

CLINTON TOWNSHIP PLANNING COMMISSION

REPORT OF MEETING

JANUARY 10TH, 2019

PRESENT: Kirkanne Moseley, Chairperson
Ronald DiBartolomeo, Vice-Chairperson
Denise C. Trombley, Secretary
Joe A. Aragona
Stephen Charron
Katherine Cherry
Lawrence Opalewski, Jr.
Daniel Spatafora

ABSENT: George Brumbaugh (Excused)

STAFF: Bruce Thompson, AICP, Director
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT

Ms. Moseley called the meeting to order at 6:30 p.m.

APPROVAL OF AGENDA

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

PART OF LOTS 39-40, INGLESIDE CENTER SUBDIVISION, BEING 0.903 ACRE OF LAND FRONTING THE WEST SIDE OF GRATIOT, NORTH OF WENDELL, ADDRESSED AS 37661 GRATIOT AVENUE (SECTION 23)

- **SPECIAL LAND USE: A RESALE FACILITY AND COFFEE SHOP IN THE B-2 COMMUNITY BUSINESS DISTRICT (JAVA JUNK)**
 - **REQUEST FOR RECOMMENDATION FOR APPROVAL**
- FILE #18-3607: PETITIONED BY MS. MARY CHRISTOPHER,
JAVA JUNK, LLC**
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Ms. Trombley read the letter into the record dated December 17th, 2018 from the Director of the Department of Planning and Community Development. She

advised that notice of this item on tonight's agenda was sent to 33 property owners located within 300 feet of the property in question, with 4 of those returned as undeliverable.

Ms. Mary Christopher, petitioner, 25986 Briar Towne, Chesterfield, Michigan 48051, replied to inquiry that she had nothing further to add to the documentation.

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

Mr. Ed O'Donnell, 37632 Ingleside, Clinton Township, Michigan 48036, homeowner directly behind the subject building, stated that while he is not averse to a new business going into this location, he complained that the yard is a mess. He took some photographs which he submitted to the Commission. He noted the previous tenant operated a thrift store at this location and anything not used was discarded in the back. He complained that there were piles of junk, and he would like to see some locking dumpsters in the back to keep "scrappers" or "pickers" from being in the alley late in the evening. He claimed he has witnessed people out there with flashlights digging through dumpsters in the middle of the night. He also felt these dumpsters would cut down on rodent population. Mr. O'Donnell complained that there is graffiti all over the walls behind the three buildings adjacent to each other, including Sunshine Thrift Store, the subject building and the Renter Center. He explained the photos were taken this past Tuesday. He reiterated he does not mind a new business going in, but he hoped they will be good neighbors and clean neighbors. He claimed his neighbors have 8-foot-tall fences but he has a masonry wall so he sees this mess whenever he looks outside in his rear yard. He questioned who he should speak with if it does not get cleaned up.

Mr. Aragona replied Mr. O'Donnell can talk to the Building Department, and he offered to talk with Mr. O'Donnell after the meeting about it. He advised there is a way to file a complaint on line so it is anonymous. He added that if the residents observe anyone outside with flashlights at night, he is confident the business owners would not want these individuals prowling either, so he suggested the residents contact the Police Department.

Mr. O'Donnell stated he has observed the police patrolling the property, but he admitted they cannot be there all the time.

Mr. Aragona stated he went on a ride-along with the police a little over a year ago, and he recalled they were cutting through to Gratiot, which enabled them to

keep an eye on the neighborhood. He indicated they are close, so he again urged the residents to contact the police.

Mr. Thompson inquired as to whether he can keep the photographs because he would like to speak with the Building Department Superintendent tomorrow morning and he can show him the pictures, explaining the situation so they can get code enforcement out to the site. He stressed it is the building owner's responsibility to maintain the property.

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

Mr. Opalewski inquired as to whether the petitioner can speak about her business, the proposed hours of operation and how the coffee shop and retail will fit together.

Ms. Christopher replied that she will be open the same hours as the other retail establishments in the center, which she estimated will be from 9 a.m. to 9 p.m. She clarified that it will be a carry-out coffee shop, and she will sell coffee-type beverages, including lattes and macchiatos. She assured it will be a clean thrift store, categorizing it as "the Art Van of thrift stores". She explained she has applied for a permit for a dumpster in the back, admitting that it is currently a mess behind the building. She felt being able to have a cup of coffee while shopping is a nice benefit for those shopping in the resale shop.

Mr. Opalewski inquired as to whether it will be limited to coffee and beverages, or whether Ms. Christopher intends on cooking food.

Ms. Christopher assured she is not going to be cooking any food at this facility. She added that she is working with a couple of non-profit organizations for pet rescue, and she will get donations through them, and in turn, will be sending them donations every month.

Mr. Charron stated one of his concerns is the definition of "junk". He cited the Salvation Army, located further south on Gratiot, where they have an easy entrance and drop-off point and the area is kept immaculate. He questioned whether those who make the donations get a portion of the money when the item is sold.

Ms. Christopher assured these are donations from people who no longer want the items, and she will sell them; however, a portion of the money she makes from the sales will be sent to the pet rescue organizations.

