

STERLING HEIGHTS PLANNING COMMISSION
REGULAR MEETING
CITY HALL
October 13, 2016

LOCATION: City Council Chambers, 40555 Utica Road, Sterling Heights, MI
SUBJECT: Minutes of the Regular Meeting of the Planning Commission held October 13, 2016.

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

Members present at roll call: Benjamin Ancona, Geoff Gariepy, Stefano Militello, Jeffrey Norgrove, Leonard Reinowski, and Gerald Rowe

Members absent at roll call: Paul Jaboro, Edward Kopp, Donald Miller

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

APPROVAL OF AGENDA

Motion by Mr. Militello, supported by Mr. Rowe to **APPROVE** the Agenda with **amendment** to move PZ16-1145 - M-59 Properties, LLC to be the first item.

Ayes: Militello, Rowe, Norgrove, Reinowski, Ancona, Gariepy,

Nays: None

Absent: Jaboro, Kopp, Miller

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.

Motion by Mr. Rowe, supported by Mr. Militello, to **POSTPONE** action on the proposed rezoning to the November 3rd, 2016 Planning Commission meeting as requested by the applicant and to allow the applicant time to meet with the surrounding residents and provide the additional information and site plan modifications as requested at the September Planning Commission meeting.

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

Mr. Gariepy pointed out the schedule change for the November meeting which will be held on the first Thursday, November 3rd.

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

Ayes: Rowe, Militello, Ancona, Gariepy, Norgrove, Reinowski

Nays: None

Absent: Jaboro, Kopp, Miller

Motion carried.

Mr. Norgrove stated to all present, there would not be another notice sent out for the November 3rd meeting.

PPCM-1161 - Verandas - Dominic Mocerì

Requesting approval for a Planned Unit Development which includes the development of a 807 unit residential community as well as an 18 hole golf course, 9 hole practice golf course and associated clubhouse, pool and banquet center in an R-80 (One Family Residential) district - West side of Maple Lane Drive, north of Fourteen Mile in Section 34.

Property address: 33203 Maple Lane Drive

Mr. Reinowski asked Mr. McLeod for an overview (PUD) approval. At this time, a concept plan approval is being requested. Mr. McLeod displayed site plans and gave an overview of the proposal.

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

Mr. Gariepy asked Mr. McLeod about the yield plan.

Mr. McLeod explained the yield plan is designed to set the overall density or intensity of the development. The ordinance states that the dwelling unit density shouldn't be any greater than what the underlying zoning district is. The yield plan provides for that density. That is then translated to the Verandas PUD plan that the applicant has presented.

Mr. Reinowski asked the petitioner to come forward to the podium.

Mr. Dominic Mocerri, 30005 University Dr., Auburn Hills. Mr. Mocerri stated they would like to develop a community that is much needed for the older residents that would like to age in place. They will provide world class amenities. He introduced Brandon Guest to run the power point of the proposal.

Matt Schwanitz of Giffels Webster Engineers, 1025 Maple Rd, Birmingham, MI. Mr. Schwanitz explained their goals for the project. 1) To have boundary roads to keep golf course area feel. 2) Salvage part of golf course and make it work. There were too many things that didn't work so they started over with a new design. 3) To maintain a maximum amount of the golf course around the perimeter to keep a buffer for the majority of the existing residents. 4) To have a major gateway in and have a "front door" look as you enter the community.

Raymond Hearn of Raymond Hearn Golf Course Designs, 119 W 37th Street, Holland, MI. Mr. Hearn displayed and described the layout of the golf course.

Mr. Mocerri described the club house which will be for public and private use. He also displayed and described the architecture plans of the development. He explained they are committed to providing a sidewalk on the east side of Maple Lane.

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

Scott Waak, 11634 Ina Dr., Sterling Heights, has lived there for appx. 25 years. He stated he is concerned about the northeast corner where there are only a few houses. Other than trees, it was not stated what would become of that area.

Rick Bella, lives on Sebastian Lane, Sterling Heights, stated even though the proposed property is beautiful, he would like to see the golf course stay intact.

Jeff Niespolo, 33112 Sebastian Lane, Sterling Heights, asked about the community garden and the retro fitting of the barn.

