

CLINTON TOWNSHIP PLANNING COMMISSION

REPORT OF MEETING

MAY 24, 2007

PRESENT: Kenneth Pearl, Chairperson
Kirkanne Moseley, Vice-Chairperson
Denise C. Trombley, Secretary
Stephen Charron
Ron DiBartolomeo
Fred Gibson
Timothy Grajewski
Peter Henderson
Ernest Hornung

ABSENT: None

STAFF: Carlo Santia, Director
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT

Mr. Pearl called the meeting to order at 6:30 p.m.

APPROVAL OF AGENDA

Motion by Mr. Hornung, supported by Ms. Moseley, to approve the agenda as submitted.
Roll Call Vote: Ayes – Hornung, Moseley, Charron, DiBartolomeo, Gibson, Grajewski, Henderson, Pearl, Trombley. Nays – None. Absent – None. Motion carried.

0.6926 ACRE OF LAND FRONTING THE NORTH LINE OF 15 MILE ROAD, WEST OF HARPER AVENUE (SECTION 26)

- **PROPOSED REZONING FROM R-5 ONE-FAMILY RESIDENTIAL TO I-1 LIGHT INDUSTRIAL**
 - **PUBLIC HEARING**
-
- MF #6211: PETITIONED BY MICHAEL MCCLAIN**

Pertinent correspondence was read and entered into the record. Ms. Trombley advised that notice of this public hearing was issued by regular mail to 16 owners/occupants of property within 300 feet of the land in question, and 76 copies delivered by the petitioner to the residents of Glenwood Apartments. None of the notices were returned as undeliverable.

Mr. Michael McClain, 51173 Simone Industrial Drive, Shelby Township, Michigan, explained they want to combine this parcel with an existing industrially-zoned parcel to the east.

Motion by Ms. Moseley, supported by Mr. Henderson, to open the public hearing. Roll Call Vote: Ayes – Moseley, Henderson, Charron, DiBartolomeo, Gibson, Grajewski, Hornung, Pearl, Trombley. Nays – None. Absent – None. Motion carried.

Mr. Joseph Perye, 23261 15 Mile Road, Clinton Township, Michigan 48035, resident at this address for 52 years, explained that this is adjacent to his property. He noted that there are some beautiful homes being developed on Carlbro, Grandy, near Kirby, and he could not understand why the Township would approve of a factory so close to those homes. He stressed that he is not opposed to the appearance of a nice industrial building, but he strongly opposes the noise they generate. He felt they are trying to chase the residents out of the area.

Mr. Frank Sattler, 62057 Hidden Pond, Washington Township, Michigan 48094, stated he is the developer of the new homes that are abutting the existing portion of industrially zoned land. He explained that he is aware of the existing industrial property and does not have a problem with it; however, he is planning to construct a home on the cul-de-sac that would suffer a negative impact if the proposed rezoning is approved. That house will then have industrial property, with potential industrial development, on two sides. He expressed his objection to the proposed rezoning, which would allow the industrial area to expand.

Motion by Ms. Moseley, supported by Mr. Grajewski, to close the public hearing. Roll Call Vote: Ayes – Moseley, Grajewski, Charron, DiBartolomeo, Gibson, Henderson, Hornung, Pearl, Trombley. Nays – None. Absent – None. Motion carried.

Mr. Charron inquired as to the type of buffer they could request that would help to block the view from the residential property.

Mr. McClain explained that industrial buildings must provide a minimum 50-foot setback from any residentially-zoned land, so he could not see where that would be a problem. He assured the building will be situated a minimum of 50 feet from his westerly property line.

Mr. Santia confirmed that industrial buildings may be located no closer than 50 feet to the property line if the abutting property is residential; however, that property is still able to be used for parking.

Mr. Henderson inquired as to whether the petitioner owns the next parcel to the west.

Mr. McClain replied to inquiry that the parcel referred to by Mr. Henderson is owned by Mr. Perye.

Motion by Ms. Trombley, supported by Ms. Moseley, with reference to File #6211 and application from Michael McClain, MDR Development LLC, 51173 Simone Industrial Drive, Shelby Township, Michigan 48316, concerning the proposed rezoning from R-5 One-Family Residential to I-1 Light Industrial of 0.69 acre of land fronting the north line of 15 Mile Road, west of Carlbro (Section 26), that recommendation be forwarded to the Clinton Township Board for approval of the rezoning as requested. Roll Call Vote: Ayes – Trombley, Moseley, Charron, DiBartolomeo, Hornung, Pearl. Nays – Gibson, Grajewski, Henderson. Absent – None. Motion carried.

