

**CHARTER TOWNSHIP OF CHESTERFIELD
PLANNING COMMISSION**

August 12, 2014

A regular meeting of the Charter Township of Chesterfield Planning Commission was held on Tuesday, August 12, 2014 at 7:00 P.M. at the Township Hall located at 47275 Sugarbush, Chesterfield MI 48047.

1. CALL TO ORDER:

Mr. Miller called the meeting to order at 7:00 P.M.

2. ROLL CALL:

Present: Paul Miller
Joe Stabile
Rick LaBelle
Carl Leonard
Jerry Alexie
Frank Eckenrode

Absent: Brian Scott DeMuyndck, *excused*
Ray Saelens, *excused*
James Moran, *excused*

Others: Patrick Meagher, Community Planning & Management

3. APPROVAL OF THE AGENDA

Motion by Mr. Miller to approve the agenda

Supported by Mr. LaBelle

Ayes: All

Nays: None

Motion Carried

4. SUB COMMITTEE REPORT (Committee will report on items under Review)

5. PUBLIC HEARINGS:

A. PUD #2013-19 Final Review: Leone Companies, 49212 Van Dyke, Shelby Township, MI 48315. Proposed Multi Family development for lots located in Plymouth Village II located north of Hickey Road, east of Gratiot. Public Hearing set on 7/8/14

Stacy Cerget, 45138 Cass Avenue, Utica, MI 48317 addressed the board.

Applicant stated that the development was originally designed for multiplex units with 6-plexes, 4-plexes and duplexes. The developer is proposing to leave the forty-two quads and 6-plexes on the south side of the property and convert some of them to single style detached condominium units.

Motion by Mr. Miller to open the Public Hearing.

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

Public Comments:

Charles Luterman, 30057 Arlington, Chesterfield, MI addressed the board.

Mr. Luterman stated that he was a former county commissioner up north. He asked the applicant the square footage of the single style units?

Applicant replied that they were 1600 square feet.

Mr. Luterman asked if they would be individual ownership or rentals?

Applicant replied single ownership.

Dan Ross, 30114 Prospect, Chesterfield, MI addressed the board.

Mr. Ross stated that he was from Plymouth Village North. He asked if the new site plan would have to be reengineered?

Mr. Meagher replied that it would have to be engineered to the Township's standards.

Mr. Ross asked if it would be different from the original plans?

Mr. Meagher answered that he did not know which plans the gentleman had seen. He stated that the new plans show single family units without having individual lots and it was showing all common area.

Mr. Ross asked if it still had to go through site plan approval?

Mr. Meagher replied yes.

Mr. Ross asked what the recommendation would be from the board on the associations?

Mr. Meagher stated that particular piece of information has not been submitted to the Township. He stated that at this time the Commission is requesting legal documentation as to how the master deeds and cost sharing are going to work.

Mr. Ross asked if Mr. Meagher was the Township attorney?

Mr. Meagher replied that he was the Planner.

Mr. Ross asked if the by-laws would be approved by the Township attorney?

Mr. Meagher stated that the by-laws would be approved as part of the master deed package. The one thing they would be looking at primarily is the development agreement which would have to be submitted with the plans.

Mr. Stabile gave Mr. Ross a copy of Mr. Meagher's comments and recommendation on Plymouth Village II.

Applicant stated that the developer and the representative from the Plymouth Village Condo Association which is the south side have entered into a tentative agreement, but the attorney's have not finished drafting the agreement and as soon as the agreement is finalized that will be presented to the Commission.

Mr. LaBelle asked how much time would they need?

Applicant replied that it would be completed within a week.

Mr. Stabile asked what about the other stuff?

