

# CLINTON TOWNSHIP PLANNING COMMISSION

## REPORT OF MEETING

JUNE 28, 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 6:32 p.m.

### **APPROVAL OF AGENDA**

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

### **5.1 ACRES OF LAND FRONTING THE WEST LINE OF LIPKE, NORTH OF 14 MILE ROAD (SECTION 34)**

- **SPECIAL LAND USE: CUT AND FILL IN THE I-1 LIGHT INDUSTRIAL DISTRICT**

-- **PUBLIC HEARING**

**FILE #05-0032: PETITIONED BY ANTHONY SAROTTE**

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Pertinent correspondence was read and entered into the record.

Mr. Anthony Sarotte, 12798 23 Mile Road, Shelby Township, Michigan 48315, stated this 5.1-acre parcel is narrow and is bounded on the south, west and north by Lincoln

Memorial Cemetery. They would like to receive permission to cut and fill to bring it to the same grade as the abutting cemetery property for future expansion of the cemetery.

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

There were no comments from the general public.

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

Motion by Mr. DiBartolomeo, supported by Mr. Grajewski, with reference to File #05-0032 and application from Anthony Sarotte, Florence Cement Company, 12798 23 Mile Road, Shelby Township, Michigan 48315, concerning 5.1 acres of land fronting the west line of Lipke, north of 14 Mile Road (Section 34), that recommendation be forwarded to the Clinton Township Board for approval of the Special Land Use for Cut and Fill in the I-1 Light Industrial District, as requested. Roll Call Vote: Ayes – DiBartolomeo, Grajewski, Charron, Gibson, Henderson, Hornung, Moseley, Pearl, Trombley. Nays – None. Absent – None. Motion carried.

**5.1 ACRES OF LAND FRONTING THE WEST LINE OF LIPKE, NORTH OF 14 MILE ROAD (SECTION 34)**

- **LINCOLN MEMORIAL CEMETERY**
  - **REQUEST FOR RECOMMENDATION FOR APPROVAL OF TREE REMOVAL PLAN**
- 
- FILE #05-0032: PETITIONED BY ANTHONY SAROTTE**

Mr. Pearl mentioned that this matter was postponed at the last meeting so that it could be acted upon at the same time as the request for Special Land Use approval for Cut and Fill for the same property.

Motion by Mr. DiBartolomeo, supported by Ms. Moseley, with reference to File #05-0032 and application from Anthony Sarotte, Florence Cement Company, 12798 23 Mile Road, Shelby Township, Michigan 48315, concerning 5.1 acres of land fronting the west line of Lipke, north of 14 Mile Road (Section 34), that recommendation be forwarded to the Clinton Township Board for approval of the proposed Tree Removal Plan as submitted. Roll Call Vote: Ayes – DiBartolomeo, Moseley, Charron, Gibson, Grajewski, Henderson, Hornung, Pearl, Trombley. Nays – None. Absent – None. Motion carried.

**8.446 ACRES OF LAND FRONTING THE NORTH LINE OF PARTRIDGE CREEK BOULEVARD, WEST OF ROMEO PLANK ROAD (SECTION 5)**

- **ACTIVE SENIOR LIVING AT PARTRIDGE CREEK**

-- **REQUEST FOR RECOMMENDATION FOR APPROVAL OF SITE  
DEVELOPMENT PLAN**  
**FILE #07-6212: PETITIONED BY BRYAN MAZURKIEWICZ**

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Pertinent correspondence was read and entered into the record.

Mr. Richard Schoenherr, Elro Corporation, one of the managing partners for the Partridge Creek Development, explained that Mr. Bryan Mazurkiewicz, the general manager for the development of the Wellington Active Senior Living facility, is present tonight as well to answer questions. Mr. Schoenherr stated they believe they have complied with all Township ordinances and have submitted plans for site development approval. He pointed out that they have exceeded the number of parking spaces required and have set aside an additional area for parking should they need it. He noted that the development is intended to be an upscale development, and they have designed the architecture to match that of the abutting Mall at Partridge Creek immediately to the north of the development. He added that the construction will be masonry with brick and stone.

Mr. Gibson noticed that the structure is proposed to be four stories, and he inquired as to the actual height.

Mr. Schoenherr replied that the height of the structure will be 48 feet 3 inches and will be four stories high. He replied to further inquiry that all three buildings will consist of independent living units ranging in size from 840 to 1400 square feet. They will be condominium units as opposed to apartments, and will be owned by the occupants.