21.45 ACRES OF LAND FRONTING THE EAST LINE OF GROESBECK HIGHWAY, NORTH OF ELIZABETH ROAD (SECTIONS 2/11)

- PROPOSED REZONING FROM I-1 LIGHT INDUSTRIAL TO B-2 COMMUNITY BUSINESS

-- PUBLIC HEARING

FILE #6149: PETITIONED BY CHARTER TOWNSHIP OF CLINTON

Pertinent correspondence was read and entered into the record. Ms. Trombley advised that notice of the public hearing was issued by regular mail to owners and/or occupants of property located within 300 feet of the land in question.

Motion by Mr. Henderson, supported by Mr. Hornung, to open the public hearing. Roll Call Vote: Ayes – Henderson, Hornung, Charron, DiBartolomeo, Gibson, Grajewski, Moseley, Pearl, Trombley. Nays – None. Absent – None. Motion carried.

Ms. Terri Massimino, 43641 North Avenue, Clinton Township, Michigan, inquired as to what the owner wants to develop on that property.

Mr. Santia explained that the owner previously petitioned the Township for a rezoning to B-3 General Business, which would allow more intense commercial uses, such as automotive repair, gas stations, etc. The Township is trying to circumvent that process by rezoning to B-2, which is a less intense use. He was not aware of what they want to build.

Ms. Massimino inquired as to whether there are wetlands on the property.

Mr. Santia replied that there may be wetlands but those would have to be preserved pursuant to state statutes.

Ms. Massimino could not understand why the owners of the property would want to construct a commercial development with so little frontage on a main road. She added it is adjacent to a railroad, which makes it very loud. She noted that there is a lot of wildlife on the property that would be destroyed, and she could not understand the appeal of this property for a commercial use.

Mr. Santia informed that property owners have certain rights, and one of those rights is to enjoy their property and develop it with expectation of a reasonable return on their investment, so the Township would not be able to totally stop development on that property.

Mr. Gibson clarified that the proposed B-2 zoning is actually less intense than either the current industrial zoning or the B-3 zoning designation that was originally requested by the owner.

Ms. Massimino felt it is suspicious that the Township would want to rezone this parcel. She inquired as to whether the Township now owns the parcel.

Mr. Santia assured it is not suspicious but the Township has the right to rezone property if they feel it is in the best interest of the community. He replied to inquiry that Powder Coat is still the owner of the property.

Motion by Mr. DiBartolomeo, supported by Ms. Moseley, to close the public hearing.
Roll Call Vote: Ayes – DiBartolomeo, Moseley, Charron, Gibson, Grajewski, Henderson, Hornung, Pearl, Trombley. Nays – None. Absent – None. Motion carried.

Motion by Mr. Hornung, supported by Mr. Grajewski, with reference to File #6149 and application from The Charter Township of Clinton, 40700 Romeo Plank Road, Clinton Township, Michigan 48038, concerning the proposed rezoning from I-1 Light Industrial to B-2 Community Business of 21.45 acres of land fronting the east line of Groesbeck Highway (M-97), north of Elizabeth Road (Sections 2/11), that recommendation be forwarded to the Clinton Township Board for approval of the rezoning to B-2, as requested. Roll Call Vote: Ayes – Hornung, Grajewski, Charron, DiBartolomeo, Gibson, Henderson, Moseley, Pearl, Trombley. Nays – None. Absent – None. Motion carried.

1.55 ACRES OF LAND FRONTING THE WEST LINE OF GARFIELD, SOUTH OF 18 MILE ROAD (SECTION 18)

- **SPECIAL LAND USE: DRIVE-THRU COFFEE SHOP IN B-3 GENERAL BUSINESS DISTRICT AND**
 - **SITE DEVELOPMENT PLAN FOR COFFEE HUT**
 - **PUBLIC HEARING**
- FILE #07-3233: PETITIONED BY COFFEE HUT**
REPRESENTED BY GENNA MAURO & ASSOC.
-

Pertinent correspondence was read and entered into the record. Ms. Trombley advised that notice of the public hearing was issued by regular mail to owners and/or occupants of property located within 300 feet of the land in question.

