

# CLINTON TOWNSHIP PLANNING COMMISSION

REPORT OF MEETING

FEBRUARY 14<sup>TH</sup>, 2019

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

**ABSENT:** Stephen Charron (Excused)

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

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

## APPROVAL OF AGENDA

Motion by Mr. Spatafora, supported by Mr. Brumbaugh, to approve the agenda as submitted. Roll Call Vote: Ayes – Spatafora, Brumbaugh, Aragona, Cherry, DiBartolomeo, Moseley, Opalewski, Trombley. Nays – None. Absent – Charron. 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) IN SECTION 30)**

- **PROPOSED CONDITIONAL REZONING: B-1 NEIGHBORHOOD BUSINESS TO B-3 GENERAL BUSINESS FOR A RETAIL DEVELOPMENT WITH A DRIVE-THRU RESTAURANT (15 MILE RETAIL)**
  - **REQUEST FOR RECOMMENDATION FOR APPROVAL (POSTPONED FROM APRIL 12<sup>TH</sup>, 2018)**  
**FILE #18-6802: PETITIONED BY MR. DOMINIC BACALL, W EQUITIES LLC**  
**REPRESENTED BY MR SHAKIR W. ALKHAFI, W EQUITIES LLC**
-

Ms. Cherry explained this was postponed from April 12<sup>th</sup>, 2018, noting there is no additional correspondence. She advised that notice of this meeting was mailed to 79 owners and/or occupants of property located within 300 feet of the land in question, with none of those returned as undeliverable.

Mr. Thompson informed that the petitioner was not present, so at this point he felt the appropriate action would be to postpone this item to the next regular Planning Commission meeting. He confirmed the petitioner was notified of tonight's meeting, and although he is not sure why the petitioner is not present, they cannot have presentation and discuss the case without the petitioner present.

Discussion took place regarding whether this should be postponed or whether they should wait a few minutes to see if the petitioner is running late.

Mr. Brumbaugh agreed they can wait a few minutes, but his inclination would be to deny rather than postpone if the petitioner does not show up. He pointed out this is an inconvenience for a lot of people, and he felt the petitioner can resubmit.

Mr. Paul Pizzurro, 35291 Silver Maple Drive, Clinton Township, Michigan 48035, secretary of their homeowner's association, recalled that the original plan called for two drive-thru facilities, but they were assured at a subsequent meeting between the condominium association and the petitioner that they would only be proposing one drive-thru.

There was some general informal discussion regarding the driveways leading to the site and the abutting condominiums, as well as meetings the petitioner held with representatives from the abutting condominium association.

The petitioner and his representative arrived at 6:37 p.m., and they apologized for arriving late.

Mr. Randy Martinuzzi, 29580 Northwestern Highway, Southfield, Michigan, explained they originally came in requesting two drive-thru restaurants. They have eliminated one of those and used the extra space to create a nice patio area. He questioned whether the Planning Commission has been provided a copy of the revised site plan.

Mr. Thompson replied the revised plan has been provided to the Planning Commissioners.

Mr. Martinuzzi explained they were requested by the Commission last April to meet with the abutting condominium association, and he indicated a letter has been submitted from the Brookside Village Condominium Association, indicating they agree with the proposed plan. He added that they want to have final

approval on the landscape plan along the north and east sides of the property to confirm they have adequate landscape buffering, which are the 10-foot to 12-foot trees of a mixed variety, with some of those being spruce and pines.

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

Ms. Virginia Fiore, President of Brookside Village Condominium Association, confirmed they met with Mr. Martinuzzi and his partners, and they are happy with everything as proposed in the revised plan. She expressed one item of concern, noting when they first met with Mr. Martinuzzi, they were told the landscape buffer would consist of 10-foot to 12-foot evergreens, but a month ago, they met with Mr. Martinuzzi's partner, who indicated that would be too expensive so they reduced it to 8-foot evergreens. Ms. Fiore stated she wants to make sure they will be 10-foot to 12-foot in height, as originally promised.

Mr. Martinuzzi assured they will be 10-foot to 12-foot in height because that is what he originally committed to.

Ms. Moseley indicated they will take all of the questions from the audience and will then try to get those questions answered.

Mr. Steve Upshur, property owner immediately east of the subject parcel [address: 16155 15 Mile Road], stated he has not heard about buffers. He questioned whether the 10-foot to 12-foot trees will be planted along the side of the property as well as along the back of the property. He noted he is concerned about the side because he owns an acre abutting that property.

Ms. Moseley stated they will try to get that question answered for Mr. Upshur.