Mr. Charron stated that is admirable, but he questioned what happens if he drops off something that Ms. Christopher does not want.

Ms. Christopher assured she will re-donate it to someone else or fix it up by repairing or repainting it. She assured she will not be piling up anything in the back, and she was adamant that this will not be a “junky place”. She clarified that she will not be taking clothing or shoes, but will accept household goods such as tables, chairs, silverware, plates, etc.

Mr. Charron inquired as to whether there is a location inside the facility where the donations will be stored.

Ms. Christopher replied she has a back room measuring 1,100 square feet. She added she is considering a canopy in the back in the event people drop off donations after hours. She stated she is installing security cameras as well.

Mr. Charron stated if people drop off items after hours, then it will be piled up.

Ms. Christopher assured she will be bringing in the donations every morning and will not allow it to remain piled up outside.

Mr. Charron expressed concern that having items dropped off at night will result in a “reasonable nuisance”, and people will be there at night looking through the donations. What could start out as a nice pile of donations from someone could end up scattered all over the alley.

Ms. Christopher stressed she does not want that to happen and stated she will consider having donations only during business hours, or she will have a designated locked donation box on site.

Mr. Charron stated he would like to see the donations limited to the hours of operation because it can be monitored and will not become an eyesore or reasonable nuisance. He questioned how that can be reinforced.

Ms. Christopher offered to buy a storage unit. She indicated she recently purchased a garage, and she is willing to pick up donations and unload them herself. She suggested she could possibly put up a gate, but she assured she does not want junk everywhere.

Mr. Charron noted that residents do not often drive to the back of buildings, but he emphasized this building happens to be in very bad condition. Drop-offs of donations at night will add to that “shabbiness”.

Ms. Christopher stated she will not be advertising that donations can be dropped off in the back, but she can advertise and post in her window that donations are welcome during store hours.

Mr. Thompson explained the Planning Commission has the right to place reasonable conditions on a recommendation to the Township Board. If they feel a condition should be that no donations can be dropped off in the back, there are not to be any canopies, or the petitioner is to provide signage indicating donations are to be made only during normal business hours, that can be part of the recommendation.

Ms. Cherry questioned whether conditions such as that could be legally enforceable for the duration of the business in that location.

Mr. Thompson replied affirmatively if the Township Board approves the use with those conditions. If the conditions are not being upheld, the Township can issue a violation and revoke the Special Land Use approval.

Mr. Aragona also recalled that an ordinance was adopted about a year ago with regard to drop boxes because the Building Department Superintendent was finding that there were often several in one spot, and they were often being neglected. Based on this ordinance, he does not know whether the petitioner would be allowed to put a box in front of her business, and he did not believe a temporary storage facility would be permitted permanently behind the building.

Mr. Thompson assured he will look into it and did not feel it is conducive to a clean environment to allow any type of accessory structure to be permanently situated there. He felt Ms. Christopher's offer of having signage indicating the donations are to be made during business hours only, and not having any type of canopy or box for after-hours donations is the best scenario. He felt if it becomes a problem, the Planning Department and/or Building Department can get in touch with her to figure out a solution if things are occurring beyond her control. He appreciated the information, noting he is still new to the Township and learning a lot of the ordinances.

Mr. Aragona felt no drop-offs outside of the facility should be permitted. He questioned what let Ms. Christopher to choose this facility for her business.

Ms. Christopher replied it is a thrift store plaza, and generally thrift store shoppers love to go to more than one shop. She noted it has the foot traffic, and she felt having the added benefit of a coffee shop would be great.

Mr. Spatafora questioned whether she is leasing this space from the land owner or property manager.

Ms. Christopher replied she is leasing from the landlord, and she has already entered into the lease for five years.

Mr. Spatafora inquired as to whether the lease outlined any type of maintenance responsibilities for the exterior of the building, specifically related to graffiti.

Ms. Christopher understood from the landlord that he would be fixing up the parking lot and cleaning up the back area behind the building. She pointed out the area in question involves behind the three buildings and not just her building. She stated the dumpsters were overflowing, as well as the donation boxes. She assured she does not want to run her business that way and does not want the rats and mice that result from that type of neglect.

Mr. Spatafora felt that is commendable on the part of Ms. Christopher, but he indicated the responsibility should fall on the landlord, and he questioned whether he is doing all he can to maintain that area and minimize the graffiti, blight and littering.

Ms. Christopher agreed the back of the building looks bad but she has not seen any effort on behalf of the landlord to fix it up. She felt there is no reason it should look that way. She replied to inquiry that she never discussed the condition of the property with the landlord before signing the lease because she did not see the back of the building prior to signing. She indicated according to her lease, the landlord is responsible for the common areas. She also noted that there does not appear to be any power in the back, because the lights have not been on.

Mr. Spatafora did not know if what Ms. Christopher wants to do in the back will make a difference when looking at the entire property. He felt the problem is bigger than that. She recalled he had told her he or his maintenance crew would clean it up, and she indicated that, although he did not give her a date when that was supposed to be done, she will push him to do it.

Ms. Moseley stated the public hearing has been closed, but she added that she will allow the concerned resident to speak again briefly.