Mr. Andrew Kovacs, 1653 S. Renaud, Grosse Pointe Woods, Michigan 48236, explained that they are proposing a small coffee shop that will have a drive-thru window and will also have limited seating inside.

Mr. Pearl clarified that the parcel is zoned properly for a coffee shop; however, the request for Special Land Use is to allow the drive-thru window.

Motion by Mr. DiBartolomeo, supported by Ms. Moseley, to open the public hearing. Roll Call Vote: Ayes – DiBartolomeo, Moseley, Charron, Gibson, Grajewski, Henderson, Hornung, Pearl, Trombley. Nays – None. Absent – None. Motion carried.

Ms. Barbara Herring, 41335 Donna Drive, Clinton Township, Michigan 48038, complained about the excessive traffic on 18 Mile and the difficulty she and other members of her condominium complex experience when they try to turn left onto 18 Mile. She pointed out that there are four curb cuts along 18 Mile, just a short distance west of the Garfield intersection. She did not feel anything that creates more traffic in the area is good. She noted that many of the residents of her condominium complex were present tonight, and asked them to raise their hands if they were opposed to the variance request. Approximately eight to ten people raised their hands, indicating they were in opposition.

Motion by Mr. Grajewski, supported by Mr. Henderson, to close the public hearing. Roll Call Vote: Ayes – Grajewski, Henderson, Charron, DiBartolomeo, Gibson, Hornung, Moseley, Pearl, Trombley. Nays – None. Absent – None. Motion carried.

Mr. Grajewski inquired as to whether the parking is adequate to support the internal operation of the coffee shop.

Mr. Santia replied that the parking meets the ordinance requirements, and he added that there are no additional points of ingress or egress proposed. He assured they have adequate parking spaces and stacking room to meet this request, and the use is allowed in this zoning district. The drive-thru window is the reason for the public hearing and special land use.

Mr. Kovacs pointed out that the proposed coffee shop can be accessed from Garfield, and his patrons are not required to enter from or exit to 18 Mile Road.

Mr. Henderson inquired as to the whether the drive-thru window at the neighboring CVS Drug Store is far enough away to meet ordinance requirements.

Mr. Santia clarified that, while there are restrictions on the distances between drive-thru fast food restaurants, there are no restrictions for other drive-thru facilities such as pharmacies or banks. He added that one of the reasons those restrictions were added to the ordinance is because of the large number of curb cuts such development creates, and he reiterated that there will be no new curb cuts with this facility.

Motion by Mr. DiBartolomeo, supported by Ms. Trombley, with reference to File #3233 and application from Coffee Hut, 25014 Little Mack, St. Clair Shores, Michigan 48080, as represented by Genna Mauro & Associates, 48657 Hayes Road, Shelby Township, Michigan 48315, concerning the proposed Special Land Use for a drive-thru coffee shop in the B-3 General Business District and a proposed site plan for Coffee Hut @ Amoco Gas Station, located at the southwest corner of 18 Mile and Garfield Roads (Section 18), that recommendation be forwarded to the Clinton Township Board for approval of the special land use and site development plan as requested. Roll Call Vote: Ayes – DiBartolomeo, Trombley, Gibson, Grajewski, Henderson, Hornung, Moseley. Nays – Charron, Pearl. Absent – None. Motion carried.

16.0 ACRES OF LAND FRONTING THE SOUTH LINE OF HALL ROAD, EAST OF HEYDENREICH ROAD (SECTION 3)

- **PARKWAY CHRYSLER JEEP**
 - **REQUEST FOR RECOMMENDATION FOR APPROVAL OF REVISED SITE DEVELOPMENT PLAN**
- FILE #05-6018: PETITIONED BY CHUCK RILEY**
REPRESENTED BY THOMAS KELLOGG, LEHNER ASSOC.
-

Pertinent correspondence was read and entered into the record.

Mr. Tom Kellogg, Lehner Associates, Inc., 17001 19 Mile Road, Clinton Township, Michigan 48038, explained that they have petitioned the Township for a curb waiver, and it will be going to the Budget/Ways & Means Committee on June 6, 2007.

