

STERLING HEIGHTS PLANNING COMMISSION  
REGULAR MEETING  
JANUARY 14, 2016

LOCATION: City Council Chambers, 40555 Utica Road, Sterling Heights, MI

SUBJECT: Minutes of the Regular Meeting of the Planning Commission held January 14, 2016.

Mr. Rowe called the meeting to order at 7:00 p.m.

Members present at roll call: Benjamin Ancona, Al Kollmorgen, Edward Kopp, Stefano Militello,  
Donald Miller, Jeffrey Norgrove, and Gerald Rowe

Members absent at roll call: Paul Jaboro, Excused  
Leonard Reinowski, Excused

Also in attendance: Chris McLeod, City Planner  
Clark Andrews, City Attorney

Mr. Rowe mentioned that the agenda is slightly different than what was received in the mail. Under number 11, New Business, the approval of meeting dates for 2016 is the only change. Appropriate action will be taken on the Approval of Minutes at the appropriate time.

APPROVAL OF AGENDA

Motion by Miller, supported by Norgrove, to approve the agenda.

Ayes: Miller, Norgrove, Rowe, Ancona, Kollmorgen, Kopp, Militello,

Nays: None

Absent: Jaboro, Reinowski

Motion carried.

PZ15-1139 - Antias Investments

Request for Conditional Rezoning from O-1 (Business and Professional Office) to R-60 (One Family Residential). East side of Mound Road between 19 Mile Road and Hall Road in Section 4.

Property Address: 43112 Mound Road

Mr. Rowe asked Mr. McLeod to provide background on the case.

Mr. McLeod provided background on the case.

The petitioner is proposing a conditional rezoning for the mostly vacant property located at the southeast corner of Mound Road and Burroughs Avenue, just north of 19 Mile Road. The proposed use of the property would be for four (4) single family residential lots that would front on Burroughs Avenue. The overall parcel is approximately 148' x 300' and totals slightly over one (1) acre in size.

This area along Mound Road has developed with a variety of different land uses. The adjacent land uses include multiple family to the north, across Burroughs Avenue, a single family residence (which is zoned O-1 – Business and Professional Office), to the south and the office plaza at the northeast corner of 19 Mile Road and Mound which was recently approved to also have a Jimmy John's drive thru at the immediate corner. That site is also zoned O-1 (Business and Professional Office). The Jimmy John's drive thru was permitted via a use variance. The properties to the east are utilized and zoned for single family residential purposes. The zoning pattern in that area is R-60 (One Family Residential).

The Master Land Use Plan designates this area as Traditional. This land use category is intended to permit transitional uses depending on the parcel size, configuration and location. The appropriate land uses for this designation will depend on the unique characteristics of each site. The Master Land Use Plan specifically indicates the Transition Designation is to be utilized where single family housing is to be phased out over time (i.e. along Mound Road). The plan also suggests that nonresidential developments adhere to the design principles outlined for local commercial land uses in the Master Land Use Plan. These principles include traditional architectural design principles, developments being oriented to pedestrians, parking being located in the side and rear yards, a buildings relationship to the street, among others.

Mr. McLeod reviewed the Proposal.

The petitioner has an offer to purchase this property and is requesting the zoning change in order to split the property into four (4) single family residential properties. Based on the drawings provided, the proposed properties would be approximately seventy (70) feet in width with the corner lot being ninety (90) feet in width. The property depth would be approximately one hundred twenty-six (126) feet in depth. The applicant has indicated that the intent is to sell approximately twenty-two (22) feet from south side of the subject property to the property to the south. It should be noted that this property transfer may not be guaranteed as it would require both owners to agree on the transfer and terms of transfer. Finally, it is noted that if the rezoning is approved, the applicant would be required to submit the appropriate applications, materials, and fees to complete the lot splits/transfers. The applicant has indicated the intent is to build ranch style homes that will be approximately 1,800 square feet.