Mr. O'Donnell questioned whether they can stipulate that landscaping be added, or possibly a barrier between the commercial and residential be added. He understood that the petitioner wants to make the appearance behind her unit look nice, but he added that will not help the appearance behind the other abutting buildings. He reiterated his neighbors have 8-foot fences, but he has a 6-foot masonry wall. He would like a barrier so he does not have to look at it.

Ms. Trombley suspected the landlord told Ms. Christopher he would clean it up so she would sign the lease. She agreed a barrier would be great for the abutting residential property owner, but she pointed out that cannot be done by the petitioner because it is not her building. She questioned whether the owner

will be receiving a violation that would enable the Township to require some type of barrier.

Mr. Thompson stated that is the good thing about public hearings because they are made aware of situations for which they have not been made aware. He assured he will pass this information on to the Building Department, adding that graffiti and junk and debris in the back are blight issues. He is confident the Building Department will contact them once they are aware the property has not been properly maintained. He stated he has no problem talking to the landlord. A 6-foot wall is the requirement, but whether the Township Board can make them do more may not be possible. The addition of more landscaping would be difficult because the area is mostly pavement. They may be able to look at additional screening in the long term, but in the short term, he will talk with the Building Department.

Ms. Christopher appreciated the support from the Planning Department.

Ms. Cherry questioned whether the fact that the property is not being properly maintained can be taken into consideration when determining whether or not to recommend approval for the Special Land Use request.

Mr. Thompson replied it could be a consideration but the four standards listed in his Planning report are what need to be met. There is a certain amount that is out of the petitioner's control, and it would not be appropriate to penalize the petitioner for lack of maintenance by the landowner; however, that is something that can be addressed through code enforcement. He reiterated the Planning Commission's recommendation needs to be made based on the four standards listed in the ordinance, which are included in his letter to the Commission.

Motion by Mr. DiBartolomeo, supported by Mr. Opalewski, with reference to File #18-3607 and application from Ms. Mary Christopher, Java Junk LLC, 25986 Briar Towne, Chesterfield, Michigan 48051, concerning the proposed Special Land Use request for a resale shop and coffee shop to be located in an existing retail center in the B-2 Community Business District (Java Junk), located on Parts of Lots 39-40, Ingleside Center Subdivision, being 0.903 acre of land fronting the west line of Gratiot, north of Wendell, addressed as 37661 Gratiot, that recommendation be forwarded to the Clinton Township Board for approval of the Special Land Use as requested, subject to donations only being collected during normal business hours. Roll Call Vote: Ayes – DiBartolomeo, Opalewski, Aragona, Charron, Cherry, Moseley, Spatafora, Trombley. Nays – None. Absent – Brumbaugh. Motion carried.

1.18 ACRES OF LAND FRONTING THE EAST SIDE OF HEYDENREICH, SOUTH OF HALL ROAD, ADDRESSED AS 44990 HEYDENREICH (SECTION 4)

- **SPECIAL LAND USE: A MASSAGE THERAPY FACILITY IN THE B-3 GENERAL BUSINESS DISTRICT (LUCKY THERAPEUTIC MASSAGE @ POINTE VILLAGE PROFESSIONAL BUILDING)**
 - **REQUEST FOR RECOMMENDATION FOR APPROVAL**
- FILE #18-3283: PETITIONED BY MS. SHAOPING WONG, LUCKY THERAPEUTIC MASSAGE**
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Ms. Trombley read the letter into the record dated December 17th, 2018 from the Director of the Department of Planning and Community Development. She advised that notice of this item on tonight's agenda was sent to 86 property owners located within 300 feet of the property in question, with 25 of those returned as undeliverable. She read a letter of concern received from Calvin Hsieh, DDS. She passed the photos that were included in the letter to the other Planning Commissioners.

Ms. Christina Chen, 1972 Bloomfield Drive, Bloomfield Hills, Michigan 48302, stating she is serving as interpreter for the petitioner, Ms. Shaoping Wong. She indicated she has been working with the Township Clerk regarding interviews and meetings relating to applications and licensing for massage parlors.

[Stenographer's note: From this point, all of the comments as interpreted by Ms. Chen will be reflected in the minutes as being stated by Ms. Wong].

Ms. Shaoping Wong, petitioner, stated she used to live in Los Angeles and moved to Michigan in 2015. She used to work in a restaurant, and a friend invited her to learn the massage technique. She had the idea to open her own massage therapy facility, and she is still taking training courses every Tuesday and Thursday. She felt massage therapy is very important because it is helpful to people who work hard, are exhausted, and it creates relaxation of stress from the physical body.

Ms. Moseley stated this is a public hearing because it is a Special Land Use request.

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

Mr. Dan Uslacovich, owner of a CPA firm in the same building since 2005, questioned whether this business has been operating with a permit. He also expressed concern that the hours of operation far exceed the business hours posted on the building. He claimed they are operating

until 10:30 or 11:00 p.m., sometimes later. He did not feel the signage in their windows is appropriate for the area, and he commented that his staff pointed out to him that the majority of clientele entering the subject business is comprised of middle-aged men. He explained neighboring businesses are trying to run their businesses in a professional manner, and he has people coming in to get their taxes done, but it is embarrassing to be located adjacent to a business with this type of signage. He questioned who goes to get a massage at 10:30 or 11:00 p.m. He took pictures of the signage, even capturing the flashing signage on video, and he showed the pictures/video to the Planning Commissioners on his phone. He classified it as “unseemly” and replied to inquiry the video was taken around 9 p.m., after the hours of operation were supposed to be over. He explained he often works late because he is the owner of the CPA firm and their work is never-ending. He submitted a letter from his neighbor in the building, expressing her objections as well.