Mr. Upshur also inquired as to what this development will do to the surrounding property values.

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

Mr. Martinuzzi addressed the question regarding the height of the trees. He explained he had committed to the homeowner's association that the trees would be 10- to 12-feet in height. At a subsequent meeting when he was not present, the height of 8 feet was mentioned. He assured that they will be able to plant the

10- to 12-foot spruces. With respect to Mr. Upshur's concern, he explained there is a greenbelt along his entire property. He indicated when they come in for final site plan approval, they will have trees along the back and the side.

Mr. Aragona questioned whether Mr. Martinuzzi is referring to the greenbelt along the east side of the property rather than the back of the property.

Mr. Martinuzzi clarified the property is an L-shaped parcel, so it would be along the north property line, and from the detention pond, through the dumpsters and along the west property line. He questioned whether Mr. Upshur is the property owner to the east or the west of the subject parcel.

Mr. Upshur replied he borders the east side of the subject property.

Mr. Martinuzzi explained that the eastern border of the subject property is already lined with trees and a fence. They have no intention of doing anything else. He added Silver Maple Drive is along that side, and that is an easement, so everything they do would be on the greenbelt between Silver Maple Drive and their parking area. The trees would extend all the way back around to the detention pond. They also discussed having the trees in front of the detention pond so they could enjoy the aesthetic value of the detention pond. He explained they will work that out in the final site development plan. The trees would then come around the corner and extend down the west property line of their property, noting they have had some conversation with the property owner directly to the north. He added they will have trees along that property line. He assured they have had multiple meetings with the homeowner's association, and everything has been very professional and productive. He believed they would have to provide screening as part of their regular site development, so he did not feel they are committing to anything above and beyond what they are legally obligated to do, other than possibly the height of the trees.

Mr. Aragona commented it sounds like there are already trees and a fence along the eastern border, but the northern borders and the western face will also be lined with trees.

Mr. Upshur questioned whether the trees and fence referred to along the east property line are his own trees and fence.

Mr. Martinuzzi replied affirmatively. He clarified there will be trees along the island, although those may be arborvitae because it is a 10-foot greenbelt so they will need to make sure it does not interfere with the parking or the drive.

Mr. Aragona questioned as to the plans for the detention basin.

Mr. Upshur expressed concern that, although the condominiums look nice, he recalled the former builder had agreed to plant trees along the back,

and that was never done. He wants to make sure the agreements reached on this development are adhered to.

Mr. Martinuzzi assured that the landscaping is all part of the agreement for the Conditional Rezoning, and he was confident that it will all be done, and the Township will make sure of it.

Mr. Pizzuro stated that, in their meetings, they talked about the trees on the south side of the detention basin, as well as along the west and the east. He explained since they have houses directly behind the detention basin, they did not want more trees between the detention basin and the homes.

Mr. Martinuzzi stated they intend to put the trees in between their parking area and the detention basin.

Mr. Aragona inquired as to whether that is an acceptable condition for both parties.

Mr. Martinuzzi and Mr. Pizzuro both replied affirmatively.

Mr. Aragona inquired as to the grade of the detention basin.

Mr. Martinuzzi replied he does not know the grade.

Mr. Aragona noted he was talking with the Planning Director earlier, and if the grade is steep, a fence will be required by Ordinance.

Mr. Martinuzzi stated if it is required, they will put it in, but he was fairly certain the neighbors would prefer not to have a fence.

Mr. Aragona inquired as to whether they have any tenants lined up for this retail center.

Mr. Martinuzzi referred this question to Mr. Alkhafaji, of W Equities. Mr. Alkhafaji replied they are currently working with Keystone Partners, which is a leasing firm, and they are working with the principal owners. The full marketing package was just prepared for this property, and they already have a lot of interest, from coffee users to a cell phone store. They are getting interest from all types of users, and they are confident that they will be able to lease the center in no time. He replied to inquiry the renderings were submitted.

Mr. Martinuzzi stated they recently completed a center with these same renderings.

Mr. DiBartolomeo inquired as to whether there is stacking room for a drive-thru coffee shop.

Mr. Martinuzzi assured they have adequate stacking on their preliminary site plan, adding that the loading zone is segregated from the stacking area. They also designated it as a one-way traffic area so they would have no issues.

Mr. DiBartolomeo inquired as to whether this is still considered a Conditional Rezoning.

