

STERLING HEIGHTS PLANNING COMMISSION
REGULAR MEETING
CITY HALL
February 9, 2017

LOCATION: City Council Chambers, 40555 Utica Road, Sterling Heights, MI
SUBJECT: Minutes of the Regular Meeting of the Planning Commission held February 9, 2017.

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

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

Members absent at roll call: Paul Jaboro - Excused

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

APPROVAL OF AGENDA

Motion by Mr. Miller, supported by Mr. Militello, to **AMEND** agenda by putting #1 as #4 and move others forward respectively so public hearings can be heard first.

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

Mr. Ancona asked the reason for reordering the agenda. Mr. Miller explained there were residents present for the other cases and not the Master Land Use Plan.

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

Ayes: Miller, Militello, Norgrove, Rowe, Kopp

Nays: Ancona, Gariepy, Reinowski

Absent: Jaboro

Motion carried.

PUBLIC HEARING - PPCM-1167 - M.Y. Spas LLC - Yuqiong Shi

Requesting special approval land use for a massage parlor in the C-2 Planned Comparison Business District - north side of 14 Mile Road, east of Red Run Road in Section 35.

Property address: 13233 14 Mile Road

Mr. Reinowski asked Mr. McLeod for an overview.

Mr. McLeod gave an overview stating this is a request for a special approval land use for a massage establishment within a shopping plaza.

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

Mr. Gariepy asked Mr. McLeod what the approximate distance is to residents across 14 Mile Road. Mr. McLeod stated about 300 feet.

Mr. Militello stated there was a letter submitted to the ZBA by the pastor of the church in the plaza stating he had no issues with the massage business being at the plaza.

Sam Palice came forward with his wife Yuqiong Shi.

Mr. Reinowski asked the petitioner for an overview.

Mr. Palice stated the hours of operation will be 10 a.m. - 9 p.m. with the last appointment taken at 8 p.m. They will be open six or seven days a week.

Mr. Reinowski asked if the petitioner has operated any other place other than Sterling Heights.

The petitioner stated they have not operated their own business but his wife has worked at other establishments around the city.

Mr. Gariepy asked why the petitioner chose the location.

The petitioner stated it had the correct C-2 zoning, there was vacancy, and they live nearby in Sterling Heights.

Mr. Reinowski 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. Gariepy, supported by Mr. Rowe, in the case of PPCM-1167, 13233 14 Mile Road, I move to **deny** the requested special approval land use, based upon the facts:

1. That the proposed use at this location is not consistent with the requirements established by the City Council in the Zoning Ordinance for massage parlor uses, which requires that such uses be located in a consolidated shopping center with a gross floor area exceeding 100,000 square feet that is at least 1,000 feet from any church, school, playground or public park and 500 feet from any residential zoning district;
2. The proposed use does not relate harmoniously with the physical and economic aspects of adjacent uses. The City Council has determined legislatively that such uses should be permitted only in large commercial shopping centers away from schools, churches, parks and residential areas, which this proposed location does not satisfy;
3. The proposed use is not designed, located, planned and to be operated so that the public health, safety and welfare will be protected. These types of uses should be in larger shopping centers with more customer traffic further away from residential areas, churches, parks and schools. In addition, there has been no showing by the applicant that there is a need for such uses in this area of the city that is not currently being met.

This action is based on the following findings:

1. The City Council has legislatively determined that massage parlor uses should be permitted only in large shopping centers with a gross floor area exceeding 100,000 square feet, and this shopping center contains only approximately 1/3 of that square footage.
2. The proposed use is too near churches, schools, playgrounds, public parks or residential zoning districts, contrary to the intent of the Zoning Ordinance for such uses.
3. This type of use is not compatible with the types of convenience uses typically found in smaller shopping centers which meet the convenience needs of neighboring residential neighborhoods.
4. There has been no demonstrated showing of need for additional massage parlor uses in this area.

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

Mr. Gariepy stated he reviewed this case extensively and feels very strongly regarding the rules which indicate these uses should be in a larger shopping plaza away from residential.

Mr. Rowe agreed with Mr. Gariepy and stated the City Council has done a great deal of work in looking at these kinds of uses and where they should be located within the city.

Mr. Reinowski asked if there was any other discussion on the motion. Being none, he asked for a roll call vote.

Ayes: Gariepy, Norgrove, Kopp, Miller, Norgrove, Rowe, Ancona

Nays: Militello, Reinowski

Absent: Jaboro

Motion carried.