Paul Smith of Sterling Heights is opposed to the development because it is taking away part of the private recreation opportunity in Sterling Heights.

Anthony Thomas, 8751 Mary Ann Drive, Sterling Heights, is concerned about the water pressure and sewage. He also asked what the starting prices of the housing will be.

Billie Wood, 33568 Sebastian Lane, Sterling Heights, wondered what provisions has the contractor made for the ecological development. She asked, once approved, can the developers change their mind on the proposal; are basements in the housing; and will

their water bills increase. She is concerned about building new homes/condos when there is availability within the city now.

Alan Kazmir, 33400 Maple Lane Dr., Sterling Heights, owner of Friendly Storage. He supports the project. He gave praises to the Mocerri developers and the City of Sterling Heights for well thought out plans. He would like to see Maple Lane road expanded.

Daryl Onderik, owner and CEO of American Polish Century Club, 33204 Maple Lane, Sterling Heights. He wanted to know if there will be a banquet center in the new development.

Mark Owens, 33732 Sebastian Lane, Sterling Heights, stated he is excited for the plan. He mentioned the chain link fence by his yard is in poor shape. He asked if the plan is approved, will it remain a golf course.

Richard Krueger, 34425 Maple Lane Dr., Sterling Heights, is concerned about the traffic that will be generated on Maple Lane with the new development.

Benjamin Orjada, 11076 Mendale Dr., Sterling Heights, stated concern of how the wild life will be handled.

Mr. Reinowski asked if there was anyone else who wished to speak. Being none, he closed public participation.

Mr. McLeod stated with the PUD, once the concept plan is approved, the site plans that follow have to conform to the approved concept plan. There can be small/minor modifications but there will be a legal document of what those minor changes would consist of. He stated the drainage/water issues have not been reviewed yet by the city. The Mocerri's have had some initial review/plans done for drainage. Once the concept is approved the Mocerri's will have to provide a drainage plan and work with the city engineers. The plans of the barns don't show the exact size at this time. Mr. McLeod stated there will be discussions concerning the roads and traffic patterns.

Mr. Norgrove asked Mr. McLeod if there are plans to widen Maple Lane in the next two to five years.

Mr. McLeod stated he did not believe it is on an active list to be modified.

Mr. Militello asked Mr. McLeod if the property was development as an 80 foot lot with homes, how many homes would be allowed. He also stated there would be less traffic because of the 55 and over demographic.

Mr. McLeod answered just over 800 homes and stated the typical range for a single family home is 9-10 trips per day for the average single family home. An over 55 community (depending on the housing type) would range from 7-8. There could be two-thirds of the traffic.

Mr. Ancona asked Mr. Mocerri to address the issues of Ina Drive and the wild life.

Regarding wildlife, Mr. McLeod stated they will have to work with the applicant and find out what the plan is to mitigate those birds at that location.

Mr. Mocerri stated they have a traffic safety consultant. During peak hours (6:30 a.m. - 9:30 a.m.) the reduction would be 46% less traffic than if it was developed conventionally as a traditional subdivision. The average daily trips are 23% less. That's why it is mitigated in the plans. He explained the PUD is a contract and he is contractually obligated to build as the plans state. He addressed the community garden concern and stated they would be willing to relocate that to another area. Mr. Mocerri explained they have taken down the barbed wire fence and will repair/replace any existing fence where needed. He stated the homes will be attainable. The price will be between the high \$200,000's and the low \$400,000's, and the rentals will be from \$1,350 to \$2,500 per month. In addressing the question of a banquet center, he stated

there is a banquet center there now. They have designed a grand ballroom that will overlook the golf course. It will be a different price point than the American Polish Banquet Center.

Mr. Rowe asked if there are basements in the units and asked the size of the barn.

Mr. Mocerri stated yes, more than three-fourths of the homes will have basements. In the barn area, two buildings remain. The tin building and a basement and foundation from an old fire get removed. He explained they will keep the existing barn but restore it. The approximate measurements will be 60 feet long, 36 feet wide and 24 feet tall.

Mr. Rowe asked about the wildlife existing in the area.

Mr. Mocerri stated when they go through the engineering approvals, and it's brought before the Department of Environmental Quality, they take it to the Department of Natural Resources.

Mr. Rowe asked how much club house parking is proposed.

