

CLINTON TOWNSHIP PLANNING COMMISSION

REPORT OF MEETING

MARCH 8TH, 2018

PRESENT: Kirkanne Moseley, Chairperson
Denise C. Trombley, Secretary
George Brumbaugh
Michael Deyak
Lawrence Opalewski Jr.
Daniel Spatafora

ABSENT: Ronald DiBartolomeo, Vice-Chairperson (Excused)
Stephen Charron (Excused)
Joie West (Excused)

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

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

APPROVAL OF AGENDA

Motion by Ms. Moseley, supported by Mr. Deyak, to postpone Item #5 – Work Session Concerning the Medical Marihuana Facility Licensing Act (MMFLA) to the March 22nd, 2018 meeting. Roll Call Vote: Ayes – Moseley, Deyak, Brumbaugh, Opalewski, Spatafora, Trombley. Nays – None. Absent – DiBartolomeo, Charron, West. Motion carried.

Motion by Mr. Deyak, supported by Mr. Brumbaugh, to approve the agenda as amended, with the deletion of Item #5. Roll Call Vote: Ayes – Deyak, Brumbaugh, Moseley, Opalewski, Spatafora, Trombley. Nays – None. Absent – DiBartolomeo, Charron, West. Motion carried.

2.29 (PART OF 9.7) ACRES OF VACANT LAND LOCATED AT THE NORTHWEST CORNER OF 18 MILE AND GARFIELD ROADS (SECTION 7) (PART OF PARCEL #16-11-07-476-003)

- **CONDITIONAL REZONING: A REQUEST TO CONDITIONALLY REZONE A PARCEL OF LAND CURRENTLY ZONED RML MULTIPLE-FAMILY RESIDENTIAL (LOW-DENSITY) FOR DEVELOPMENT OF VERUS DEVELOPMENT RETAIL (WITH DRIVE-THRU RESTAURANT), WHICH IS A B-3 GENERAL BUSINESS USE**
 - **REQUEST FOR RECOMMENDATION FOR APPROVAL OF CONDITIONAL REZONING AGREEMENT / SITE PLAN**
FILE #17-6772A: PETITIONED BY MR. FRANK ARCORI, VERUS DEVELOPMENT GROUP
REPRESENTED BY MR. TIM PONTON & MR. MICHAEL PANNELL, STONEFIELD ENGINEERING & DESIGN, LLC
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Ms. Trombley read the letter into the record dated March 1st, 2018 from the Director of the Department of Planning and Community Development. She advised that notice of this public hearing was issued by regular mail to 220 owners and/or occupants within 300 feet of the land in question, with 17 of those returned as undeliverable.

Mr. Tim Ponton, of Stonefield Engineering and Design LLC, explained they are the designers for this project. He explained they went before the Board at the end of last year with a proposal to develop the corner parcel. At that time, they were trying to rezone the remainder of the property from RML Multiple-Family Residential (Low-Density) to RMH Multiple-Family Residential (High-Density), but they received a significant amount of feedback from residents in the area who did not seem to be on board with their application. He noted they later met with the management company of the abutting condominium community, they listened to all of the concerns of the residents, and are now coming forward with a simpler proposal. They have eliminated the portion of the property they were seeking for multiple-family development, and are proposing retail for the 2.29-acre parcel at the corner of 18 Mile and Garfield. He advised that anything taking place with the remainder of the parcel will have to come back to the Planning Commission at a later date, and he reiterated this is for the corner only. He explained that the 2.29-acre parcel equates to 1.5 usable acres because of the rights-of-way. Mr. Ponton explained their original proposal was for a gas station and store; however, there was resistance from the neighbors with regard to a gas station, so they have revised their plans. They are now proposing a 7,000 to 8,000-square-foot combination of retail and fast-food casual. As part of the Conditional Rezoning proposal, they will agree to limit it to three users. This use is consistent with the Master Plan for Future Land Use, which designates the area as business or office use.

Mr. Ponton explained that if the Planning Commission recommends approval of a Conditional Rezoning this evening, the petitioner will have to submit a site development plan that will be reviewed and will have to come back to the Planning Commission for further review and details of the overall site plan. He explained that this is located at the northwest corner of 18 Mile and Garfield, which is one of the busiest intersections in Clinton Township, so it makes sense that this corner would be developed with a commercial use. He outlined the existing development in the surrounding area, which includes a gas station, FedEx, Midas Muffler, Tubby's and Taco Bell across Garfield to the east, a gas station, CVS Pharmacy and a retail shopping center across 18 Mile to the south, a bank, multi-tenant strip center and O'Reilly's Auto Parts on the east side of Garfield, south of 18 Mile. He pointed out that commercial uses are already established in the area. He explained they have cut down on the depth of the subject parcel in order to keep a further distance from the residential developments to the west. He assured they plan on screening the rear of the 2.29-acre site with trees and evergreens. He reviewed the list of issues that must be addressed during this phase, as outlined in the letter to the Planning Commission, and explained how this proposal fits in the area. He assured they are willing to limit the drive-thru to a lower-volume business, and he is confident that the benefit of this development to the area outweighs any possible detriment.