Mr. Thompson replied affirmatively. He explained the Planning Commission saw this proposal in April 2018, and although he was not Planning Director at that time, he has spoken with the petitioner as well as representatives from the condominium association, and he has reviewed the file. He noted the colored elevations, the site plan and landscape plan have all been presented already to this Commission. At that meeting, the Commission postponed it so the petitioner could provide correspondence from the abutting condominium association, as well as written correspondence from the Macomb County Department of Roads with regard to the driveway design change and using the existing driveway and easement. He stated they have a letter from the Department of Roads, and he added he spoke with one of the traffic engineers, who assured him they are satisfied with the revision to the plan. Mr. Thompson stated the Fire Marshall was the only other correspondence they needed to address from a Planning standpoint to ensure they have appropriate access around the site for emergency vehicle access. He spoke with the Fire Marshall directly, who indicated he is satisfied with the revised plan. Mr. Thompson noted he has heard several references this evening from the petitioner that they will be bringing back a final site plan for approval by the Commission, and he clarified that is not the case. He pointed out this is a Conditional Rezoning, which rezones the property to the plan as submitted. The Township Board will receive the Planning Commission's recommendation, along with correspondences from this evening and the Site Plan package they reviewed in April. He requested the Planning Commission consider including in their motion they get back from the petitioner a revised landscape plan that shows the 10-foot to 12-foot-high evergreens on the south side of the pond, as the homeowner's association had indicated, and the additional screening along the buffer strip so that can be part of the Site Plan package that goes on to the Township Board. The Board will then have the entire updated package, and if they choose to approve the Conditional Rezoning, they will automatically be approving the site plan. The developer is then being committed to agree to the development precisely as indicated on the plans in the package. An agreement is then formulated, reviewed by the Township Attorney's office, signed by the Township and the developer, and it is recorded at the County. It is the official record when the developer submits for engineering and building permits, and subsequent inspections.

Mr. Martinuzzi appreciated Mr. Thompson providing him with the details of the procedure because this is his first time in Clinton Township. He commented that it seems like less “red tape” with the way they approach it. He understands if this is recommended for approval today, he will need to submit the revised landscape plans. He questioned whether they will need the calculations for the detention pond as well because if there is additional screening required, it should be on the plan.

Mr. Thompson replied that he had a discussion with Mr. Aragona earlier today and they were looking at the differences between detention and retention ponds, and what the abutting property owners can expect to look at. One of the discussions they had was the requirements the County has if it is greater than a one-on-four slope. If it is one foot of depth for every four feet of width or less, the County typically requires a fence around the pond for safety reasons. The Township and the developer have to follow the County’s regulations, which are specified in one of the Township ordinances. He noted that is typically an engineering issue, and if they had that information now, it would be fine. Unless the site is fully-engineered up front, which the petitioner has indicated it is not, it will have to be decided post-Conditional Zoning approval. He assured the Planning Department will be working with the Township Engineer to make sure the appropriate fencing is there if needed. He commented that, given the size of the area, he felt it will likely be a less than one-on-four slope. He clarified that full-scale engineering plans are not required at this point.

Mr. Martinuzzi stated they are short nine parking spots and will need to seek a variance for that.

Mr. Thompson stated they were not made aware of that, and he will need to contact the Planning Department tomorrow. He reminded this is a site that came to the Commission before he was with the Township, so he does not know the history of it. He added the Planning Commission can recommend approval contingent on obtaining the necessary variance.

Mr. Martinuzzi assured he will contact Mr. Thompson tomorrow to make sure he submits a Zoning Board of Appeals application. He respectfully requested that the Planning Commission recommend approval contingent on the conditions established today.

Ms. Moseley commended the petitioner for doing a great job in meeting with the residents and getting their input and concerns. She felt it is important, and she is glad they were able to meet and work out a mutually-agreeable solution.

Ms. Trombley recalled in the past, the procedure has been to seek variances before going to Planning Commission.

Mr. Thompson explained that, as the new Planning Director, he has started to make changes from a site development review standpoint to how they communicate with departments and looking at how presentations will be made at the Planning Commission level, noting the presentations will be made by the Planner. One of the issues he is changing is that the site development plans will come to the Planning Commission first, they will review them, and if variances are necessary, he will request the Planning Commission approve it subject to the variances being granted. If the Board of Appeals opts to not grant the variances, they will sit back down with the developer. He informed that is the way he is used to doing it, and it is fairly consistent with the procedure for other communities. He stressed it is always better to be able to eliminate variances when possible, and his goal is to not have variances. He added that, if variances are necessary, the petitioner can then go to the Zoning Board of Appeals. He stated he spoke with the Township attorney to make sure they would not be in violation of the Zoning Board section of the Zoning Ordinance, because the Zoning Ordinance has regulations that dictate what the Zoning Board does. He claimed the Township Attorney was comfortable with changing that procedure. He acknowledged that there will be times when variances are necessary, especially when it is a community that is in its final stages of development. In this particular case, he noted this development started prior to his being employed by the Township.