Ms. Tatjana Savich, 18691 Wigeon, Clinton Township, Michigan 48038, questioned as to when construction would begin if this project is approved, and she further inquired as to its impact of traffic in the area.

Mr. Schoenherr explained that they would like to begin construction in 2008, phasing the development by starting with “Building A”, following with the construction of “Building B” once the first phase is filled, and likewise for “Building C”. He added they expect it to be completed within 36 months from its start date. He replied that they will start at \$199,900 and will range in price up to \$250,000. Mr. Schoenherr noted that the construction traffic will be entering from Hall Road. He replied they are immediately adjacent to the Taubman shopping center site. Mr. Schoenherr indicated that there will be 152 units.

Mr. Troy Larsen, 18217 Canvasback, Clinton Township, Michigan 48038, inquired about the construction traffic.

Mr. Schoenherr reiterated that the construction traffic will be entering and exiting from the Hall Road access.

Mr. David Pace, 17482 Goldeneye Drive, Clinton Township, Michigan 48038, inquired as to whether this proposed development is going to block the view of the mall from the single-family homes.

Mr. Schoenherr replied that the senior housing will be north of the single-family homes and south of the mall, adding that it is intended to be a transitional zoning, or buffer, between commercial and single-family residential. He added that they are approximately two weeks away from opening the pool and playground facility for the residents of the single-family development only. He assured it will not be accessible for those in the multiple-family development. Mr. Schoenherr noted that they have had an opportunity to hold “focus” groups with seniors and are getting excellent responses, so he felt the 36-month anticipated time frame may be somewhat shorter.

Motion by Mr. Hornung, supported by Mr. Grajewski, with reference to File #6212 and application from Bryan Mazurkiewicz, Our Home Properties LLC, 44073 North Groesbeck Highway, Suite 2, Clinton Township, Michigan 48036, concerning the proposed site development for Active Senior Living at Partridge Creek on 8.446 acres of land fronting the north line of Partridge Creek Boulevard, west of Romeo Plank Road (Section 5), that recommendation be forwarded to the Clinton Township Board for approval of the site development plan as submitted. Roll Call Vote: Ayes – Hornung, Grajewski, Charron, DiBartolomeo, Gibson, Henderson, Moseley, Pearl, Trombley. Nays – None. Absent – None. Motion carried.

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

- **REF: POSTPONED FROM MAY 24, 2007**
  - **WAL-MART RETAIL STORE**
  - **REQUEST FOR RECOMMENDATION FOR APPROVAL OF SITE DEVELOPMENT PLAN**
- FILE #07-6198: PETITIONED BY WAL-MARK REAL ESTATE  
BUSINESS TRUST  
REPRESENTED BY TODD LESLIE, ATWELL HICKS**
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Mr. Santia noted there is no correspondence to be read into the record.

Mr. Pearl noted that this request was postponed by the Planning Commission last month so the petitioner could look at some of the requests and provide more information. He reviewed the three items as follows:

1. Possible dedication of six acres of floodplain property to the Township. Mr. Pearl noted that this was strictly a request and is not something that they can be compelled to do. He indicated they may wish to discuss this with the Township Board at a later date if they would like, but the Planning Commission felt that it would provide an additional buffer.
2. Increasing the width of the access drive behind the store from twenty (20) feet to twenty-four (24) feet; and

3. Realignment or elimination of the northern ingress/egress drive to/from Romeo Plank Road.

Mr. Tom Kalas, 43928 Mound Road, Suite 100, Sterling Heights, Michigan 48314, addressed the issues raised, first discussing the request to increase the width of the access drive behind the store. He noted that by doing this, they would be forced to cut off a portion of their building. They have no room to move anything back because of the flood plain. He talked with his client, and his client's preference is to not have to cut off any of the building; however, he would be willing to look at it if the Township feels strongly about it. He emphasized that his client has spent a lot of time and money looking at this site, and the site plan was submitted to appropriate departments, all of which indicated their approval. He stressed they designed it so they would not need any variances or favors from the Township, and they felt this is the best layout for safety issues. The garden center will be to the east, and the tire and lube center to the west.

Mr. Kalas talked with his client about the question of donating the land, and he cautioned that, while an approval cannot be made contingent upon such a stipulation, they would be willing to sit down with the Township regarding that; however, they would want it to tie in with obtaining all of their approvals and permits.