PUBLIC HEARING - PPCM-1168 - PMS Diversified Construction Services - Dina Thweni

Requesting special approval land use for a building and construction material contractor's yard with outdoor storage of materials in the M-1 Light Industrial Zoning District - south side of Bridgewood Drive, west of Mound Road, between 17 and 18 Mile Roads in Section 17.

Property address: 5560 Bridgewood Drive

Mr. Reinowski asked Mr. McLeod for an overview.

Mr. McLeod explained site plans and stated this is for a special approval land use for a building and construction material contractor's yard with outdoor storage, including a specified brick and container storage area. The site is intended to be utilized with 5540 Bridgewood Street (PPCM-1169). However, the properties will remain in separate ownership at this time.

Mr. Reinowski asked if there were any questions from the Commissioners for Mr. McLeod. Being none, he asked for the petitioners to come forward to the podium.

Dina Thweni, 41770 Fonthill Court, Clinton Twp., and Steve Dhondt, 25084 Normandy, Roseville, owner of 5560 Bridgewood came forward. Mr. Dhondt stated mother owns 5540 Bridgewood.

Ms. Thweni stated they are a brick paving company. They utilize both buildings, one being a show room. She stated one of the reasons they chose the location is the Mound Rd. access. It allows easy access to multiple cities. They are updating the landscaping, adding new facades, and bringing people to the city. If they are granted to make the proposed changes, it will allow the company to function better and cleaner.

Mr. Gariepy clarified with the petitioners that they are the principal owners of the company.

Mr. Ancona asked the petitioner if they have had any ordinance violations.

Ms. Thweni stated they have had some ordinance violations but as soon as they are aware, they remedy the situation immediately. She explained it's been a 'learning curve' and they are doing everything requested to be in compliance with the ordinances.

Mr. Miller stated concern of where pallets will be placed in relation to blocking pathways and asked if the fire department has looked at the plans.

Mr. McLeod stated for the special approval land use, the fire department has not looked at the plans. As part of site plan review, the fire department will be looking at the overall site, if there are issues raised the questions will be answered then.

Ms. Thweni stated they are willing to comply with any requests from the fire department.

Mr. Reinowski asked if the company is a seasonal business and how many employees are present.

Ms. Thweni stated during the active season there are about 27 employees and during the winter there are about 4 or 5.

Mr. Reinowski asked if there were any other questions from Commissioner. Being none, he asked for public participation.

Joe Judnick, 6040 Mulberry, Sterling Heights, stated he is in favor of the proposal and wanted to make sure they will adhere to the new landscaping ordinances.

Mr. McLeod stated the applicant has been amendable when working thru the site plan changes.

Chris Martella of Kemp Klien Law Firm, representing the owner for Rayco Manufacturing at 5520 Bridgewood came forward. He stated his client is concerned about the dust, dirt, and noise from the neighboring property. He stated his client chose this location in 1999 because it is zoned for light industrial and uncovered storage was not permitted. The dust getting into Rayco's building is a great concern.

Mr. Gariepy asked what kind of business is Rayco.

Mr. Martella stated they manufacture holding devices for sensors.

Mr. Doug Cole, Rayco Manufacturing, stated they build fixtures. The units are called coordinate measuring and vision machines used for inspection in the metrology industry.

Mr. Gariepy asked Mr. Cole to explain the problems for his business.

Mr. Cole stated they use fans and the dust get into the computer controlled equipment. He also stated the dust on the outside of the building is a nuisance.

Mr. Gariepy asked Mr. McLeod if they are denied the permit, will they be able to conduct their business at the site.

Mr. McLeod stated if they are denied the special approval land use, they could still occupy the site but their operation at the site would have to change drastically. He asked if the dust is a constant or delivery issue and could there be a remedy to limit issues.

Mr. Gariepy asked Mr. McLeod if he was aware of the issues Mr. Martella has brought forward prior to the meeting.

Mr. McLeod stated he was not aware of any issues.

Mr. Gariepy asked the petitioner is there is anything that can be done to mitigate the issues.

Ms. Thweni explained one of the things they could implement is to water down/mist the loads so the dust will be minimal. She explained the deliveries are scheduled and they would be able to make accommodations. She stated the bins are not at the required 8 feet yet, but will be.

Mr. Dhondt explained he feels when the gravel trucks are dumping is what creates the dust and if they wet the load it will mitigate the issue.

Mr. Ancona asked how long the company has been at the location and if there were any reports to the city or to them regarding the issues.