Mr. Pearl advised that any approval tonight would be with the stipulation that the curbs must be put in unless the waiver is granted at a later date from the Township Board.

Mr. Kellogg informed that the revision is for a temporary storage lot. The owner was forced to take approximately 300 vehicles from Chrysler for their inventory. He parked them adjacent to his Harley Davidson site on Gratiot, and was issued a citation. He replied to inquiry that this will be all new vehicle storage and there will be no public parking in this area. He was not sure whether there are plans to fence it in the future, but there is no plan to fence it at this time.

Mr. Santia noted that he received a telephone call from Osborne Transformer Corporation, located adjacent to the subject parcel, and they complained about construction activity on the site that has caused them some drainage problems on their site.

Mr. Kellogg indicated they conducted a topographical survey of the site, and to his knowledge, there has been no current construction.

Mr. Santia mentioned he was told there was a gravel base added. He noted that, during the Engineering phase, the Township will have to have assurances that no water from this

property drains on adjacent parcels, creating a hardship for the adjoining property owners.

Mr. Kellogg assured they will address that issue during the Engineering phase.

Mr. Henderson explained that he has leased his last five vehicles from the petitioner, so he requested to abstain from voting on this issue.

Motion by Ms. Trombley, supported by Mr. Grajewski, with reference to File #6018 and application from Chuck Riley, Parkway Chrysler Jeep, 21560 Hall Road, Clinton Township, Michigan 48038, as represented by Thomas Kellogg, Lehner Associates, Inc., 17001 19 Mile Road, Clinton Township, Michigan 48038, concerning the revised site development plan for Parkway Chrysler Jeep, located on 16.0 acres of land fronting the south line of Hall Road (M-59), east of Heydenreich (Section 3), that recommendation be forwarded to the Township Board for approval of the site development plan as submitted, contingent upon the site plan indicating curb and gutter for the proposed new vehicle storage lot, or the petitioner obtaining a waiver of this requirement from the Township Board. Roll Call Vote: Ayes – Trombley, Grajewski, Charron, DiBartolomeo, Gibson, Hornung, Moseley, Pearl. Nays – None. Absent – None. Abstain – Henderson. Motion carried.

**27.80 ACRES OF LAND FRONTING THE SOUTH LINE OF HALL ROAD,
WEST OF ROMEO PLANK ROAD (SECTION 5)**

- **WAL-MART RETAIL STORE**
- **REQUEST FOR RECOMMENDATION FOR APPROVAL OF SITE DEVELOPMENT PLAN**

**FILE #07-6198: PETITIONED BY WAL-MART REAL ESTATE
BUSINESS TRUST**

REPRESENTED BY TODD LESLIE, ATWELL-HICKS

Pertinent correspondence was read and entered into the record. Ms. Trombley read a letter of objection from Jeanette & Michael Nickerson.

Mr. Todd Leslie, of Atwell Hicks, 50182 Schoenherr, Shelby Township, Michigan, Civil Engineers for Wal-Mart, explained that they are seeking site plan approval for the proposed Wal-Mart, to be located at the southwest corner of Romeo Plank and Hall Roads. It will be a “super center” with a grocery component at the west end, as well as general merchandise and a garden center. It is a 175,000-square-foot building situated on approximately 30 acres of land, and they are providing 792 parking spaces and landscaping in compliance with the zoning ordinance. Mr. Leslie emphasized they have made sure the plan is in total compliance with the Township’s zoning ordinance. It has gone through staff review and no objections were received.

Mr. Chris Broshears, PB2 Architects, 710 West Roselawn, Rogers, Arkansas 72756, explained they are the architects for the proposed Wal-Mart. He pointed out some of the

architectural features of the building, noting that it is a colonial design, and the front vestibules have elements like columns that bring them out. there will be three entrances along the front to break up the design and allow for easier access to their customers. He stressed this particular store is one of the nicer stores they have worked with, and he was confident that it meets and exceeds all Township ordinances.

Mr. Hornung noted that there is a north entrance and a south entrance off of Romeo Plank Road. He expressed concern that the north entrance is situated almost directly across from a driveway to a business on the east side of Romeo Plank Road. He also felt the north entrance is in close proximity to the Hall/Romeo Plank intersection, and suggested that, in the interest of safety, the north access be eliminated from the plan.