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

Mr. Dean Enrici, 16620 Chris Drive, Clinton Township, Michigan 48038, expressed concern about empty storefronts along Garfield, and felt this should be examined before allowing new buildings to be constructed. He pointed out that K-Mart is now empty, as well as many of the units in the local strip malls. He cited the illicit massage therapy facility that was shut down on Hayes, and expressed concern that the area is decaying. He hoped the Planning Commission will keep the future in mind when they consider this request, and he felt Garfield “is starting to look like a miniature Groesbeck”, adding that the shape of the road is worse than Groesbeck.

Mr. Andy Cumaro, 38615 Bramham, Clinton Township, Michigan 48038, questioned what type of restaurant is being proposed for the subject property.

Mr. Brian Charet, 16630 Brookwood, Clinton Township, Michigan 48038, questioned whether the Township has conducted a traffic study along Garfield. He complained that residents already pay high auto insurance rates due to the number of accidents in the area. He was concerned that another drive-thru restaurant will bring in more traffic, and he questioned

whether the Township is prepared to install more traffic signals so the residents of Garfield Manor can get in and out of their subdivision. He questioned whether the fast-food restaurant will have direct access to 18 Mile as well as Garfield, and he questioned the design of the driveway and traffic flow on the site.

Ms. Barbara Herring, 41335 Donna, Clinton Township, Michigan 48038, stated she is president of the Garfield Manor Condominium Association. She complained that eastbound traffic on 18 Mile Road often backs up to their entrance and beyond, and with the additional traffic that the proposed development will bring, the residents in Garfield Manor will be unable to turn out of their subdivision. She questioned whether the developer intends to put in a wall, landscaping or both along the west property line of the subject parcel. She emphasized that the neighbors want safety first, and she was concerned that the area cannot handle any more traffic.

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

Ms. Moseley inquired as to whether Mr. Ponton knows what restaurant will go in this development.

Mr. Ponton replied that he took notes on the residents' questions, so he will try to answer as many as he can. He stated he cannot address Mr. Enrici's comments about empty storefronts throughout the Township, but he can only address this corner. He stated they do not yet have a specific business to go into the drive-thru location, but they will be targeting a coffee shop, sandwich shop or fast casual. He commented that there is a lot of traffic congestion in the area, with or without their development. They have met numerous times with representatives from the County's Department of Roads, and he explained there will be an ingress/egress on both 18 Mile and Garfield. He emphasized that this is a low-impact development, with all three uses having different peak times. He pointed out one of the uses may be busiest during the morning hours, while another will be busier later in the day. Mr. Ponton explained it has been estimated that between 70% and 80% of trips generated here will be captured from the passersby, and it will not be a destination location. He stated the overall distance from the rear of the property proposed for development to the closes house is approximately 200 feet. He reiterated that they will be planting trees or tall evergreen shrubs along the western property line so the residents' views will be buffered with regard to this site.

Mr. Brumbaugh commented that the correspondence was very general for the proposed use being a "coffee shop or sandwich shop". He inquired as to whether a Starbucks or a Biggby's would be considered low-impact.

Mr. Santia replied it would be low-volume compared to a Burger King or Taco Bell. He noted that Tim Horton's would also be considered lower volume.

Mr. Brumbaugh inquired as to whether Jimmy John's could be considered a "sandwich" shop.

Mr. Santia replied affirmatively. He explained this is a general plan that shows retail and drive-thru use with another restaurant-type use. He admitted it is very general at this point, but they are asking for a Conditional Rezoning, and all uses will be specifically outlined when the detailed site development plan is submitted and reviewed by the Township's reviewing agents. He noted that they can make more specific comments at that time.

Mr. Brumbaugh felt that one of the conditions of the rezoning is particularly general and subjective, where it specifies that "the applicant stipulates that the site will be equivalent or better than those in the immediate area with regard to elevation, quality, aesthetics and landscaping".

Mr. Santia clarified that one example of that could mean requiring all brick rather than allowing partial siding.

Mr. Spatafora inquired as to whether Mr. Ponton represents the owner of the remaining parcel as well as this corner parcel.

Mr. Ponton replied affirmatively.

Mr. Spatafora inquired as to the type of landscaping being proposed.

Mr. Ponton replied they are proposing a 10-foot wide area of landscaping with trees and tall evergreen shrubs. He replied to further inquiry that the distance is 196 feet to the residential properties. They are taking this development one step at a time, noting that they had interest from a gas user but had to cancel commitment with that user because it was not in the best interest of the community. Before the owners market this property, they need assurances that they can build this proposed development on this location.

Mr. Spatafora questioned when Mr. Ponton anticipates the corner being developed.

