

# CLINTON TOWNSHIP PLANNING COMMISSION

## REPORT OF MEETING

OCTOBER 25, 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 6:33 p.m.

### APPROVAL OF AGENDA

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

### **30.5 ACRES (PART OF 294.5 ACRES) OF LAND FRONTING THE NORTH LINE OF CLINTON RIVER ROAD, WEST OF ROMEO PLANK ROAD, SOUTH OF 18 MILE ROAD (SECTION 17)**

- **SPECIAL LAND USE: GAS STATION/DRIVE-THRU RESTAURANT IN THE R-3 ONE-FAMILY RESIDENTIAL DISTRICT; AND**
  - **REVISED SITE DEVELOPMENT PLAN: RESURRECTION CEMETERY**
  - **PUBLIC HEARING (continued from 9/27/07 meeting)**
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- FILE #1026: PETITIONED BY ROBERT SCHRAGE**

Pertinent correspondence was read and entered into the record. Ms. Trombley advised that notice of this public hearing was issued by regular mail to 131 owners and/or

occupants of property located within 300 feet of the land in question, with none of those returned as undeliverable.

Mr. Michael Chilcote, 1075 Kingview, Rochester Hills, Michigan, representing Resurrection Cemetery, stated he would be willing to answer any questions.

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

Ms. Mary Jean Hackett, 40183 St. Louis Drive, Clinton Township, Michigan 48038, explained that she and some of her neighbors met with the cemetery and they have agreed to leave some trees. She assured she has no objection to the Special Land Use request but she would like restrictions placed on any approval that would prohibit them from utilizing the 18 Mile Road access for funeral processions. She emphasized that she felt access to and from the cemetery off of 18 Mile Road should be for emergency purposes only. She also requested that they not permit any crematoriums on this site.

Mr. Donald McGraw, 40589 St. Louis Drive, Clinton Township, Michigan 48038, recalled they discussed a fence height of 4 feet, but it was mentioned that the fence along 18 Mile is proposed to be 6 feet in height. He inquired as to the height of the proposed fence behind their residential properties.

Mr. Chilcote replied that the fence abutting the residential homes will be a 4-foot-high ornamental fence.

There were no further comments from the public.

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

The question was raised as to why the petitioner would not be proposing an ornamental fence along 18 Mile Road.

Mr. Chilcote assured that in the future, they would like to develop that area as an access and at that time, they would install the decorative fence. He anticipated that would be in five to ten years. They are currently interested in obtaining Special Land Use approval because it makes a big difference as to how they plan for utilization of the remainder of the property. He pointed out where they are proposing the chain link fence.

Mr. Pearl inquired as to how they would keep funeral traffic off of 18 Mile if they develop an access at that point.

Mr. Chilcote replied that they would continue to direct their funeral processions into their entrance off of Clinton River Road, but he anticipated that visitors to the cemetery may eventually use the 18 Mile Road access. He assured that, at this point, they are seeking approval for an emergency access only, and it will not be open to the public at this time.

Mr. Hornung inquired as to whether the Township can control traffic on 18 Mile Road.

Mr. Santia replied that, since this is an application for Special Land Use, the Township can stipulate that the 18 Mile Road access is not to be used for funeral processions if they feel it is in the best interest of public safety.

Mr. Hornung inquired as to whether there are any plans for a crematorium at that site.

Mr. Chilcote replied that they do not intend to use this property for a crematorium, and he added that they already have one at another location on the property.

Motion by Ms. Moseley, supported by Mr. Grajewski, with reference to File #1026 and application from Robert Schrage, Mt. Elliott Cemetery, 18201 Clinton River Road, Clinton Township, Michigan 48038, concerning 30.5 acres (Part of 294.5 acres) fronting the north line of Clinton River Road, west of Romeo Plank Road, south of 18 Mile Road (Section 17), and application for Special Land Use being a cemetery in the R-3 One-Family Residential District and Revised Site Plan for Resurrection Cemetery, that recommendation be forwarded to the Township Board for approval of the Special Land Use and Revised Site Plan as submitted, subject to the conditions listed in the letter of recommendation from the Planning Department. Discussion ensued as to whether a stipulation that the 18 Mile Road access should be prohibited from funeral procession traffic.