Mr. Kalas addressed the third issue, that being the northern approach on Romeo Plank Road. He stated they have looked at various scenarios and contacted the Hummer Dealership on the east side of Romeo Plank, who has remained non-committal. Mr. Kalas stressed that the ingress/egress location on Romeo Plank is a key location for them because the drive continues directly from the access and lines up across the front of their store. Moving that access south would create an undesirable turning movement, resulting in a safety hazard. After analyzing the situation, he noted that they would prefer to keep the access point in its current location.

Mr. Pearl stressed that the Planning Commission has obligations to make sure it is safe for the community. He pointed out that they have received a letter from the Road Commission indicating that they had not looked at it thoroughly, and after doing so, felt the northern ingress/egress is not a good location. Mr. Pearl noted that they do not want a serious injury accident to occur because they trusted Wal-Mart's traffic study. He noted that the Township is not as concerned with how the drive fits into Wal-Mart's internal traffic pattern as they are to make sure it is safe for motorists traveling on Romeo Plank.

Mr. Kalas felt that the Hummer dealership entrance is infrequently used. He replied to inquiry that he replied to the Road Commission, and he replied to further inquiry that they are not willing to move the driveway further south.

Mr. Hornung pointed out that places the Township in a bind because the letter from the Road Commission indicates they are opposed to the driveway location.

Mr. Kalas clarified that the most recent letter indicates they now have a concern; however, he claimed that was a complete reversal of their previous position. Mr. Kalas

pointed out that his client has been very accommodating, but they cannot make any changes on this request.

Mr. Roger Walther, 2677 Central Park, Southfield, Michigan, explained his company was recently retained by Wal-Mart to conduct a traffic study. They conducted an analysis of traffic, and in November 2006, they received a letter from the Road Commission and at that time the indication was that the location of the driveways was sufficient. He replied to inquiry that he has not met with representatives from the Road Commission and the Clinton Township Planning Department to discuss options.

Ms. Trombley recalled that this matter was postponed for a month so the petitioner could work out other options. She felt they did not make the effort to look at their options, so she felt it should be postponed again.

Mr. Kalas reiterated they already received a letter from the Road Commission indicating their approval. He had suspicions for the change of heart, but he stressed that they cannot move the store further back because of the flood plain, and he assured they have looked at their other options.

Ms. Trombley noted that the petitioner stated they do not want to widen the truck access drive to the rear of the building unless the Township insists on it, yet they have not shown that on their plans. She felt strongly that the matter should be postponed once again.

Mr. Kalas emphasized that they want a decision tonight from the Planning Commission, whether it is a recommendation for approval or a recommendation for denial. He pointed out they have an obligation to act on this request.

Mr. Henderson inquired as to whether the engineers from Wal-Mart noticed the Hummer Dealership entrance when they were designing the site.

Mr. Kalas noted that when their plans were developed, they were submitted to the Road Commission. No one, including any representatives from the Road Commission, felt it was an issue at that time. He pointed out that similar situations with the lining up of driveways exist throughout the county, even on Romeo Plank Road. He noted that even the Township departments did not respond negatively to the review.

Mr. Henderson explained that this Commission has the duty to look after the health, safety and welfare of the community, and he felt the location of the driveway falls in this category.

Mr. Gibson pointed out that the Township raised a safety issue, and he questioned why Wal-Mart is not interested in meeting with the Planning Director and a representative from the Road Commission to work out a safer solution.

Mr. Kalas responded that they do not feel it is a safety issue, but if they are required to move the driveway further south, it will become a safety hazard on their site because of the traffic pattern.

Mr. Santia replied to inquiry that he placed a telephone call to Wal-Mart a week or so after the meeting at which the matter was postponed, and they indicated they were working on it; however, they responded in the form of Mr. Kalas' letter. He added the Road Commission claims the driveways along Romeo Plank were not depicted on the plan they reviewed. He noted they follow a management access guide when locating driveways, and he acknowledged that Mr. Kalas is correct in his statement that there are similar driveway situations in the County, as well as on Romeo Plank. He clarified, however, that the Road Commission wants a solution to avoid this without placing turn restrictions because they are not successfully enforceable. He noted it appears moving their driveway further to the south creates a problem for them, so there could possibly be another solution. He suggested the possibility of them seeking permission to modify the wetland so they could move both the building and driveway south. That is another option they would have to be able to expand their driveway to the rear of the building without decreasing the size of their building, although it would take a permit from the Department of Environmental Quality (DEQ). Mr. Santia added that the site plan could be approved subject to prohibiting left turns in or out. He felt possibly he and a representative from the Road Commission could meet with representatives from Wal-Mart and they could collectively come up with a solution, even if it is to finally determine that what is being proposed is the best option.