Mr. Ponton replied that, as far as the small corner parcel, they anticipate they will break ground this summer, noting the faster they get their approval, the sooner they will be able to get started with the project. They would like to have the development completed before winter. He replied to further inquiry that his client is currently maintaining the surrounding property as well and will continue to do so.

Mr. Spatafora inquired as to a detention basin.

Mr. Ponton replied that a detention basin is required, but he reminded they are only here tonight for the corner parcel, so it will be independent of the surrounding property which is also owned by his client.

Mr. Opalewski noted that the Planning Department has recommended approval of this site development plan. He addressed the comment that there are a lot of vacancies in the commercial strip centers along Garfield, and he questioned how the Planning Department takes that into consideration.

Mr. Santia admitted that they do not like to see vacancies, but as far as K-Mart, they have been working with the owner in California to come up with some creative uses. He added that the big box stores are on their way out, but he noted they could possibly get medical retail or climate-controlled mini-storage. They are currently looking at the other parcels that are vacant and are trying to market them to national retailers. He reminded that this is a vacant parcel owned by an individual or corporation, and they have the right to develop it. He added that the Township does not have a good basis for denial, and it is their right to develop their land. He assumed the owner has done market studies and is confident they can fill the space, and he indicated the Township welcomes the development. Mr. Santia understood that the Township has vacancies, but he pointed out that sometimes new development helps bring improvements to older developments in the area. He noted that someone is making plans for improvements to the former Burger King. He cited the former Arby's on the east side of Garfield, adding that someone is looking at renovations to upgrade the façade. He was confident this will gradually create additional development and improvements to other businesses in the area.

Mr. Ponton agreed that it builds momentum in an area when there is a new development.

Mr. Opalewski commented that the proposed plan is far less impactful of a use than what was originally proposed last year, and he felt it shows a lot of good faith on behalf of the owner.

Mr. Brumbaugh inquired as to what will happen to Parcel "A", which is the abutting parcel to the north and west of the subject site.

Mr. Santia anticipated it will be some type of multiple-family use. In November 2017, the owner was looking at RMH Multiple-Family Residential (High-Density). The did not get too far and experienced a lot of resistance. The owner and representative met with some of the condominium owners and their management group, and ended up coming back with this plan for the corner parcel only. He

did not know what it will look like until they present something, and he felt there is room for at least a driveway with condominiums, or apartments.

Mr. Spatafora noted the right-of-way is 176 feet.

Mr. Ponton explained that they could have come in with a development that would have taken up the entire Garfield frontage and petitioned for commercial, which would have fit in with the Master Plan. Instead, they are only petitioning a Conditional Rezoning for a small portion and leaving the remaining land as RML, noting that if they feel the market changes, they will come back with a new plan. He stressed they do not feel they are greedy with this, noting they have been very fair in taking the concerns of the residents into consideration.

Mr. Spatafora inquired as to whether the owner has potential leases for this property.

Mr. Ponton replied that they have not taken this to market. They are hoping for favorable discussion this evening, and they will take the parcel to market and hopefully have a more specific idea when they submit their plans for review.

Mr. Spatafora inquired as to whether the applicants intend to sell the development once it is built, or whether they intend to lease it.

Mr. Ponton replied he assumed it will be a land lease. He also mentioned he would like some flexibility on the second condition listed in the letter to the Planning Commission, as read earlier by Ms. Trombley. He noted that “the applicant details the footage of the building as 6,960 square feet” and he would like to specify “the applicant details the footage of the building as less than 8,000 square feet”.

Mr. Santia stated Mr. Ponton will have to narrow down the square footage because a Conditional Rezoning will require a specific site development plan. He felt if the petitioner comes up with specific plans that vary slightly but it meets all of the other requirements, he felt it will most likely not be a problem.

Motion by Mr. Spatafora, supported by Mr. Opalewski, with reference to File #18-6772A and application from Mr. Frank Arcori, Verus Development Group, 28454 Woodward Avenue, Royal Oak, Michigan 48067, as represented by Messrs. Tim Ponton and Michael Pannell, Stonefield Engineering & Design, LLC, same address, concerning the proposed Conditional Rezoning of 2.29 (part of 9.7) acres of land located at the northwest corner of 18 Mile and Garfield Roads (Section 7), that a request be granted for consideration of a Conditional Rezoning of the property, currently zoned RML Multiple-Family Residential (Low-Density), to allow a retail development with a drive-thru restaurant, which is a B-3 use, and a Site Plan for Verus Development Retail (with a drive-thru fast-food restaurant) based on the four (4) stipulations outlined in the correspondence, including the

stipulation that only retail and a low-volume drive-thru business, such as a coffee shop or sandwich shop, will be built. Roll Call Vote: Ayes – Spatafora, Opalewski, Brumbaugh, Deyak, Moseley, Trombley. Nays – None. Absent – DiBartolomeo, Charron, West. Motion carried.