Ms. Thweni stated they have been there since 2012.

Mr. Cole stated he called and complained to the city with no response. He stated he also contacted his neighbor regarding the damage to the fence due to brick storage.

Mr. Militello asked Mr. McLeod if there are businesses like this operating in M-1 areas in the city. Mr. McLeod answered yes but it is a case by case determination.

Mr. Rowe stated he also thought this should be postponed so the parties involved can resolve any issues.

Mr. Norgrove asked about the brick storage and the damaged fence.

Mr. Cole explained when the pallets were stacked high; the brick would fall and damage the fence. The brick storage location has been moved.

Mr. Ancona suggested the issues need to be discussed between the two parties and then be brought back to the Planning Commission. Mr. Reinowski agreed.

Motion by Mr. Gariepy, supported by Mr. Norgrove, to **POSTPONE** in the case of PPCM-1168 to the March 9, 2017 Planning Commission meeting to give the applicant time to work out any issues.

Mr. Reinowski asked for any discussion on the motion.

Mr. Norgrove stated he hopes the two owners can work together amicably and resolve all issues.

Mr. McLeod commented PPCM-1168 and PPCM-1169 are two separate public hearings and the committee may want to handle them individually.

Motion by Mr. Gariepy, supported by Mr. Norgrove, to **AMEND** motion to not include PPCM-1169.

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

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

PUBLIC HEARING - PPCM-1169 - PMS Diversified Construction Services - Dina Thweni

Requesting special approval land use for a building and construction material contractor's yard with outdoor storage of materials in the M-1 Light Industrial Zoning District - south side of Bridgewood Drive, west of Mound Road, between 17 and 18 Mile Roads in Section 17.

Property address: 5540 Bridgewood Drive

This case relates to above case PPCM-1168. Mr. Reinowski asked for any discussion.

Mr. Martella stated the same objections apply as in case PPCM-1168.

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

Motion by Mr. Rowe, supported by Mr. Gariepy, to **POSTPONE** in the case of PPCM-1169 to the March 9, 2017 Planning Commission meeting.

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

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

Mr. Reinowski called for a recess.

Mr. Reinowski called meeting to order.

PUBLIC HEARING - PPCM-1145 - City of Sterling Heights Master Land Use Plan
Requesting approval of the Master Land Use Plan 2016-2040.

Mr. Reinowski asked Mr. McLeod for an overview.

Mr. McLeod stated the consultants will present the update for the total new Master Plan. He stated the Planning Commission and City planned a series of workshops last year and were attended by residents. The Master Plan has been drafted, sent to City Council, and approved for distribution at their meeting. For the last few months it has been out for review by public agencies from the surrounding communities, the county and our regional agency, SEMCOG. The city received one comment letter back from Shelby Township indicating they have no objections to what is being planned for the mutual boundary. Also during that time, City Council took action to state the Planning Commission is the final approval authority for the adoption of the Master Plan.

Nick Lomako, Senior Vice-President of Wade Trim, 500 Griswold in Detroit came forward to the podium. He gave an overview of the plan foundation and key themes of the Master Plan.

Adam Young, Project Manager of Wade Trim came to the podium. He presented a slide show which included:

- Public Outreach Efforts 2015/2016
- Plan Foundation and Key Themes
- Planning Framework for Future Development
- Lakeside Mall Redevelopment Concepts
- Mixed-Use Development Nodes

Mr. Reinowski asked if the Commissioners had any questions. Being none, he opened public participation. Being none, he asked the commissioners for any comments or questions.

Mr. Rowe thanked Wade Trim for the fine work they have done with The Master Plan.

Motion by Mr. Norgrove, supported by Mr. Rowe, in the case of PPCM-1145 City of Sterling Heights Master Land Use Plan to **ADOPT** the Resolution.

WHEREAS, the City of Sterling Heights established a Planning Commission pursuant to the Charter of the City of Sterling Heights, the Michigan Municipal Planning Act, Public Act 285 of 1931, as amended, the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, and the Sterling Heights Code of Ordinances, as amended; and

WHEREAS, the Sterling Heights Planning Commission is required by the Michigan Planning Enabling Act and the prior Michigan Municipal Planning Act, to make and adopt a master land use plan as a guide for the physical development of the City; and

WHEREAS, the Planning Commission and its consultants, Wade Trim, made careful and comprehensive surveys and studies of present conditions and future growth within the City with due regard to its neighboring jurisdictions; and