The specific intent of the city's One Family Residential districts is to encourage the construction and continued use of one family dwellings and to prohibit the use of the land which would substantially interfere with the development of one family dwellings. The city also discourages any land use which, because of its character and size, would create requirements and costs for public services substantially in excess of those needed for the one family densities of that zoning district. The city also discourages any land use which would be incompatible or generate excessive traffic on local streets. The intent of the one family district in the case appears to conflict with the intent of the Master Land Use Plan in terms of the designation of this property.

When evaluating the potential rezoning of the property, it is important to first look at the range of permitted uses under the existing zoning. The O-1 (Business and Professional Office) District allows for a wide array of administrative office uses, medical offices, banks, etc. These types of uses would be consistent with the office uses further to the south. However, it is noted that the applicant has indicated that the property has been for sale a long period with little or no interest.

The existing office designation would provide a continuation of the office zoning pattern that has been established from Burroughs Avenue, through the property to the south, and all the way to 19 Mile Road. Further, the office use would continue to provide a transition to the property to the north (across Burroughs Avenue) which is Multiple Family.

Finally, if rezoned, the property could impact the development of the remaining O-1 (Business and Professional Office) property between the subject property and the developed office complex at the intersection of 19 Mile Road. The remaining nonresidential property(s) would likely be required to provide additional screening, additional setback or both.

In conclusion, as previously stated, the intent of the Master Plan is to minimize the long term existence of single family residential along Mound Road. The existing zoning pattern along the east side of Mound Road includes multiple family, office and varying degrees of commercial but not necessarily single family residential, and finally, a rezoning to single family residential may impact the future development of the property immediately to the south.

Mr. McLeod stated that as a reminder to the Planning Commission, as a rezoning, this will eventually be a recommendation to City Council whether it be for approval or denial and also, as a conditional

rezoning, the city cannot require conditions be placed on a particular property. Those conditions have to be offered by the applicant himself.

Mr. Rowe opened up for any questions from the commission.

Mr. Kollmorgen asked Mr. McLeod that in the current zoning of O-1 (Business and Professional Office), what would, if anything, can go here other than an office.

Mr. McLeod stated that for the most part, the O-1 (Business and Professional Office) District is a pretty limited category and the permissible uses are essentially limited to Office. Some of the special land uses include pharmacies, libraries, and stores supported of different types of medical facilities, child and adult daycares, and full assisted senior housing. The uses are rather limited in this district.

Mr. Rowe asked for questions from the commissioners. Being none, Mr. Rowe asked the Petitioner for his presentation.

Petitioners, Tony Saco, 46885 Jewel, Macomb Township, and Mike Maisaa, 4831 Norway, Sterling Heights, presented their case.

Mr. Saco stated that they have tried to work with the land owner to the south and provide several different options but it doesn't seem to be working out. Whatever it is that they do put there will not affect his lot. He only has seventy-four (74) feet of frontage and he wouldn't be able to build anything as far as an office building.

Mr. Rowe stated that as mentioned to the sale in the backup material, the negotiation of perhaps the purchase portion of the property.

Mr. Saco stated that yes, that portion was offered to him so cheap and that still didn't work for him.

Mr. Rowe opened the public hearing.

Julio Russo, 6137 Catalpa, Sterling Heights, stated that he is the owner of this property just south of this property. He stated that the petitioner did make an offer and he agreed but then they wanted to put commercial in there but then they switched the whole program to do the four (4) residential lots. This additional property would not be a substantial improvement for him if he decided to build an office on his property. Mr. Russo stated that this was not to his advantage and the only way to get him out was to buy the property from him. He then offered me \$20,000 less for my property. He is opposed to this proposal.

Mr. Tony Jusko, 6100 Burroughs Ave, Sterling Heights, supports the rezoning.

Mr. Rowe opened up for any more questions from the commissioners. There were none

Mr. Rowe stated that there is a recommendation of denial and if there was any discussion on this recommendation or a call for motion.

