CHARTER TOWNSHIP OF CHESTERFIELD
PLANNING COMMISSION

December 8, 2015

A regular meeting of the Charter Township of Chesterfield Planning Commission was held on Tuesday, December 8, 2015 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
Brian Scott DeMuynck
Carl Leonard
Ray Saelens
Jerry Alexie
James Moran

Absent: Frank Eckenrode, *excused*

Others: Patrick Meagher, Community Planning & Management
John Palin, 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. SPECIAL LAND USE #2015-16: Nicole Goemaere, 52417 Robins Nest Chesterfield, MI 48047. Proposed child daycare located at the above address. Public Hearing was set on 11/10/15.

Motion by Mr. Miller to open the Public Hearing

Supported by Mr. Alexie

Ayes: All

Nays: None **Motion Carried**

Nicole Goemaere, 52417 Robins Nest, Chesterfield, MI addressed the board.

Applicant stated that she was planning to expand her child in home daycare business from 6 students to 12 students. She explained that she converted her finished basement into a daycare center with a circle time area, reading library, writing center, art center, manipulative center, gross motor skill station, dramatic play station and a home living area. She added that she also has a room for infants. She stated that before opening her daycare, she taught 5th grade for four years at Prevail Academy in Mt. Clemens and substitute taught the previous year. Her passion in life is taking care of children and teaching and in her daycare she would be able to do both. She mentioned that she included pictures of her daycare center, a parking plan and her daycare handbook, a copy of her teaching certificate and letters of recommendation and notes from parents, students and colleagues. Her neighbor Allison Ludwig had an in home daycare in her home and now owns Lil Graduates Daycare off 23 Mile Road in Chesterfield and no longer has it in her home. Ms. Ludwig has offered her driveway for parking if that is deemed necessary. She added that she has an aluminum mini-linked fence around her back yard.

Mr. Moran asked that since this is in a basement, what type of fire escape would be utilized? He did not see anything in the pictures.

Applicant stated that she did draw one in the basement. It is an egress window in the room where the infants sleep; it has stairs leading up to it and the egress window leads to her front yard. She mentioned that they practice monthly fire drills so they know exactly what to do.

Mr. Moran asked if it was a certified egress window?

Applicant replied yes. She stated that licensing has already come out to inspect the house.

Mr. Alexie verified that the petitioner stated no more than 12 children.

Applicant replied there would be no more than 12.

Mr. Miller asked if there was a bathroom down there?

Applicant replied no. The bathroom is upstairs. She mentioned that she has an assistant who works with her and there will be two of them.

Mr. Moran asked if the Fire Department went through to inspect?

Applicant replied no. She stated that the inspection checked her furnace and licensing checked everything.

Mr. Saelens asked how many children she had now?

Applicant replied that she currently has six and her son counts as one of her students.

Mr. Miller asked if she has had all the state inspections?

Applicant replied yes and there were zero violations.

Mr. Miller commented that when he went there this morning, there were three cars in the driveway and one was blocking the sidewalk.

Mr. Meagher stated that the State goes out to the site to inspect the premises to make sure everything is up to code.

Applicant replied that they had already inspected everything and the only thing she needs is the zoning variance from Chesterfield.

Mr. Saelens commented that he felt it was a lot of children in a basement and it detracts from other people who have daycares in commercial spaces. He mentioned that with 12 children, there will be 12 cars coming and going and he feels it is overuse for a home.

Mr. Miller asked what had to be clarified on the paperwork?

Applicant replied the fence and number of students. She reiterated that she has an aluminum mini-link fence and 6 students at this time and she is trying to expand to 12.

Mr. Miller asked the hours of operation?

Applicant replied 7 AM to 6 PM.

Mr. Moran asked if any of the children had special needs?

Applicant replied no, not at this time.

Mr. Stabile commented that he agreed with the concept of not having businesses in homes. It is difficult to do business out there and people in homes do not have the same costs as commercial properties.

Mr. DeMuynck stated that the board just denied zoning to a person who wanted to do business out of their home. He understands daycare and can see a few kids, but in his opinion 12 children is a lot. He stated that the applicant already has 6 children in her daycare and he does not know if he was up to doubling that number.

Applicant asked if there was a number of children in between that would be okay with the board?

Mr. Saelens replied that she has it. As far as he is concerned 6 would be it.

Mr. Meagher stated that normal protocol would be to have the discussion and then Table it to the next meeting and give the board time to review the eight standards and the information the applicant has presented to them tonight and determine if it would or would not be compatible with the neighborhood.

There were no Public Comments.

Motion by Mr. Miller to close the Public Hearing

Supported by Mr. DeMuynck

Ayes: All

Nays: None **Motion Carried**

Motion by Mr. Miller to Table Special Land Use #2015-16 to the meeting on January 12, 2016.