Applicant stated that the architectural elevations, standards and all the drawings were handed in with the site plan and she is not sure how it did not get distributed to the board members. She stated that she will email those to the Township and provide additional copies. She mentioned that there would

be brick and siding and it would be similar to the facades of the existing buildings; they would be predominately brick. The lighting details, parking information and trash collection were on the plans and they just were not bold enough on the copies for the Planner to catch it. She explained that the PUD agreement for Connie Bowles Park and restroom facilities are in the master condominium documentation, so that will be in there for them. The landscaping at the entrance will remain and be enhanced. She mentioned that the concerns from AEW are all similar to those other than visionary concerns which will be handled during the engineering review. She stated that the wetlands have not changed according to the letter from the wetland consultant, Derek Stratelak, who recently visited the site and that information was included with the architectural plans and she was not sure if that got distributed to the board.

Mr. Stabile asked Mr. Meagher about what type of information which the applicant mentioned was on the plans that they did not see?

Mr. Meagher replied that the landscaping information which until the applicant pointed it out, he did not see anything was there. He mentioned that portion of the plans printed out too light.

Applicant stated that for some reason that sheet did not print properly. She mentioned that there was detail on top identifying the quantity of trees which is clear and they are scattered in the park areas and along the right-of-ways and there will be additional landscaping around each unit as well.

Mr. Miller asked if they would all be the same type of house?

She stated that there were four different styles that the developer was proposing but they all fit in within the same building envelope. She mentioned that behind each building envelope they allowed for a 10' by 40' deck or patio and beyond that would be open space. She explained that some of the units by the entrance are too close to the setbacks so on those there would just be patios.

Mr. Stabile stated that this group seems to be quite concerned about the condo agreement.

Applicant stated that there were two separate groups. She spoke with the president of the Plymouth Village North Association and they are in favor of the project as are the Plymouth Village Association, but until the agreement is signed between both parties...

Mr. Stabile asked if the agreements that they have very different?

Applicant stated that there were two completely different associations. She spoke with both groups up front and everybody seemed to be happy with the progress moving forward.

David Averitt, President of Plymouth Village Association, addressed the board.

Mr. Averitt stated that they have come to a tentative agreement with the developer. He mentioned that the only reason the agreement was not there was a communication mishap between their attorney and the developer's attorney.

Mr. Miller stated that they would Table it and asked the applicant how many weeks they would need to get all the documentation together?

Applicant stated that this week they would finalize the agreement between the parties and once it was submitted to them it would be signed officially.

Mr. LaBelle asked would the applicant have enough time if it was tabled to the first meeting in September, which would be September 9th?

Applicant replied yes that would work great.

Mr. Stabile commented that would not be much time.

Mr. LaBelle replied that would be two meetings away.

Mr. Ross stated that the issue with Plymouth North is that the way the by-laws are written where the President of Plymouth Village has total control over the easement into the project, the clubhouse and the pool.

Mr. Meagher stated that the Commission did not have any copies of any of that.

Mr. Ross stated that it was true. He asked if that would change with the new association?

Mr. Meagher stated that he did not know and that was why they were recommending it be postponed until such time that all information is available to access.

Applicant explained that from what she understood about the agreement, the association is going to stay the same as with respect to all the by-laws. Therefore, restrictions, coloring and materials are going to stay the same.

Mr. Ross complained that his concern is that one association has total control of the clubhouse, pool and egresses.

Applicant stated that as far as she knows that will not change.

Mr. Ross asked if it could it change?

Applicant replied no unless they agree to that. She cannot change their association.

Mr. Stabile asked if there has been discussion about combining and only having one association?

Applicant answered that was between the two associations.

Mr. Averitt stated that everything will be exactly the way it has been. There are two separate associations. He explained that there are clear property lines that divide the two. The reason that things are the way they are is back when the property was developed, it was originally going to be one subdivision. For whatever reason, the developer, sold off the property which is now Plymouth Village and it became two separate subdivisions. The only problem became was that Plymouth Village North had no entrance or exit out of their own sub without going across Plymouth Village. Therefore, it was put into the by-laws that they would have easement rights over the road, so they would not be land locked in; otherwise they would have no way to get in and out of their property. He stated that there is no discussion about changing it and no discussion about combining them into one association. This development is actually part of Plymouth Village and they feel that could get this done quickly.