Ms. Moseley advised that the Planning Commission voted in favor of considering the offer of a Conditional Rezoning, based on the items set forth in the correspondence. She informed the petitioner that they will need to submit eleven (11) copies of detailed site development plans and landscape plans, as well as two (2) copies of the building elevations and floor plans, for further review by the Planning Department and other reviewing agencies before being resubmitted to the Planning Commission for their further review and recommendation to the Township Board.

PART OF LOT 1, SUPERVISOR'S PLAT OF CANAL-GARFIELD SUBDIVISION (SECTION 7), BEING 3.715 ACRES OF VACANT LAND LOCATED AT THE SOUTHWEST CORNER OF 19 MILE AND GARFIELD ROADS (PARCELS #16-11-07-227-010, -011 AND -012)

- **CONDITIONAL REZONING: A REQUEST TO CONDITIONALLY REZONE A PARCEL OF LAND CURRENTLY ZONED B-2 COMMUNITY BUSINESS FOR DEVELOPMENT OF CAMPUS COLLECTION (WITH TWO DRIVE-THRU FAST-FOOD RESTAURANTS), WHICH IS A B-3 GENERAL BUSINESS USE**
 - **REQUEST FOR RECOMMENDATION FOR APPROVAL OF CONDITIONAL REZONING AGREEMENT / SITE PLAN**
- FILE #18-6807: PETITIONED BY MR. EUGENE D'AGOSTINI,
GARFIELD NINETEEN INVESTMENTS
REPRESENTED BY MR. JOERGE HENSEL, MODE DEVELOPMENT**

Ms. Trombley read the letter into the record dated March 1st, 2018 from the Director of the Department of Planning and Community Development. She advised that notice of this public hearing was issued by regular mail to 84 owners and/or occupants within 300 feet of the land in question, with 15 of those returned as undeliverable.

Mr. Eugene D'Agostini, Garfield Nineteen Investments, 38700 Van Dyke, Suite 200, Sterling Heights, Michigan 48312, explained that about a year ago, they requested rezoning of this property to B-2 Community Business in an attempt to conform to the Master Plan for a more modest commercial zoning; however, this petition comes from the fact that in today's commercial environment, many uses for B-2 or B-3 zoning require a drive-thru lane. He stated the convenience factor of that drive-thru is important to the business function and survival in this market, and that is why they are seeking the B-3 zoning designation. He assured they intend to develop this property with B-2 uses in mind, but the need for them to offer drive-thru is critical to the healthy success of the development.

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

Mr. David Stiteler, 42668 Royal Lane, Clinton Township, Michigan 48038, stated his concern is the driveway location because it is on a corner. He noted that was discussed during the previous item on tonight's agenda for the 18 Mile/Garfield intersection, and he pointed out that the 19 Mile/Garfield intersection has even heavier traffic. He hoped the entrance off of Garfield will be as far south as possible and possibly providing a cross-access agreement along the rear of the properties to maximize traffic flows. He hoped the Department of Roads will look at the site closely to determine whether they will allow left turns out onto Garfield and/or 19 Mile Road.

Ms. Sharon Gladych, 42724 Royal Lane, Clinton Township, Michigan 4838, expressed concern about the traffic and noise level. She recalled having trouble with the noise coming from Ernie's after they built their outside patio area. She did not know what kind of restaurant is being proposed, but she is not looking forward to going through the aggravation once again.

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

The Planning Commissioners had no questions or comments.

Motion by Ms. Trombley, supported by Mr. Deyak, with reference to File #18-6807 and application from Mr. P. Eugene D'Agostini, Garfield Nineteen Investments, 38700 Van Dyke, Suite 200, Sterling Heights, Michigan 48312, as represented by Mr. Joerge Hensel, Mode Development, same address, concerning the proposed Conditional Rezoning of part of Lot 1, Supervisor's Plat of Canal-Garfield Subdivision (Section 7), being 3.715 acres of vacant land located at the southwest corner of 19 Mile and Garfield Roads, that a request be granted for consideration of a Conditional Rezoning of the property, currently zoned B-2 Community Business, to allow a two-building retail development with two (2) drive-thru restaurants, which is a B-3 use, and a Site Plan for Campus Collection (with two drive-thru restaurants) based on the four (4) stipulations outlined in the correspondence, including the stipulation that only lower-volume drive-thru businesses, such as coffee shops and sandwich shops, will be allowed. Roll Call Vote: Ayes – Trombley, Deyak, Brumbaugh, Moseley, Opalewski, Spatafora. Nays – None. Absent – DiBartolomeo, Charron, West. Motion carried.

Ms. Moseley advised that the Planning Commission voted in favor of considering the offer of a Conditional Rezoning, based on the items set forth in the correspondence. She informed the petitioner that they will need to submit eleven (11) copies of detailed site development plans and landscape plans, as well as two (2) copies of the building elevations and floor plans, for further review by the Planning Department and other reviewing agencies before this will be resubmitted to the Planning Commission for their further review and recommendation to the Township Board.