Supported by Mr. Alexie

Ayes: All

Nays: None **Motion Carried**

B. <u>SPECIAL LAND USE # 2015-15:</u> Jonathan Crane for Briggs Industries, 1126 N. Main St. Rochester, MI 48307. Proposed new Verizon Cellular Communication Tower located at 54145 Bates Road, south of 25 Mile on the west side of Bates. Public hearing open, tabled on 11/24/15.

Jonathan Crane for Briggs Industries, 1126 N. Main St. Rochester, MI 48307 addressed the board.

Applicant stated that he was proposing a new cellular tower for Verizon Wireless for the Bates industrial property on Bates Road south of 25 Mile Rd. He explained that they are proposing a 174' monopole to improve wireless communications, not only voice but data and photographs and soon to be autonomous vehicles as part of the continuing improvements in wireless technology in southeast Michigan and throughout the country. He stated that it would look like every other monopole like the ones behind the Township offices and other industrial zoned properties. He mentioned that they meet the setback requirements with the exception of the one to the west which is also owned by Bates Industries. He mentioned that AEW stated that the tower must be at least 50' from any residential properties. It is their position that they do meet that requirement with 531' from the agricultural property to the north and the property to the south is zoned industrial, he was told.

Wayne Nemeth, 54445 Bates, Chesterfield, MI addressed the board.

He stated that he lives right next door to the proposed project and he was surprised because he thought it would have to be approved before they started work, but they are already installing fiber optic cables for the tower and anybody can go by and see the workers putting in the cables. The people in the neighborhood feel that yes the area is zoned industrial, however, only one plant is industrial over there and the rest are residential homes up and down the block. He stated that he has Verizon and has no problem with his service. If there are people with problems with service, put the towers in the area where people are having service problems.

Lisa Meneghin, 53375 Bates, Chesterfield addressed the board.

Ms. Meneghin stated that she does not want to look at a tower in her yard and was concerned with the health risks.

Ms. Sonja Davis, 54325 Bates Road addressed the board.

Ms. Davis made comments against the placing of the tower in that location.

Marty Davis, 54325 Bates Road addressed the board.

Mr. Davis stated that he had two concerns about the tower: the health risks and the property values of their neighborhood.

Mr. Alexie asked why Verizon needed another tower?

Applicant stated that they are in a rapid mode and increasing capacity for new service of wireless carriers. He mentioned that they used to serve all of southeast Michigan with 9 towers and now there are over 600 towers and they are adding capacity to service and soon they will be needed for autonomous vehicles which are just around the corner; wireless cars and all those communications will be going through the wireless networks.

Mr. Miller asked why not add to the existing towers on 23 Mile Road and 94 and 26 Mile and 94?

Applicant stated that he did that tower and that is for AT&T and Verizon. He explained that the advantage to wireless cellular is that they use the cell site and they can reuse the frequencies at the next cell site and reuse the frequencies at the next cell site and so on. People read all the papers about the government selling spectrum to add capacity, but there is a very finite amount of spectrum so they work the system with the frequencies they have and reuse them at the next one.

Mr. DeMuynck asked why not put the tower in the industrial complex on North Bay Circle?

Applicant stated that they looked at those properties and for technical reasons they chose this site.

Mr. DeMuynck stated that on North Bay it is a total industrial site and what is it about a mile away.

Applicant replied that it is about ¾ of a mile from this site.

There was a discussion among the board and applicant concerning other possible sites for the tower.

Mr. Miller stated that on that street there are 16 homes that will have to look at that cell tower. He stated that he is going to vote no on it.

Mr. Saelens stated that he would not want the tower in his backyard.

Applicant asked that the Application be Tabled and he planned to come back with the engineers to give the board very detailed answers to all the questions.

Motion by Mr. Miller to close the Public Hearing

Supported by Mr. Saelens

Ayes: All

Nays: None **Motion Carried**

Motion by Mr. Miller to Table Special Land Use 2015-15 to January 12, 2016 so they can look into all the things they talked about this evening.

Supported by Mr. LaBelle

Ayes: All

Nays: None **Motion Carried**

6. REVIEWS:

A. JDC PROPOSED REZONING – PETITION #331: Joe Cipriano, JDC Building and Land Development Inc. Joe Cipriano, 41065 Donna, Clinton Township, MI 48038. Requesting to rezone a parcel of land containing 6.558 acres located at the S.E. corner of Jefferson & Schneider from R1A, (Single Family Residential) to R1C (Single Family Residential). Tabled 11/10/15.

Mr. LaBelle stated that the applicant has asked the Commission to Table this.

Motion by Mr. LaBelle to Table Petition # 331 for up to 6 meetings.

Supported by Mr. Moran

Ayes: All

Nays: None **Motion Carried**

B. <u>SITE PLAN #2015-17-(#98-28):</u> Lottievue Riverside Woods, D.C. Residential Sales LLC/Bill Thompson of Lehner Associates, 17001 19 Mile Road, Clinton Twp., MI 48030. Proposed amendment to the original PUD #98-28, for Single and Multiple Family Residential for the remaining 63 acres of Lottievue Riverside, west side of Jefferson, south side of Hooker Rd. Tabled 11/10/15.