Mr. Mocerri stated there are approximately 274 parking spaces. He stated there will be valet parking which will be beneficial when there are larger events at the club house.

Mr. Rowe asked about the roads having public access.

Mr. Mocerri explained there will be public access but the roads within the community will be maintained privately.

Mr. Norgrove asked Mr. Mocerri to address the loss and replanting of trees.

Mr. Mocerri stated the landscape plan is documented in the contract. There will be about 8:1 ratio of replanting to removing. Their goal is to create a great canopy of greenery.

Mr. Gariepy stated with the 20 percent of the community possibly being under 55, what is the impact to the school system.

Mr. Mocerri stated it would be less than 50 children and would not greatly impact the schools.

Mr. Gariepy asked what the downtime during construction will be when the golf course is not open.

Mr. Mocerri stated the golf course will be open through the 2017 and 2018 seasons. The downtime will be the entire 2019 season with a reopening 9 holes in spring of 2020. Their goal is to have 18 holes open by the fall of 2020.

Mr. Gariepy asked Mr. Mocerri to describe the senior living aspect.

Mr. Mocerri stated 119 units are designed for independent living and 41 for assisted. Of the 41, 25 will be for memory care, and then 24 will have assistance as needed.

Mr. Reinowski asked if there were any further questions from the Commissioners. Being none he asked for a motion.

Motion by Mr. Norgrove, supported by Mr. Militello in the case of PPCM-1161, 33203 Maple Lane Drive, I move to **recommend City Council approval** of the concept plan for the Planned Unit Development, 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. The decision of the Planning Commission/City Council 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 appropriate site plan and engineering plans meeting all other requirements of the City of Sterling Heights be provided for each phase as it develops.
5. That sidewalks be provided along the east side of Verandas Boulevard from 14 Mile Road to the clubhouse.
6. That a sidewalk be provided along the east side Maple Lane Drive from the proposed senior assisted living complex to the intersection of 14 Mile Road.
7. That fencing be provided along the 14 Mile frontage along the designated maintenance area.
8. That the landscaping plans be modified in accordance with the recommendations in the Planning Department's staff report of October 13th, 2016.
9. That the signage plan, including the additional sign designs and placement be approved as a part of the PUD approval.
10. That with City Council approval, the overall time frame for the completion of the project be modified from the required thirty (30) month time frame to no more than ten (10) years due to the nature and expanse of the development, with the option of further extending the time frame upon request by the applicant and approval by City Council.
11. With the sidewalk plan to be determined later by the Planning Department. See email from Mr. Mocerri as documentation.

This action is based on the following findings:

1. The overall development density of 807 residential units as depicted on the submitted concept plan for the property is consistent with the underlying R-80 One Family Residential Zoning District as verified by the submittal of the two (2) yield plans depicting how the site could be developed conventionally.
2. That the use of the golf course itself, the proposed fencing as well as additional landscaping provides the necessary buffer/transition from the proposed PUD to the existing single family residential dwellings.
3. That the plan provides for an efficient, aesthetic, and desirable use of the open areas and the plan is in keeping with the physical character of the city and the area surrounding the development.
4. That the plan provides adequate areas for all utilities, walkways, recreational areas, parking areas and other open spaces, and areas to be used by the public or by residents of the community.
5. The proposed modifications to the area and setback requirements are appropriate based on the configuration of the overall PUD concept plan.

Mr. Reinowski asked for any discussion on the motion.

Mr. Ancona suggested including an email, as documentation, from Mr. Mocerri to number 11 of the motion.

Mr. Rowe suggested to add the words "City Council" approval of the concept plan.

Mr. Mocerri pointed out number 6 stated "west" side of Maple Lane drive and should be "east" side.

Motion to **AMEND** by Mr. Norgrove, supported by Mr. Militello to add words "City Council" and to revise numbers 6 and 11.

Mr. Reinowski asked for a roll call vote.

Ayes: Norgrove, Militello, Reinowski, Rowe, Ancona, Gariepy

Nays: None
Absent: Jaboro, Kopp, Miller
Motion carried.

Mr. Reinowski called for a 10 minute recess.

