

CLINTON TOWNSHIP PLANNING COMMISSION

REPORT OF MEETING

APRIL 9, 2009

PRESENT: Kirkanne Moseley, Chairperson
Ron DiBartolomeo, Vice-Chairperson/Acting Secretary
Stephen Charron
Fred Gibson
Timothy Grajewski
Peter Henderson
Ernest Hornung
Ken Pearl

ABSENT: Denise C. Trombley, Secretary (Excused)

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

Ms. Moseley called the meeting to order at 6:30 p.m.

APPROVAL OF AGENDA

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

4.1 ACRES OF LAND FRONTING THE EAST LINE OF ROMEO PLANK ROAD, NORTH OF 19 MILE ROAD (SECTION 4)

- **PROPOSED CONDITIONAL REZONING FROM R-4 ONE-FAMILY RESIDENTIAL TO OS-1 OFFICE/SERVICE (LOW-RISE) AND**
 - **SITE PLAN FOR CLINTON FOREST OFFICE PARK**
 - **CONTINUATION OF PUBLIC HEARING FROM DECEMBER 11, 2008**
- FILE 08-6323: PETITIONED BY GREGORY A. BUSS
REPRESENTED BY RON JONA**
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Ms. Moseley explained that the petitioner was in front of this Commission on December 11th seeking a rezoning from R-4 One-Family Residential to OS-1 Office/Service. Some of the residents in the area expressed concern about the size of the structure and possible flooding spilling over onto the neighboring properties. The petitioner came back on February 12th after redesigning the site. He reduced the size of the structure and incorporated a design that is more residential in appearance to fit in with the area. There

was still the question of flooding raised by the residents; however, the petitioner has assured that they will be putting in two rain gardens that will eliminate standing water. He then offered to enter into a Conditional Rezoning Agreement, and that is why he is back before the Commission tonight.

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

Mr. Greg Buss showed the Landscape Plan and added that the Conditional Rezoning Agreement has been submitted to Mr. Jack Dolan, Township Attorney. Mr. Buss noted that the comments Mr. Dolan made were acceptable, so he incorporated them into the Agreement. He also noted that there is a Conservation Easement included, which specifies that the flood plain areas will never be filled in or built upon. This area makes up approximately three of the four acres. He offered to answer questions.

Ms. Sandra Patrick, 18979 Pierport Court, Clinton Township, Michigan, complained that now there is a cement drain facing her property, she has had flooding. Her concern is that this will be a domino effect, and once this parcel is approved for office use, she felt other property owners will start to sell. She expressed concern that the petitioner will not have to build what he indicates he is going to build.

Ms. Moseley explained that this is a “Conditional Rezoning”, which differs from a standard rezoning. A traditional rezoning is a request to rezone the land for a specific zoning but there is no contract to a specific plan and no guarantee that the petitioner will adhere to any site plan specifics that are discussed during the rezoning hearing. She went on to explain that under a Conditional Rezoning, a specific site plan is included with the approval for the zoning. It is a contract and whatever he commits to and is approved for has to be adhered to, even if the property is sold.

Mr. Santia clarified that if Mr. Buss decides not to develop this particular site plan, the property remains zoned residential.

Mr. Pearl stated that if this is approved by the Township Board, the petitioner will have 24 months to build and if he does not, the zoning of the property reverts back to single-family residential.

Ms. Patrick stressed that when they first looked at their home ten years ago, they walked into the back yard and the view sold them. She expressed concern because she is now looking at a cement drain and if this plan is approved, she will be looking at an office building. She expressed concern that this approval will “make it easier for the next guy to get a rezoning for offices”.

Mr. DiBartolomeo stressed that there are strict guidelines set here, and anyone else in the area wishing to rezone for offices would have to come in with very similar guidelines. He felt Mr. Buss has invested a lot of time and money to come up with the low-impact

development, being aware of all of the surrounding residents and trying to make it appear as residential. He recalled that there was a previous site plan for a very large residential home on this property, and he felt if that had been developed, it would have been a mess because the petitioner would not have been required to provide such extensive drainage.

