couple representatives could go and report back because of the difficulty of getting everyone together. It was recommended that Mr. Santia and Ms. West should go and visit the site and report back to the Planning Commissioners with their findings.

## **ADJOURNMENT**

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Motion by Ms. West, supported by Mr. Opalewski, to adjourn the meeting. Motion carried. Meeting adjourned at 6:55 p.m.

Respectfully submitted,

*Denise C. Trombley*

Denise C. Trombley, Secretary  
CLINTON TOWNSHIP PLANNING COMMISSION

kar:07/13/17  
Approved 07/27/17