

STERLING HEIGHTS PLANNING COMMISSION
REGULAR MEETING
CITY HALL
SEPTEMBER 8, 2016

LOCATION: City Council Chambers, 40555 Utica Road, Sterling Heights, MI
SUBJECT: Minutes of the Regular Meeting of the Planning Commission held September 8, 2016.

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

Members present at roll call: Benjamin Ancona, Geoff Gariepy, 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

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

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

Nays: None

Absent: None

Motion carried.

PZ16-1145 - M-59 Properties, LLC

Request for a Conventional Rezoning from C-1 (Local Convenience Business) district, P-1 (Vehicular Parking) district and R-80 (One Family Residential) district to C-3 (General Business) district - South side of Hall Road between M-53 and Sterritt St.

Property addresses: 11106 and 11124 Hall Road, 44871, 44773 and 44891 Sterritt St.

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

Mr. McLeod displayed the site plan and gave an overview of the proposal. He stated as a conventional rezoning all permitted and special approval land uses could be considered at the site. The Master Land Use Plan designates this area as Transitional. He displayed and explained a concept plan, submitted by the applicant, for two 120 room hotels, along with approximately 24,000 sq. feet of commercial retail space. He stated no specific users have been identified for this location. He stated if zoned C3 without conditional approval or conditional requirements, it would be difficult to mitigate out issues that could occur with some higher intensity uses.

Mr. Reinowski asked the board if there were any questions for Mr. McLeod. Being none, he asked the petition/representative to come forward to the podium.

Phil Ruggeri, 43231 Schoenherr, Sterling Heights, and Mike Shammami came forward.

Mr. Ruggeri gave an overview regarding the history of the property. He stated the concept mentioned previously, hotel with commercial retail space, is the only thing M-59 Properties is interested in developing. He talked about the extensive buffering that would be between the residents and the hotels. He stated they are looking for safeguards so they do not end up with time constraints that will again result in loss of money.

Mr. Reinowski asked for any questions from the Commissioners.

Mr. Militello asked Mr. Ruggeri if the previous projects he has brought before the Board, in Sterling Heights, are fully occupied.

Mr. Ruggeri stated yes.

Mr. Militello stated GM is looking for places to put their clients. Warren lost the hotel along Van Dyke and they are trying to pursue name brand hotels with no luck.

Mr. Ruggeri added there is a big demand for hotels in the area and the financing is very strong right now.

Mr. Miller asked Mr. Ruggeri if the plan was to increase the green space from 20 feet, as shown in site plan. Also if his plan is to get feedback, postpone, and then bring back a site plan everyone is pleased with possible contract zoning.

Mr. Ruggeri stated yes and they would increase the green space to around 50-60 feet or so.

Mr. Gariepy asked why the petitioner is not asking for contract zoning at this time.

Mr. Ruggeri stated the petitioner is fearful of not having enough time. In talking with Mr. Andrews, he stated there could possibly be something worked out with the language for an extension if they run into a problem.

Mr. Miller asked Mr. Ruggeri how he planned to protect themselves on the time constraints.

Mr. Ruggeri stated the contract zoning is more flexible than a use variance. He would like to have language in the documents that would allow extensions if needed.

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

Susan MacIlreath, Alice Ct., stated there are other major hotels on the other side of Hall Road (M-59) and she is against the proposal to build a hotel on this small site.

James Seager, Sterritt St., would like to know how tall the buildings are going to be and how tall the buffer is going to be.

Tim Hauke, Sterritt St., stated the residents all pay property taxes as well, the owner knew the property was not zoned to build a hotel when purchased, and there are other vacant properties not abutting residents.

Leslie Hennigan, Wilseck Ct., stated her residence will be directly impacted by this zoning change. She stated many concerns with the proposed use of the property and thinks it should be developed with a less intense use.

Bill Sachs, Wilseck Ct., feels there could be a better use for the property. He has concerns with 24-7 noise impacting the residents and there not being a buffer tall enough for a building of that nature. He described the retail, restaurant, and other commercial places in the area.

Carolyn Cece, Morang Dr., stated concern for overflow of water that could end up in the resident's property. This is due to their basements previously flooding four times after a nearby medical complex went in.

Leonard Celletti, Morang Dr., stated concerns for the house values dropping as well as previously mentioned concerns by other residents. Does not feel a high rise hotel is suitable next to residents.

Larry Jones, Wilseck Ct., stated concern for the noise level it will bring and the decrease in their property value.

Jim Bauer, Wilseck Ct., feels the proposed use is too intense for this site and a less intense use would be more suitable.

