

# CLINTON TOWNSHIP PLANNING COMMISSION

REPORT OF MEETING

DECEMBER 13, 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 Ms. Moseley, supported by Mr. Henderson, to approve the agenda as submitted. Roll Call Vote: Ayes – Moseley, Henderson, Charron, DiBartolomeo, Gibson, Grajewski, Hornung, Pearl, Trombley. Nays – None. Absent – None. Motion carried.

## **0.57 ACRE OF LAND FRONTING THE EAST LINE OF GARFIELD ROAD, SOUTH OF BARBAROSA LANE (SECTION 8)**

- **PROPOSED REZONING FROM B-2 COMMUNITY BUSINESS TO B-3  
GENERAL BUSINESS**

**FILE #6250: PETITIONED BY FRANK D'ANNA**

-- **PUBLIC HEARING**

---

Pertinent correspondence was read and entered into the record. Ms. Trombley advised that notice of this public hearing was issued by regular mail to 24 owners and/or occupants of property located within 300 feet of the land in question, with none of those returned as undeliverable.

Mr. Frank D'Anna, 42500 Hayes Road, Clinton Township, Michigan 48038, explained that this is the site of the former Einstein Bagels. The petitioner is proposing to develop the site with a new fast food restaurant, "Johnny's Lunch", which specializes in hot dogs with a special sauce, chicken and hamburgers. There are currently five other locations open in Michigan, with ten more in the works. They chose this location because of the similar developments along Garfield and the fact that people seeking out a fast food lunch or dinner head to this area because of the large selection. Mr. D'Anna stressed that, in order to remain competitive, they need a drive-thru window. When the majority of restaurants were developed on Garfield, a drive-thru window was permitted in a B-2 Community Business District; however, the ordinance has since been changed and that same use now requires a B-3 General Business zoning designation. Mr. D'Anna announced that they are revising their application and are not seeking a rezoning to B-3 but rather are asking the Township to consider a "conditional rezoning". He distributed a sketch of the proposed development and emphasized that it would not obstruct traffic. There is a connecting drive between the subject parcel and the adjacent McDonald's Restaurant. They proposed to position the drive-thru window on the north side of the building, and he was confident there is sufficient room, with a 15-foot distance between the north property line and the building.

Mr. Pearl explained that they are still required to hold the public hearing on this matter.

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

There were no comments from the public.

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

Mr. Pearl clarified that the petitioner has withdrawn the application for a rezoning to B-3 and is now requesting a conditional rezoning.

Mr. Grajewski requested clarification on "conditional rezoning".

Mr. Santia explained that a "conditional rezoning" is when a petitioner comes in and voluntarily offers to develop a parcel of land in a prescribed or contracted manner. He is allowed only certain uses and in exchange he is providing additional amenities such as landscaping, etc. A conditional rezoning can only be offered by the petitioner and the Township does not have the ability to negotiate with the petitioner. If the Township does not like any or all of the offer, they can turn it down. The petitioner can then come back and voluntarily offer to provide additional conditions that would meet with the approval of the Township; however, Mr. Santia stressed that the Township cannot ask him to provide the additional conditions. Mr. Santia replied to further inquiry that the Township attorney should look at it, and it would be approved by the Township Board.

Mr. Santia explained that a B-3 zoning district allows the broadest uses in a commercial district, including sexually-oriented businesses or automotive uses that may not be compatible with the surrounding area. He informed that there are six fast-food restaurants with drive-thru windows, all located within 300 feet of the boundaries of this property. These were allowed in the past under the previous ordinance regulations for B-2 zoning districts, and the petitioner would like similar consideration and is offering a conditional rezoning.

Mr. Henderson felt a conditional rezoning would allow a drive-thru fast-food restaurant in a B-2 District, which is opposite of the reason why the ordinance was changed to prohibit fast-food restaurants with drive-thru windows in the B-2 district.

Mr. Santia replied to inquiry that the petitioner can submit a written offer to the Planning Department, and they will then forward it to the Township attorney for his review. It should be brought back to the Planning Department so they can review it, forward it to Planning Commission and Township Board for approval.

Mr. Henderson felt a conditional rezoning “flies in the face of the purpose of the B-2 zoning requirements”.

Mr. Hornung felt the Commission should receive and file, and it is the responsibility of the petitioner to take the next action.

Mr. Santia advised that the Commission should accept or not accept the petitioners request for conditional rezoning. He replied to inquiry that it is a verbal request but that is typically how it is handled.

Discussion took place regarding whether they should deny the request to rezone the property to B-3.

Motion by Ms. Trombley, supported by Mr. Gibson, with reference to File #6250 and application from Frank D’Anna, BMDM LLC (dba Johnny’s Lunch), 42500 Hayes Road, Suite 100, Clinton Township, Michigan 48038, concerning the proposed rezoning from B-2 Community Business to B-3 General Business of 0.57 acre of land fronting the east line of Garfield Road, south of Barbarosa Lane (Section 8), to accept the petitioner’s request to withdraw his request to rezone to B-3 and accept the petitioner’s request to consider a Conditional Rezoning proposal; further, this Conditional Rezoning proposal is to be submitted to the Planning Department, referred to the Township attorney for review, then referred back to the Planning Commission for their review and recommendation, followed by Township Board review and determination. Roll Call Vote: Ayes – Trombley, Gibson, Charron, DiBartolomeo, Grajewski, Henderson, Hornung, Moseley, Pearl. Nays – None. Absent – None. Motion carried.

**REPORTS OF MEETINGS**

- **APPROVAL OF OCTOBER 25, 2007 REPORT**
  - **APPROVAL OF NOVEMBER 8, 2007 REPORT**
- 

Motion by Mr. Hornung, supported by Mr. Henderson, to approve the reports of the October 25, 2007 and November 8, 2007 Regular Meetings, as submitted. Roll Call Vote: Ayes – Hornung, Henderson, Charron, DiBartolomeo, Gibson, Grajewski, Moseley, Pearl, Trombley. Nays – None. Absent – None. Motion carried.

**ELECTION OF OFFICERS**

- **CHAIRPERSON**
  - **VICE-CHAIRPERSON**
  - **SECRETARY**
- 

Motion by Mr. Hornung, supported by Mr. Henderson, to nominate Mr. Ken Pearl as Chairperson, Ms. Kirkanne Moseley as Vice-Chairperson and Ms. Denise Trombley as Secretary.

Mr. Pearl, Ms. Moseley and Ms. Trombley accepted the nominations to the positions of Chairperson, Vice-Chairperson and Secretary, respectively.

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

**DISCUSSION ON NEXT MEETING AGENDA**

---

Mr. Santia indicated that Cadillac Memorial Gardens has submitted a Special Land Use/Site Plan request that involves the addition of some land. They are proposing to add a portion of Cranberry Meadows Subdivision, which is mainly undeveloped, and are proposing to buy out the existing homeowners, and then utilize those homes for their offices, records, etc.

Mr. Santia confirmed that the next meeting will be held on Thursday, January 10, 2008 at 6:30 p.m.

**ADJOURNMENT**

---

Motion by Ms. Moseley, supported by Mr. Henderson, to adjourn the meeting. Motion carried. Meeting adjourned at 6:54 p.m...

Respectfully submitted,

Denise C. Trombley, Secretary  
CLINTON TOWNSHIP PLANNING COMMISSION

ces:12/23/07