

STERLING HEIGHTS PLANNING COMMISSION  
REGULAR MEETING  
CITY HALL  
June 9, 2016

LOCATION: City Council Chambers, 40555 Utica Road, Sterling Heights, MI  
SUBJECT: Minutes of the Regular Meeting of the Planning Commission held June 9, 2016.

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

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

Members absent at roll call: Stefano Militello, Donald Miller

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

Mr. McLeod stated Mr. Geoff Gariepy was appointed to the Planning Commission Board and he will start in July.

**APPROVAL OF AGENDA**

Motion by Mr. Ancona, supported by Mr. Kopp to APPROVE the Agenda.

Mr. Reinowski asked if there was any discussion on the motion.

Mr. McLeod stated there was a letter asking that the item PPCM-1153 - Huntington Bank Drive-up ATM be moved to down the list on agenda instead of first.

Motion by Mr. Ancona, supported by Mr. Kopp to AMEND agenda by moving PPCM-1153 to third on the list.

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

**CONSIDERATIONS**

Mr. McLeod stated the petitioner of case of PPCM-1154 - The Avenue Center was not present. The Planning Commission agreed to continue with the next case.

**PPCM-1155 - Joseph Newport**

Requesting Special Approval Land Use to permit an indoor recreation facility in an M-1 (Light Industrial) district - West of Mound, between 17 Mile Road and 18 Mile Road in Section 17.

Property address: 5535 and 5543 Gatewood

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

Mr. McLeod gave an overview and stated one side of the facility is already in use and due to their success they wish to occupy the other half of the building. The first half did not get Special Approval Land Use and they are trying to rectify that and also get approval for the second half.

Mr. Reinowski asked for any question from the Commissioners.

Mr. Norgrove asked Mr. McLeod if the use is similar to the Greg Grant center and if there have been any issues with zoning or code enforcement.

Mr. McLeod stated he did not think there have been any issues. Recreational use is typical in an industrial district.

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

Joseph Newport, 39675 Shoreline Dr., Harrison Twp., MI 48045, added to Mr. McLeod's overview that parents usually drop children off. Since parking is in the rear, if they need to designate a path, they are willing to do that.

Mr. Reinowski asked how long they have been operating their business.

Mr. Newport stated since July of 2015.

Mr. Reinowski asked for any question from the Commissioners. Being none, he asked if there was any public participation. Being none, he called for a motion.

Motion by Kopp, supported by Jaboro in the case of PPCM-1155, 5535 and 5543 Gatewood, I move to APPROVE the Special Approval Land Use based upon the facts and plans presented, subject to the following conditions:

1. That the use 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 plans;
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. That the petitioner file and deliver a Hold Harmless Agreement in favor of the City in form and substance satisfactory to the City Attorney.
5. 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.
6. That the Planning Commission has determined that the proposed indoor recreation facility use is compliant with Section 25.02 of the Zoning Ordinance.
7. That no outdoor activity is conducted onsite and further, that any noises emanating from the building be kept at a minimum.

This action is based on the following findings:

1. That the proposed indoor recreational facility is in conformance with the general planning standards of Section 25.02 of the Zoning Ordinance as outlined in comments A-G above.
2. That the proposed indoor recreational facility meets or exceeds all other applicable Zoning Ordinance requirements upon compliance with conditions #1-#7 above.

Mr. Reinowski asked for any discussion on the motion.

Mr. Rowe stated this being a Special Approval Land Use, there needs to be at least five affirmative votes. He wanted to make all aware there were two Commissioners absent.

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

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

**PPCM-1153 - Huntington Banks Drive-up ATM**

Request for a Special Approval Land Use to permit a remote stand-alone drive-up ATM in a C-3 (General Business) district - Southeast corner of Metropolitan Parkway and Van Dyke in Section 27.

Property Address: 36600 Van Dyke

Mr. Reinowski asked Mr. McLeod for an overview.

Mr. McLeod stated the proposed application is for the construction of a freestanding drive-up ATM facility within the existing Meijer shopping center. A Special Approval Land Use is required for any drive-through or drive-up type facility within a C-3 District. Mr. McLeod displayed and summarized a drawing of the site.

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

Chris Humphrey, 4495 Millwater Dr., Powell, Ohio, architect for the project came forward.

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

Mr. Rowe brought forth an email Mr. McLeod received from a resident at 8584 Metropolitan Parkway, stating objection to the stand alone ATM because it will reduce the value of their property and cost them financial loss.

Mr. Reinowski asked Mr. McLeod if he spoke to the resident that sent the email. Mr. McLeod stated no.

Mr. Norgrove asked Mr. McLeod if he felt any residential property value would go down by having the stand alone ATM.