Mark Scheuerman, Morang Dr., stated concern for water/flood issues. He also stated concern for the noise level that would come to the sides of the building; the buffering in the back will not help. He agrees with previous residents that there should be something less intense developed there.

Paul Vanderwaal, Alice Ct., stated concern for noise, traffic, and carelessness that would come from a hotel development.

Mr. Reinowski asked for any other questions from the public. Being none, he asked if the Commissioners had any further questions.

Mr. Norgrove asked Mr. Andrews to explain a "spot zone", how serious it is, and how it impacts developments.

Mr. Andrews explained a spot zone to be when a partial of property is rezoned and is usually surrounded by incompatible zoning. He stated a spot zone is not desirable.

Mr. Norgrove asked how the courts look at spot zoning if the matter goes to litigation.

Mr. Andrew stated they generally do not look favorable on the spot zones.

Mr. Reinowski asked if there were any other questions from the Commissioners.

Mr. Reinowski stated there were three emails received from residents in the area (John Clark, Kelly Beckett, and Dan Hoin) expressing their concerns for the proposed rezoning.

Mr. McLeod stated he received phone calls from Mrs. Hildebrand, Linda Skeen, and a resident on Alice Ct. objecting to the rezoning request.

Motion by Mr. Militello, supported by Mr. Jaboro, to **POSTPONE** case number PZ16-1145, M-59 Properties to the October 13th meeting.

Mr. Reinowski asked for any discussion on the motion.

Mr. Rowe suggested the motion provide specific direction to the applicant for a less intense use of the property.

Mr. Gariepy asked Mr. Ruggeri how he would work with the residents to come to a mutual compromise.

Mr. Ruggeri stated there could be one or two representatives of the group as a contact person that he could share the plans with, and then meet with residents to share thoughts and concept plans.

Mr. Gariepy asked if the applicant is willing to entertain other uses besides hotels.

Mr. Ruggeri stated hotels are a strong point of their development, but he has some ideas and feels there could be a compromise.

Mr. Miller asked Mr. Ruggeri if one month was enough time for the postponement.

Mr. Ruggeri stated yes.

Mr. Rowe stated because part of the property is already zoned C1, it could be a partial rezoning if they were to rezone for a less intense use.

Mr. Norgrove asked Mr. Ruggeri how he is going to address the spot zone issue.

Mr. Ruggeri stated with contract zoning, there isn't a spot zone issue. He said they will address and consider all recommendations and concerns.

Mr. Gariepy stated that it appeared the applicant would still come back with a plan to develop a hotel. He asked the audience, by a show of hands, who would be willing to work with the applicant if it were still for developing a hotel. There were no hands raised.

Mr. Ruggeri stated it is an issue his client will have to address and they will be discussing and explore all avenues.

Mr. Reinowski asked if there were any further questions from Commissioners. Being none, he asked for a roll call vote.

Ayes: Militello, Jaboro, Miller, Norgrove, Reinowski, Rowe, Ancona, Gariepy, Kopp
Nays: None

Absent: None
Motion carried.

Mr. Rowe stated to all present, there would not be another notice sent out for the October 13th meeting.

Mr. Reinowski called for a 10 minute recess until 8:25 p.m.

PZ16-1144 Nonresidential Landscaping Standards Ordinance - Planning Commission/City Council

Proposed text amendments to Zoning Ordinance No. 278 amending Article 23 Off Street Parking and Loading Requirements, by amending Section 23.01 General Parking Requirements and Article 24 Environmental Provisions, by amending Section 24.02 Site Landscaping Requirements and Section 24.03 Parking Lot Landscaping Requirements and Section 24.05 Location and Screening of Trash Receptacles and adding Sections 24.07 Decorative Fencing for Nonresidential Properties and Uses, Section 24.08 Foundation Plantings, Section 24.09 Transformer and Other Ground Mounted Appliance Screening, Section 24.10 Pedestrian Connections, Section 24.11 Enhanced Landscaping Treatments, Section 24.12 Bicycle Racks, and by amending Article 27 Nonconforming Uses, Building and Structures, by adding Section 27.03A Landscaping and Site Improvements; Resumption and Restoration, and amending Article 28 General Provisions by amending Section 28.14 General Provisions, and amending Article 31 Definitions, by amending Section 31.01, and any other technical corrections related to Zoning Ordinance No. 278(adopted September 13, 1989, as amended).

Mr. Reinowski asked Mr. McLeod for an overview.