Mr. Leslie assured they have worked with the Road Commission of Macomb County regarding the number of access points on Romeo Plank Road. He informed that there are improvements planned for Romeo Plank, and he felt it is important to keep both access points, adding that the north entrance will be mainly for customer traffic and the south entrance will be used for truck traffic. Mr. Leslie informed that they were granted preliminary approval and have had no objections from the Road Commission. They submitted a plan to Michigan Department of Transportation (MDOT) to show a single entrance on M-59. It was reviewed and a couple of changes were made, and that is what is shown on the proposed plan.

Mr. DiBartolomeo inquired as to the “outlot” referred to on the plan, and questioned what they intend to do with that.

Mr. Leslie replied that it will be an outlot for commercial use at a later date. It could be developed with any use permitted in the B-4 District, and will be accessed via the southerly drive off of Romeo Plank Road.

Mr. Grajewski, inquired as to the schedule for the widening/improvements to Romeo Plank Road.

Mr. Santia replied that it will be widened to five (5) lanes. He anticipated that it will begin in late summer or early fall.

Mr. Leslie replied to inquiry that they would like to proceed with their approvals for site plan and engineering, with construction anticipated for Fall 2007. He replied to further inquiry that the batch plant is being taken down.

Mr. Gibson commented that there are existing Wal-Mart stores in neighboring communities, both located off of M-59, one to the west at Mound Road and one to the east at I-94. He inquired as to what studies have been done to indicate the need for a store at this location.

Mr. Nick Pontiff, Wal-Mart Corporation, [no address given], explained that they study demographics and traffic. There are over 700 Wal-Mart stores in the country, with 91 of

those in Michigan. He added it is not uncommon for some of the stores to be located in close proximity to one another if it is a highly populated area. He assured they look at this closely before building because they do not want a site that is going to fail.

Mr. Santia replied to inquiry that the property is zoned B-4 Regional Business from a Consent Judgment and anything allowed in under a B-4 zoning designation is permissible for this property.

Mr. Pearl added that it was recently reviewed by the Court and the B-4 zoning was upheld.

Mr. DiBartolomeo inquired as to whether there will be any more cuts on Romeo Plank when developing the outlot.

Mr. Leslie replied that they feel the two access points are sufficient.

Mr. Santia clarified that the Township has the right to comment on the ingress/egress and has the right to restrict it if they feel it is not appropriate; however, they would also need the approval of the Road Commission in addition to the Township.

Mr. Pearl agreed with Mr. Hornung that the northernmost entrance on Romeo Plank Road may not be a good location because of the heavy congestion at the intersection, and the fact that another driveway is located directly across the street. Mr. Pearl noted that there is a one-way road designated to get around the back of the building on the south side of the property. He preferred to see a wider two-way road, even if it means narrowing the size of the building slightly to accommodate it.

Mr. Leslie reiterated that they have gone through site plan review. It was designated as one-way on the plan, and they received no objections, including the Fire Department.

Mr. Pearl stated he objected to it.

Mr. Robert Mocka, of Rivergate Subdivision [no address given], expressed his opposition. He felt there are two existing Wal-Mart stores a short distance away, and he did not feel they need another one. He expressed his concern about the traffic, and felt it will become much worse if the Wal-Mart is allowed to open at this site.

Mr. Santia replied to inquiry that the widening of Cass/Romeo Plank is actually three separate projects, all three of which will be starting at approximately the same time. The Cass Avenue widening starts at Groesbeck and continues west to the bridge over the Clinton River. The next phase is from the Clinton River Bridge to 19-1/2 Mile, and those will be done at the same time. The other phase is to widen Romeo Plank from the Gloede Drain, immediately south of the subject parcel, extending north to 21-1/2 Mile. Mr. Santia informed that the Township voted to help participate on the part of the project from Groesbeck to the Clinton River bridge. He advised that the Road Commission has

changed their policy, requiring local community participation of dollars for any new projects. He replied to inquiry that there is no tax increase associated with this.

Mr. Mocka remained opposed to the Wal-Mart and felt it will make the area look “whatever”.