Ms. Trombley read the letter dated January 10th, 2019 into the record from Ms. Cheryl Young, 44990 Heydenreich, Suite D, Clinton Township, Michigan 48038, a real estate broker who runs a property management company, expressing her objection to the signage for the subject business. She felt the signs cheapen the area and reflect badly on the respected businesses that she handles. She claimed the massage business has moved to the front office since June 2018 and she does not believe they are following the rules for Special Land Use. She urged the Planning Commission to deny this request.

Mr. Uslacovich confirmed that the massage therapy facility has moved to another location inside the building. He questioned whether the Building Department has inspected their new location. He reiterated his objection to the type of signage and did not feel it is appropriate for the neighborhood and not conducive for the businesses in that area. He added he was glad the dentist wrote a letter of objection, noting he was going to talk to him but has not had the time to do so. He stressed his biggest concerns are the hours of operation and the signage. He felt the hours should be restricted. He pointed out there is one shared sign at the street, and all of the businesses share that sign, and he assumed they would need a permit to change that sign. He clarified that he is not anti-business and is actually pro-business but he strongly believed there should be standards.

Mr. Brandon Young, 50820 Mile End Drive, Shelby Township, Michigan 48317, expressed his concern regarding the signage. He commented that it is bad when people who come into his office crack jokes about it. He noted the massage therapy facility is located in their old office, but his firm moved to the back so they have no control over it. Mr. Young questioned how Ms. Wong can own and run a massage therapy facility when she is

still taking classes and is not yet licensed as a massage therapist, yet he claimed she has been operating for the last year-and-a-half. He stressed he could not operate his business as a real estate agent without a license.

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

Mr. DiBartolomeo explained at one time he sat on the Ordinance Update Committee when they went through a segment dealing with signage, and he believed the current signage is not in compliance. He requested that be investigated. He questioned how this business can be in operation for a year-and-a-half without the petitioner coming to them before this for a Special Land Use request.

Mr. Thompson replied that he does not believe this petitioner has been operating. She is going to be the new operator and the ordinance requires that if ownership changes under a previously-approved Special Land Use, the new owner must come before the Planning Commission and Township Board to get a new Special Land Use approval. He added that whoever operated the business prior to this has nothing to do with this applicant, although he indicated the petitioner can clarify that. He explained the licensing process, noting they have to be licensed through the Clerk's office. The Clerk's office will not license them to operate and the Building Department will not issue a Certificate of Occupancy until she can prove her employees are licensed massage therapists in the State of Michigan. He replied to further inquiry that the Planning Commission has to make the determination whether or not to allow this petitioner this particular use in this location. He clarified that, should the Planning Commission recommend approval and the Township Board approves the request, the petitioner will have to follow through with the licensure from the Clerk's Office and through inspection with the Building Department prior to obtaining a Certificate of Occupancy (C of O). He informed that this petitioner came to the Planning Department to get a Zoning Verification form signed, as every business is required to do prior to getting a C of O, but it could not be signed because it requires a Special Land Use. She therefore pursued a Special Land Use approval as well as a license through the Clerk's Office, so this is the first step.

Mr. Aragona inquired as to whether Ms. Wong is the previous owner.

Ms. Wong replied no, but that she now knows the previous owner.

Mr. Aragona questioned whether Ms. Wong previously worked at this location.

Ms. Wong replied yes.

Mr. Aragona questioned whether Ms. Wong knows the workers in this location.

Ms. Wong replied that she now owns the business and she needs to watch the store.

Mr. Aragona questioned whether the business is currently operating.

Ms. Wong replied yes.

Mr. Aragona questioned how this business is operating if she does not yet have her license.

Mr. Thompson replied they should not be operating if she does not have Special Land Use approval and she is not licensed. He suspected the assumption was because she applied for Zoning Verification and applied to the Clerk's Office, that she was going to operate this business. He stressed this information being presented tonight is different than what was being purported to the Planning Department.

Mr. Aragona stated that, according to one of the business owners who spoke this evening, the previous owner of the massage therapy facility was either in another section of the building and moved to another section or expanded into another section. He questioned whether the approval is for a particular zoning district, or whether the approval applies to a specific address.

Mr. Thompson confirmed that the approval is for a specific petitioner and a specific address. He stated he can go to the Building Department to find out what the current business is approved for from the standpoint of C of O. If they are not in the location for which they were initially approved, that is also a problem. He assured he will contact the Building official tomorrow morning.

Mr. Charron stated he has a problem with this entire request. He noted they are being asked to approve a business that should not be in operation but has been operating without the proper approvals. He visited the outside of the building in the daytime, and agreed the signage is inappropriate for the area. He stressed he cannot vote in favor of this and it should not be in operation. He was concerned that people can come into the Township and think they can operate a business without following required procedures. He stated he would like to make a motion to deny the Special Land Use request.