Ms. Moseley stated she personally does not feel there should be such a stipulation placed on the recommendation. She noted that it is a mile road, and if it is closer for the funeral procession to enter from that access, they should not be forced to drive out of the way to access another entrance.

Mr. Grajewski agreed with Ms. Moseley and could not see a reason why a funeral coming from northwest of the site should have to go all the way around the cemetery to gain access. He felt that from a traffic standpoint it makes sense to get the funeral procession off the main roads as quickly as possible.

Mr. Chilcote reiterated that, at this point, they do not anticipate that they will be utilizing that access for funerals. He explained they plan to remove 160 trees and will be leaving some trees temporarily at the request of the neighbors; however, they do not want issues with removing those trees when they want to develop that property. He noted that approximately 20 to 25 of those trees need to be removed now, another 30 or 40 are Elm or Ash trees and will need to come down within the next couple of years. Where there are large gaps, they would propose to do some limited landscaping. If they cannot have

assurances that they will be able to remove those trees at a later date, then they would like to proceed with the removal of them at this time.

Mr. Santia replied to inquiry that their plan is long-term and he does not know whether he would want to commit to a Tree Removal Plan that would not take effect for many years.

Mr. Chilcote stated that once they receive approval from the Board, they have 18 months to start construction, and they will have time to address that issue.

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

**2.12 ACRES OF LAND FRONTING THE EAST LINE OF HAYES ROAD,  
NORTH OF UTICA ROAD (SECTION 19)**

**- PROPOSED REZONING FROM RML MULTIPLE-FAMILY  
RESIDENTIAL (LOW-DENSITY) TO OS-1 OFFICE/SERVICE (LOW-  
RISE)**

**-- PUBLIC HEARING**

**FILE #6241: PETITIONED BY CARL HAUSS**

Pertinent correspondence was read and entered into the record. Ms. Trombley advised that notice of this public hearing was issued by regular mail to 68 owners and/or occupants of property located within 300 feet of the land in question, with 2 of those returned as undeliverable.

Mr. Carl Hauss, representing the various petitioners, explained they are seeking a rezoning to OS-1 Office/Service (Low-Rise), which they feel is consistent with the development on Hayes Road, and it would serve as a buffer between Hayes Road and the condominiums to the east of the subject parcels. He assured that any buildings that will be developed on the site will be very residential in nature, and an office/service zoning would be the least intensive zoning use that is not residential. Mr. Hauss explained that he has had discussions with the Planning Department and the Township attorney, and they have been receptive to that use. He replied to inquiry that the applicants previously petitioned the Township for a rezoning to B-1 Neighborhood Business, the Planning Commission had recommended approval, but the request was denied by the Township Board.

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.

Joseph Roznowski, 37750 Pebble Pointe Court, Clinton Township, Michigan 48038, inquired as to why only three of the six parcels fronting Hayes are included in this rezoning petition. He felt this usage sounds like the best possibility for their condominium complex, but he added that he would like to see a greenbelt between the condominiums and the proposed office development. He

did not feel that a commercial use would have been good, and he pointed out that there are numerous storefronts in the area that are currently vacant.

Mr. Santia replied that only three of the property owners have petitioned to rezone at this time.

Mr. Hauss replied that the other property owners are not ready at this time to rezone. He replied to inquiry that if the property is rezoned, they would like to construct offices but are not sure what kind of offices.

Mr. Bernard Grajewski, 37736 Pebble Pointe Drive, Clinton Township, Michigan 48038, felt there are enough empty buildings in the Township without constructing more. He felt if they do not know what is going in the proposed building, he could not see why they should offer their support.

Mr. Pearl explained that the rezoning must come first, and if it is approved, then the petitioner will submit a site plan with more detailed information. He added that specific uses cannot be considered at the time of a rezoning.

Mr. Grajewski stated he wants to be notified when the site plan is submitted to the Planning Commission.

Ms. Sandy Iezzi, 15381 Pebble Pointe Drive, Clinton Township, Michigan 48038, expressed concern about the value of her condominium depreciating because she backs up to the property proposed to be rezoned to office.

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

Mr. Grajewski inquired as to what is on the property at this time.

Mr. Hauss replied that there are three single-family residences, two of which are currently occupied. The vacant home is approximately 50 years old and is dilapidated.