Mr. Kalas claimed that all of the options have been looked at internally by Wal-Mart and they have come up with the conclusion that this is the best option.

Mr. Santia stated that another option may be for the Hummer Dealership to move their driveway, possibly at the expense of the petitioner. He added that curb cuts and islands can be designed in such a way that would naturally prohibit left turns in or out.

Mr. Kalas stated he would have no objection to a recommendation for approval subject to working out a satisfactory resolution with the Planning Director and the Road Commission; however, he emphasized that postponing this is not an option for them. He urged the Planning Commission to make their recommendation tonight and they will live with it. He cautioned that there are no guarantees they can come back to another meeting with a change in their plans.

Ms. Trombley felt there should be no recommendation for approval until a meeting between the Planning Department, Road Commission and petitioner occurs to discuss this problem.

Considerable discussion ensued.

Mr. Pearl indicated he was hesitant to forward the plan to the Township Board without a resolution on the driveway issue.

Ms. Trombley stated she would like to make a motion to postpone.

Mr. Pearl noted that he would like to hear comments from the residents.

Mr. Don Stewart, 17390 Eider Drive, Clinton Township, Michigan 48038, felt Wal-Mart is not being a “good neighbor” because they do not seem to have the safety of the community in their best interest.

Mr. John Schokora, 17570 Eider Drive, Clinton Township, Michigan 48038, felt the Township should dictate to Wal-Mart where their driveway has to be located, not the other way around.

Mr. Chris Fett, 43527 Mallard Lane, Clinton Township, Michigan 48038, stated the residents are concerned for the safety of their neighborhood, and he reminded the Planning Commission that their job is to make sure of that. He stated he is opposed to any trucks coming in off of Romeo Plank because it is a residential area. He stated he shops at Wal-Mart, but there are two other locations relatively close. He noted they have obtained over 500 signatures of residents who do not want the Wal-Mart in Clinton Township, and he asked them to “go away” and “leave”. He claimed “no one feels safe” with Wal-Mart in the area. He stated he works at St. Joseph Hospital, and that Wal-Mart is not representative of this area.

Ms. Tatiana Savich, 18691 Wigeon, Clinton Township, Michigan 48038, stated she is a resident and co-owner of a business in Clinton Township. She stated she presented over 80 signatures tonight in opposition to this development, and she claimed that if it goes in, it will drastically worsen the traffic in the area. She complained that Romeo Plank is already “in gridlock”, and she could see no positive effects from having a Wal-Mart in the area. Ms. Savich claimed there is all kinds of literature out that indicates over time, a Wal-Mart “decreases the quality of life in an area”.

Mr. Troy Larsen, 18217 Canvasback, Clinton Township, Michigan 48038, questioned whether Romeo Plank will structurally be able to handle the stress of semi-trucks. He pointed out that the road has some extreme curves, and he doubted semi-trucks could handle those, not to mention the weight limits.

Mr. Santia explained that the road is being expanded to five lanes, and some of the road will be re-engineered to eliminate the curves. He replied to inquiry that the work on the road, from Groesbeck to 19 Mile Road, will begin in Fall 2007. The following year it will continue from 19 Mile Road to north of Hall Road (M-59). He was confident that it will be able to handle the traffic, including the Gloede bridge, and he did not feel the Road Commission has any concerns in that regard.

Ms. Lana Jerzembowski, [no address given], claimed that the City of Troy has no problem denying what is not good for their community, and she felt Clinton

Township should do the same. She noted that the entire Partridge Creek development, including the mall, is designed as a “walking area”, and she felt the proposed Wal-Mart does not fit into that. She felt the area should be developed with more businesses that promote that atmosphere, such as skate parks, coffee shops, etc.

Mr. Fett inquired as to the square footage of the proposed development.

Mr. Santia estimated it is 176,000 square feet, and he replied to further inquiry that there is more than adequate parking for the facility, based on ordinance requirements. He added that all of the Township ordinances have been met with regard to the proposed development, including the Court’s upholding of the zoning district which allows this development.

