STERLING HEIGHTS PLANNING COMMISSION
REGULAR MEETING
CITY HALL
May 12, 2016

LOCATION: City Council Chambers, 40555 Utica Road, Sterling Heights, MI
SUBJECT: Minutes of the Regular Meeting of the Planning Commission held May 12, 2016.

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

Members present at roll call: Benjamin Ancona, Paul Jaboro, Edward Kopp, Stefano Militello, Donald Miller, Jeffrey Norgrove, Leonard Reinowski, and Gerald Rowe

Members absent at roll call: None

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

APPROVAL OF AGENDA

Moved by Rowe, supported by Miller, to approve the Agenda.
Ayes: Rowe, Miller, Ancona, Jaboro, Kopp, Militello, Norgrove, Reinowski,
Nays: None
Absent: None

Motion carried.

CONSIDERATIONS
In the case of PZ16-1141 – 7191 Associates LLC
Requesting Rezoning from RM-2 and M-1to M-2 (Heavy Industrial) district – North side of 17 Mile Road, between Van Dyke and Mound Roads in Section 16.
Property Address: 7191 17 Mile Road and 39639 Van Dyke

Mr. Reinowski stated the petitioner sent correspondence for the matter to be withdrawn.

PZ15-1136 – Sam Alisa and May Alisa
Requesting Conditional Rezoning from R-60 (One-Family Residential) to C-1 (Local Convenience Business) district - East side of Ryan Road between Seventeen Mile Road and Nathan West in Section 17.
Property Address: 39272 Ryan Road

Mr. Reinowski asked Mr. McLeod to give an overview.

Mr. McLeod stated the application was before the Commission board back in June of 2015, at that time it was postponed, and recently was scheduled for present meeting. The postponement was to allow the applicant time to discuss the proposal with surrounding neighbors and provide any changes to the site-plan that is attached to the conditional rezoning. The proposed development is for an approximate 13,500 square foot shopping center. The property currently is vacant. The Master Land Use Plan designation is neighborhood residential transition. The total area of the property is approximately 1.9 acres. The applicant is seeking approval to construct a commercial building with an aesthetics that is for a residential in nature. appearance. This is a conditional rezoning agreement request which allows the petitioner to place their own conditions on the proposed zoning request. The planning commission cannot require conditions of their own to be placed on this request; they have to be offered by the petitioner.

Mr. McLeod read the proposal and stated since the last meeting, the petitioner has revised the plan slightly to provide additional tree plantings along the east property line to provide in

additional to providinge a buffering to the residents to the east. The petitioner has also provided additional walkwaysadditional walkways to enhance pedestrian access to the site.

Mr. Reinowski asked petitioner, or someone on behalf of the petitioner, to come forward to the podium.

Anthony Penna with Moore Penna & Associates, 38600 Van Dyke, Sterling Heights, MI 48312 stepped to the podium.

Mr. Penna stated he was representing Sam and May Alisa. He stated a year ago, during the Planning Commission meeting, they heard from neighbors regarding their concerns with the property. Over the last year, they have reevaluated the development. They have canvassed the area and spoken to people in the community to gather support to make the development harmonious with the residential area.

Mr. Penna then described, for the neighbors, what the conditional rezoning request entailed. The description included the proposed site plan, elevation plan, and the self-imposed restrictions onrestrictions on uses that will go in the development. He explained the restrictions will be in a contract between his client (Sam and May Alisa) and the City.

Mr. Reinowski asked for any questions from the commissioners.

Mr. Norgrove asked to reserve the right to ask questions after Mr. McLeod gave conclusionshis recommendation.

Mr. Reinowski thanked Mr. Penna and asked for public participation.

Al Dapos, Sterling Heights resident, stated he there are not businesses on Ryan Rd. other than a couple of churches and a funeral home. The businesses are at the intersections with on the mile roads and he would like to keep Ryan Road residential.

Paul Boile, 39394 Ryan Road (two houses from proposed property), is opposed to the request. He stated he has concerns for added traffic in the turn lane. He read the Sterling Heights Zoning Ordinance, Section 25.01, which stated the City Council shall be the approving authority on this and not the Planning Commission. He stated concern regarding whether the restrictions are effectiveZoning Ordinance if the property changes hands and whether building design can be altered during the building process.