Mr. Hauss explained that the parcels are the northerly three parcels that start at the south end of Pebble Pointe Drive.

Motion by Ms. Trombley, supported by Mr. Charron, with reference to File #6241 and application from Carl R. Hauss, PLLC, 16880 Hauss, Eastpointe, Michigan 48021, concerning the proposed rezoning of 2.12 acres of land fronting the east line of Hayes Road, north of Utica Road (Section 19), from RML Multiple-Family Residential (Low-Density) to OS-1 Office/Service (Low-Rise), that recommendation be forwarded to the Township Board for approval of the rezoning as requested. Roll Call Vote: Ayes – Trombley, Charron, DiBartolomeo, Gibson, Grajewski, Henderson, Hornung, Moseley, Pearl. Nays – None. Absent – None. Motion carried.

**1.36 ACRES OF LAND FRONTING THE SOUTH LINE OF HALL ROAD (M-59),  
EAST OF PARTRIDGE CREEK BOULEVARD (SECTION 5)**

- **REQUEST FOR RECOMMENDATION FOR APPROVAL OF SITE DEVELOPMENT PLAN**
  - **FRANKLIN BANK**
- 
- FILE #6209: PETITIONED BY MARCOS MAKOHON**

Pertinent correspondence was read and entered into the record.

Mr. Markos Makohon, K4 Architecture, 26899 Northwestern Highway, Southfield, Michigan 48033, explained that they are proposing a site plan for a very modern banking center to be located on the corner of Partridge Creek Boulevard and Hall Road. He felt it will enhance the corner and provide a gateway for the Partridge Creek development. Mr. Makohon added that they received approval from the Board of Appeals to allow fewer “stacking spaces”. He noted that, for security purposes because it is a banking center, they will be constructing a closed area for their trash.

Mr. Charron inquired as to whether the driveway to the east goes into another parking lot.

Mr. Makohon replied there is an access road immediately to the south of the subject property.

Motion by Ms. Trombley, supported by Mr. Grajewski, with reference to File #6209 and application from Markos Makohon, K4 Architecture, 26899 Northwestern Highway, Southfield, Michigan 48033, concerning the proposed site development for Franklin Bank, to be located on 1.36 acres fronting the south line of Hall Road, east of Partridge Creek Boulevard (Section 5), that recommendation be forwarded to the Township Board for approval of the site development plan as submitted. Roll Call Vote: Ayes – Trombley, Grajewski, Charron, DiBartolomeo, Gibson, Henderson, Hornung, Moseley, Pearl. Nays – None. Absent – None. Motion carried.

**LOTS 38 & 39, GROESBECK-NUNNELEY SUBDIVISION (SECTION 28)**  
*[LOCATED FRONTING THE EAST LINE OF GROESBECK HIGHWAY, SOUTH OF METROPOLITAN PARKWAY]*

- **REQUEST FOR RECOMMENDATION FOR APPROVAL OF REVISED SITE DEVELOPMENT PLAN**
  - **WHITE CASTLE RESTAURANT**
- 
- FILE #3976: PETITIONED BY MICHAEL SMITH  
REPRESENTED BY JOSEPH BARTS**

Pertinent correspondence was read and entered into the record.

Mr. Joe Barts, 23985 Industrial Park Drive, Farmington Hills, Michigan 48335, explained that they have been at this location for approximately 23 years, and it has become primarily a drive-thru location. He noted they typically get very few people in their

dining room. The current building, which has a basement, is proposed to be demolished. The basement will be filled in properly and will be rebuilt on a cement slab. It will measure 2,584 square feet, which is smaller than their current facility, with seating reduced from 80 seats to 50 seats. He added, however, that the drive-thru sales continue to increase at this location.

Mr. Henderson inquired as to the proposed time frame for the proposed construction.

Mr. Barts replied they have a 90-day schedule. With demo and backfill, they would add approximately 3 weeks to that schedule. He anticipated that they will close in mid-February, which is their slowest season, to do most of the inside work, and would expect to be ready for paving in late April. They would like to re-open for business in early summer. They do not anticipate delays as this is not an unfamiliar site to them. Because the size of the building has been reduced and parking spaces have been reduced accordingly, they are able to put in a larger greenbelt on the north side. They will only need to provide 42 spaces compared to the previously required 55 parking spaces. He assured they meet all Township ordinances, and he added that it is a relatively large site, totaling over an acre of land.