PSP16-0030 - Michael Boguth

Request approval for an RV and automobile sales lot and ancillary uses in a C-3 (General Business) district - West side of Mound Road, north of Fifteen Mile Road in Section 29.
Property address: 35445 Mound Road

Mr. Reinowski asked Mr. McLeod for an overview.

Mr. McLeod displayed the site plan and gave an overview. He stated this is a Site Plan Approval for additional sales and display lot for vehicles, a building addition, and associated improvements for a used car and vehicle/RV sales lot.

Mr. Reinowski asked the petitioner to come forward to the podium.

Michael Boguth, 38431 River Park Dr., Sterling Heights stated after purchasing an additional acre lot, they are asking for the additional 76 feet to continue display space.

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

Mr. Gariepy expressed concern with the loss of the tree line along the western property line. He asked Mr. Boguth if the new trees will be mature trees and if the residents will be able to see the light posts from their yards. He stated he would like to see more green space at the rear (west) side of the property.

Mr. Boguth stated the new trees should be about 15 to 20 feet in height. He explained the residents may be able to see part of the light posts but will not be able to see the light. When the business is closed the lighting will be reduced by about 50 percent.

There was much discussion regarding types of trees that could be used in/near the easement area. Mr. McLeod stated typically a small shrub or flowering plant would be permissible in the easement area but nothing with a significant root system. The petitioner is willing to revise types of trees and have a denser wall of greenery. The majority of lighting will be towards the front of the property and what is in the rear (west side) of the property will be directed away from residents and also be reduced during closed hours.

There was no public present for public participation.

Mr. Reinowski called for a motion.

Motion by Mr. Militello, supported by Mr. Rowe in the case of PSP16-0030, 35235, 35269, 35311, 35401 and 35425 Mound Road, I move to **APPROVE** the site plan approval 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, during the Planning Commission meeting 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 Approval;

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 meeting 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 site plan and use is compliant with the applicable zoning ordinance requirements.
6. That the petitioner receive a variance for the reduced front yard setback and the elimination/modification of the street and parking lot trees - otherwise, the site must be reconfigured in a manner that does not incorporate the variances.
7. That the driveway at the north end of the site be reduced to no more than thirty (30) feet in width and meet all requirements of the City of Sterling Heights and Macomb County Department of Roads.
8. That the fencing visible from Mound Road be of a decorative nature and that the fencing along the north property line not extend into the required front yard setback.
9. Decorative lighting fixtures to be utilized within the front portion of the parking lot and a photometric plan complying with zoning ordinance requirements be provided.
10. Emergency access shall be provided throughout the site which will require access through the sliding gate proposed, subject to approval of the Fire Department.
11. Sign review and approval is a separate process and not a part of this review.
12. There will be a more intense density of trees, i.e. Arborvitaes, for a green wall effect in the back (west) of the property.

This action is based on the following findings:

1. That the use of the site is a permissible use in the C-3 General Business District and when the conditions noted above are complied with the site will comply with the City's Zoning Ordinance requirements.

Mr. Gariepy suggested adding number 12 to the motion regarding specifics of a more dense use of trees.

Motion by Mr. Militello, supported Mr. Rowe to **AMEND** by adding number 12.

Mr. Reinowski called for a roll call vote.

Ayes: Militello, Rowe, Norgrove, Reinowski, Ancona, Gariepy

Nays: None

Absent: Jaboro, Kopp, Miller

Motion Carried.

PPCM-1162 - Bryan Lindstrom

Requesting approval for a special approval land use to operate an indoor recreational facility in an M-1 (Light Industrial) district - North side of Nineteen Mile Road between Merrill Road and Van Dyke in Section 4.

Property address: 6405 Nineteen Mile Road

Mr. Reinowski asked Mr. McLeod for an overview.

Mr. McLeod gave an overview and stated the indoor recreation use is for volleyball. The hours of operation will be Monday through Friday 4 p.m. to 10 p.m., Saturday and Sunday from 9 a.m. to 6 p.m. There will be three individual courts, a training area and a lesson area.

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

Mr. Bryan Lindstrom, 3702 Hogan Circle, Rochester Hills, stated their current lease in Rochester has ended and they feel this location in Sterling Heights would benefit their needs.

Mr. Reinowski asked if there were any questions from the Commissioners. Being none, he stated there is no one present for public participation.