Mr. Aragona agreed with Mr. Charron and had a conversation earlier today with Mr. Thompson. The question he brought up today is if there is a special land use granted for a business that is eventually sold, how can the Township deny that use for the next owner. He is not sure that Special Land Use was ever granted in the past for this particular location. He stated he would be willing to support Mr. Charron's motion to deny the request.

Motion by Mr. Charron, supported by Mr. Aragona, with reference to File #18-3283 and application from Ms. Shaoping Wong, Lucky Therapeutic Massage, 44990 Heydenreich Road, Clinton Township, Michigan 48038, concerning the requested Special Land Use to permit a massage therapy facility in the B-3 General Business District (Lucky Therapeutic Massage @ Pointe Village Professional Building), on part of 1.18 acres of property fronting the east line of Heydenreich, south of Hall Road (Section 4), addressed as 44940 Heydenreich Road, that recommendation be made for denial of the Special Land Use as requested. Discussion ensued.

Mr. Charron felt they need to talk to the owner of this building and explain the criteria for allowing businesses and the steps that need to be taken for someone to place their business in the Township. He felt it is not up to the Township officials to go into each and every business in the Township to assure compliance, and the building owners have that responsibility they owe to this community.

Mr. Aragona agreed.

Mr. DiBartolomeo agreed and stated he saw the facility. He did not recall a Special Land Use request for that use coming before this Commission. He felt that business needs to be shut down immediately because it is not running legally.

Mr. Spatafora requested Mr. Thompson explain to the petitioners what they need to do for proper compliance so that if they decide to come back before this Commission again, they will know what they have to have before it comes to the Planning Commission.

Mr. Thompson explained they have that information. He explained the two processes for starting any business is to go through the Zoning Verification process so the Planning Department can determine whether the proposed use is permitted for that zoning district, and then it goes to the Water Department so they are aware water billing will change. It then goes to the Building Department, and the Building Department conducts the necessary inspections. They will ultimately get a C of O, but there are certain businesses that require licensure through the Clerk's Office, including massage therapy, car lots, billiard and coin-operated arcade machines. The Building Department will not issue a C of O until they receive confirmation from the Clerk's Office that the licensure has been approved. He confirmed the petitioner took those steps. Based on what he is hearing, that is not the issue, but the issue is that the petitioner is operating prior to those procedures being completed. If she was not operating, she would be going through the proper procedures, so this is somewhat "after the fact". He assured he will be passing this information to the Building Department tomorrow morning.

Ms. Trombley questioned how the petitioner chose the name “Lucky Massage”.

Ms. Wong explained that she likes the name “lucky” because she feels it will bring her a good fortune for her first start.

Ms. Trombley questioned whether the petitioner will be able to come back and go through the process because she is going through the required steps, except she “put the cart before the horse”.

Mr. Thompson replied the Planning Commission is a recommending body. They can make whatever recommendation they see fit, but that does not deny the petitioner her right to go forward to the Township Board if that is her desire. He noted they need to have a discussion with the petitioner and let her know where she is in the process. She has the right to move forward to the Township Board regardless of whether this Commission recommends approval or denial.

Ms. Trombley is aware that the Township cannot tell someone what to name their business, but she felt “Lucky” is not an appropriate name to be associated with a massage facility.

Mr. Aragona questioned when the petitioner decided to purchase this business.

Ms. Wong replied she came here in 2018 to look at the business.

Mr. Spatafora questioned whether Ms. Wong has any employees operating in her business at this time.

Ms. Wong replied she has one employee “for now” who is a licensed massage therapist.

Mr. Spatafora inquired as to whether Ms. Wong is currently doing any type of massage therapy.

Ms. Wong replied no, because she is still in school taking classes for it.

Mr. Spatafora questioned whether it is just the one therapist and Ms. Wong who are there during the current hours of operation.

Ms. Wong confirmed that is correct.

Mr. Spatafora inquired as to whether there are any additional employees that are operating there during the hours of operation, including any hours after 8 p.m.

Ms. Wong confirmed there are just two people: herself and the licensed massage therapist.

Mr. Spatafora questioned whether Ms. Wong came to the Planning Department or the Building Department to apply for any type of Zoning Verification when she purchased the business last October.

Ms. Wong questioned whether it was the department upstairs. She stated went to the Planning Department, but more discussion took place as to when that occurred. She recalled she applied in November.

Mr. Thompson confirmed application for Special Land Use approval was received by the Planning Department on October 19th, 2016. After looking at it closer, it was determined that was the application for the previous massage therapy facility. He confirmed that the recent Special Land Use application was received on December 3rd, 2018 for Lucky Therapeutic Massage.

Ms. Cherry questioned whether they have the authority to postpone this, or to request the petitioner to withdraw. She felt if there is the intention to run a legitimate business according to the rules, she would hate to recommend denial; however, she does not want to recommend approval at this time with all of the outstanding issues.

