

CLINTON TOWNSHIP PLANNING COMMISSION

REPORT OF MEETING

APRIL 6TH, 2017

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

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

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

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

APPROVAL OF AGENDA

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

6.52 ACRES OF VACANT LAND FRONTING THE EAST LINE OF GARFIELD ROAD, NORTH OF DOVE STREET, ADDRESSED AS 44500 GARFIELD (SECTION 5)

- **PROPOSED CONDITIONAL REZONING: R-1 ONE-FAMILY RESIDENTIAL TO B-3 GENERAL BUSINESS**
 - **PUBLIC HEARING (CONTINUED FROM MARCH 23RD, 2017)
FILE #17-6744: PETITIONED BY MR. VINCE CRISPIGNANI,
DOVE STREET PARTNERS LLC**
-

Ms. Moseley informed that this is a continuation of a public hearing that was held on March 23rd, 2017.

Ms. Trombley confirmed that there is no new correspondence to be read into the record.

Ms. Aseel Putros, of Anderson, Eckstein and Westrick (AEW), representing the petitioner, stated they added a proposed Contract Zoning Agreement to the package, and they revised the plans based on Mr. Santia's comments. They relocated the building by two feet to allow for the two-foot overhang, and they extended the sidewalk to the north property line.

Mr. Santia explained that prior to the changes, the sidewalk stopped just before the drain. He requested they angle it slightly toward the road and extend it on the front side of the guard rail to the property line. He confirmed that the ordinance requires a sidewalk the length of their property. He also noted that the building encroached into the front yard setback by two feet, so they shifted the building back to meet the setback requirements.

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

There was no one in the audience who wished to speak on this issue.

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

Ms. Trombley recalled at the last meeting, there was discussion of having a driveway extend out to Dove Street to help with traffic congestion. She noted that Mr. DiBartolomeo brought it up, and she is sorry he is not present tonight, but she inquired as to whether there is room to accommodate that driveway.

Mr. Santia clarified that this property does not abut Dove Street but the petitioner also owns the parcel that abuts the subject site and fronts Dove Street. The petitioner's intent is to develop that site with some type of medical office building as Phase II. He replied they could put a driveway in on a temporary basis until that parcel is developed.

Ms. Putros explained that the property owner does not yet know the layout of the future Phase II, which will depend upon a user, so his concern is that if a driveway is put in now, it may have to be pulled out at the time that property is developed. She explained that will be an additional expense for him. Ms. Putros noted that they estimate about 50% to 70% of their potential customers will already be on Garfield, so they do not anticipate their business will generate a lot of additional traffic on Garfield.

Ms. Trombley inquired as to whether the petitioner is having a traffic study done.

Mr. Santia replied that the Planning Commission has not requested a traffic study from the petitioner.

Ms. Trombley felt this is the time they should request a traffic study. She noted the petitioner's desire to wait until the next phase to install the driveway off Dove Street, but she pointed out there is no time frame as to when that development of Phase II could occur. She felt the Planning Commission should look at the traffic situation from a safety aspect and cannot be concerned about expense to the petitioner.

Mr. Santia indicated they may be able to look at some type of temporary asphalt drive that may have a less thick cross section to serve as a temporary access.

Ms. Trombley inquired as to whether the drive would most likely be toward the back of the site, even once plans are developed.

Mr. Santia replied it is more than likely it would be toward the back, but depending upon the layout of the site, the driveway could be located anywhere along their Dove Street frontage.

Ms. Putros maintained that they do not know the layout of the adjacent site so they cannot put in an access driveway now.

Ms. Trombley felt this is the time it should be done.

Ms. West questioned whether the Planning Commission can request that the petitioner have a traffic study done.

Mr. Santia replied the Planning Commission can request a traffic study.

Ms. West agreed with traffic concerns expressed by Mr. DiBartolomeo at the last meeting.

Ms. Putros replied that they can do a traffic study if that is something the Township would like to see.

Mr. Spatafora inquired as to whether the site plan is different from the version provided to them two weeks ago.

Ms. Putros replied the sidewalk was extended and the building was shifted two feet to the back to provide for the required front yard setback.

Mr. Opalewski recalled a lot of discussion at the last meeting about the concern about the impact of this development with regard to traffic on Garfield, and there was mention about having a driveway out to Dove Street. He noted the agreement does not address those concerns.

Mr. Santia stated that a Conditional Zoning Agreement is typically offered by the petitioner, and it is up to the Township Planning Commission and Township Board to approve or deny what is being presented.

Ms. Trombley inquired as to whether this could be forwarded to the Township Board with an access road to Dove Street added to the plan.