Mr. Miller asked Mr. Meagher if they Table this to September 9th and the documentation is not there would they have to deny it at that time?

Mr. Meagher replied that if the information is not there, they could continue to Table it. However, he did not think they want to have people keep coming to all these meetings, which is why he thought they should be allowed plenty of time to get the information together. He commented that they would not be breaking ground this year.

Mr. Miller stated that their original thought was October 14th so everything would be settled.

Applicant stated that their contract would only be with Plymouth Village. They are not making any modifications to Plymouth Village North.

Mr. Ross stated that they are in favor of this and he reiterated that his only concern was that they have no input into the clubhouse, pool and the easements.

Mr. LaBelle asked if he thought that concern could be resolved before the September 9th meeting.

Mr. Averitt stated that what people do not understand is that there are property lines and the clubhouse and pool are owned by Plymouth Village. He reiterated that Plymouth Village North were given easement rights because the developer at the time could not landlock them in, so they gave them easement rights on the roads, but it is still their property and Plymouth Village controls the club house and pool. He stated however, there is a fee and Plymouth Village North does get charged for the areas that they are allowed to use which are the roads, pool and clubhouse. That is a shared expense for those items because Plymouth Village North has the benefits of those areas.

Mr. Ross stated that they do not want to be the owners of those areas, but they would just like to be more involved.

Mr. Meagher stated unfortunately, that is something that the Commission could not mandate in this process. The parties already have a legal agreement, rules and regulations that have been adopted. He stated that they can take a look at it to make sure more of the burden is not being put on their association, but that would be the best they could do at this point.

Mr. Ross asked for an explanation of why Plymouth Village does not want to do that?

Mr. Meagher stated that the two associations are two private groups that have to settle this matter.

Mr. Ross asked if there would still be only two associations?

Mr. Meagher stated they did not know because they have to paperwork.

Mr. Miller stated that was why they would keep the Public Hearing open, so they can view those documents.

Mr. Averitt stated that Plymouth Village is going to stay exactly the way it is right now. The only change would be that Plymouth Village is going to get some homes and start building the community instead of a bunch of weeds. He explained that none of the documentation or by-laws are being changed; it is all staying exactly the way it is written.

Alberta Bago, 30087 Arlington, Chesterfield, MI addressed the board.

Ms. Bago stated that their main concern whether there would be one association over there or two different ones and the cost.

Mr. Miller asked the applicant if September 9th would be enough time for them to get the paperwork together?

Applicant replied yes.

Mr. Stabile stated that he would prefer if they extend the time because sometimes when they have to get attorneys together there could be delays.

Mr. Miller asked about the second meeting in September?

Applicant stated that literally the two attorneys just have to put a couple of simple things together; they do not need that much time.

Motion by Mr. Miller to Table PUD #2013-19 and hold the hearing open until meeting on September 9, 2014.

Supported by Mr. LaBelle

Ayes: All

Nays: None

Motion Carried

B. SLU #2014-14: Anthony Amine for AT&T Mobility, 200 Big Beaver Road, Troy, MI 48083. Proposed new wireless communications tower facility located at 28225 William P. Rosso Hwy. Public Hearing set on 7/8/14.

There was no one in attendance from AT&T Mobility.

There were no Public Comments.

Motion by Mr. Miller to Table SLU#2014-14 for two weeks with the Public Hearing open.

Supported by Mr. LaBelle

Ayes: All

Nays: None

Motion Carried

6. REVIEWS:

- A. SIGN REVIEW #2014-59: MLS Signs, Inc., 25733 D'Hondt, Chesterfield, MI 48051 for a proposed new panel resurface on an existing ground sign for EnviroMax Services located at 55931 Gratiot.**

Mr. LaBelle stated that the sign does meet the Township criteria

Motion by Mr. LaBelle to approve Sign #2014-59

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

- B. SIGN REVIEW #2014-60: Kevin Deters for Metro Detroit Signs, 23544 Hoover Road, Warren, MI 48089. Proposed new wall sign located at 45385 Market Place Blvd., for "Dollar Tree".**

Mr. LaBelle stated that the sign exceeds the 8 to 1 ratio. The sign company applicant has asked them to Table it to the next meeting so he can resolve this situation.