Mr. McLeod stated the draft for the new commercial landscape standards were previously given to the Commission for review. In this meeting he will address any questions, comments, or concerns from the Board. It is also the public hearing for the drafts and he will address any public comments.

Mr. Reinowski asked if there were any questions from the Commissioners.

Mr. Militello asked Mr. Andrews if this will be implemented when plazas do upgrades or will they be expected to implement changes because they do not meet the requirements in the new ordinance.

Mr. Andrews stated if someone is in compliance with the standards from when they went through site plan review, they will not be required to do anything further unless they do a substantial upgrade. The intent is to be in compliance with what they should be doing as stated in their site plan. If they are not in compliance they would have until July 2017 to conform.

Mr. Militello asked Mr. McLeod if there are enough people in code enforcement to handle the task.

Mr. McLeod stated it is a tool the city will use, as need arises, to handle properties that are non-compliant.

Mr. Gariepy asked Mr. Andrews why there is a need for a new ordinance.

Mr. Andrews believes what the city staff is aiming to do is upgrade, over a period of time, commercial/industrial sites and concentrate on the people who haven't kept up their property.

Mr. Gariepy asked if someone is not notified until just before the deadline, will they have an extension past the July 2017 date.

Mr. Andrews stated yes but they have to show some sort of proof they are progressing to be in compliance.

Mr. Rowe asked Mr. Andrews in properly notifying business owners, how will this be phased in so the code enforcement can do its job.

Mr. Andrews stated code enforcement will concentrate on the worst offenders.

Mr. Norgrove asked what is the thought process behind requiring a white tent (for temporary use) when there may be businesses/organizations that already own something other than white.

Mr. McLeod stated when someone gets a temporary use permit for a tent, for the past two years they have required white tents. This ordinance puts the requirement into print.

Mr. Norgrove asked Mr. McLeod to explain the new irrigation requirements.

Mr. McLeod stated it is not a brand new requirement but a modification to an existing one. The thought process behind the irrigation requirement is in conjunction with the new landscaping standards. The city wants to make sure what is planted doesn't die.

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

There was no public present for comment regarding the Commercial Landscaping Standards.

Motion by Mr. Gariepy, supported by Mr. Militello, to **forward a recommendation** to City Council to approve Case PZ16-1144, Planning Commission/City Council, Zoning Ordinance Text Amendments amending Article 23 Off Street Parking and Loading Requirements, by amending Section 23.01 General Parking Requirements and Article 24 Environmental Provisions, by amending Section 24.02 Site Landscaping Requirements and Section 24.03 Parking Lot Landscaping Requirements and Section 24.05 Location and Screening of Trash Receptacles and adding Sections 24.07 Decorative Fencing for Nonresidential Properties and Uses, Section 24.08 Foundation Plantings, Section 24.09 Transformer and Other Ground Mounted Appliance Screening, Section 24.10 Pedestrian Connections, Section 24.11 Enhanced Landscaping Treatments, Section 24.12 Bicycle Racks, and by amending Article 27 Nonconforming Uses, Building and Structures, by adding Section 27.03A Landscaping and Site Improvements; Resumption and Restoration, and amending Article 28 General Provisions by amending Section 28.14 General Provisions, and amending Article 31 Definitions, by amending Section 31.01, and any other technical corrections related to Zoning Ordinance No. 278(adopted September 13, 1989, as amended).

Mr. Reinowski asked for a roll call vote.

Ayes: Gariepy, Militello, Kopp, Jaboro, Miller, Reinowski, Rowe, Ancona

Nays: Norgrove

Absent: None

Motion carried.

PPCM-1159 - Bishara Kaoud

Request for a Special Approval Land Use to permit a carry-out restaurant in a C-1 (Local Convenience Business) district - East side of Van Dyke between 18 ½ Mile Road and Riverland Drive in Section 10.

Property address: 42440 Van Dyke

Mr. McLeod stated this is the second time the applicant has not been present. The applicant has received two certified letters and email correspondence and he has not heard back from anyone.

Motion made by Mr. Rowe, supported by Mr. Miller, to **TABLE** case PPCM-1159, 42440 Van Dyke due to petitioner not making a presentation despite being notified of two public meetings. The Planning Commission cannot make a decision without a presentation.

Mr. Reinowski asked for any discussion on the motion.

Mr. Rowe asked if the applicant wants to appear again would it have to be brought back to the table.

Mr. Andrews stated it would have to be brought back to the table, public notice would be sent out, and then it would be scheduled accordingly.

Mr. Reinowski called for a roll call vote.