Tim & Cindy Rose, 17810 Eider, Clinton Township, Michigan 48038, stated they purchased a \$600,000 home in Partridge Creek, and felt they will have a beautiful area with the addition of the beautiful stores being constructed at The Mall at Partridge Creek. They indicated they do not want “an overnight RV park”, which is what they felt the Wal-Mart will attract. He felt there will be an overabundance of semi-trucks taking Romeo Plank to avoid the heavily-traveled Hall Road. He felt that Wal-Mart has the appearance of a “glorified Sam’s Club” and he claimed they are known for their “overnight RV parking”.

John and Fran Schokora, 17570 Eider Drive, Clinton Township, Michigan 48038, complimented the Township for supporting the development of the beautiful mall, but Mr. Schokora urged the Planning Commission not to “crush the futuristic cushion”. He felt they have taken excellent steps to keep this a nice upscale area, and this is an opportunity they have to keep it this way.

Ms. Schokora stated they raised their children in Clinton Township, and now that their children are raised and moved out, they were thrilled to find this type of development so they could stay in the Township. She did not feel a Wal-Mart will enhance anyone’s property values. She did not feel the residents in the area want any more “big box” stores. She urged the Planning Commission to deny the request.

Ms. Gloria Swetech, 44370 Cadburry, Clinton Township, Michigan 48038, stated they are buying a house in Partridge Creek Subdivision and the finished house will cost them over \$800,000. She did not feel they paid that kind of money to look at a Wal-Mart. She was concerned about the additional traffic it will bring into the area, and the safety of the children in the area, and she felt the proposed roundabouts on Romeo Plank will not help the situation. She felt the back of the Wal-Mart will face the park where the children of Partridge Creek will play, and she again voiced her opposition.

Mr. Matt Solder, 17870 Eider, Clinton Township, Michigan 48038, agreed with the comments made by his neighbors. He felt it should be denied for traffic and aesthetics. He noted that people cut through their streets to avoid the traffic lights, and he was concerned it will only get worse. He felt this proposal “snuck up” on the residents.

Mr. Santia clarified that no notification to the residents is required when a site plan that meets all ordinance requirements is submitted to the Planning Commission.

Mr. Solder inquired as to whether the builders of Partridge Creek have been in contact with the Township regarding this proposal.

Mr. Santia replied that, to his knowledge, the Partridge Creek builders have not been in contact with the Township specific to this development.

Mr. Andrew Emerson, 44260 Riverview Ridge Drive, Clinton Township, Michigan 48038, expressed concern that the widening of Romeo Plank will not be done in time for this development. He requested that if the Township is giving consideration to approving this plan, that the improvements to Romeo Plank be done in a timely manner. He stated he realizes the zoning of the subject parcel and what can be developed, but he requested that the Township assure that the roads of a sufficient size to handle the excessive traffic are in place.

Mr. Tom Sroka, 18730 Riverpointe Drive, Clinton Township, Michigan 48038, has not heard when the Romeo Plank Road widening is to take place. He complained that his street is a turn-around for a constant stream of cars changing direction on Romeo Plank, and he added that they cannot enjoy their subdivision because of the number of motorists zooming in and out to turn around.

Marcy Ellsworth, 18820 Sandhurst Drive, Clinton Township, Michigan 48038, inquired as to whether any of these comments matter to the Planning Commission.

Mr. Pearl explained that this Commission is required to hold public hearings, but this site plan meets all of the requirements of the Township's zoning ordinance. The Township challenged the zoning of this particular site, and the B-4 Regional Business zoning was upheld in court. He pointed out that the Planning Commission can vote "no" but that does not mean the development would be stopped. The Planning Commission is a recommending body and the Township Board actually votes on the request. The Township Board has the option of voting "no" but they do not have any authority beyond what the ordinances require, and all of the ordinance requirements for this development have been met. He stated on a personal level that he will not shop there, and he would prefer not to see it developed, but he stressed the property is zoned B-4 and the law is clear that the Board does not have much discretion under these circumstances.

Mr. Henderson stated he is an attorney, and he explained this situation from a legal aspect. The general rule of law with real property is that the owner can "do with his property what he wants. He indicated there are exceptions and that is that the government can control property, with zoning being one of those means. When the property is zoned B-4 Regional Business, the property owner can develop whatever he wants as long as it meets the B-4 requirements. He admitted he is not happy with the proposed development; however, they need to be aware of the statutes of real property law and what the courts are following.