Motion by Mr. Rowe, supported by Mr. Militello in the case of PPCM-1162, 6405 19 Mile Road, 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 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. Reinowski asked for any questions from Commissioners. Being none, he asked for a roll call vote.

Ayes: Rowe, Militello, Ancona, Gariepy, Norgrove, Reinowski

Nays: None

Absent: Kopp, Jaboro, Miller

Motion Carried.

PZ16-1147 - Planning Commission/City Council

Proposed text amendments to Zoning Ordinance No. 278 amending Article 28 General Provisions by adding a new Section 28.19 Outdoor Patio Spaces (and renumbering the remaining Sections sequentially) 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 gave an overview stating this would provide regulations for anyone desiring to create an outdoor patio to an existing establishment. This would also provide a

nuisance mitigation plan. If the patio space is adjacent within 500 feet of a residence, the Planning Commission would become the reviewing body of the outdoor patio space. In the revised version of the ordinance, penalties will be stricter. If there are two violations received within a 12 month period, the Planning Commission could suspend or revoke the outdoor patio space approval or license. If there is a third violation, it is an automatic revocation or suspension of the license. The reason the City is proposing this; there have been a number of issues for the surrounding residents near these types of patio spaces. The City wants to make sure the residents are protected as well as provide these types of uses with the outdoor patio spaces.

Mr. Gariepy asked Mr. McLeod if the existing patio spaces substantially conform to the provisions that would be enacted if this were to become an ordinance.

Mr. McLeod stated a lot of them would conform because they don't abut residential. Those that do abut residential may have to come into compliance with the licensing provision.

Mr. McLeod explained being two separate ordinances, there will be two separate ways this is going to be enacted. As a zoning ordinance provision, the existing patios that are legally in place will be "grandfathered". The operation of them, under the regulatory ordinance going before City Council, will have to conform to the regulatory provision. Any operation of the patio would have to comply with any regulatory provisions, the "sister" ordinance that is going before City Council. The physical presence can stay, but how it operates may have to change.

Mr. Gariepy asked if someone is not in compliance, will the changes have to be immediate.

Mr. McLeod stated some may have to modify how they operate which may lead to modifying their physical site. There are some outdoor patios that are infringing on the right of residents near them.

Mr. Gariepy asked if this could cause problems or be any litigation issues with enforcing the new ordinance.

Mr. McLeod stated the presence of the patio would be "grandfathered" as long as it achieved approvals through the city. The operation of the patio would have to conform to the regulatory provisions moving forward which may cause some businesses to make changes.

Mr. Andrews explained the reason the City does licensing or zoning ordinances, is because the current ordinances may not offer much guidance.

Mr. Gariepy asked if all the businesses will be notified about the possible provisions coming up.

Mr. Andrews stated they typically do not give specific notices beyond what is required under the statute. Once adopted, they are required to publish a notice of the new ordinance in the newspaper. They will also put notifications on the website and notify by way of cable television.

Mr. Rowe asked administration for direction regarding the nuisance mitigation plan that deals with noise and such.

Mr. McLeod stated it will be just as any other site plan coming before the Planning Commission Board. There will be a staff report to follow and if needed, make adjustments and have discussion. There will be variables that decide what is needed for each case specifically. This will mainly be for patios close to residents.

Motion by Mr. Gariepy, supported by Mr. Rowe in the case of PZ16-1147-Planning Commission/City Council move to **RECOMMEND** to the Sterling Heights City Council the approval of Zoning Ordinance No. 278- ____ as presented.

Mr. Reinowski asked for any question from Commissioners. Being none, he stated there was no one present for public participation. He asked for a roll call vote.

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

CITIZEN PARTICIPATION

None.

APPROVAL OF MINUTES

Motion by Mr. Rowe, supported by Mr. Militello, to **APPROVE** the minutes of September 8, 2106.

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

CORRESPONDENCE

Invitation for an event on October 5, 2016

OLD BUSINESS

None.

NEW BUSINESS

None.

MOTION TO ADJOURN

Motion by Mr. Gariepy, supported by Mr. Rowe to **ADJOURN**.

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

The meeting adjourned at 10:28 p.m.

Respectfully submitted,

Stefano Militello, Secretary
Planning Commission