5.33 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF CLINTON RIVER ROAD AND HAYES ROAD (SECTION 19), ADDRESSED AS 15245 CLINTON RIVER ROAD (SECTION 19)

- **CONDITIONAL REZONING: A REQUEST TO CONDITIONALLY REZONE A PARCEL OF LAND CURRENTLY ZONED R-3 ONE-FAMILY RESIDENTIAL FOR DEVELOPMENT OF CLINTON RIVER/HAYES APARTMENTS, WHICH IS AN RMH MULTIPLE-FAMILY RESIDENTIAL (HIGH-DENSITY) USE**
- **REQUEST FOR RECOMMENDATION FOR APPROVAL OF CONDITIONAL REZONING AGREEMENT / SITE PLAN**
FILE #17-6791: PETITIONED BY VANGUARD COMPANIES
REPRESENTED BY MR. RONALD CHIESA, RA CHIESA ARCHITECTS

Ms. Trombley read the letter into the record dated March 1st, 2018 from the Director of the Department of Planning and Community Development. She advised that notice of this public hearing was issued by regular mail to 130 owners and/or occupants within 300 feet of the land in question, with none of those returned as undeliverable. She read one letter received in opposition to the proposed Conditional Rezoning from Thomas and Judith Gardiner, 38685 Bramham, Clinton Township, Michigan 48038 and Charles and Roslyn Licari, 38633 Bramham, Clinton Township, Michigan 48038.

Mr. Bob Kirk, 19500 Hall Road, Clinton Township, Michigan 48038, 25-year resident of Clinton Township and attorney representing the petitioner, explained this request was submitted in December 2017 as a straight rezoning but during that meeting it evolved into a Conditional Rezoning request. He informed that they are bringing it tonight as a Conditional Rezoning, made changes to the plans based on the comments they heard, and the entire project has been upgraded. He stressed this is a difficult piece of property with which to work and is probably more conducive to commercial development. It is on Hayes and is the only property zoned single-family residential from that corner going north on Hayes. He explained that with the proposed Conditional Rezoning, they will be losing approximately 23% of the potential yield they would have with a traditional rezoning.

Mr. Ron Chiesa, RA Chiesa Architects, stated they were here in December to look at a rezoning, and since that meeting, they have gone back and added additional landscaping, berms, addressed aesthetic issues with the site as well as enhanced the buildings. He pointed out the buildings are now all currently brick and will remain maintenance-free, and the site has a lot of landscaping to enhance the tree canopy for the community. They have added other amenities on the site to buffer the residents, including a berm with increased evergreen planting. They have no headlights that will shine into the abutting residential homes based on the screening. He acknowledged there are concerns in every community from residents adjacent to vacant properties that are going to be developed, and he noted that no one likes to see vacant property adjacent to them being developed. Mr. Chiesa explained part of the difficulty in developing this site is that it fronts two streets. There have been numerous attempts to look at development, but the site does not work for single-family homes because of its odd shape. There is a lot of green area and it is set up as a community, compared to other apartment complexes. He stated they are 1,000-square-foot units, and he compared them to the condominiums to the north, which are slightly smaller than that and range from 900 to 950 square feet. The divided entry to the site is 500 feet away from the intersection, and has easy ingress/egress. There are a lot of open areas, and the buildings are compatible to single-family homes, with a 27-foot height and only two-story units. He pointed out the length of the buildings has been addressed and they are not extremely long like some apartment complexes. He noted that the separation between the proposed buildings is greater than the separation between the condominium units in the adjacent condominium development to the north. He reviewed the list of issues that must be addressed during this phase, as outlined in the letter to the Planning Commission, and explained how this proposal fits in the area. He stated these buildings are designed with no interior common areas, so each one has its own entrance from outside, and that offers a safer environment. It is better for the residents, and the Fire Marshall prefers that because it makes for a safer building. He stated the property has been vacant for many years because of its size and shape, so even though the Master Plan designates residential, it is difficult for any developer to market a property like this with a lot of homes that would have to back up to a road. He pointed out that only 13% of the parcels on Hayes are zoned residential, so having single-family homes fronting Hayes would be difficult to develop. He commented that, if this property were to be developed as single-family, there is a stub street that would connect it to the abutting subdivision, which could result in a lot of people cutting through the existing subdivision, creating additional traffic for them. This is a separate development, so there will be no connection to that stub street. He pointed out the surrounding zoning districts, stressing that the proposed Conditional Rezoning is compatible with those uses. Mr. Chiesa stated there is a minimal amount of properties zoned RMH in the Township, and that is understandable because he felt no one would want to see a lot of high-rise apartments, but although an RMH zoning designation is being requested, the site is more consistent with an RML zoning designation, so they do not feel the use is inappropriate. He added that all of the