Mr. Santia replied it can be added if the petitioners voluntarily agree to put in the access road. If the petitioner makes that offer, he indicated the Planning Department can make sure it is added onto the plans before it goes to the Township Board so it would not necessarily have to come back to the Planning Commission unless the Commission would like to see it.

Ms. Putros stated the owner of the property is not here tonight, but if it is the requirement of the Planning Commission, it may be something he will consider.

Ms. Moseley inquired as to the cost for a temporary access road.

Mr. Santia replied he does not know how much it would cost.

Ms. Moseley felt it is unfair to ask the petitioner to put in an access road, only to have to tear it out when he develops the adjacent property. She felt if they had specific plans for Phase II and knew of the location of the building, she stated it would be different.

Ms. Trombley felt the location of the driveway could be left up to the petitioner.

Ms. Putros pointed out that they cannot put the driveway in a location on the adjacent property that will not end up working out once they decide on plans for that site.

Mr. Opalewski stated the traffic study may show they do not need the access road to Dove Street.

Ms. Putros stated the owner wants that driveway as part of Phase II because he wants that connection. She was confident that the owner of the property will be willing to provide a traffic study and go with what is recommended based on the traffic study.

Ms. Moseley inquired as to whether anyone has a problem with the Conditional Zoning Agreement as proposed.

Mr. Spatafora inquired as to whether Mr. Santia has any concerns with the way the agreement is drafted.

Mr. Santia replied the only concern he has is that he does not want to see a rezoning to B-3 General Business because that zoning designation would permit some of the uses the Township does not want to allow in some of the tenant spaces. He explained the B-2 Community Business uses are more appropriate for the area; however, the petitioner selected the B-3 zoning district because they want a business with a drive-thru window. He noted a Conditional Zoning Agreement would allow the drive-thru but would prohibit some of the other uses allowed in the B-3 District.

Ms. Putros clarified that once they come up with plans for Phase II, which will most likely be office use, it will have to come back to the Planning Commission and Township Board for approval.

Mr. Santia explained that the Township would be approving the drive-thru window for Tim Hortons, but there are more tenant spaces proposed on the plan, although only the one drive-thru window is proposed.

Mr. Spatafora noted Paragraph 5 of the Agreement indicates the zoning expiration, and he inquired as to whether Mr. Santia has any concerns as far as the length of time if construction is not started within five years or the development completed within seven years. He inquired as to whether that raises any concerns that it may be too long of a period for a Conditional Zoning Agreement.

Mr. Santia replied he has no concerns with the time frame. If the market is not there to support the uses, the owner will not build. He stated he does not want to force the owner to build. He explained that the Conditional Zoning Agreement

ties the owner to this site plan, and if the petitioner sells the property and the new owner comes in with a different plan, they must start all over again.

Mr. Opalewski clarified that they are voting in favor of or against this proposal, but they cannot make any changes unless they are specifically offered by the petitioner.

Mr. Santia confirmed that is correct, as regulated by the law.

Ms. Trombley felt a traffic study should be requested.

Mr. Santia replied a traffic study is not written into the agreement, but they can request a traffic study from the petitioner.

Discussion took place regarding whether to postpone further consideration of this proposal to wait for the results of the traffic study.

Ms. Putros explained that the owner is on a tight schedule for the development of this property, and if this matter is postponed, it will create a hardship for him.

Mr. Opalewski inquired as to whether Ms. Putros can share the petitioner's time frame.

Ms. Putros stated she is not sure she can share that information, but she emphasized that they cannot start the engineering phase until the Conditional Zoning Agreement, which includes the site plan, is approved.

Ms. Trombley suggested the petitioner could agree to put the road in now, and if the traffic study comes back indicating that the Dove Street connection is not necessary, it could then be removed and the Planning Commission could approve that revision.

Ms. Putros inquired as to whether the petitioner would be required to come back before the Planning Commission if that is the case.

Mr. Santia replied he would not have to come back because the plans would not be changed except for the road, so he would be able to go ahead and start his engineering. If the road is not indicated on the plan at this time, it may come back to the Planning Commission because they would want to see the traffic study.

Ms. Trombley felt the Conditional Zoning Agreement should be approved now with the connecting road to Dove Street shown on the plan, and contingent upon a traffic study being done. She noted that if the traffic study shows the connection to Dove Street is not necessary, it can be removed from the plan until development is considered for the parcel facing Dove Street.