Motion by Militello, supported by Mr. Miller, that the Planning Commission forward a recommendation to the City Council to deny case number PZ15-1139, Antias Investments, request to rezone property from O-1 (Business and Professional Office) to R-60 (One Family Residential) for the following reasons:

1. The rezoning of this property would be contrary to the intent of the Master Land Use Plan in that the Plan indicates the Transition Land Use Designation is intended to be utilized along Mound Road where single family residential is designed to phase out.
2. The rezoning of this property is not consistent with the zoning and land use patterns along the Mound Road frontage in this area which include commercial, office, and multiple family.

3. The rezoning of this property to R-60 (One Family Residential) will impact the remaining O-1 (Business and Professional Office) property to the south by increasing screening and setback requirements.
4. The transfer of the twenty-two (22) feet of property from the south side of the subject property cannot be guaranteed.

Ayes: Militello, Miller, Norgrove, Ancona, Kollmorgen, Kopp, Rowe

Nays: None

Absent: Jaboro, Reinowski

Motion carried.

Mr. Rowe mentioned that as indicated this will go on to the City Council as a recommendation from the Planning Commission to deny.

#### ELECTION OF OFFICERS

Mr. Andrews stated Planning Commission usually elects the officers at the January meeting. There are nominations for each office then ask each person if they would like to accept or decline the nomination. If only one (1) is nominated, then normally they do a motion to elect that person by acclamation.

Mr. Rowe stated to the Commissioners, that according to the By-Laws, since he has served his two (2) years as chairman, he is not eligible to run for Office of Chairman.

Mr. Andrews stated that is correct.

Mr. Ancona stated that is also true for him for Office of Secretary.

Mr. Rowe mentioned this is also for Mr. Reinowski for Office of Vice Chairman.

Mr. Ancona asked that since they are down two (2) commissioners, should they wait.

Mr. Andrews stated that it is to do the election in January but if the Commissioners wanted to postpone, they could.

Mr. Rowe asked for a motion to postpone the election of officers to the next meeting.

Motion by Norgrove, supported by Militello, to postpone the election of officers to the February 11, 2016 meeting.

Ayes: Norgrove, Militello, Miller, Rowe, Ancona, Kopp

Nays: Kollmorgen

Absent: Jaboro, Reinowski

Motion carried.

#### CITIZEN PARTICIPATION

None

#### APPROVAL OF MINUTES:

Motion by Norgrove, supported by Militello, to approve the minutes of the October 8, 2015 meeting.

Ayes: Norgrove, Militello, Miller, Rowe, Ancona, Kollmorgen, Kopp

Nays: None

Absent: Jaboro, Reinowski

Motion carried.

CORRESPONDENCE

Mr. Ancona stated they have the Michigan Planner and also a handout from the City on the 2030 visioning.

Mr. Rowe mentioned that he would like to commend the Planning Office Administration and Consultants for the Vision Day that was held and asked if there were more sessions coming.

Mr. McLeod stated that yes, there are more sessions coming. The dates are yet to be determined.

OLD BUSINESS

None

NEW BUSINESS

Mr. McLeod stated that February's meeting will most likely have a couple of different applications in front of the Board. A conditional rezoning application for Delco for a C-3 zoning classification and then a waiver determination/recommendation to City Council for an extension of a cul-de-sac being proposed at the old Sunny Brook Golf Course. There may be another potential case for the Parks and Recreation Master Plan.

Mr. Rowe stated, under New Business, call for motion for the approval of the meeting dates for 2016.

Motion by Militello, supported by Kopp, to approve the meetings dates of 2016.

Ayes: Militello, Kopp, Miller, Norgrove, Rowe, Ancona, Kollmorgen

Nays: None

Absent: Jaboro, Reinowski

Motion carried.

MOTION TO ADJOURN

Motion by Militello, supported by Kopp, to adjourn.

Ayes: Militello, Kopp, Miller, Norgrove, Rowe, Ancona, Kollmorgen

Nays: None

Absent: Jaboro, Reinowski

Motion carried.

The meeting adjourned at 7:33 P.M.

Respectfully submitted,

Benjamin Ancona, Secretary  
Planning Commission