utilities are there, and he assured there has been no concern about water and sewer not being able to handle the development. He informed that he talked with their engineer, who was formerly the Township engineer, and he assured the size of the existing utilities is very adequate to handle this development. He explained if this were developed as single-family, there would be twenty-five to thirty homes with three or four bedrooms in each home, which would equate to about 120 bedrooms, which is what they are proposing. He noted, however, that a lot of the second bedrooms in the condominiums will not be occupied, so the usage is compatible. He added there is only one bathroom in each unit, so there will be 60 bathrooms. A subdivision going in would have the same amount or more. He indicated there is a demand for this type of development. He pointed out that the Partridge Creek development has single-family, multiple-family (low-density) as well as multiple-family (high-density), giving them a tiered effect, which is what would occur in this area, with the exception that the proposed development would have more of the characteristics of an RML development. He hoped to get a favorable vote on this Conditional Rezoning so they can come back with additional plans for Site Plan approval.

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

Mr. Phillip Ciaramitaro, 15445 Clinton River Road, Clinton Township, Michigan 48038, noticed a “jogging track” on the proposed plans. He stated he has a pool in his back yard and put up a privacy fence, and he complained there will now be a “jogging track” right behind his house. He felt that residents who do not have a vested interest in their property do not take care of it as well, and he was concerned “this type of unit usually brings trouble”. He stated he would rather not see this happen “with low-income housing”. Mr. Ciaramitaro pointed out that with 60 units each having two bedrooms, there could be 120 people living in the complex, and that could mean 120 cars going in and out. He questioned whether the access drives onto the main roads can handle that much traffic, noting he has difficulty getting out of his subdivision now. He questioned where the trash receptacles will be located, and expressed concern that the abutting residents will hear the garbage trucks picking up the dumpsters. He emphasized he would prefer to see single-family homes or possibly condominiums similar to those on the abutting property to the north.

Ms. Frances Stocks, 38820 Windmill Pointe, Clinton Township, Michigan 48038, stated she lives across from the proposed second building. She stated she is single and lives alone, and was concerned that apartments bring in “transient” people, and the abutting property owners “will not know where they came from”. She claimed the people who live in apartments “have no ties to the community”. She stated she currently feels very free

to open her doorwall in the evening, but she will no longer feel comfortable doing so. She explained she purchased her condominium eleven years ago with the intent that she would spend the rest of her life there, but she threatened that she will be putting her condominium up for sale because she will not want to live behind an apartment complex. She hoped that they would build new condominiums and she would actually upgrade and move there because she loves the area and it is close to where she works. The shopping is convenient, but she cannot imagine 120 more cars coming and going from this property. She stressed this is “very upsetting” because she thought this proposal was “put to rest” last December. She concluded that apartments do not belong in this area.

Mr. Jason Androth, 38916 Windmill Pointe, Clinton Township, Michigan 48038, a member of the Board of Directors for Windmill Pointe Condominium Association, echoed Ms. Stocks’ sentiments. He explained their community consists of 84 condominium units to the north of this property, and while they are not anti-business and understand progress, he cautioned it should not be “blind unchecked progress”. He stated he is 45 years old and one of the younger residents of the condominiums. The residents are concerned about pollution, including site and noise, and they are also concerned about increased crime, citing “owner versus renter mentality”. He stated he has lived all over the country and agrees that an owner should not have to pay taxes and yet not be able to develop his property; however, he also does not feel it is reasonable for the residents in his condominium complex to be subjected to increased crime, pollution and traffic that is brought in with apartments. He was concerned the residents in the apartments will be cutting through their property in order to take the shortest route when walking. He was concerned that the garbage trucks will be on that site early to empty dumpsters, and they will be hearing car alarms, fighting and conversations. He stressed his condominium development is a quiet, safe community, and he would like to see the same in return, which he was confident will not occur if these are apartments. He did not feel a berm and trees will help.

Mr. Andy Khemmoro, 38615 Bramham, Clinton Township, Michigan 48038, stated these units will be directly behind his house. He questioned as to the size of the proposed buildings, and whether they will block his view. He was concerned his property value will drop, and questioned who will buy his house.

Ms. Geri Konon, 38652 Bramham, Clinton Township, Michigan 48038, complained that she will look out of her living room window at this development, which will consist of seven two-story buildings, along with all of the driveways and parking for all of the units. She expressed concern that she will get light shining in her living room from this development. She stated they already get traffic from the nearby mobile home park, and

she questioned whether the Planning Commissioners would like to have this view from their front porches. She questioned what they are going to do about the lost property values for the neighbors. She questioned how much the rent will be for these units, because she felt that will “have a big effect on how this development will be”.

Ms. Joanne Duick, 38796 Windmill Pointe, Clinton Township, Michigan 48038, admitted parts of this proposal are appealing, and the representatives to the petitioner did a good job to make it look attractive, but she expressed concern about the high density of the development. She agreed with some of her neighbors about “owner mentality versus renter mentality”. She inquired as to how much the rent will be, and how many apartment units will be in each building. She stated she would prefer to see condominiums or single-family homes developed on this property.