Motion by Ms. Trombley, with reference to File #17-6744 and application from Mr. Vince Crispignani, of Dove Street Partners LLC, 42822 Garfield Road, Clinton Township, Michigan 48038, concerning the proposed Conditional Zoning Agreement for 6.52 acres of land fronting the east line of Garfield Road, north of Dove Street, addressed as 44500 Garfield Road (Section 5), from R-1 One-Family Residential to B-3 General Business to permit a retail plaza with a drive-thru window, that recommendation for approval of the Conditional Zoning Agreement be forwarded to the Township Board, subject to the following conditions: 1) It is to be changed to reflect R-1 One-Family Residential to B-2 Community Business designation but still allow the drive-thru window for the proposed Tim Horton's; 2) A connecting driveway be shown from the subject property and across the adjacent property, also owned by the petitioner, to Dove Street; and 3) A traffic study is to be required of the petitioner; further, if the traffic study shows the driveway connection to Dove Street is not necessary, the temporary driveway can be removed from the plan until such time as that property is developed. Discussion ensued.

Mr. Brumbaugh noted that the Conditional Zoning Agreement currently indicates a B-3 zoning designation, and the only way that can be changed is if the petitioner presents it to the Township as part of their request. He felt the easiest way to handle it is if the petitioner withdraws his request for action tonight and comes back with a new agreement that indicates they are seeking a Conditional Zoning for B-2 Community Business. He assured he is trying to help the petitioner, and agreed with Ms. Moseley that the driveway connection to Dove Street is not necessary now, adding he would not want to impose something on the petitioner that will have to be redone later.

Ms. Putros stated she has been working closely with the petitioner, and is sure that he would have no problem agreeing to offer the B-2 zoning designation as long as they would be allowed to have the drive-thru window.

Mr. Santia clarified that would still allow the use the petitioner wants but would be a designation as B-2 Community Business rather than B-3 General Business. He indicated that B-2 is now being requested, as represented by the petitioner's representative here tonight.

Ms. Putros confirmed that she is officially requesting the change in their Conditional Zoning Agreement from B-3 General Business to B-2 Community Business.

Mr. Santia noted that Mr. Jack Dolan, Township Attorney, may have other recommended changes to the proposed Conditional Zoning Agreement, but he indicated those could be made at the Township Board meeting.

Mr. Spatafora confirmed the motion on the floor to approve is subject to all references in the Conditional Zoning Agreement switched from “B-3” to “B-2”. He inquired as to whether there are any other changes.

Mr. Santia stated that the Agreement should be based on the Site Development Plan as submitted, and that plan will be attached as an exhibit. He informed that they will need to submit elevations of the building as well.

Discussion took place regarding the portion of the motion that includes the requirement for the Dove Street connection.

Mr. Opalewski inquired as to whether the connection to Dove Street may have to be removed in the future depending upon the layout of Phase II. He indicated he has concerns about the traffic as well, but he hesitated to make them put in a temporary road if it will have to be removed in the future.

Ms. Putros confirmed that the owner wants that connection but does not know the layout of the property fronting Dove Street, so he does not want to put in the connection now.

Ms. Trombley noted that if the traffic study comes back showing the connection is not needed, then it can be eliminated from the plan until the adjacent property is developed.

Mr. Deyak inquired as to whether the temporary access road would have to have curb and gutter, or whether a blacktop surface would be sufficient.

Mr. Santia replied a blacktop surface would be sufficient.

Ms. Trombley felt that if the traffic study deems the connecting road is necessary, the petitioner may, by that time, have an idea of the layout of the adjacent property and will know where to put the road.

Mr. Brumbaugh requested that the motion on the floor be divided into two separate motions: one to consider the Conditional Zoning Agreement and related site plan; and the other to consider whether to require the Dove Street connection now. He stated he is opposed to requiring the Dove Street connection now, but does not want to vote no on the entire proposal.

Discussion took place regarding a two-part motion.

Ms. Trombley felt they should go by the results of the traffic study, and if the road is required, then the petitioner should be required to put in the temporary road.

Mr. Deyak inquired as to whether the traffic study should be done and the results submitted prior to this Commission making a recommendation.

Mr. Santia replied the Commission can make recommendation for approval with the temporary road, but if the traffic study shows it is not needed, the temporary road can then be eliminated.

Ms. Putros emphasized that they have already lost two weeks in this process, and they cannot afford to wait another two weeks.

Discussion took place regarding whether the traffic study would have to come back to the Planning Commission, or whether recommendation could be made tonight to approve the plan and let the Township Board determine whether the driveway should be put in based on the results of the traffic study.

Ms. Trombley withdrew her motion on the floor.

