

STERLING HEIGHTS PLANNING COMMISSION  
REGULAR MEETING  
CITY HALL  
July 14, 2016

LOCATION: City Council Chambers, 40555 Utica Road, Sterling Heights, MI  
SUBJECT: Minutes of the Regular Meeting of the Planning Commission held July 14, 2016.

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

Members present at roll call: Benjamin Ancona, Paul Jaboro, Geoff Gariepy,  
Edward Kopp, Stefano Militello, Donald Miller, and Jeffrey  
Norgrove

Members absent at roll call: Leonard Reinowski, Gerald Rowe

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

**APPROVAL OF AGENDA**

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

Ayes: Miller, Kopp, Norgrove, Ancona, Jaboro, Gariepy, Militello

Nays: None

Absent: Reinowski and Rowe

Motion carried.

Mr. Ancona acknowledged Mr. Gariepy as a new member and asked him to introduce himself.

Mr. Gariepy stated he was appointed in June by Mayor Taylor and gave a brief summary about his background.

Mr. Ancona stated a letter was received from a representative in regards to PPCM-1158, Giovanni Mauro, requesting a postponement.

Mr. Ancona stated Mr. McLeod informed the commission there is no update on PPCM-1145, Master Land Use Plan.

**CONSIDERATIONS**

None

**PPCM-1156 - Kurtenback Investments, LLC**

Request for a Special Approval Land Use to permit an indoor recreational facility in an M-1 (Heavy Industrial) district - East side of Commerce Drive, between 16 and 17 Mile Roads in Section 21.

Property Address: 37980 Commerce Drive

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

Mr. McLeod gave an overview and stated the proposed application is to utilize the existing industrial building for an indoor recreation facility and ancillary learning facility.

Mr. Ancona asked the applicant to come forward to the podium.

Greg Ralko and Mark Ralko came forward.

Mr. Greg Ralko stated his son, Mark, has been working with special needs children for a number of years in the Birmingham Public School system. Mark developed a program at the Birmingham YMCA, one on one training for special needs children. He has been building his clientele for the past 5 years. The grandfather of one of the children

expressed interest in being a part of what Mark is doing and he is the owner of the building.

Mr. Ancona asked for any questions from the Commissioners.

Mr. Miller asked about the number of occupants in the building and if they will be occupying the front (office) space. He also asked if there is adequate parking.

The applicant stated it will be one on one training sessions and they hope to have multiple sessions going on at the same time. There may be parents (or caregivers) in the lobby/waiting area. In the future they hope to offer tutoring. The front space will be an office, a tutoring room, a waiting area, and a break room for employees. There is adequate parking.

Mr. Gariepy asked if there are restrooms in the building and if they are handicapped accessible.

The applicant stated there are handicapped accessible restrooms and there are three total restrooms in the building. Two are in the front area of the building and one is located in the rear of the building which can be accessed from the gym.

Mr. Norgrove asked if any child could access the Verizon equipment room at the back of the building.

The applicant stated no the children will not be able to access the room. He stated it is a solid wall and there is no door from the gym area.

Mr. Norgrove asked if the approval was granted, how soon they would be open for business.

The applicant stated they would like to be open by September.

Mr. Ancona asked for any further question from the Commissioners. Being none, he asked if there were any public participation. Being none, he asked for any other questions for the Commissioners.

Mr. Militello stated there were many letters received in favor of the applicant's request. He asked Mr. McLeod if the letters needed to be submitted into the records.

Mr. McLeod stated they are part of the file and are considered part of the record.

Mr. Ancona stated there are ten (10) very positive emails/letters in favor of the proposal.

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

Motion by Mr. Miller, supported by Mr. Gariepy in the case of in the case of PPCM-1156, 37980 Commerce, 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 files and delivers 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 be 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. Ancona asked for a roll call vote.

Ayes: Miller, Gariepy, Ancona, Jaboro, Kopp, Militello, Norgrove

Nays: None

Absent: Reinowski and Rowe

Motion carried.

**PPCM-1157 - Joe G's Gaming - Turell Ellis**

Request for a Special Approval Land Use to permit an Amusement Device Center in a C-2 (Planned Comparison) district - Lakeside Mall, East of Schoenherr, South of Hall Road in Section 01.

Property address: 14600 Lakeside Circle, 1490

Mr. Ancona asked Mr. McLeod for an overview.

Mr. McLeod gave an overview of the application and stated the proposed application is for a Special Approval Land Use for an amusement device center in an enclosed mall area of a shopping center containing a gross floor area of not less than 400,000 square feet in the C-2 Planned Comparison Business Zoning District. The proposed use is within Lakeside Mall.

Mr. Ancona called for the petitioner to come forward to the podium.

Turell Ellis came forward. He stated the idea is to get teens and their friends that might be anti-social a place to play video games in a more social setting.

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

Mr. Gariepy asked the petitioner to describe where the location is inside the mall.

Mr. Ellis stated it is on the lower level by Lord and Taylor.

Mr. Gariepy asked how the petitioner will control games that might not be appropriate for all children. He also asked if the petitioner has received permission from the game developers to use the games to make money.

Mr. Ellis stated there will be certain stations assigned according to the rating system. There will also be a waiver participants will have to sign. He also stated he has an email from Nintendo to use photos and such.