Ms. Frances Gilewski, 15466 Leighton, Clinton Township, Michigan 48038, agreed that the proposal looks better than it did in December, but she was still concerned this will be “a 16 Mile and Harper in a few months, getting all these transient people”. She would have preferred to see condominiums on this property, and she expressed concern that the neighboring property values will decline. She complained that she has had residents from the mobile home park cut through her yard. She reiterated her concern that this will become an area just like 16 Mile and Harper.

Ms. Frances Stocks stated she is concerned about declining property values of the neighboring properties, and she urged the Planning Commission to approve only condominiums or single-family homes for this property. She stressed that younger people live in apartments, and generate more noise. She enjoys living in a senior development where it is quieter.

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

Mr. Brumbaugh inquired as to the anticipated rental fees for the apartment units.

Mr. Chiesa replied they anticipate the rent will be over \$1,000 per month per unit. He stressed this is not low-income housing, and he ventured to guess that the renters will be paying more per month than the adjacent condominium owners. He clarified an earlier comment made about a “running track”, stating it is not a running track but is a meandering walking path. It is an amenity but is nothing that will cause a disruption. He reiterated that the units are large and are not

low-income. He assured that the driveways are more than adequate to handle 120 cars, although there may not even be that many cars. He explained the balconies face the parking areas and do not face the single-family homes or condominiums, so all of that activity is purposely designed to face away from the abutting residential properties. There will be no doors from the units that will be accessible from the rear of the building. He assured the lights will be shielded, and they will be providing 3-foot berms with evergreens and that will screen headlights. He stated that crime and sight pollution is addressed by another agency and has nothing to do with this development. He explained trash would be no different than single-family subdivisions. In a subdivision, the trucks stop at every house. On this site, there are three designated areas where the trash is picked up and they are gone. He pointed out that every community has trash so that would be an accepted norm for any development. Traffic is another agency's concern but there is no control he has on that. He addressed the concern with the rent. He assured the dumpsters will be screened, and everything on this site is further away from the required setbacks per the Township's Zoning Ordinance. They have no windows on the sides of the units so there are no bedrooms that face the majority of the homes. The one building that does have windows is the furthest away from the abutting residential developments, being at least 100 feet away. He felt this development will help pedestrian traffic because the people cutting through from the mobile home community will most likely use the sidewalks they are putting in. He felt that, based on the way this development is set up, it would be difficult for the residents of the abutting subdivision and condominiums to walk through. Mr. Chiesa stated if this property went to a commercial zoning, a 32,000 square foot retail center could be constructed on the site, with 162 cars going in and out 15 hours a day. If it was developed as an office, they could construct a 62,000 square foot building with 300 cars in and out all day long. He stated office and retail is not applicable here for market reasons, and it was discussed earlier this evening on the excess retail along Garfield. He stated he is aware of that because his office is on Garfield. He stressed development is needed to spur economic growth in a community, and he pointed out that a 60-unit apartment complex is small, and most apartment communities are in the hundreds of units. He pointed that the abutting condominium complex has 84 units.

Ms. Trombley inquired as to whether the petitioner would be opposed to putting up a vinyl fence around the property.

Mr. Chiesa replied that his client would be willing to provide a vinyl fence around the site.

Ms. Trombley did not know whether the residents would prefer to look at a berm and greenery or a vinyl fence.

There was a large outburst from the audience, and it took a few minutes to continue the meeting.

Mr. Chiesa assured if they put in a vinyl fence, it will be a good quality and will not be cheap.

Mr. Spatafora appreciated Mr. Chiesa coming back with notable improvements on the conceptual plan. He questioned whether this development would work if these were condominiums rather than apartments.

Mr. Chiesa replied that his client wants to retain ownership versus selling individual units. He added, however, that if they ever decide to sell these as condominiums, it would be an option because they are designed with individual entrances.

Mr. Spatafora inquired as to whether these will have attached garages.

Mr. Chiesa replied they do not have garages. They have opted to have no carports because of the problems that result from wind damage. He noted the parking is spread out throughout the development so it is more convenient for residents.

Mr. Spatafora felt the “best in class” apartments seem to be those developed in Partridge Creek by the Mocerri Company. He questioned whether there are other apartment developments in the area that Mr. Chiesa liked and wanted to model this development after.

Mr. Chiesa explained that the design of this development has a lot of architectural character other than garages and chimneys. He pointed out that those types of units have rent starting at \$1,500 to \$2,000 a month, which works great in the Partridge Creek area. He noted that price range would be too high for this particular area. He emphasized that this is not low income and just because they are apartments does not necessarily make the residents “transients”. The residents are often people who have moved out of their homes nearby and want to downsize but stay in the area.

Mr. Spatafora inquired as to whether they will be marketing to all ages.