Mr. Rose complained that he cannot build a shed on his property because there are certain regulations against it, and he felt the developer of the proposed Wal-Mart should be told to “go away – back to Arkansas”.

Mr. Santia replied to inquiry that Trinity Land Corporation LLC owns the property.

Mr. Pearl questioned the reasons they would give that would stand up in court if they vote “no” on this proposal. He stated he had three issues with this project: 1) The northernmost entrance to the site on Romeo Plank Road will be a heavily-congested area; 2) The one-way lane on the south side of the building; and 3) The flood plain area on the south side of the site. He questioned whether Wal-Mart would be willing to donate the south area of the site to the Township to be combined with the adjacent parkland. He pointed out that it would be no good to Wal-Mart because it is in the flood plain.

Mr. Leslie responded that the portion of land to which Mr. Pearl is referring is approximately six acres located behind the store.

Mr. Santia pointed out that the donation of that land to the Township as parkland would provide continuity between two acres of land immediately to the south and west of this property.

Mr. Leslie stated they can consider it but cannot provide an answer at this time.

Ms. Trombley stated she would like to postpone any action on this request tonight so they can review the issues that have been raised. She felt Mr. Leslie can check into the possibility of donating a portion of their land that is in the flood plain, they can check with the Fire Department once again regarding the one-way driveway south of the proposed building, and they can further investigate the possibility of eliminating the north entrance off of Romeo Plank, and whether this would be acceptable to the Road Commission and the petitioner.

Mr. Mark Kadian, 43928 Mound Road, Sterling Heights, Michigan, attorney representing Wal-Mart, pointed out that Mr. Pearl, the Planning Commission’s Chairman, explained the obligations of the Planning Commission. This property is zoned B-4 and has been zoned as such since 1998, and was reaffirmed by the court in March 2007. He cautioned that the issue of conditioning on things such as donation of land for buffering purposes is not discretionary. The Township cannot make conditions on plans that meet the ordinance. He felt the state law is clear in that if a site plan meets all applicable zoning ordinances, “it shall be approved”. Mr. Kadian felt the level of detail on this site plan shows the petitioner is willing to give the community more than what is required. The donation of land is not a discretionary issue.

Ms. Swetech inquired as to whether the proposed Wal-Mart will have a “quick clinic”. She claimed patients do not get proper diagnosis or care at this type of facility.

Mr. Leslie replied to inquiry that at this time, the tenant spaces within the store have not been leased.

Motion by Ms. Trombley, supported by Mr. Gibson, with reference to File #6198 and application from Wal-Mart Real Estate Business Trust, 702 SW 8th Street, Bentonville, Arkansas 72716-0550, as represented by Todd Leslie, Atwell-Hicks, 50182 Schoenherr Road, Shelby Township, Michigan 48315, concerning the proposed site development for Wal-Mart Retail Store, to be located on 27.80 acres of land fronting the south line of Hall Road (M-59), west of Romeo Plank Road (Section 5), that further consideration of request for recommendation for approval of the site development plan be postponed for thirty (30) days. Roll Call Vote: Ayes – Trombley, Gibson, Grajewski, Henderson, Hornung, Moseley, Pearl, DiBartolomeo. Nays – Charron. Absent – None. Motion carried.

Mr. Santia clarified that the meeting closest to the 30-day postponement is actually on Thursday, June 28, 2007.

It was confirmed that the item will be placed on the agenda of June 28, 2007.

REPORT OF MEETING

-- APPROVAL OF APRIL 26, 2007 REPORT

Motion by Mr. Henderson, supported by Mr. Hornung, to approve the report of the April 26, 2007 Planning Commission meeting as written. Motion carried.

DISCUSSION ON NEXT MEETING AGENDA

Mr. Santia indicated that the following items are anticipated to be on the next meeting agenda, scheduled for Thursday, June 14, 2007:

- St. Ronald Catholic Church addition

ADJOURNMENT

Motion by Mr. Hornung, supported by Ms. Moseley, to adjourn the meeting. Motion carried. Meeting adjourned at 8:25 p.m.

Respectfully submitted,

Denise C. Trombley, Secretary
CLINTON TOWNSHIP PLANNING COMMISSION

ces:05/29/07

ces:06/04/07