Mr. Reinowski stated the Planning Commission can only make a recommendation to the City Council and they City Council has have the final authority.

Michael Slocum, 4685 Nathan West, Sterling Heights, stated he is opposed to request. He listed all the commercial properties in the area within the commercial zoning districtordinance. He stated there is a need for residential property and asked for the proposed property to remain residential.

Carl L. Ddallo, 3905 17 Mile Road, Sterling Heights, stated he is in support of the project. He stated the current businesses in the area are thriving and there is a need for the area to be rezoned.

Barbara Mezzapelle, 4116 Nathan West, Sterling Heights, stated she is the house right next to the development and was never approached by the developer to discuss the development. She pointed out that major congestion already exists at Ryan and 17 Mile Road which makes it nearly impossible to make a left turn out of Nathan West. People are already using Nathan West to get to 17 Mile Rd. She stated a concern for deliveries in the back of building which will be very close to her backyard and kitchen window.

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George Lee, 4446 Nathan West, Sterling Heights, resident for 24 years. He stated he built a custom 3,700 sq. ft. home on one acre. He stated when he built his property, he inquired about the old home that was on subjectproposed property and was told by various city members employees it would remain R-1 residential unless there was hardship. He described the neighborhood and stated the proposed property is residential and needs to remain residential. He also stated he was not approached by anyone regarding questions about the site.

Dan Mezzapelle, 4116 Nathan West, Sterling Heights, made a presentation regarding safety in association with allowing a commercial property to exist at proposed site. He provided an analysis done with SEMCOG data.

Lynn Potts, 4144 Nathan West, Sterling Heights, stated she bought her property and built a house. She stated there is an integrity issue with buying residential property and trying to turn it into a commercial property. She hopes the city will handle this as if it was an issue for one of their own family members. She stated she was not canvassed by anyone for the proposed site.

Art Gorney 4223 Nathan West, Sterling Heights, stated when they bought their home three years ago, they were told by a city employee the proposed site was a residential property. He stated they have put in thousands of dollars into their house to make it fit in the neighborhood. He stated it is residential and is a bad idea to approve this.

Henry Palus, 4206 Nathan West, Sterling Heights, stated the people closest to the site have not been canvassed. He listed, from a document he obtained from City Records; the people that were on the petition were not close to the site. He presented 49 petitions opposed to the proposed property rezoning going through. He described various options for the site to keep it residential.

Amir Zetouna, 3616 DelMonte, Sterling Heights, stated her house backs to a strip mall and she doesn't have any issues with it.

Dino Martinelli, 39380 Ryan Rd, Sterling Heights stated he is opposed to development because the value of his residential property will go down.

George Kurzym, 4510 Nathan West, Sterling Heights, has resided there for about 31 years. He stated the petitioners knew the property was residential when they purchased it. He stated surrounding properties are residential.

Giralda Miuri, Sterling Heights, stated she is original owner of property and the intent was to keep it residential. She stated she has been a resident for 48 years and is opposed to the subjectproposed site becoming commercial.

Orysia DiVito, Sterling Heights, stated she loves living in Sterling Heights and the residents should be taken care of and the site should remain residential. The area is saturated with strip malls and vacant sites that could be used. Safety is a big concern with increased traffic.

Ron Macioce, 4350 Nathan West, Sterling Heights, stated he built his house and hasve lived there for over 26 years. He strongly disagrees with putting up a commercial development property at the site. They are in support ofto keeping it residential.

Hithem Choulagh, 43798 Holmes Dr., Sterling Heights stated he has lived in Sterling Heights for 27 years. He is in support of to building a shopping center.

Mr. Hanna, 4661 Pickwick Dr., Sterling Heights, stated he is in support of commercial type property being built.

Annette Berg, 4314 Nathan West, Sterling Heights, stated she built home 28 years ago and was promised the subject proposed site was going to remain residential and there are many

vacancies within Sterling Heights for these businesses. She stated the proposed site is not necessary and not agreeable by to the residents.

Steve Sielagoski, 5511 Metropolitan Pkwy, Sterling Heights, stated he supports the petitioner.

Faik Yaldo, 43194 Harcourt Dr., Sterling Heights stated he is a real estate agent and lives north of the property. He stated traffic is already a problem and people do not want to buy residential property on a main street. He supports the proposal.