Mr. Thompson stated the Planning Commission has the option to postpone so they can get more information or request the Planning Department obtain more information. He confirmed, upon looking at the old file, that the Planning Commission reviewed the Special Land Use request for the former massage therapy owner in a public hearing held on December 8th, 2016. The Township Board approved it, and their Certificate of Approval was issued on January 25th, 2017.

Mr. Charron questioned whether the massage therapy facility was in a different location of the building when it was under the ownership of the previous owner. He thanked the business owners who came forward tonight to express their concerns. He also inquired as to whether the neighbors have noticed an irregularity as to the hours of operation with this facility compared to that of the previous owner.

Mr. Uslacovich replied affirmatively, noting it was in a different location of the building. He felt this location is more obvious because of its location and the flashing lights. It is in the front part of the building.

Mr. Young stated the former business faced the businesses in the back, and their windows were not loaded with logos.

Ms. Trombley inquired as to how late the former business would stay open.

Mr. Uslacovich stated they are open late. He explained as a CPA firm, they were always trying to catch up, and they had to leave the doors unlocked, which caused some concern for him because he has women who work in his office. He recalled they were open late under the former ownership, and it is just as late now under the new ownership, possibly worse.

Ms. Trombley explained that the Planning Commission generally places stipulations on hours of operation for businesses like this. She recommended that the neighbors contact the Township if they notice these late hours in the future, because they may be in violation of the specified hours during which they can be open.

Mr. Charron agreed, stated in all of the Special Land Use requests he can recall, there has never been one where one of the Planning Commissioners has not asked the petitioners about their hours of operation.

Mr. Uslacovich questioned who they can check with at the Township regarding what is permitted for “normal hours of operation”.

Mr. Thompson explained the request is being made by the petitioner, so she would indicate what her hours of operation would be; however, there is not one specific standard for Special Land Use. There are different uses which fall under “Special Land Use”, so hours of operation are on a case-by-case basis. He pointed out that hours of operation can vary greatly for permitted uses, and he recalled when gas stations and 7-Eleven stores closed at night, but many are now open twenty-four hours. Hours of operation between businesses vary greatly, but he pointed out Mr. Charron had indicated the Planning Commission has been consistent in seeking out this information for Special Land Use requests so that it is made public and part of the record.

Mr. Uslacovich reviewed the concerns of the other business owners in the area and ranked those concerns as: 1) signage; 2) hours of operation; and 3) operating without a permit. He agreed the name “Lucky” portrays the wrong image. He stated he knows professional massage therapists, but he felt this business does not portray that professionalism.

Ms. Moseley inquired as to the current hours of operation.

Ms. Wong clarified that “Lucky” is a business name for licenses and permits, but it does not appear on any signage. She replied to inquiry that their hours of operation are from 10 a.m. to 9 p.m.

Ms. Moseley inquired as to whether Ms. Wong or her employee are ever there later than 9 p.m.

Ms. Wong replied it happens occasionally but it is not usual.

Mr. Spatafora stated that, although the Planning Department indicated the minimum conditions for Special Land Use are met, there are four additional conditions that must be met when considering approval of a Special Land Use request, and he felt there has been enough evidence presented to lead him to believe that at least two of those are not being satisfied. He cited the third condition, where he felt “periods of operation” and the signage, with its blinking lights, are both creating a “nuisance”. He also pointed out that the first condition requires the business to be “in harmony with the appropriate and orderly development of the surrounding area”, and he did not feel that is being met. He cautioned that, based on those conditions not being met, the Planning Commission, as a recommending body, may want further information or may want to take action different than approval this evening.

Ms. Trombley inquired as to whether Ms. Wong advertises her business.

Ms. Wong replied she advertises on Google. She replied to further inquiry that her Google ad and her business cards do not have the name “Lucky” included, and only “Therapeutic Massage” is used.

Ms. Moseley stated a postponement of this would be acceptable to her.

Mr. Aragona agreed, and questioned whether Mr. Charron would like to amend his motion on the floor.

Mr. Charron stated he did not want to rescind his motion, stressing the business is operating and has no license to operate at this time. He felt the applicant has been in this country long enough to realize there are certain procedures and obligations when opening and running a business. He felt the Township needs to look at this tomorrow morning as to how and why this business is operating. He felt they need to talk to the landlord to find out why he is leasing an illegal operation in his building. He clarified that is his feeling as a citizen of the Township, and as a Planning Commissioner, he will only vote to deny this request.

Mr. Spatafora questioned whether the Township has the authority to shut the business down as soon as tomorrow.

Mr. Thompson assured he will notify the Building Department first thing tomorrow morning, but he does not know their procedures.

Mr. Spatafora questioned, if this Commission votes to deny because the business is operating illegally, whether the petitioner would come back and reapply for Special Land Use once the necessary steps have been taken and

more information is obtained that may be requested by the Building and/or Planning Departments.

Ms. Wong assured she will come back.

Mr. Spatafora advised Ms. Wong that the Township may shut her business down, possibly as soon as tomorrow.

Ms. Wong stated that, since she has already taken steps to get her license, she will have to reapply to meet the requirement.

Mr. Charron stated he has reconsidered his motion and would be willing to withdraw it if it is the wishes of the Planning Commission to postpone.

Mr. Charron withdrew his motion, and Mr. Aragona withdrew his support.