Mr. Santia replied to inquiry that White Castle updated their signs within the last three to four years and meet ordinance requirements.

Mr. Barts explained that they applied for a permit to replace the sign. They were non-conforming and the Board of Appeals did not want them to have a sign exceeding the square footage requirements. He noted they put up a monument sign but are not happy with it. The ordinance permits more square footage than what they have on their current sign.

Ms. Valerie O'Neal, 36463 Egan, Clinton Township, Michigan 48035, inquired as to the hours of operation for the demolition phase.

Mr. Barts replied that they would only do the demolition during the day, and he added that he has never observed that to extend past 5:00 p.m.

Ms. O'Neal replied to inquiry that as long as the lighting stays the same as the current site, she is content.

Mr. Barts assured that he must show they are within the guidelines of the Township requirements. He added that the current speaker faces due east; however, in revising the site, they have now directed the speaker to the north, so he felt will not affect the residents.

Mr. Tom Gore, 36423 Egan, Clinton Township, Michigan 48035, a member of nearby St. Luke Lutheran Church, as well as a resident behind the subject site, complained that they have a lighting issue in their neighborhood. He explained that the residents have addressed this with the petitioner but have not gotten

anywhere. He wanted to see the direction in which the lights will be facing. He further inquired as to whether they will have one or two drive-thru windows, and whether there will be a berm or wall required along the abutting residential properties. He claimed the restaurant has not been very friendly in the past. He recalled coming before this Commission on other matters when he was the only house on Egan.

Mr. Santia assured that the ordinance requires lights to be shielded so they do not shine onto adjoining properties. He added that the petitioner has presented a photometric plan that reflects these requirements are being met. He replied to inquiry that the existing lights may not meet that criteria, but the new lights will meet those requirements.

Mr. Gore challenged that Arby's Restaurant does not meet that criteria.

Mr. Santia suggested that if one of the businesses in the area does not meet the ordinance, a complaint can be filed with Ordinance Enforcement and they will investigate it.

Mr. Gore explained that he has talked with Ordinance Enforcement, sent them letters, talked to the restaurants, but all to no avail. He complained that some of the businesses along Groesbeck have brick walls, others have berms, and the lighting is different for each unit. He suggested having some continuity along the back property line.

Mr. Pearl felt Mr. Gore will see definite improvements once the White Castle is completed, and he recommended that the Ordinance Enforcement Division be contacted if there are still problems. He added that the issue can also be raised at the Township Board level.

Discussion took place as to the location of Mr. Gore's house in relation to the subject parcel.

Mr. Santia determined that Mr. Gore's property is two lots to the south of the rear of the subject property.

Mr. Gore expressed opposition to the 24-hour operation.

Mr. Barts replied to inquiry that the restaurant is currently open 24 hours and will maintain those hours of operation after the renovations.

Mr. Gore explained that they maintain their residential lots and they are part of the Groesbeck-Nunneley Subdivision. He did not feel a 24-hour operation should be allowed so close to residential homes. He complained that they can hear the noise from the speakers, as well as loud music playing in some of the cars utilizing the drive-thru facility.

Mr. DiBartolomeo felt they should be given a chance. He pointed out that they are going to demolish the current facility and rebuild, which he felt will be an improvement. He suggested if Mr. Gore is not satisfied, he is welcome to address the specific areas of violation with the Township.

Mr. Gore urged the Planning Commission to consider the people who purchased homes along Egan to raise their families and send their children to the local schools. He felt it is their obligation to make sure they do not approve something that can become an irritation to the neighborhood. Mr. Gore felt it will be too late after the fact to do anything about the problems that are created. He added that he has lived at this location for 15 years.

Mr. DiBartolomeo assured the petitioner will be required to follow the ordinances, and it is not a new development but rather a rebuilding and refurbishing of an older existing development.

Further discussion took place regarding whether or not ordinances have been adhered to in the past by the properties along Groesbeck.