Mr. Martinuzzi stated he likes that method, noting it helps developers as well so they can work through the development and only obtain the variances that are needed.

Mr. Brumbaugh questioned how many parking spaces will be provided.

Mr. Martinuzzi replied there are 113.93 parking spaces required, and they have 103. He explained they have the endcap, which is 1,824 square feet and typical for a coffee shop, but they do not want to have to come back and indicate they are five spaces short. They have also allocated 3,000 square feet for a standard restaurant, such as a Jimmy Johns or something similar. They anticipate getting two or three small businesses on this site. He calculated they have 12,000 square feet and 40% to 42% of that is reserved for restaurants. They based their calculation of being short nine parking spaces based on that formula. He stressed they would not want any problems leasing, where if they were a few spaces short, that they would have to come back and address it later. He admitted they may not actually need the variance for the nine spaces because they do not have the units leased at this time.

Mr. Alkhafaji stated they do not know the make-up of the tenants yet but wanted to make sure if they get a restaurant interested in leasing, they want to make sure they have the variance ahead of time to accommodate the use. He admitted they may have more retail and not as many restaurants, but they want to be prepared to lease to either.

Motion by Mr. Aragona, supported by Mr. Opalewski, with reference to File #18-6802 and an offer from Mr. Dominic Bacall, W Equities LLC, 29580 Northwestern Highway, Suite 1000, Southfield, Michigan 48034, as represented by Mr. Shakir W. Alkhafaji, W. Equities, 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, from B-1 Neighborhood Business to B-3 General Business for the development of a retail center with a drive-thru restaurant and the site plan for 15 Mile Retail, aka W Equities LLC, that recommendation be forwarded to the Township Board for approval of the Conditional Rezoning and Site Development Plan as presented, contingent upon the petitioner obtaining a variance for the number of parking spaces and also a revised landscape plan being submitted to the Planning Department prior to this being forwarded to the Township Board. Roll Call Vote: Ayes – Aragona, Opalewski, Brumbaugh, Cherry, DiBartolomeo, Moseley, Spatafora, Trombley. Nays – None. Absent – Charron. Motion carried.

Ms. Moseley explained the Planning Commission is a recommending body, and this will be forwarded to the Township Board for their final consideration once a variance is obtained from the Board of Appeals and a revised landscape plan is submitted to the Planning Department.

## **REPORTS OF MEETINGS**

### **-- APPROVAL OF JANUARY 24<sup>TH</sup>, 2019 REPORT**

Motion by Ms. Trombley, supported by Mr. Spatafora, to approve the minutes of the January 24<sup>th</sup>, 2019 Planning Commission meeting. Roll Call Vote: Ayes – Trombley, Spatafora, Aragona, Brumbaugh, Cherry, DiBartolomeo, Moseley, Opalewski. Nays – None. Absent – Charron. Motion carried.

## **PLANNING COMMISSION SCHEDULE OF MEETINGS**

### **-- NEXT MEETING SCHEDULED FOR THURSDAY, FEBRUARY 28<sup>TH</sup>, 2019**

Mr. Thompson stated the next Planning Commission meeting is scheduled for Thursday, February 28<sup>th</sup>, 2019. He indicated they will be considering the following two items that are anticipated to be on that agenda:

- A Site Development Plan for 1-800-Self-Storage.com. He indicated a larger facility owned by the same company was recently approved for a site on Hall Road, and they purchased a smaller parcel on Hall Road, east of Maddelein, to construct four buildings for standard cold storage. He noted their other facilities offers climate-controlled storage.
- A Revised Site Development Plan for AHI Senior Living. He explained this site development, to be located east of Garfield, north of Canal, received

approval but the valid period of their site plan expired. They want to extend that and also want to add another story, so they are coming back with a revised plan to add a fifth story to the building. Mr. Thompson stated that, at the suggestion of the Township Supervisor, he sat down with the developer and negotiated a better-looking building and site, including more brick and landscape amenities.

Mr. DiBartolomeo inquired as to whether they will have the same number of parking spaces.

Mr. Thompson replied their parking will increase as a result of adding another floor. They also have to provide an area designated as future parking in the event that this facility ever transitions from a senior housing use to traditional apartments. He assured it will meet or exceed all ordinance requirements.