Mr. McLeod stated, from a Planning standpoint, he could not see where the loss of value would come from.

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

Motion by Mr. Norgrove, supported by Mr. Jaboro, in the case of In the case of PPCM-1153, 36600 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. That the petitioner execute and deliver to the City within sixty (60) days following this approval a satisfactory Hold Harmless Agreement in recordable form acceptable to the City Attorney. Failure to provide this Hold Harmless Agreement will serve as grounds to revoke the Special Approval Land Use;
5. 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.
6. That the Planning Commission has found that the proposed drive-through facility is compliant with Section 25.02 of the Zoning Ordinance.
7. Sign review and approval is a separate process and not a part of this review.
8. The applicant work with the Planning Department to provide additional grasses or typical parking island plantings within the new parking islands.

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 - #8 above.

Mr. Reinowski asked for any discussion on the motion.

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

Ayes: Norgrove, Jaboro, Kopp, Reinowski, Rowe, Ancona,

Nays: None

Absent: Militello and Miller

Motion Carried.

**PPCM-1154 - The Avenue Center**

Request for a Special Approval Land Use to permit a drive-through use in a C-3 (General Business) district as a part of an 8,480 square foot shopping center building - East side of Van Dyke between 14 Mile and 15 Mile Roads in Section 34.

Property address: 34700 - 34740 Van Dyke

Mr. Reinowski asked Mr. McLeod for an overview.

Mr. McLeod gave an overview and stated this is for a development of an 8,479 square feet shopping center with a drive-through window for the northern unit. The existing land use is vacant and zoned for local commercial. Mr. McLeod displayed and summarized a drawing of the site.

Mr. Reinowski asked for any questions from the Commissioners for Mr. McLeod.

Mr. Norgrove confirmed with Mr. McLeod there would be no residential impact with this proposed site. He also asked about the cross connections.

Mr. McLeod stated all the surrounding properties are zoned C-3 General Business designation. He also stated there will be a cross connection north and south at the front of the site and to the north at the rear of the site.

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

Stacy Cerget with FVPM Property Management, 45138 Cass Ave. Utica, MI 48317, stated there has been interest for a drive-through facility at the current site but not feasible at the north side plaza. She stated the landlord purchased the property to the south to potentially offer a drive-through facility. The landlord has had great success in with the north side plaza and has had full occupancy for quite a while.

Mr. Reinowski asked what type of business would be going in there.

Ms. Cerget stated they do not know at this time but will be a smaller tenant.

Mr. Reinowski asked for any questions from the Commissioners.

Mr. Jaboro stated concern with the drive-through being at the back of the building.

Ms. Cerget stated the parking in the back is only for employees.

Mr. Reinowski asked for public participation. Being none, he called for a motion.

Motion by Mr. Ancona, supported by Rowe 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. That the petitioner execute and deliver to the City a Hold Harmless Agreement in favor of the City in form and substance satisfactory to the City Attorney within sixty (60) days following this approval. Failure to deliver this Agreement will serve as grounds to revoke the Special Approval Land Use;
5. 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.
6. That the Planning Commission has found that the proposed drive-through facility is compliant with Section 25.02 of the Zoning Ordinance.
7. Sign review and approval is a separate process and not a part of this review.
8. That the Fire Department provides review and approval of the proposed one way drive to the rear of the site to ensure appropriate emergency access/fire lanes can be provided.
9. Cross connections have been provided to the properties to the north and to the south. Formal recordable cross access agreements meeting the approval of the

Engineering Department and City Attorney will need to be provided to ensure long term access is maintained between sites.

10. Decorative poured concrete dumpster enclosure to be stained to match building and decorative wood gates to be utilized.
11. Decorative lighting fixtures shall be utilized throughout the parking lot.
12. Street trees be of a large deciduous (shade tree) variety.

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 - #12 above.

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

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

#### **PZ16-1142 Sign Ordinance - Planning Commission/ City Council**

Proposed text amendments to Zoning Ordinance No. 278 amending Article 28 General Provisions, and any other technical corrections related to Zoning Ordinance No. 278 (adopted September 13, 1989, as amended).

Mr. DeNault gave a brief summary of why sign ordinances are changing. He stated in June of 2015, an opinion from the U.S. Supreme Court came out that there can no longer be sign ordinance regulations based on the content or the message of a sign. For example, we will no longer have rules associated to signs specific to political, real estate, opinions, etc. Those types of rules will be gone because the name itself conveys the sign rules are based on the content or the message of the sign. The basic rule now is to get away from content based signs. If you are going to have a content based sign, it will have to pass strict guidelines.