Motion by Ms. Cherry, supported by Mr. Aragona, with reference to File #18-3283 and application from Ms. Shaoping Wong, Lucky Therapeutic Massage, 44990 Heydenreich Road, Clinton Township, Michigan 48038, concerning the requested Special Land Use to permit a massage therapy facility in the B-3 General Business District (Lucky Therapeutic Massage @ Pointe Village Professional Building), on part of 1.18 acres of property fronting the east line of Heydenreich, south of Hall Road (Section 4), addressed as 44940 Heydenreich Road, to postpone further consideration of this request so the petitioner has the opportunity to talk with the Building Department and the Planning Department to determine the steps that need to be taken. Discussion ensued.

Mr. Thompson replied to inquiry that he would not recommending a postponement to a specific date.

Ms. Wong replied to inquiry that she understands this is being postponed, and she further understands that she will need to work with the Building and Planning Departments.

Roll Call Vote: Ayes – Cherry, Aragona, Charron, Moseley, Opalewski, Spatafora, Trombley. Nays – DiBartolomeo. Absent – Brumbaugh. Motion carried.

Mr. Spatafora questioned whether the petitioner will be permitted to continue her operation during that time.

Mr. Thompson assured he will contact the Building Department in the morning, and the Building Superintendent will make that determination.

Mr. Spatafora commented that, with the comments and concerns expressed tonight by some of the other tenants in the building, one could argue it is a nuisance.

Mr. Aragona stated he will also be making a phone call tomorrow.

Mr. Charron advised the concerned business owners present that if this comes back to the Planning Commission, they have the right to come back. He questioned Mr. Thompson whether they will be notified.

Mr. Thompson replied to inquiry he is not going to commit to renotification to owners/occupants within 300 feet of this property, adding they have to determine what is going to happen next, but he suggested anyone interested can contact him, and he will make them aware of how it is proceeding.

LOT 13, SUPERVISOR'S PLAT #2 SUBDIVISION (SECTION 35), LOCATED AT THE NORTHWEST CORNER OF 14 MILE & HARPER AVENUE (3.54 ACRES), ADDRESSED AS 33431 HARPER AVENUE

- **SPECIAL LAND USE: A MASSAGE THERAPY FACILITY IN THE B-3 GENERAL BUSINESS DISTRICT (SIMPLE MOVEMENTS @ ROYAL PLAZA)**

-- **REQUEST FOR RECOMMENDATION FOR APPROVAL
FILE #18-6103: PETITIONED BY MS. LYNN FISCHER,
SIMPLE MOVEMENTS, LLC**

Ms. Trombley read the letter into the record dated December 17th, 2018 from the Director of the Department of Planning and Community Development. She advised that notice of this item on tonight's agenda was sent to 85 property owners located within 300 feet of the property in question, with 12 of those returned as undeliverable.

Ms. Lynn Fischer, petitioner, indicated she had nothing to add to the documentation. She replied to inquiry that she has been a massage therapist for twenty years, and she completed schooling in physical therapy, so she has a doctorate in physical therapy as well. She explained she has not been able to pass her board exam although she has taken it a number of times, so she stressed this is her other avenue to combine yoga, massage, dance into the studio where she is currently holding yoga classes. She emphasized that she loves what she does and wants to bring it to the community. Ms. Fischer explained she grew up in Detroit, moved to Colorado where she lived for fourteen years, and she has now returned to the area after the passing of her husband four years ago.

Mr. Charron stated he would like to make a simultaneous motion to open and close the public hearing since there is no one in the audience.

Motion by Mr. Charron, supported by Mr. Aragona, to open and close the public hearing, in light of the fact there is no one present in the audience. Roll Call Vote: Ayes – Charron, Aragona, Cherry, DiBartolomeo, Moseley, Opalewski, Spatafora, Trombley. Nays – None. Absent – None. Motion carried.

Mr. Charron inquired as to whether Ms. Fischer's business is currently in operation.

Ms. Fischer replied she offers yoga in her studio, and that is at the same location.

Mr. Thompson replied to inquiry that she does not need special land use approval for yoga, but if she wants to add massage therapy services, she needs the special land use approval.

Ms. Trombley observed that there is a large yoga studio on Garfield, between 17 Mile and 18 Mile Roads, is a massage/yoga studio and she felt it has been successful for them.

Motion by Ms. Trombley, supported by Mr. Charron, with reference to File #18-6103 and application from Ms. Lynn Fischer, Simple Movements LLC, 33431 Harper Avenue, Clinton Township, Michigan 48035, concerning the proposed Special Land Use to incorporate a massage therapy business into an existing yoga studio located on Lot 13, Supervisor's Plat #2, being a part of 3.54 acres of land located at the northwest corner of 14 Mile and Harper, addressed as 33431 Harper (Simple Movements @ Royal Plaza), that recommendation be forwarded to the Clinton Township Board for approval of the Special Land Use as requested. Roll Call Vote: Ayes – Trombley, Charron, Aragona, Cherry, DiBartolomeo, Moseley, Opalewski, Spatafora. Nays – None. Absent – Brumbaugh. Motion carried.