WHEREAS, the Planning Commission, with assistance from Wade Trim, solicited input from the public, public utilities, public agencies, and adjacent local units of government in order to prepare a draft of an updated Draft Master Plan 2017 - 2027; and

WHEREAS, the Planning Commission reviewed various sections of the Draft Master Land Use Plan at its regular Planning Commission meetings during 2016; and

WHEREAS, the Planning Commission at its regular meeting held on September 8, 2016, forwarded the Draft Master Land Use Plan to the Sterling Heights City Council for review and comment, with a recommendation that it be distributed for review as required by the Michigan Planning Enabling Act; and

WHEREAS, the City Council at its regular meeting held on October 4, 2016, approved the distribution of the proposed Master Land Use Plan as required by the Michigan Planning Enabling Act and commencement of the running of the sixty three (63) day review period; and

WHEREAS, the City Council at its regular meeting held on December 20, 2016, delegated the authority of adopting the proposed Master Land Use Plan to the Planning Commission; and

WHEREAS, the Draft Master Land Use Plan was presented to the public at the Planning Commission's regular meeting of February 9, 2017, at which time the Planning Commission, after giving notice of a public hearing as required by law, conducted a public hearing; and

NOW THEREFORE, BE IT RESOLVED THAT, Master Land Use Update 2017-2027, together with all maps attached to and contained herein, is hereby adopted by the Planning Commission as the City of Sterling Heights Master Land Use Plan Update - 2017 - 2027, on this 9th day of February, 2017.

There was discussion regarding the dates to be documented on the resolution.

Motion by Mr. Norgrove, supported by Mr. Rowe, to **AMEND** statement of dates to 2017-2040 instead of 2016-2040.

Mr. Reinowski asked for any discussion on the motion.

Mr. Rowe recommended the Planning Commission meet with The City Council to dialog how to go about implementing The Master Plan.

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

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

CITIZEN PARTICIPATION

Joe Judnick, 6040 Mulberry Dr., Sterling Heights, came to the podium. He expressed concern and disappointment regarding posts on social media by two commissioners.

Mr. Rowe stated he would have to take any complaints to the City Council.

Mr. Reinowski stated there was no other citizen participation.

APPROVAL OF MINUTES

Motion by Mr. Rowe, supported by Mr. Gariepy, to **APPROVE** the minutes of January 12, 2017 Planning Commission Meeting.

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

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

Absent: Jaboro
Abstained: Ancona
Motion Carried.

CORRESPONDENCE

Letter from Macomb County for Planning and Economic Development

Mr. McLeod asked the Commissioners if they had interest in attending the 8-week course. Many Commissioners expressed interest in attending.

OLD BUSINESS

None

NEW BUSINESS

Mr. Ancona stated in January he advised Mr. Taylor and Mr. McLeod he will be resigning from the Planning Commission due to personal scheduling conflicts. He stated he has enjoyed working with the Planning Committee, Mr. McLeod, and Mr. Andrews. He also stated he wishes to still volunteer in the city.

Motion by Mr. Gariepy, supported by Mr. Rowe, for resolution to thank Mr. Ancona for his service to the Planning Commission and the many other Commissions he has served on. To express heartfelt gratitude for the pleasure of working with him and to let him know he will always be a friend to the Planning Commission. The Planning Committee will look forward to working with him in some capacity in the future.

Mr. Reinowski asked Mr. McLeod to have a certificate drawn up for Mr. Ancona.

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

ELECTION OF OFFICERS

Nomination for Chairperson by Mr. Militello, supported by Mr. Rowe, to appoint Mr. Reinowski.

Mr. Reinowski accepted the nomination.

There were no other nominations for Chairperson.

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

Mr. Reinowski was **appointed** as Chairperson.

Nomination for Vice-Chairperson by Mr. Ancona, supported by Mr. Militello, to appoint Mr. Norgrove.

Mr. Norgrove accepted the nomination.

There were no other nominations for Vice-Chairperson.

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

Mr. Norgrove was **appointed** as Vice-Chairperson.

Nomination for Secretary by Mr. Ancona, supported by Mr. Rowe, to appoint Mr. Militello.

Mr. Militello accepted the nomination.

There were no other nominations for Secretary.

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

Nays: None

Absent: Jaboro

Mr. Militello was **appointed** as Secretary.

MOTION TO ADJOURN

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

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

Nays: None

Absent: Jaboro

Motion Carried.

The meeting adjourned at 9:05 p.m.

Respectfully submitted,

Stefano Militello, Secretary
Planning Commission