Mr. DeNault made a slide presentation which highlighted these various changes:

1. Opinion Signs, Political Signs, Real Estate Signs & Other Messages **in Residential**
  - now categorized as Temporary Signs;
  - agricultural sales sign permitted if verified by City Planner;
  - must be removed within 7 days after purposed is fulfilled;
2. Opinion Signs, Political Signs, Real Estate Signs & Other Messages **on Vacant Parcels**
  - now categorized as Temporary Signs;
  - must be removed within 7 days after purposed is fulfilled
  - registration of short-term sign is valid for 90 days with 1 extension permitted;

- registration of long-term sign is valid for 1 year with 1 extension permitted
- may install any number of temporary signs up to 24 square feet;
- cannot exceed 5 feet in height;
- short-term signs cannot exceed 6 square feet;
- long-term signs cannot exceed 18 square feet;

### 3. Opinion Signs, Political Signs, Real Estate Signs & Other Messages **on Commercial Properties**

- now categorized as Temporary Signs;
- no temporary signs relating to commercial use are permitted;
- no temporary signs are permitted until monument sign is full or modification is granted;
- must be removed within 7 days after purpose is fulfilled;
- registration of short-term sign is valid for 90 days with 1 extension permitted;
- registration of long-term sign is valid for 1 year with 1 extension permitted;
- may install any number of temporary signs up to 24 square feet;
- cannot exceed 5 feet in height;
- short-term signs cannot exceed 6 square feet;
- long-term signs cannot exceed 18 square feet;

### 4. Permanent Freestanding Signs

- no new billboards

### 5. Electronic Message Boards

- automatic intensity adjustment for ambient light;
- messages may change after 10 seconds;
- if adjacent to residential use, may only be on when business is open or 6 a.m. to 10 p.m., whichever is shorter;
- messages must change instantly, no effects;
- must turn off or go to black screen in the event of a malfunction;

### 6. Wall Signs

- one additional wall sign relating to commercial use of the property is allowed on facades not visible from a public way (up to 10% of the tenant space or building facade, as applicable);

Mr. Rowe asked about how this affects the signs put up by the city, i.e. rezoning signs.

Mr. DeNault stated that would be considered a government sign and would fall under the category as a public sign, which includes federal, state, and local signage. Public signage is not subject to the ordinance regulation.

Mr. Rowe asked if the content of a sign has a certain percentage regulation within the overall size of the sign.

Mr. DeNault stated there is no percentage provisions he is aware of that would restrict how the content is displayed.

Mr. Rowe asked when the effective date of the new signs under the new provisions is.

Mr. DeNault stated if there is an application for a sign, it will have to comply with new ordinance. It will not be "grandfathered" in.

Mr. Norgrove asked Mr. DeNault to clarify signage in front of a resident's home, i.e. an American Flag, a holiday sign, and political signs. His question was do all these type of signs together make up the total temporary sign square footage allowed?

Mr. DeNault explained their thought process regarding this. The simple answer is yes to keep the temporary signs from being in excess. He also stated the American Flag is not considered a temporary sign.

Mr. Norgrove asked about other flags, i.e. another country's flag, a college flag, etc.

Mr. DeNault stated if it is not regulated by the government, it will be included as a temporary sign.

Mr. Norgrove asked about the ability to put up new billboards that could infringe on residents?

Mr. DeNault stated yes, if the city has regulatory authority on the land; no, if it constitutes a state highway. The state law trumps city law.

Mr. Norgrove asked Mr. DeNault to explain ideological signs. Can there be graphic images on signs?

Mr. DeNault stated with the new rules, they cannot regulate content. The Supreme Court said if it is obscenity, then it can be stopped and banned. If it is not obscenity but offensive, it is the residents right to display.

Mr. Norgrove asked if someone had an illuminated address sign on their home, would that be allowed.

After discussion between Mr. DeNault, Mr. McLeod, and Mr. Andrews, it was determined that a residential property identification illuminated sign would fall into the category of public safety and would not be considered a temporary sign.

Mr. Norgrove read from page 8 (of the backup material) regarding the beacon and strobe lights and wanted clarification.

Mr. DeNault stated if it is not conveying a message, it will remain the same.

Mr. Norgrove asked about number of signs visible from 2 different roads. For example, signs in your front lawn and on back of fence in backyard.

Mr. DeNault stated if all signs are on a single property and visible from a public road, you would have to stay within the allowed signage square footage allowed.

Mr. Norgrove asked about the electronic message board with regards to conveying emergencies on these signs. He also asked what the recourse is if a business doesn't want to convey an emergency.

Mr. DeNault stated when receiving approval for an electronic message board, the city in turn has the ability to convey emergencies to the community. If they do not comply, he assumes they may receive a ticket or lose the ability to have an electronic message board for failing to comply.