Ms. Patrick recalled that the site plan referred to by Mr. DiBartolomeo was never approved.

Mr. Santia clarified that it was close to being approved but the owner changed his mind and sold the property.

Ms. Patrick pointed out that Romeo Plank Road has been successfully widened with no back-ups any more, but she was adamant that it should not be “turned into another Garfield”.

Mr. Buss explained that they will be adding 100 trees in the flood plain area and that should help to block the view.

Ms. Patrick could not see how planting additional trees in a flood plain will help because she felt they will not survive in a flooded area.

Mr. Buss stressed that they will be planting spruce trees and other vegetation so it will block the residents’ view of the building. He added that he would prefer not to have them because they would have a better view without the trees; however, he assured he is sensitive to the neighbors, even though they are 400+ feet away. The concerns Ms. Patrick mentioned are part of the Conditional Rezoning Agreement. Mr. Bednar completed the environmental impact analysis and all storm water will be retained on site. It is a very expensive process but was made possible because of a grant they received. Mr. Buss felt that Romeo Plank Road being widened to five lanes will not automatically turn it into another Garfield. There are a lot of fast-food restaurants and strip shopping centers on Garfield, which tend to draw a lot of traffic. He felt this office would serve as a good transition between the residential area and the five-lane road.

Ms. Patrick felt that Mr. Buss is “trying to do right by the neighbors” but she was concerned that this will open the area to further commercial and/or office development. She added that Romeo Plank is a very easy road to travel now, and did not want to see it become the “nightmare” that Garfield has become. She admitted that one business may not drastically change the traffic pattern, but it may be the start of additional developments that would have an impact on the traffic flow. Ms. Patrick stated that, while the design of the development may resemble the homes in Rivergate Subdivision, it will dwarf the adjacent home. She was surprised that the abutting property owner is not present tonight.

Motion by Mr. Henderson, supported by Mr. DiBartolomeo, to close the public hearing.
Roll Call Vote: Ayes – Henderson, DiBartolomeo, Charron, Gibson, Grajewski, Hornung, Moseley, Pearl. Motion carried.

Mr. Gibson observed on the plan that the northeast portion of the building is in the flood plain and questioned how this is permitted.

Mr. Buss clarified that the elevation is 594, but the building is at 596.9 and 597.8, so the pad is built up in those areas. They received a Letter of Map Revision to adjust the flood plain line so they may need to adjust that line on the plans.

Mr. Gibson acknowledged that the petitioners have done a lot of work, but he also noted that the residents have lived in the area for many years. He noted that he lives in the area and has observed the water levels getting higher, and he does not know of a plan that exists to stop this.

Mr. Buss stated he does not understand hydraulics but he assured he does not want to construct a building that will flood. Mr. Jeff Bednar has assured that they will be able to retain storm water on site without flooding any adjacent areas.

Mr. Ron Jona, architect, explained that there is flood plain and floodway on the property, and they received approval from the Department of Environmental Quality (DEQ) to fill with a compensating cut. He explained they are filling in the corner of the building site. He added that it is not uncommon for the DEQ to allow a fill as long as there is a compensating cut, which they are doing. He assured that the flood plain situation is actually being improved with this development because there will be a retention area large enough to hold a 100-year flood.

Mr. Pearl respected the opinions of the residents in the area, but he felt Mr. Buss has gone to a lot of trouble and a lot of expense in these bad economic times to make this a nice development. He suspected that no one wants to look at a development out of their window, but he did not feel this will be precedent-setting for this area because it is a Conditional Rezoning and the great lengths the petitioner has taken would have to be matched by anyone else. He added that this approval is not just for the zoning, but also for this particular plan.