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

Motion by Mr. Norgrove, supported by Mr. Militello, in the case of PPCM-1157, 14000 Lakeside Circle Suite 1490, 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, including, but not limited to, obtaining all applicable required licensing and approvals prior to opening for business, and operating the amusement device center in compliance with Chapter 7 of the City Code, and operating the amusement device center;
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 files and delivers 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 amusement device center use is compliant with Section 25.02 of the Zoning Ordinance.
7. That the use conforms to all specific requirements of Section 12.02 (f) including that noise shall not emanate from the proposed use.
8. That the applicant apply for and obtain the necessary amusement device permit from the City Clerk's Office.

This action is based on the following findings:

1. That the proposed amusement device center is in conformance with the specific special approval land use standards of Section 12.02 (f) of the Zoning Ordinance as outlined in comments #1 - #5 above.
2. That the proposed amusement device center 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 amusement device center meets or exceeds all other applicable Zoning Ordinance requirements upon compliance with conditions #1 - #8 above.

Mr. Ancona asked for any discussion on the motion.

Mr. Andrews stated to the petitioner that Sterling Heights has an extensive Regulatory Ordinance as well as Zoning Ordinance that indicates how they operate i.e. how many attendants, spacing, etc. He wanted to make sure Mr. Ellis was aware of the ordinances and that he will comply with them.

Mr. McLeod stated #6 of the motion should be corrected to say, amusement device center.

Mr. Gariepy asked Mr. Andrews if the ordinance mentioned spoke of any intellectual property.

Mr. Andrews stated he wasn't sure. He stated it had more to do with the hours people could be there because of a school truancy concern, space requirements, provisions regarding obscene material, etc.

Mr. Gariepy stated he is concerned about the licenses to make money from these types of games.

Mr. Andrews stated the petitioner will have to comply with all written laws, not just city laws. He too is concerned if the petitioner is allowed to use the games for commercial use.

Mr. Norgrove amended #6 of motion. Mr. Militello supported the amendment.

Mr. Miller asked the petitioner if he would like postpone in light of some of the question raised.

Mr. Ellis stated the gaming stations will be against the wall and there will be nothing in the middle area of the room.

Mr. Norgrove expressed to the petitioner that he read the ordinances very carefully.

Mr. Ellis stated the lease has already been signed and they have to move forward.

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

Ayes: Norgrove, Militello, Ancona, Gariepy, Jaboro, Kopp, Miller

Nays: None

Absent: Reinowski and Rowe

Motion Carried.

Motion by Mr. Militello, supported by Mr. Norgrove, to POSTPONE case PPCM-1158 - Giovanni Mauro to the August 11<sup>th</sup> meeting.

Ayes: Militello, Norgrove, Miller, Ancona, Gariepy, Jaboro, Kopp

Nays: None

Absent: Reinowski and Rowe

Motion Carried.

Motion by Mr. Militello, supported by Mr. Jaboro to POSTPONE case PPCM-1145 - Master Land Use Plan Update to the August 11<sup>th</sup> meeting.

Ayes: Militello, Jaboro, Miller, Norgrove, Ancona, Gariepy, Kopp

Nays: None

Absent: Reinowski and Rowe

Motion Carried.

#### CITIZEN PARTICIPATION

Ronald Powers came forward regarding postponed case.

#### APPROVAL OF MINUTES

Motion by Mr. Norgrove, supported by Mr. Jaboro, to approve the minutes of June 9, 2106.

Ayes: Norgrove, Jaboro, Ancona, Jaboro, Kopp

Nays: None

Absent: Reinowski and Rowe

Abstained: Gariepy, Militello, Miller

Motion Carried.

#### CORRESPONDENCE

Emails for case PPCM-1156 as mentioned previously.

#### OLD BUSINESS

Mr. Jaboro asked if they are "grandfathering" in previous signs with the new sign ordinance taking place.

Mr. McLeod stated the “grandfathering” provisions will prevail. As long as the sign is maintained, legal and conforming, the sign can stay.

Mr. Norgrove asked Mr. McLeod to explain the provision about the monument signs, temporary sign, and what has to be done if the monument is not filled up.

Mr. McLeod explained the way the ordinance reads to obtain a temporary sign, if you have open area in a monument sign that space has to be filled first prior to the addition of any temporary signs being permitted on the property itself. It is trying to minimize the number of signs on a property.

Mr. McLeod stated the sign ordinance had its first meeting at the City Council; it is due to be back on the agenda on Tuesday, July 19<sup>th</sup>. The Master Plan Update will be at the August meeting. He stated in the upcoming months, the administration and legal counsel are updating the Commercial Landscaping Standards within the ordinance. The draft will be before the Commission soon.

Mr. Norgrove asked Mr. McLeod what has become of the residential landscape ordinance that was passed.

Mr. McLeod stated the City Council has decided not to bring that back to the table and not sure if they will.

#### NEW BUSINESS

None

#### MOTION TO ADJOURN

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

Ayes: Militello, Jaboro, Miller, Norgrove, Ancona, Gariepy, Kopp

Nays: None

Absent: Reinowski and Rowe

Motion Carried

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Stefano Militello, Secretary  
Planning Commission