Mr. Norgrove asked about signage for something like a grand opening.

Mr. McLeod stated it will need a special temporary sign permit.

Mr. Norgrove asked about the cold air balloon type signage, if it counts against their signage allowed.

Mr. DeNault stated, as previously, they will still need to obtain a permit.

Mr. Norgrove asked about the signs on a boulevard, going into neighborhoods if they are "grandfathered" in.

Mr. McLeod stated if they are not meeting the current provision of 25 square feet, they already are “grandfathered” in.

Mr. Ancona asked about the electronic message boards on a church property. Are they considered a business and can they only have it running between the hours stated.

Mr. DeNault stated he doesn’t believe a church or religious institution is classified as a business.

Mr. McLeod suggested in the ordinance provision, the wording could be changed to clarify the overall aspect of electronic message boards.

Mr. Ancona asked if there are people in place to enforce the sign ordinances.

Mr. DeNault stated yes and they are actively working on the enforcements.

Mr. Rowe asked about monument signage.

Mr. DeNault stated nothing has changed in respect to the monument signs.

Mr. Rowe asked about the administrative review board and if Mr. McLeod should be part of that board.

Mr. DeNault stated the idea is to try to put people on the board that are a little removed from “boots on the ground” enforcement.

Mr. Rowe mentioned he is an active member of the Michigan Association of Planning. In October, they have a state wide Planning conference and it might be an opportunity for other Planning Commissioners and Planning experts to hear this presentation.

Mr. DeNault stated the presentation was designed for Sterling Heights but the analysis could be helpful to others.

Mr. Reinowski asked if the Commissioners had any further questions for Mr. DeNault.

Mr. Ancona asked how to proceed because of all the discussion and some changes that need to be made.

Mr. DeNault stated they could include the recommendations from the Planning Commission in the proposal or make a new draft and then go before the Planning Commission again.

Mr. Norgrove asked about number of posted signs for something like a blood drive.

Mr. DeNault said they would have to stick to the ordinance.

Mr. Rowe asked Mr. McLeod if the City Council has a schedule they would like to adhere to.

Mr. McLeod stated the City Council has a tentative schedule for an introduction at the July 5<sup>th</sup> meeting, and a second meeting for adoption on July 19<sup>th</sup>.

There was discussion among the Commissioners, Mr. DeNault and Mr. Andrews regarding proceeding forward with the comments and questions that were presented tonight and how they will be implemented and presented to City Council.

Mr. Reinowski asked the Commissioners for any further questions or comments. Being none, he asked for public participation. Being none, he called for a motion.

Motion by Mr. Ancona, supported by Mr. Rowe to forward a recommendation to City Council to approve Case PZ-1142, Planning Commission/City Council, Zoning Ordinance Text Amendments amending Article 28 General Provisions, and any other

technical corrections related to Zoning Ordinance No. 278 with Planning Commission questions and concerns being addressed and conveyed to City Council from the Planning Commission meeting of June 9, 2016.

Mr. Reinowski asked for any discussion on the motion.

Mr. Jaboro stated this will be presented at the City Council meeting and it is open to the public.

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

Ayes: Ancona, Rowe, Jaboro, Kopp, Norgrove, Reinowski

Nays: None

Absent: Militello and Miller

Motion Carried.

### **CITIZEN PARTICIPATION**

None

### **APPROVAL OF MINUTES**

Motion by Mr. Kopp, supported by Mr. Ancona, to approve the minutes of May 12, 2106.

Ayes: Kopp, Ancona, Jaboro, Norgrove, Rowe, Reinowski

Nays: None

Absent: Militello and Miller

Abstained: None

Motion Carried.

### **CORRESPONDENCE**

None

### **OLD BUSINESS**

None

### **NEW BUSINESS**

Mr. Norgrove asked Mr. McLeod if the sign ordinance insert he received should be put in the zoning book.

Mr. McLeod stated yes. When the new revisions are adopted from City Council, they will be added at that time.

Mr. Rowe asked for a copy of the latest version of the zoning ordinance and the sign ordinance.

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

Mr. McLeod stated hopefully next month will be the Commission will have the complete draft of the Master Plan for review.

### **MOTION TO ADJOURN**

Motion by Mr. Jaboro, supported by Mr. Kopp to adjourn.

Ayes: Jaboro, Kopp, Norgrove, Reinowski, Rowe, Ancona,

Nays: None

Absent: Militello and Miller

Motion Carried

The meeting adjourned at 9:27 p.m.

Respectfully submitted,

Stefano Militello, Secretary  
Planning Commission