Motion by Mr. Pearl, supported by Mr. Grajewski, with reference to File #6323 and application from Mr. Gregory A. Buss, Clinton Forest Office Park LLC, 42657 Garfield, Suite 215, Clinton Township, Michigan 48038, as represented by Mr. Ron Jona, Ron Jona & Associates, 29000 Inkster Road, Suite #120, Southfield, Michigan 48034, concerning the proposed Conditional Rezoning of 4.1 acres of land fronting the east line of Romeo Plank Road, north of 19 Mile Road (Section 4), from R-4 One-Family Residential to OS-1 Office/Service (Low-Rise) and the related site plan for Clinton Forest Office Park, that recommendation be forwarded to the Clinton Township Board for approval of the Conditional Rezoning as submitted. Roll Call Vote: Ayes – Pearl, Grajewski, Charron, Henderson, Hornung, Moseley, DiBartolomeo. Nays – Gibson. Absent – Trombley. Motion carried.

**10.74 ACRES OF LAND FRONTING THE WEST LINE OF GRATIOT AVENUE,
SOUTH OF 15 MILE ROAD (SECTIONS 33/34)**

- **BAKER COLLEGE**
 - **REQUEST FOR RECOMMENDATION FOR APPROVAL OF REVISED
SITE DEVELOPMENT PLAN**
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- FILE #06-3102-B: PETITIONED BY JAMES MORGAN**

Pertinent correspondence was read and entered into the record.

Mr. Jim Morgan, Morgan Construction Company, 5454 Gateway Centre, Suite C, Flint, Michigan 48507, explained that this is a 15,000 square foot addition to an existing building that formerly served as the used car sales office for Bill Lee Olds. Baker College has converted the former Bill Lee Olds dealership to an EMS Technology Building. The former sales area will be classrooms and the back area is an indoor facility where they will be able to have an ambulance and instruct how to set up and what they need. They are adding a couple of bathrooms and a classroom in front, and the remainder is for a new program where they will hold collision/bump shop training. There will be a paint booth inside and it will be a full program to train from beginning to end. He explained that with the rework of the parking, they will be losing about five spaces. They do not want to lose any more, but they feel the placement in the proposed location is the most efficient way of utilizing the property. They will have close proximity to the auto tech building. The building will be fluted brick to match the existing building and will be the same height of 16 feet.

Motion by Mr. Pearl, supported by Mr. Hornung, with reference to File #3102-B and application from Mr. James Morgan, Morgan Construction Company, 5454 Gateway Centre, Suite C, Flint, Michigan 48507, concerning the proposed revised site development for Baker College Technology Building, located on 10.74 acres of land fronting the west line of Gratiot Avenue, south of 15 Mile Road (Sections 33/34), that recommendation be forwarded to the Clinton Township Board for approval of the revised site development plan as submitted. Roll Call Vote: Ayes – Pearl, Hornung, Charron, Gibson, Grajewski, Henderson, Moseley, DiBartolomeo. Absent – Trombley. Motion carried.

REPORTS OF MEETINGS

- **APPROVAL OF FEBRUARY 26, 2009 REPORT**
 - **APPROVAL OF MARCH 12, 2009 REPORT**
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Motion by Mr. Charron, supported by Mr. DiBartolomeo, to approve the reports of the February 26, 2009 and March 12, 2009 meetings as submitted. Roll Call Vote: Ayes – Charron, DiBartolomeo, Gibson, Grajewski, Henderson, Hornung, Moseley, Pearl. Nays – None. Absent – Trombley. Motion carried.

DISCUSSION ON NEXT MEETING AGENDA

Mr. Santia advised that there is currently nothing ready for the next meeting. He indicated that McDonald's will be coming back to the Planning Commission for a site plan on a different site on Gratiot Avenue, slightly to the south of where it was previously approved, but they are scheduled to go to the Board of Appeals prior to being placed on a Planning Commission agenda. He stated the next regular meeting, scheduled for April 23, 2009, will be canceled.

ADJOURNMENT

Motion by Mr. Henderson, supported by Mr. Grajewski, to adjourn the meeting. Motion carried. Meeting adjourned at 7:09 p.m.

Respectfully submitted,

Ron DiBartolomeo, Vice Chairperson/Acting Secretary
CLINTON TOWNSHIP PLANNING COMMISSION

ces:04/14/09

ces:05/22/09