Ms. Hakim stated she is in support of the proposal. She stated her friend, May, would like to make a one-stop wedding planning site.

Samira Choulagh, Sterling Heights, stated she is in support of the proposal.

Mr. Berg, 4314 Nathan West, Sterling Heights, stated there are traffic problems with vehicles speeding down thedown the street. He stated he is opposed to the proposal.

Sophia Yousif, 4251 Angeline Dr., Sterling Heights, stated she is a friend of May Alisa and is interested in having a business at the proposed property. She feels it will be beneficial for the area.

Mr. Reinowski asked for any further comments from the public. Being none, he asked the commissioners if there were any questions for Mr. McLeod or petitioner.

Mr. Norgrove asked Mr. McLeod why the commissioners did not receive applications, titles, comprehensive prints, and things of that nature.

Mr. McLeod stated it was a postponed case and information was in the initial submission.

Mr. Norgrove asked Mr. Andrews why this would not be considered a spot zone.

Mr. Andrews stated it could be considered a spot zone if it was trapped between two parcels that are zoned residential.

Mr. Norgrove stated this is not a favorable situation to have and wanted Mr. Andrews clarification that he believes it is a spot zone.

Mr. Andrews stated that if there is a changing trend in a particular area, it is not as critically important.

Mr. Norgrove stated it is clearly stated in the Master Plan as residential and has a problem because it is a spot zone.

Mr. Penna stated the property to the south has been vacant for some time. He stated the existing property is residential but also a transitional area aside from single families. He stated the city is ever evolving and so the Master Plan is always changing. He stated the development stopped at the site of the property and market states you can't put single family homes there.

Mr. Norgrove stated not only does he believe this is a spot zone, he asked where is the hardship that the petitioner cannot develop property as currently zoned.

Mr. Penna stated they are not seeking any type of variances and not claiming hardship. He stated because the area is evolving, they feel the best use for the property is commercial and with the conditions proposed and it would be a good transitional use.

Mr. Norgrove asked Mr. Andrews if they were to approve, would the conditions carry over to the next property owner.

Mr. Andrews stated an agreement will be prepared, signed by the property owner, that will be recorded against that property, and which will be binding and run with the property. The only way it could be changed would be an amendment done with the approval of the City Council in the future. The conditions would be binding with this property owner but and also anyone that would buy the property from them.

Mr. Norgrove stated it is a spot zone and will not be supporting in favor of rezoning.

Mr. Ancona asked Mr. McLeod who should be addressed regarding repaving of road, mentioned earlier by a resident.

Mr. McLeod stated it should go to the City Engineering Department and is typically done through a Special Assessment District.

Mr. Ancona asked if the city has any analysis regarding future traffic concerns.

Mr. McLeod stated there were none provided as part of the review. He stated SEMCOG is a reliable regional planning source. He stated although he hasn't had opportunity to review documents submitted tonight, but he trusts the documents submitted are from a reliable source.

Mr. Ancona confirmed with Mr. Andrews that the Planning Commission is a recommending body to the City Council. He then asked whether the commission recommends the proposal or not, does it still go to City Council?.

Mr. Andrews stated it will go to the City Council not matter what, unless the request is withdrawn by the applicant.

Mr. Rowe stated he understands the difficulty in developing this property but the Master Plan shows the property as residential and feels with the updated Master Plan it will not be changing. He cannot support the rezoning for that reason.

Mr. Miller stated to Mr. McLeod the commercial developments are on the mile roads and corners. He stated if it is changed to build commercial on Ryan Road, this will set a precedentce for future rezonings. He stated this property is developable as R-60. He asked if it could be a residential use, such as Special Approval Land Use for residential.

Mr. McLeod stated the property dimensions more than accommodate residential. In regards to the issue of With taking the precedence, it could be setting a precedence going further north or south, the Planning Commission needs to make a determination whether or not those extensions need to, or should, occur as part of the development of Ryan Road moves forward.

Mr. Miller stated he too will oppose the rezoning.

Mr. McLeod stated he received an objection letter from the Fontanas. The letter stated concerns for increased traffic, businesses close to the property will lead to privacy issues, parking adjacent to their home creating disturbances, and there are already three strip malls at 17 Mile Rd. and Ryan Rd.