Mr. Thompson indicated the following items are also anticipated to be on the February 28<sup>th</sup> agenda:

- A Site Development Plan for the addition of a building at the Italian American Cultural Center, located on Romeo Plank Road and Partridge Creek Boulevard. He noted that a rezoning of that property is also being requested. The petitioners want to construct a second building that will serve more as an office/classroom. He noted the property is currently zoned RML Multiple-Family Residential and that zoning district does not allow the use that is currently on the property. He does not know how it occurred, but felt the appropriate zoning needs to be provided for the property so that in the future, if they want to expand or refinance, the site will be compliant; therefore, a rezoning request for this property from RML to B-3 General Business will also be on the next agenda.

Mr. DiBartolomeo questioned whether the site could be rezoned to B-2 Community Business rather than B-3 General Business.

Mr. Thompson replied no, indicating the B-3 District is the first district in the Township where that use is permitted.

Mr. DiBartolomeo stated he is nervous about a B-3 zoning because it opens it up to a lot of uses that they may not want.

Mr. Thompson assured he has had discussion with the petitioners and there is no intention to do anything beyond what they are currently doing. He pointed out this is not a standard retail site and is somewhat of a metamorphosis of its previous use. He stressed they need to make sure the uses they are planning are appropriately zoned. He explained that, under the current zoning, they could not submit for site plan approval because it would be considered expansion of a non-conforming use. Mr. Thompson also reminded that many of the “undesirable” uses in the B-3 General Business District fall under the Special

Land Use requirement, so the Township still has the ability to deny certain requests if they feel the uses are not appropriate for the area, based on applying the criteria to determine whether a Special Land Use is suitable for a specific site.

Discussion took place regarding the process when a site development plan comes in.

Mr. Thompson also pointed out that just because he is the planner and brings something forward that was submitted does not mean the Commission has to agree, and if they do not feel comfortable, they do not need to recommend approval. He assured he tries to put the best foot forward and will do his best to bring forward what he feels will be the best plan, but the Commission always has the ability to postpone if they would like to see changes, or they can recommend denial.

Mr. Brumbaugh recalled the former golf course had a clubhouse that held banquets. He inquired as to what changed to require a different zoning, and how that use could have been allowed in a residential district.

Mr. Thompson replied that golf clubs are allowed in residential districts, but this is no longer a golf course. He felt that was the assumption when the Italian American Cultural Center took it over.

Mr. Brumbaugh agreed it is time to “clean up” the zoning, just as much for their benefit so that it is a conforming use.

Discussion took place regarding options that are available.

Mr. Thompson replied that, in cases where the Planning Commission does not feel comfortable granting a rezoning of a property, a property owner has the option to go to the Board of Appeals to seek a variance to allow expansion of a non-conforming use. He felt they would have to continue to do that each time they want to make a change, and he did not believe that is the best option.

Mr. Brumbaugh inquired as to what the expansion is for.

Mr. DiBartolomeo replied that they have outgrown their facility. The club is still there, but because of the expansion of their banquet facility, there is no longer classroom space for their club to meet, offer Italian classes, etc. The purpose of the new building is for the society or club, to house their classrooms, meeting facility and office. The existing building will be used exclusively for banquets, and this is a proposal for a completely separate building to serve their club. He noted they looked at different locations but they felt the best place is where they are looking now.

Mr. Thompson noted that topography is an issue as well, with wetlands and a drain running through the site. The building being proposed as a separate building and not an addition to the existing building has a lot to do with the topography of the land.

Mr. Thompson noted the last item is as follows:

- Fifth Third Bank (15 Mile/Gratiot). He explained their plan came before this Commission before, was approved but has since expired. They are coming back. He explained they went to the Zoning Board of Appeals first and received four or five variances. When he met with them recently, they sat down and looked at the plan, and were able to reduce the number of variances down to only one variance needed. The Planning Commission will be looking at the Site Plan first and will be requested to recommend approval contingent upon the petitioner obtaining the variance from the Board of Appeals. They are scheduled to be on the Board of Appeals on March 20<sup>th</sup>, requesting only one of the previous variances that was granted.

Mr. Thompson felt the best way is to have the Planning Commission plan the site, and then send it to Board of Appeals if necessary, prior to it going to Township Board.

## **ADJOURNMENT**

Motion by Mr. Spatafora, supported by Ms. Cherry, to adjourn the meeting. Motion carried. Meeting adjourned at 7:31 p.m.

Respectfully submitted,

*Katherine Cherry*

Katherine Cherry, Secretary  
CLINTON TOWNSHIP PLANNING COMMISSION

ces:02/19/19

ces:02/20/19

Approved 02/28/19