Mr. Gibson pointed out that Groesbeck Highway is one of the biggest thoroughfares in the county, although he agreed that speakers and lighting are two issues that could affect abutting properties if they are not designed properly. He noted, however, that the speakers have been redesigned so they face the north and not the east, so that should cut down considerably on the noise level at the property line of the abutting residential homes. He felt the lighting plan has indicated the lights will be directed onto the subject property, and he further felt the proposed changes and redevelopment will be a marked improvement to the site.

Mr. Gore complained that he has sat before this Commission for two other developments along Groesbeck and the agreements made have not occurred. He urged the Planning Commission to reconsider or at least hold them accountable to their promises. He replied to inquiry that both Basha Car Wash and Arby's Restaurant made promises that he felt have not been fulfilled, with regard to their buffer or required wall.

Mr. Santia informed that Arby's has been at that location for 15 to 20 years, and they do not have a wall because they were issued a waiver.

Mr. Gore recalled that the original commitment was to put up a wall, and they requested and receive a waiver after the fact.

Mr. Santia replied to inquiry that the rear of Mr. Gore's lot touches the rear corner of Arby's and is two lots away from White Castle. He stated that the Building Department is very diligent to make sure it will be built according to Township ordinances and the site plan as approved. They are going to have a wall in place, along with additional landscaping and greenspace that is not there now. They are relocating the speakers to

face north to help mitigate noise to the neighborhood. Mr. Santia added that the Township cannot do anything about the wall behind Arby's because they have a permanent waiver from the Township Board.

Mr. Gore explained that he and others in his neighborhood are trying to “promote family living”, and he did not feel a 24-hour operation abutting a single-family residential area is conducive to that atmosphere. He added they are about 1,000 feet from a church and school. He recalled having to fight Woolly Bully's and their outdoor bar some years ago.

Mr. DiBartolomeo suggested that Mr. Gore address the noise ordinance and hours of operation for businesses adjacent to residential districts at the Township Board level. He felt that would be the more proper forum to address those general issues.

Ms. Moseley inquired as to whether the Township has a noise ordinance that limits the decibel level at the property line.

Mr. Santia replied the Township has a noise ordinance that specifies decibel level.

Mr. Barts replied to inquiry that they can control the volume of the speaker.

Ms. Trombley felt all of the businesses on Groesbeck have a right to stay open 24 hours if they choose, because it is a state highway and is zoned for the broadest use of business.

Mr. Gore understood but stressed that when residential homes are abutting the property, there should be additional ordinances in place to protect the residents and provide the consideration they need and deserve. Mr. Gore stated he lives, works and attends church in the Township, and his children attend school in the Township, and he urged the Commission to consider his point of view.

Ms. Trombley failed to see how the 24-hour operation would affect the church and school 1,000 feet away, when the church and school are closed at night.

Mr. Pearl stated this Commission must follow the law. He appreciated Mr. Gore stating his concerns, and he suggested he take those concerns to the Township Board, but he noted that this is an existing establishment and the Township cannot take away what they have already granted.

Motion by Ms. Trombley, supported by Mr. Grajewski, with reference to File #3976-A and application from Michael Smith, White Castle Michigan LLC, 555 E. Goodale Street, Columbus, Ohio 43215, as represented by Joseph Barts, White Castle Michigan LLC, 23985 Industrial Park Drive, Farmington Hills, Michigan 48335, concerning the proposed revised site development plan for White Castle Restaurant, located on Lots 38 and 39, Groesbeck Nunneley Subdivision (Section 28), generally located east of Groesbeck, south of Metropolitan Parkway, that recommendation be forwarded to the Clinton Township Board for approval of the revised site development plan as submitted. Roll

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

**DISCUSSION ON NEXT MEETING AGENDA**

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Mr. Santia indicated that there is one item on the next meeting agenda, and that is a Site Plan/Special Land Use for Landslide Skate Park, being an outdoor recreation area in the I-1 Light Industrial District. He added that it will be a public hearing for the special land use.

**ADJOURNMENT**

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Motion by Mr. Henderson, supported by Ms. Moseley, to adjourn the meeting. Motion carried. Meeting adjourned at 7:45 p.m.

Respectfully submitted,

Denise C. Trombley, Secretary  
CLINTON TOWNSHIP PLANNING COMMISSION

ces:11/04/07

ces:11/14/07