Mr. McLeod also stated the resident at 39272 Ryan Rd. spoke with him. She is concerned with traffic, lights hitting her property, introduction of commercial property in a residential area, and the overall value of her property would go down.

Mr. Andrews addressed comments made of hardship, as previously mentioned in public hearing. He stated the standard, relating to hardship, has to do with the Zoning Board of Appeals --and the Planning Commission makesing a recommendations relating to a rezonings, and the standards for rezoning do is not relate to the standard hardship.

Mr. Reinowski asked for any further discussion. Being none, he called for a motion.

Motion by Norgrove, supported by Rowe, that the Planning Commission forward a recommendation to City Council to DENY case number PZ15-1136, Sam & May Alisa, request to conditionally rezone property from R-60 (One Family Residential) to C-1 (Local Convenience Business) for the following reason:

1. It is a spot zone and contradictory to the zoning set forth in the Master Plan and would negatively impact the surrounding area.

2. The property can be developed as residential.

3. The rezoning is inconsistent with the Master Plan.

Mr. Reinowski asked for any discussion on the motion.

Mr. Rowe asked to add numbers 2 and 3 to the motion. Mr. Norgrove agreed.

Mr. Reinowski stated when driving down Ryan Road there are a number of impressive newer houses built right on Ryan Road. He stated a traffic concern doesn't seem to be an impediment to the residential properties.

Mr. Reinowski asked for any further comments. Being none, he called for a roll call vote.

Ayes: Norgrove, Rowe, Reinowski, Ancona, Kopp, Miller,
Nays: Jaboro, Militello
Absent: None
Motion denied.

Mr. Reinowski called for a recess until 9:20 p.m.

PPCM-1150 – AutoZone Development
Request for a Special Approval Land Use to construct an auto supply store in the C-1 (Local Convenience Business) district - East side of Van Dyke, west of Utica Road in Section 03.
Property Address: Part of 43020 Van Dyke

Mr. Reinowski asked Mr. McLeod for an overview.

Mr. McLeod stated the application is for the construction of a new 6,000 square feet retail building for AutoZone. Automobile supply stores in the C-1 Local Convenience Business Zoning District are required to have a Special Approval Land Use. The property is located in the North Van Dyke Corridor Improvement District. The property is still owned by Comerica Bank and the property transfer would become complete upon approval of Site Plan and Special Approval Land Use. This property has received three variances from the Zoning Board of Appeals. The plan has been reviewed by the Corridor Improvement Authority group (administratively) which consists of the Planning Office, the Community Development Director, and the building official. The site plan has been deemed acceptable by that group. Mr. McLeod displayed and summarized drawings of the site.

Mr. Reinowski asked for any questions from the Commissioners for Mr. McLeod. Being none, he called for the petitioner (or representative) to come forward to the podium.

Wes Berlin from PEA – AutoZone civil engineering consultant on behalf of AutoZone, 7927 Nemco Way Suite 115, Brighton, MI
Mr. Berlin thanked the Planning Commission for their time and consideration for approval of their project. He thanked Mr. McLeod for the thorough presentation. Mr. Berlin stated they are requesting a Special Approval Land Use; the use for the site will be auto parts retail sales. He stated they have made great effort to minimize setback variances, increase landscaping, and offer building upgrades to provide a visually appealing site. They have used the smallest prototype building AutoZone has. They have worked closely with neighboring property owners for cross action access solutions. He stated based on approval for Special Land Use they are ready to proceed with all other site plan approvals necessary to begin construction.

Mr. Reinowski asked if the Commissioners had any questions for petitioner.

Mr. Norgrove confirmed with Mr. Berlin that the AutoZone is the smallest prototype building. He asked Mr. Berlin whether in compliance with; according to city zoning, whether AutoZone will not have any type of outside storage or complete any type of heavy maintenance work in the parking lot.

Mr. Berlin stated there will not be any kind of outdoor storage. They have weekly deliveries and all done internally. AutoZone does help customers with minor changes, i.e., windshield wipers, bulb changes, things of that nature. There are typically only two or three employees working at a time and help customers if asked. There are no fluid changes done. AutoZone does haves an oil recycling program, all housed inside the building.

Mr. Norgrove asked if there will be any housing storage underground.