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

PPCM-1145 - Master Land Use Plan Update

Mr. Reinowski asked Mr. McLeod for an overview.

Mr. McLeod stated at last month's Planning Commission meeting, the Commissioners were provided with the first complete drafts of the City's Master Land Use Plan as well as the City's Parks, Recreation and Non-Motorized Master Plan. That meeting was the first time the Planning Commission has viewed a complete draft of the Master Land Use Plan. He went through the steps that should be taken to move forward for the adoption of the plan.

Mr. Gariepy stated the Master Plan addressed certain redevelopment nodes and wanted to suggest the 15 Mile Rd. and Ryan Rd. intersection should be part of the redevelopment. He would like to see documented what could be done with this particular intersection.

Mr. McLeod feels the city has taken the stance that this kind of development should be happening citywide. The Master Plan focuses on a series of node and focal points but that doesn't mean other intersections, within the city, can't take on that same type of appearance. He stated he would talk with the consultants regarding adding that particular intersection to the plan.

Adam Young stated he also thought there were some valid points made. They will take into consideration adding the intersection as another place making node in the city.

Mr. Rowe asked about the line items for funding in regards to the Recreation Plan.

Mr. McLeod stated typically in a budgeting sequence, you do not put in grant opportunities. He will converse with Kyle Langlois and make sure the notations are correct.

Mr. Rowe asked about the sources for the maps on pages 48-50.

Mr. Young stated there are sources listed, in very small print. He stated they should specifically spell it out or put text under each map. The source for all three is the American Community Survey Data.

Mr. Young stated the Parks and Recreation Non-Motorized Master Plan is a little different than the Master Land Use Plan. The Master Land Use Plan requirements are dictated by State Law and the Parks and Recreation Master Plan requirements are dictated by the Department of Natural Resources. The Parks and Recreation Master Plan does not have to go to City Council for authorization but it makes sense to pass it along to the City Council as a complete draft so they can review before it goes to the public for review. The MDNR requires a 30 day comment period. There will be a posting of that notice that the plan is available for citizen review and then a public meeting will need to be held by the City Council before adoption.

Mr. Norgrove asked Mr. Young if the maps will be similar to the old maps where they are bigger and fold out so they are easier to read.

Mr. Young stated yes they will be able to do that.

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

Mr. McLeod stated there may be two different documents. One would be the technical report, a long draft; the other would be a shorter version, executive summary type, which would contain more visuals.

Motion by Mr. Rowe, supported by Mr. Norgrove to **forward a recommendation** to City Council to recommend distribution of the Master Land Use Plan draft document to the City's surrounding communities and other required agencies as prescribed by State Statute and approve the Parks, Recreation, Open Space and Non-motorized Plan for the required public review and comment period.

Mr. Reinowski asked for a roll call vote.

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

Mr. McLeod asked for the short video presentation on the City's park systems to be played.

Mr. McLeod stated the reason for viewing the video is so the Commission would have a good understanding of the overall plan.

Mr. Miller asked if this will be a millage increase and if so when will it be on the ballot.

Mr. McLeod stated yes but it would be a small increase per resident and would greatly benefit all residents. It will be on the ballot this November. On the front page of the cities website there is "Recreating Recreation" area that states the facts involved with the proposal. It states it would be just under \$63 per year for the average homeowner.

Mr. Andrews stated it will be a .97 millage increase and dedicated specifically to parks and recreation.

Mr. Reinowski asked if there were any other questions/comments. There were none.

CITIZEN PARTICIPATION

None.

APPROVAL OF MINUTES

Motion by Mr. Rowe, supported by Mr. Miller, to **APPROVE** the minutes of August 11, 2106.

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

CORRESPONDENCE

- Michigan Association of Planning, the annual conference is in Kalamazoo.
- Three letters, mentioned above, regarding case PZ16-1145 - M-59 Properties, LLC.
- Michigan Planner

OLD BUSINESS

None.

NEW BUSINESS

Mr. Rowe stated they received, from the Planning Office, a Planning Commissioners list and there are three Commissioners reappointed.

Mr. McLeod stated he would send out updated list.

Mr. Norgrove asked if the City has considered any of the conferences for the Commissioners to become more knowledgeable in the Planning/Zoning process and even to become certified.

Mr. McLeod stated there has been some discussion and is looking into various opportunities for training.

MOTION TO ADJOURN

Motion by Mr. Militello, supported by Mr. Kopp to **ADJOURN**.

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

Nays: None

Absent: None

Motion Carried

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Stefano Militello, Secretary
Planning Commission