Ms. Moseley stated the Planning Commission is a recommending body, and this matter will be forwarded to the Township Board for their meeting on February 4th, 2019 for their final consideration.

Discussion took place regarding the flyer Ms. Fischer distributed regarding her yoga classes.

Mr. Charron inquired as to whether the correct price is indicated, noting it says \$25 for 25 days, with the first one free. He clarified he is asking for his wife and inquired as to the time of the classes.

Ms. Fischer replied that she has a schedule on her website. She admitted the \$25 is an amazing cost, but she clarified it is an introductory package.

Mr. Spatafora inquired as to whether Ms. Fischer has yoga instructors at her studio.

Ms. Fischer replied affirmatively.

PLANNING COMMISSION ANNUAL REPORT
-- APPROVAL OF ANNUAL REPORT FOR 2018

Mr. Thompson explained that the Municipal Planning Act of the State of Michigan, Public Act 33 of 2008, requires that the Planning Commission make a report to the Township Board each calendar year regarding their activities and the motions made the previous year. One of the duties of the Planning Department is to put that report together, and he explained they each have a draft copy in front of them. He outlined some of the data from the report:

- 21 Site Development Plan requests
- 9 Special Land Use requests
- 8 Rezoning requests
- 9 Conditional Rezoning requests
- 1 Text Amendment
- Total of 48 cases

He urged the Planning Commissioners to let him know if they feel any corrections need to be made to these reports going forward because this is the Planning Commission's report. He explained he can put additional information in or make changes to the report next year if the Commission so desires. He requested if they are satisfied with the report, that they make a motion to forward this report to the Township Board for their information.

Mr. DiBartolomeo noticed that everyone's full name was included, and he requested his name be reflected as "Ronald A. DiBartolomeo" rather than "Ron DiBartolomeo".

Ms. Moseley felt this is a great report, and it provides them with a nice summary of the year.

Ms. Trombley agreed, commending Mr. Thompson on the nice job he did on the report.

Motion by Mr. Spatafora, supported by Mr. Opalewski, to forward the 2018 Planning Commission Annual Report to the Township Board, with the change requested by Mr. DiBartolomeo. Roll Call Vote: Ayes – Spatafora, Opalewski, Aragona, Charron, Cherry, DiBartolomeo, Moseley, Trombley. Nays – None. Absent – Brumbaugh. Motion carried.

ELECTION OF OFFICERS

- **CHAIRPERSON**
 - **VICE-CHAIRPERSON**
 - **SECRETARY**
-

Ms. Trombley stated they have handled all three positions in one motion before, so she would like to nominate Ms. Kirkanne Moseley as Chairperson and Mr. Ronald DiBartolomeo as Vice-Chairperson; however, she indicated she would like to step down from the position of Secretary for personal reasons and nominate Ms. Katherine Cherry as Secretary.

Mr. Opalewski stated he has only been here for two years, but he felt all three officers have done a tremendous job. He commented that the meetings are very orderly and thorough. He thanked Ms. Trombley for her service as she is stepping down. He assured he has no objections to Ms. Cherry being appointed as Secretary.

Ms. Trombley felt she will do a great job.

Ms. Cherry stated she appreciates their confidence.

Motion by Mr. Spatafora, supported by Ms. Trombley, to reelect Ms. Kirkanne Moseley as Chairperson, Mr. Ronald DiBartolomeo as Vice-Chairperson, and to elect Ms. Katherine Cherry as Secretary to the Clinton Township Planning Commission. Roll Call Vote: Ayes – Spatafora, Trombley, Aragona, Charron, Cherry, DiBartolomeo, Moseley, Opalewski. Nays – None. Absent – Brumbaugh. Motion carried.

REPORTS OF MEETINGS

- **APPROVAL OF DECEMBER 13TH, 2018 REPORT**
-

Motion by Ms. Moseley, supported by Mr. Charron, to approve the minutes of the December 13th, 2018 Planning Commission meeting. Roll Call Vote: Ayes – Moseley, Charron, Cherry, Trombley, Spatafora. Nays – None. Absent – Brumbaugh. Abstain – DiBartolomeo, Opalewski. Motion carried.

PLANNING COMMISSION SCHEDULE OF MEETINGS

- **NEXT MEETING SCHEDULED FOR THURSDAY, JANUARY 24TH, 2019**
-

Mr. Thompson stated the next Planning Commission meeting is scheduled for Thursday, January 24th, 2019. He indicated they will be considering the following three items that are anticipated to be on that agenda:

- Site Plan for an additional building at the Italian American Cultural Center, located west of Romeo Plank Road, north of Partridge Creek Boulevard. He indicated this plan came into the office today, and it may be on the next agenda.
- Site Plan for Windermere Equestrian Center Addition at Dunham and Heydenreich. He indicated they have not yet submitted their revised site development plans so they may or may not be on the next agenda.

ADJOURNMENT

Motion by Mr. Charron, supported by Mr. Brumbaugh, to adjourn the meeting. Motion carried. Meeting adjourned at 8:18 p.m.

Respectfully submitted,

Denise C. Trombley

Denise C. Trombley, Secretary
CLINTON TOWNSHIP PLANNING COMMISSION

ces:01/13/19

ces:01/15/19

Approved 01/24/19