Mr. Berlin stated absolutely not.

Mr. Reinowski asked for any questions from the Commissioners for petitioner. Being none, he then asked if there were any comments from public.

Karen Birdie of Earl Earl & Rose, 31851 Mound Rd., Warren, MI 48092, Representing Al's Hideaway Bar and Grill. She stated they are in support of the Special Approval Land Use. AutoZone has been excellent to deal with. They had problems in the beginning and all have been resolved. She stated they feel the project will be an asset to the city and looking forward to being their neighbor.

Mike Finatis, National Real Estate Transaction Director for Comerica Bank, stated they support the project, feel AutoZone will be an asset to the city, and AutoZone has been an outstanding company to work with.

Mr. Reinowski asked for any other comments from public. Being none, he closed public participation.

Mr. Reinowski asked for any questions from the Commissioners. Being none, he called for a motion.

Motion by Ancona, supported by Militello, in the case of PPCM-1150 and PSP 16-0004 part of 10-03-352-002 commonly known as 43020 Van Dyke, (the property is intended to be split off), I move to APPROVE the Special Approval Land Use based upon the facts and plans presented, subject to the following conditions:

1. That the development and operation of the facility shall remain consistent with the scale and nature of the use as described in the proposal, at Public Hearing and reflected on the site plan;

2. That the petitioner shall develop, maintain and operate the facility in compliance with all pertinent codes, ordinances and standards of the City of Sterling Heights, County of Macomb and the State of Michigan;
3. That the petitioner file a Notice of Special Approval Land Use with the Macomb County Register of Deeds within sixty (60) days following this action. Failure to file this notice will serve as grounds to revoke the Special Approval Land Use;

4. The decision of the Planning Commission shall remain valid and in force only as long as the facts and information presented to the Commission in the public hearing are found to be correct and the conditions upon which this motion is based are forever maintained as presented to the Commission.

5. The sale of auto parts shall be limited to new parts and remanufactured or reconditioned parts which are remanufactured or reconditioned off of the premises.

6. The installation of minor vehicle parts shall be permitted. Vehicle batteries, windshield wipers, fuses, replacement bulbs, and similar small vehicle parts which do not require disassembly of part of the vehicle or require use of the specialized tools provided the replaced parts are properly disposed of. The addition of fluids to a vehicle shall be limited to small quantities of fluid such as windshield washer fluid, oil, or transmission fluid added in a manner that does not create any spills of fluid or hazardous materials onto the parking lot.

7. That AutoZone be responsible for daily cleanup of any spilled fluids or materials in its parking lot caused by the activities of its customers and execute and deliver to the city any agreements or documents required by the city attorney.

8. That revised plans to be submitted must eliminate the cross access drive to the north and any agreements permitting such cross access must be terminated to the satisfaction of the city attorney.

9. That the cross access easement agreement for the cross access alignment to the south be provided for review by the city attorney and office of engineering and after approval recording against the property.

10. That the proposed property split be completed in accordance with terms of the Land Division Ordinance of the City.

This action is based on the following findings:

1. The site is zoned C-1 and it located along Van Dyke Road which contains a variety of retail uses both north and south of the proposed site which are consistent with the proposed use of the site for an automobile supply store.

2. The proposed auto supply retail plan use has been reviewed against and found to be in compliance with the city's Zoning Ordinance and Corridor Improvement Authority guidelines based upon the facts set forth in comments 1-5 above and has also granted the necessary variances.

3. That the proposed auto supply retail use is in conformance with the general Special Approval Land Use standards of Section 25.02 of the Zoning Ordinance as outlined in comments A-G above.

4. That the installation of minor vehicle parts limited to vehicle batteries, windshield wipers, fuses, replacement bulbs, and similar small vehicle parts that do not require disassembly of any part of the vehicle or the use of the specialized tools meets the standards of Section 25.02 provided any replacement parts are properly disposed of.

5. That the addition of small quantities of vehicle fluid such as windshield washer fluid, oil, or fuel additives meets the standards of Section 25.02 provided such additions do not cause any spills onto the parking lot and AutoZone shall be responsible for daily environmental cleanup in compliance with applicable environmental laws of any spilled fluids or materials resulting from its customers activities on the site.

Mr. Reinowski asked for any discussion on the motion.