Motion by Mr. LaBelle to Table Sign Review #2014-60 to the next scheduled meeting.

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

- C. SIGN REVIEW #2014-61: Kevin Deters for Metro Detroit Signs, 23544 Hoover Road, Warren, MI 48089. Proposed resurface to the existing ground sign along Gratiot entrance of the Chesterfield Corners site for a proposed Dollar Tree.**

Mr. LaBelle stated this is a resurfacing of the existing ground sign and it does meet the Township criteria.

Motion by Mr. LaBelle to approve Sign #2014-61

Supported by Mr. Stabile

Ayes: All

Nays: None

Motion Carried

- D. **SIGN REVIEW #2014-62: Kevin Deters for Metro Detroit Signs, 23544 Hoover Road, Warren, MI 48089. Proposed resurface of the existing ground sign along William Rosso entrance of the Chesterfield Corners site for a proposed Dollar Tree.**

Mr. LaBelle stated this is also a resurfacing of the existing ground sign and it does meet the Township criteria.

Motion by Mr. LaBelle to approve Sign #2014-62

Supported by Mr. Stabile

Ayes: All

Nays: None

Motion Carried

7. APPROVAL OF MINUTES FROM PRIOR MEETINGS:

Motion by Mr. Miller to approve the meeting minutes from July 22, 2014

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

8. COMMUNICATIONS:

There were no communications.

9. NEW BUSINESS:

There was a discussion among the board concerning the conference at Mackinac Island.

10. OLD BUSINESS:

There was no old business.

11. PLANNERS REPORT:

A. ADMINISTRATIVE REQUEST #120: Eric Finger on behalf of Sprint, 2905 Crestwood Drive E., Lansing, MI 48823. Requesting to make minor updates to antennas on an existing cell tower located at 25295 21 Mile Rd.

Mr. Meagher stated that the applicants are going to make minor changes to an existing tower and they have no objections to this. He explained what is happening is that AT & T and other companies are updating to more modern types of equipment and adding antennas because of the smart phone and wireless communications craze. He stated that there would not be any change to the aesthetics or height so they do not have any objections.

Motion by Mr. LaBelle to approve Administrative Request #120

Supported by Mr. Miller

Ayes: All

Nays: None

Motion Carried

B. ADMINISTRATIVE REQUEST #121: Brandon Garrett, Haley Law Firm, 10059 Bergin Road, Howell, MI 48843. Requesting to make minor upgrades to an existing telecommunications tower located at 37230 26 Mile Road.

Mr. Meagher stated that Administrative Request # 121 and Administrative Request # 122 are not only to add antennas but also to make upgrades to the existing compounds. He explained that there would not be any significant modifications; some equipment would be removed and replaced by new equipment and in light of that they have no objections to both requests.

Motion by Mr. LaBelle to approve Administrative Request #121

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

- C. **ADMINISTRATIVE REQUEST # 122: Brandon Garrett, Haley Law Firm, 10059 Bergin Road, Howell, MI 48843. Requesting to make minor upgrades to an existing telecommunications tower located at 29430 23 Mile Road.**

Motion by Mr. LaBelle to approve Administrative Request #122

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

12. **COMMENTS FROM THAT FLOOR PERMITTED BY THE COMMISSION ON AGENDA OR NON-AGENDA MATTERS.**

Mr. LaBelle asked for volunteers for the next preplanning meeting.

Mr. Eckenrode and Mr. Alexie both volunteered to attend the meeting.

13. **PROPOSALS FOR NEXT AGENDA.**

There were no proposals for the next agenda.

14. **ADJOURNMENT**

Motion by Mr. Miller to adjourn at 7:39 PM

Supported by Mr. Alexie

Ayes: All

Nays: None

Motion Carried

Rick LaBelle, Secretary

Grace Mastronardi, Recording Secretary