Mr. Robert Bocka, president of the Rivergate Homeowner’s Association, stated he has lived at this address for years. He felt the representatives from Wal-Mart are only agreeing on certain issues because they want the support of the community. He recalled that at the last meeting, they were opposed to the donation of any land to the Township, and now they are offering to deed over some of the flood plain property once they receive approval of their site plan. He assured he will not be shopping there, and he could not see why there needs to be any access from Romeo Plank Road other than for emergency vehicles. He questioned their hours of operation.

Mr. Kalas replied they will be open 24 hours.

Mr. Bocka felt they should be held to the same hours of operation as the mall.

Mr. Pearl stated they can discuss that at the next meeting if this matter is postponed.

Mr. Russ LaBarge, 44200 Riverview Ridge, Clinton Township, Michigan 48038, questioned why there is any access to the site from Romeo Plank Road. He felt that should be reserved for emergency access only. He felt the Township is making it convenient for Wal-Mart’s customers who do not live in the immediate area, but he stressed the concerns of the residents in the area should come first.

Ms. Frances Bruglio, 44225 Riverview Ridge, Clinton Township, Michigan 48038, expressed concern about safety. She understood that the Road Commission will be creating two “round-abouts” for the intersections on Romeo Plank, further south of this property. She noted that traffic lights created a break in the traffic flow, but she felt that there will be a steady stream of traffic once these round-abouts are installed. She complained that situation, along with additional traffic from the mall and the proposed Wal-Mart, will make it impossible for residents on her street to gain access to Romeo Plank Road.

Mr. Jeff Rose, 17810 Eider, Clinton Township, Michigan 48038, claimed that “everyone in this Township does not want a Wal-Mart”. He felt that Mr. Kalas is excited because Wal-Mart is a large client, and he is representing their best interest, but he felt the safety and desires of the residents is not being considered. He complained that the customers of Wal-Mart who do not live here will be funneled right through their neighborhood. He claimed that if the Township approves the site plan with the driveway that has been noted by the Road Commission as being in a bad location, he will “take a transcript of this meeting and run to Sam Bernstein when there is an accident”.

Motion by Ms. Trombley, supported by Mr. Gibson, with reference to File #6198 and application from Wal-Mart Real Estate Business Trust, 702 SW 8<sup>th</sup> Street, Bentonville, Arkansas 72716-0550, as represented by Todd Leslie, Atwell-Hicks, 50182 Schoenherr Road, Shelby Township, Michigan 48315, and Mr. Tom Kalas, Kalas Kadian P.L.C., 43928 Mound Road, Suite 100, Sterling Heights, Michigan 48314, concerning the proposed Wal-Mart Retail Store, to be developed on 27.80 acres of land fronting the south line of Hall Road, west of Romeo Plank Road (Section 5), that further consideration of the site development plan be postponed for thirty (30) days so the petitioner can meet with representatives from the Road Commission and Clinton Township Planning Department, and that an invitation to that meeting be extended to the owner of the Hummer Dealership across Romeo Plank from the subject parcel to work out the safety issues with regards to the northern access on Romeo Plank Road. Discussion ensued.

Mr. Kalas was confident that nothing will change.

Roll Call Vote: Ayes – Trombley, Gibson, Charron, DiBartolomeo, Grajewski, Henderson, Hornung, Pearl. Nays – Moseley. Absent – None. Motion carried.

Mr. DiBartolomeo addressed Mr. Kalas and pointed out that this Commission has been appointed to serve a civic duty, and he requested that Mr. Kalas refrain from sending letters that insinuate they are not doing their job, or the “rock-throwing” that the letters reflect. He urged Mr. Kalas to use civility in future correspondence.

Mr. Kalas requested that the Township “quit throwing road blocks” if they want to talk about civility. He stressed his client has a right to be heard and the judge has already ruled on this once with regard to the zoning.

#### **DISCUSSION ON NEXT MEETING AGENDA**

Mr. Santia indicated that the only item anticipated for July 12<sup>th</sup>, 2007 is the Wal-Mart Site Plan, if they are ready to be placed back on an agenda; otherwise, the July 12<sup>th</sup>, 2007 Planning Commission Meeting may be canceled.

**ADJOURNMENT**

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Motion by Mr. Grajewski, supported by Ms. Moseley, to adjourn the meeting. Motion carried. Meeting adjourned at 8:07 p.m.

Respectfully submitted,

Denise C. Trombley, Secretary  
CLINTON TOWNSHIP PLANNING COMMISSION

ces:07/03/07