Mr. Militello stated the petitioner was very easy to work on the ZBA and amicable to making any changes they were asked to make.

Mr. Reinowski asked for any other comments. Being none, he called for a roll call vote.

Ayes: Ancona, Militello, Jaboro, Kopp, Miller, Norgrove, Reinowski, Rowe
Nays: None
Absent: None
Motion Carried.

PPCM-1152 – Potbelly – Nowak and Fraus Engineers
Request for a Special Approval Land Use to construct a restaurant with a drive through restaurant in the C-3 General Business District - East side of Van Dyke, north of 15 Mile Road in Section 27.
Property address: 35100 Van Dyke

Mr. Reinowski asked Mr. McLeod for an overview.

Mr. McLeod gave an overview and stated the driveway to the site is located internal to the overall existing MJR Theater development. There will not be an exterior curb cut for this development. The property as shown in the site plans, landscape plans, building elevations, and so forth, met the requirements set forth in the Zoning Ordinance. This was based on several conditions being met. Mr. McLeod reviewed drawings of the site.

Mr. Reinowski asked for petitioner, or representative, to come to the podium.

Mike Peterson with Nowak & Fraus Engineers, 46777 Woodward Ave., Pontiac
Mr. Peterson stated he has been working on this area (corner) for about the past 13 years. He stated the project is looking for special approval land use to put in a casual restaurant with a drive through. He stated the developers have no issue with conforming to the suggested actions and recommendations the Planning Department has suggested and will work with the city to implement them. If the Special Approval Land Use is granted they are ready to go forward with site plan approval and engineering approval.

Mr. Reinowski asked for any questions from the Commissioners.

Mr. Ancona asked the petitioner about hours of operation.

Mr. Peterson stated he wasn't sure, but he didn't think it would be past midnight.

Mr. Militello confirmed with Mr. McLeod that the developers would be willing to "punch up" the overall design of the outside of the building.

Mr. McLeod stated during his conversation with the developer, they would be willing to do that provided the general configuration of the building remains the same.

Mr. Ancona asked if Action #12 covers the improvements for appearance of building.

Mr. McLeod stated it was left general because there are various ways to go about making the overall site more appealing.

Mr. Peterson stated he wasn't sure if the developers have obtained an architect yet or if they had someone provide generic elevations at this point. He stated they have had internal discussions regarding making the building more appealing and the developers are willing to do so.

Mr. McLeod stated with the Van Dyke improvements, the city wants to have it more appealing as well. Mr. McLeod had conveyed that to the developer previously.

Mr. Reinowski asked for any other questions from the Commissioners. Being none, he asked for public participation. Being none, he called for a motion.

Motion by Rowe, supported by Militello, in the case of PPCM-1152, 35100 Van Dyke, I move to APPROVE the Special Approval Land Use based upon the facts and plans presented, subject to the following conditions:

1. That the development and operation of the facility shall remain consistent with the scale and nature of the use as described in the proposal, at Public Hearing and reflected on the site plan;

2. That the petitioner shall develop, maintain and operate the facility in compliance with all pertinent codes, ordinances and standards of the City of Sterling Heights, County of Macomb and the State of Michigan;

3. That the petitioner file a Notice of Approval with the Macomb County Register of Deeds within sixty (60) days following this action. Failure to file this notice will serve as grounds to revoke the Special Approval Land Use;

4. The decision of the Planning Commission shall remain valid and in force only as long as the facts and information presented to the Commission in the public hearing are found to be correct and the conditions upon which this motion is based are forever maintained as presented to the Commission.

5. That the Planning Commission has found that the proposed drive through facility is compliant with Section 25.02 of the Zoning Ordinance.

6. Sign review and approval is a separate process and not a part of this review.

7. A pedestrian pass through should be provided within the island separating the drive through lane and the general maneuvering lane.

8. That a landscape hedge be provided between the entire length of the parking lot and the Van Dyke frontage as well as the parking lot and the internal roadway to the east of the site and that the applicant work with the Planning Department to implement design elements of the Van Dyke landscaping scheme within the Van Dyke boulevard.

9. That a Provide a landscape area be provided along the rear of the building by reducing the width of the drive through lane along the rear of the building.