Motion by Ms. West, supported by Ms. Trombley, with reference to File #17-6744 and application from Mr. Vince Crispignani, of Dove Street Partners LLC, 42822 Garfield Road, Clinton Township, Michigan 48038, concerning the proposed Conditional Zoning Agreement for 6.52 acres of land fronting the east line of Garfield Road, north of Dove Street, addressed as 44500 Garfield Road (Section 5), from R-1 One-Family Residential to B-3 General Business to permit a retail plaza with a drive-thru window, that recommendation be forwarded to the Clinton Township Board for approval of the Conditional Zoning Agreement subject to the zoning designation being changed from “B-3 General Business” to “B-2 Community Business”; further, that a traffic study be required to be provided by the petitioner. Roll Call Vote: Ayes – West, Trombley, Brumbaugh, Deyak, Moseley, Opalewski, Spatafora. Nays – None. Absent – DiBartolomeo, Charron. Motion carried.

Ms. Moseley advised that the Planning Commission is a recommending body, and this will be forwarded to the Township Board, subject to Township Attorney review and the receipt of the traffic study.

**PART OF LOT 1, SUPERVISOR'S PLAT OF CANAL/GARFIELD
SUBDIVISION (3.7 ACRES OF LAND), LOCATED AT THE SOUTHWEST
CORNER OF 19 MILE AND GARFIELD ROADS, ADDRESSED AS 42971
GARFIELD (SECTION 7)**

- **TREE REMOVAL PLAN: ROUISSILLON LLC**
 - **REQUEST FOR APPROVAL**
FILE #17-6749: PETITIONED BY MR. P. EUGENE D'AGOSTINI,
OF GS ROUISSILLON LLC
-

Ms. Trombley confirmed there was no correspondence to be read into the record for this request. She informed that notice of this item on the agenda was mailed

to 83 owners and/or occupants of property located within 300 feet of the land in question, with none of those returned as undeliverable.

Ms. Maria D'Agostini, representing GS Rouissillon LLC, was present to answer questions. She indicated this parcel is located on the southwest corner of 19 Mile and Garfield Roads, adjacent to office complexes to the west and south. She stated it is across 19 Mile Road from Ernie's Kings Mill Restaurant. She explained they are requesting approval to remove the trees because they are planning to prepare the property for a commercial retail development. She noted there is a dilapidated house on the property now, along with a lot of unsightly trees. Following the recent storm, a lot of the trees came down and there was damage to the fence along the south property line. She added that a lot of the trees on the property have already fallen, and they want to clean up the property, make it safe, and start to market it for commercial development that would be consistent with the Township's Master Plan for Future Land Use.

Mr. Santia explained this request was initiated because the owner of the plaza to the south complained about the trees falling on his fence. He indicated the owner is expressing an interest in rezoning the property to B-2 Community Business.

Ms. Trombley inquired as to whether the petitioner intends to develop soon.

Ms. D'Agostini replied that they will soon be closing on the small parcel, and as soon as they do, they would like to submit a rezoning application.

Motion by Ms. West, supported by Mr. Opalewski, with reference to File #17-6749 and application from Mr. P. Eugene D'Agostini, of GS Roussillon LLC, 38700 Van Dyke, Suite 200, Sterling Heights, Michigan 48312, as represented by Ms. Maria D'Agostini, same address, concerning a Tree Removal Plan for Part of Lot 1, Supervisor's Plat of Canal/Garfield Subdivision (3.7 acres of land), generally located at the southwest corner of 19 Mile and Garfield Roads, addressed as 42971 Garfield (Section 7), that the Tree Removal Plan be approved as submitted. Roll Call Vote: Ayes – West, Spatafora, Brumbaugh, Deyak, Moseley, Opalewski, Trombley. Nays – None. Absent – DiBartolomeo, Charron. Motion carried.

REPORT OF MEETING

-- APPROVAL OF THE MARCH 23RD, 2017 REPORT

Motion by Ms. West, supported by Mr. Spatafora, to approve the report of the March 23rd, 2017 Planning Commission meeting as submitted. Roll Call Vote: Ayes – West, Spatafora, Brumbaugh, Deyak, Moseley, Opalewski, Trombley. Absent – DiBartolomeo, Charron. Motion carried.

PLANNING COMMISSION SCHEDULE OF MEETINGS
-- NEXT MEETING SCHEDULED FOR THURSDAY, APRIL 27TH, 2017

Mr. Santia confirmed that there will be a meeting on April 27th, 2017 and he anticipates there will be at least one site development plan on that agenda.

ADJOURNMENT

Motion by Mr. Deyak, supported by Mr. Brumbaugh, to adjourn the meeting.
Motion carried. Meeting adjourned at 7:12 p.m.

Respectfully submitted,

Denise C. Trombley, Secretary
CLINTON TOWNSHIP PLANNING COMMISSION

ces:04/08/17
ces:04/10/17
Approved 04/27/17