Mr. Chiesa replied affirmatively.

Mr. Spatafora inquired as to whether they will be offering any assisted living services.

Mr. Chiesa replied there will be no assisted living; however, the first-floor apartments are perfect for empty nesters looking for something easily accessible and want everything on the first floor.

Mr. Spatafora pointed out that everything developed on properties to the north, east and south of this are owner-occupied developments.

Mr. Chiesa replied that is true in the immediate vicinity, but pointed out that on the corridor, there are both multiple-family residential high density and low density units.

Mr. Spatafora inquired as to the closest apartment complex to this property.

Mr. Chiesa stated he does not know of one as nice as this will be. He felt the Partridge Creek apartments may be the only others comparable when it comes to greenery and landscaping.

Mr. Spatafora stated if this goes further, and a full site development plan is submitted and ends up going to the Township Board, he strongly urged consideration of a maximum type of wall, fence or additional landscaping to protect many of the residents who have lived in their homes and condominiums for many years.

Mr. Chiesa reiterated that his client is willing to put up a six-foot-high vinyl fence which lends itself to the character of the area. He added that walls tend to go in retail environments.

Mr. Opalewski inquired as to whether these are all private-entry units.

Mr. Chiesa responded they are all private-entry units, and they enter the first floor units from the outside, while the second floor units will each have a door that leads to a private stairway to their unit.

Mr. Brumbaugh stated that Macomb Manor Apartments in Roseville are all brick with separate entrances. He noted that apartment complex has been there for a long time, and is still looking very nice. He stated he has lived in a flat in Detroit, an apartment, a condominium and two homes over the last 44 years. He felt that what is being proposed is very compatible with the condominiums in terms of the brick.

Motion by Mr. Brumbaugh, supported by Mr. Opalewski, with reference to File #17-6791 and application from Vanguard Companies, 101 S. Main Street, Rochester, Michigan 48307, as represented by Mr. Ronald A. Chiesa, RA Chiesa Architects, 43260 Garfield, Suite 210, Clinton Township, Michigan 48038, concerning the proposed Conditional Rezoning of 5.33 acres of land located at the northeast corner of Clinton River Road and Hayes Road (Section 19), addressed as 15245 Clinton River Road, that a request be granted for consideration of a Conditional Rezoning of the property, currently zoned R-3 One-Family Residential, to allow a 60-unit (two bedrooms each) apartment development, which is an RMH Multiple-Family Residential (High-Density) use,

and a Site Plan for Clinton River/Hayes Apartments based on the four (4) stipulations outlined in the correspondence. Roll Call Vote: Ayes – Brumbaugh, Opalewski, Deyak, Moseley, Trombley. Nays – Spatafora. Absent – DiBartolomeo, Charron, West. Motion carried.

Ms. Moseley advised that the Planning Commission voted in favor of considering the offer of a Conditional Rezoning, based on the items set forth in the correspondence. She informed the petitioner that they will need to submit eleven (11) copies of detailed site development plans and landscape plans, as well as two (2) copies of the building elevations and floor plans, for further review by the Planning Department and other reviewing agencies before this will be resubmitted to the Planning Commission for their further review and recommendation to the Township Board.

WORK SESSION AND DISCUSSION

- **MEDICAL MARIHUANA FACILITY LICENSING ACT (MMFLA)**
 - **CONTINUED DISCUSSION ON PROPOSED AMENDMENT TO THE PLANNING & ZONING CODE TO ALLOW FACILITIES IN CLINTON TOWNSHIP**
-

This item was deleted from tonight's agenda.

REPORT OF MEETING

- **APPROVAL OF THE FEBRUARY 22ND, 2018 REPORT**
-

Motion by Mr. Brumbaugh, supported by Mr. Spatafora, to approve the report of the February 22nd, 2018 Planning Commission Meeting, as submitted. Motion carried.

PLANNING COMMISSION SCHEDULE OF MEETINGS

- **NEXT MEETING SCHEDULED FOR THURSDAY, MARCH 22ND, 2018**
-

Mr. Santia confirmed the meeting for Thursday, March 22nd, 2018. He informed that he anticipates the following to be on that agenda:

- Property on Harper and Shook, proposed to be developed with Healing Touch Therapeutic Massage
- Property on 15 Mile Road and Utica Road, proposed to be developed with two retail centers, formerly proposed for senior apartments.
- Property on Harper and 15 Mile, proposed to be developed with an industrial building

He indicated there may be one other site plan, and they may possibly consider coming back with another work session on the medical marihuana issue.

ADJOURNMENT

Motion by Mr. Brumbaugh, supported by Mr. Opalewski, to adjourn the meeting.
Motion carried. Meeting adjourned at 8:33 p.m.

Respectfully submitted,

Denise C. Trombley

Denise C. Trombley, Secretary
CLINTON TOWNSHIP PLANNING COMMISSION

ces:03/15/18

ces:03/16/18

Approved 03/22/18