10. That the parking lot trees be increased to thirteen (13) to meet the minimum requirements of the Zoning Ordinance.

11. That physical separations be provided between the proposed outdoor patio areas and the adjacent vehicular maneuvering lanes through the use of decorative panels, landscape areas, etc.

12. The applicant work with the Planning Department to provide additional architectural features and materials to the proposed building.
13. That the cross access easement agreement for the cross access alignment to the south be provided by review for the city attorney and office of engineering and after approval recording against the property.

This action is based on the following findings:

1. That the proposed shopping center with the drive through is in conformance with the specific requirements of Section 11.02 of the Zoning Ordinance as outlined in comments #1-#6 above.

2. That the proposed shopping center with the drive through is in conformance with the general planning standards of Section 25.02 of the Zoning Ordinance as outlined in comments A-G above.

3. That the proposed shopping center with the drive through meets or exceeds all other applicable Zoning Ordinance requirements upon compliance with conditions #1-#13 above.

Mr. Reinowski asked for any discussion on the motion.

Mr. McLeod stated the board may want to consider adding a requirement for the cross access.

The motion was amended by Mr. Rowe and supported by Mr. Militello, to add #13 and revised finding #3.

Mr. Reinowski asked for any other questions or comments from the Commissioners. Being none, he called for a roll call vote.

Ayes: Rowe, Militello, Ancona, Jaboro, Kopp, Miller, Norgrove, Reinowski
Nays: None
Absent: None
Motion Carried.

PSP16-0009 – AT&T (Warren Co Uverse-Phase 2)
Requesting Board approval for the construction of a parking lot in the C-3 General Business and O-2 Planned Office Districts. East side of Van Dyke, south of 15 Mile Road in Section 34.
Property address: 34480 Van Dyke

Mr. Reinowski asked Mr. McLeod for an overview.

Mr. McLeod gave an overview for the request of additional parking spaces to the existing AT&T store. The parking spaces will be used for cars used for the day to day service calls. Mr. McLeod displayed and summarized drawings of the site.

Mr. Reinowski asked for any questions from the Commissioners for Mr. McLeod. Being none, he called for the petitioner to come to the podium.

Art Cabrera, Project Manager with EXP
Mr. Cabrera stated the request is to fulfill their commitment to pave the existing gravel parking area with asphalt.

Mr. Reinowski asked the Commissioners for any question to the petitioner. Being none, he asked for public participation.

Nicole Deleon, 34351 Daventry Ct., Sterling Heights, (property is directly behind AT&T property)
Ms. Deleon wanted to clarify there would still be a buffer of trees between the parking lot and her property.

Mr. Cabrera confirmed the parking lot will not be extended; they are only paving the existing gravel area.

Mr. McLeod described explained the drawing further. He stated there will be an area where a retention pond is going to be and there will be 75 feet of trees preserved along the rear of the property line.

Ms. Deleon asked what the purposed of the retention pond is.

Mr. McLeod stated as part of any new development, there has to be a retention or detention for storm water. County requirements dictate there has to be a pond.

Mr. Reinowski asked for any further question or comments.

Mr. McLeod stated there were several correspondence sent in by residents concerned about the pond location, as well as, pond not being fenced. He stated a fence, per the slope, is not required.

Representative of the petitioner explained slope dimensions.

Mr. Reinowski asked for any further question or comments. Being none, he called for a motion.

Motion by Miller, supported by Militello, in the case of PSP16-0009, 34480 Van Dyke, I move to APPROVE the proposed preliminary Site Plan based upon the facts and plans presented, subject to the following conditions:

1. That the development and operation of the improvements on the site shall remain consistent with the scale and nature of the use as described in the proposal, at Public Hearing and reflected on the site plan;

2. That the petitioner shall develop, maintain and operate the facility in compliance with all pertinent codes, ordinances and standards of the City of Sterling Heights, County of Macomb and the State of Michigan;

3. The decision of the Planning Commission shall remain valid and in force only as long as the facts and information presented to the Commission in the public hearing are found to be correct and the conditions upon which this motion is based are forever maintained as presented to the Commission.

4. That the Planning Commission has found that the proposed parking lot expansion complies with Article 26 of the Zoning Ordinance.

5. The landscaping on the site is approved, subject to petitioner increasing the size of the parking lot trees to a minimum of three (3) inch caliper as required by article 24 of the Zoning Ordinance.

6. The retaining wall shall be installed as set forth on the site plan utilizing a decorative stone or stamped material. This will need to be coordinated with the City's Engineering and Building Department.

7. The gates for the dumpster enclosure shall be utilized durable, decorative wood gates.

8. If additional light poles/fixtures above the one (1) shown on the site plan are intended to be installed, a revised photometric plan shall be provided for review and approval by the City. Such additional lighting shall use decorative fixtures as required by the Planning Department.

9. The proposed light pole within the proposed parking area should be located at the intersection of parking space striping, not within the confines of a striped parking space.

10. The storm water detention basin shall be designed, constructed, and operated in accordance with the standards of the Office of Engineering. Petitioner shall execute and deliver to the City a maintenance agreement for the detention basin in recordable form satisfactory to the Office of Engineering and the City Attorney.

Mr. Reinowski asked for any discussion on the motion.

Mr. Andrews asked that the word "preliminary" be added to the approval statement in the motion.

Mr. Miller amended motion and Mr. Militello supported.

Mr. Reinowski asked for any further discussion on the motion. Being none, he called for a roll call vote.

Ayes: Miller, Militello, Norgrove, Reinowski, Rowe, Ancona, Jaboro, Kopp
Nays: None
Absent: None
Motion Carried.

PZ16-1141 – 7191 Associates LLC
Requesting Rezoning from RM-2 and M-1to M-2 (Heavy Industrial) district – North side of 17 Mile Road, between Van Dyke and Mound Roads in Section 16.
Property Address: 7191 17 Mile Road and 39639 Van Dyke

Mr. Reinowski stated Mr. McLeod received a letter for this case to be withdrawn.

Motion by Rowe, supported by Militello, in the case of PZ16-1141 – 7191 Associates LLC, to rezone from RM-2 and M-1to M-2 (Heavy Industrial) district – North side of 17 Mile Road, between Van Dyke and Mound Roads in Section 16.
Property Address: 7191 17 Mile Road and 39639 Van Dyke
Commission ACCEPTS petitioner's request to WITHDRAW.

Mr. Reinowski asked for any discussion on the motion. Being none, he called for a roll call vote.

Ayes: Rowe, Militello, Ancona, Jaboro, Kopp, Miller, Norgrove, Reinowski
Nays: None
Absent: None
Motion carried to accept petitioner's withdrawal request.

CITIZEN PARTICIPATION

None.

APPROVAL OF MINUTES
Motion by Rowe, supported by Miller, to approve the minutes of April 14, 2106.

Ayes: Rowe, Miller, Militello, Norgrove, Reinowski, Jaboro,
Nays: None
Absent: None
Abstained: Ancona and Kopp – Not present at April 14th meeting
Motion Carried.

CORRESPONDENCE

Mr. Militello listed who the letters were from:

- Rebina Vance, Monica Logan (Kiel), and Rick Bodgua regarding AT&T case.
- Oakland County Michigan Economic Development and Community Affairs highlighting their Master Plan and Economic Services review for Troy, sent by Eileen Dickerson, clerk.
- Michigan Planner

OLD BUSINESS

None.

NEW BUSINESS

Mr. Norgrove stated he would like to extend an invite to Mr. Kollmorgen to attend the appreciation banquet for all the work he has done in the past year on the committee and for past years.

Motion by Norgrove, supported by Miller, to direct the City to invite Mr. Kollmorgen to the appreciation banquet.

Mr. Reinowski asked for any discussion on the motion.

Mr. McLeod stated he will let community relations know.
Ayes: Norgrove, Miller, Reinowski, Rowe, Ancona, Jaboro, Kopp, Militello
Nays: None
Absent: None
Motion carried

Mr. Reinowski asked if there was any other new business.

Mr. McLeod stated at the next Planning Commission meeting, there will be a revised draft of sign ordinance and there will be a public hearing.

MOTION TO ADJOURN

Motion by Jaboro, supported by Militello, to adjourn.
Ayes: Jaboro, Militello, Norgrove, Reinowski, Rowe, Ancona, Kopp
Nays: None
Absent: None
Motion Carried

The meeting adjourned at 10:28 p.m.

Respectfully submitted,

Stefano Militello, Secretary
Planning Commission