Mr. Miller stated that they would like to Table this tonight because they were just presented with additional information yesterday and they would like to have some time to go over it.

Bill Thompson, 17001 19 Mile Road, Suite 3, Clinton Twp., MI 48038 addressed the board.

Applicant stated that the information that they got was all stuff that they have agreed to. The comment from AEW stated that the revisions to the PUD and Condo Documents are required to accommodate changes. He stated that the changes cannot be made until the site plan is approved. He mentioned the third comment was about what percentage of cost was to be put into escrow and they do not have any problems with that. He mentioned that they would just like to get approval to work on the developer's agreement. He stated that they have been working on this for 19 months.

Mr. DeMuynck asked who is the developer?

Applicant replied D & G.

Mr. DeMuynck asked if a representative from that company was present at the meeting?

Applicant replied yes.

Mr. DeMuynck stated that he was one of the Township's Board Members and what he is getting out of phone calls he has received from the residents in that area is that the developer is not talking to any of these people about what they want to do.

Gary Giannosa, 13269 Burningwood Drive, Washington, MI addressed the board.

Mr. Giannosa stated that he has attended at least two of their Association meetings in the past four months to answer any questions the residents may have and he has answered their questions.

Mr. DeMuynck asked when was the last time that Mr. Giannosa attended one of their meetings?

Mr. Giannosa replied that he attended the last meeting about 45 days ago.

Mr. DeMuynck reiterated that the phone calls he received were about the developer not communicating with the residents.

Mr. Giannosa stated that if he is not aware of the resident's questions, how can he answer them.

Mr. DeMuynck stated that unless there is an open line of communication between the developer and the residents, they are not going to get any support from him.

Mr. Giannosa insisted that as the developer he is willing to do that.

Applicant stated that this project was started in 2002 and at that time many promises were made and the site plan and many contingencies on the site plan were never followed through with such as the paving of Hooker Road and installation of the vortex. He explained that they have been trying to get the approval to go ahead and do those things and get building permits. He stated that the old building permits have expired and the guy that made all the original promises is no longer in the picture. He stated when he stopped building, he took his money and left the vortex a quarter of a million dollar project undone, left the paving of Hooker Road a half of a million dollar project undone and left several other smaller things undone. He explained that they are trying to get all of those things taken care of. However, in order to start doing these things and spending up to about a million dollars they need to get approval for the project. He stated that everything in AEW comments, they have agreed to. He mentioned that Mr. Gendernalik sent a letter where he mentioned Phase 3 and the applicant stated that Phase 3 is not part of this approval. He stated that Phase 3 is just shown as a parcel that may be developed. He explained that the sanitary sewer being televised has been agreed to. He insisted that all of the items in AEW's letter have been agreed to and there is nothing to hold them back, so why is it being tabled.

Mr. Meagher stated that they had a lengthy meeting a few weeks ago and they sat down with Gordon Wilson from AEW, the Township attorney, the Supervisor, the developers, Mr. Thompson and he thought they pretty much had everything ironed out. He had a couple of minor comments on the matter. First he wanted to make sure the building materials and architecture would match the existing units and also there was a discussion about the developer getting together with the Association to come up with a bond or escrow to take care of any road repairs necessary as part of construction. He was actually

quite surprised that the engineer has eight comments with regard to the development, some of which he thought were taken care of at the meeting. He stated that unfortunately he did not have a chance to talk to Mr. Wilson after receiving the paperwork which was emailed to him today. He explained to the committee that they went into the meeting with a framework of concepts and it was spelled out that there were certain items that have to be completed and this framework set up the parameters of the development agreement. He stated that should have been received by the Commissioners by email or snail mail. He stated that basically that development agreement is the formal application or outline of those parameters we discussed at the meeting and they are primarily engineering issues. He explained that most of this stuff should have been handled by the previous developers.

Mr. Stabile asked who put the agreement together?

Mr. Meagher stated that the agreement was put together by the Township attorney in conjunction with the developer's attorney.

Mr. Meagher stated that after that meeting, he was under the assumption that everything was pretty clear and he stated that his item about the architecture he thought was agreed to at the meeting.

Applicant stated that the developer already agreed to build the homes with the same architecture as currently exists in that area and there has never been any question about that.

Mr. Meagher stated that his main concern is all the concerns from AEW even after they had that meeting.

Applicant replied that he wanted to address AEW's concerns. #1 He reiterated that the revisions to the PUD and Condo Documents are required to accommodate changes. He stated that the changes cannot be made until the site plan is approved. He explained that #2. Which talks about damage to existing roads is something that has to be worked out between the Association, the Township and the owner and that is more of an engineering issue than something that must be resolved now. #3 He stated that they want 150% of the total cost in escrow. #4 He mentioned are just comments on the developer's agreement which are items they agreed to. #5 He stated concerned warning strips for sidewalk ramps. He added that was not on the original agreement, but they would be glad to add those. #6 He explained was in regard to removing construction material and debris and that is fine.
#7 He stated is approval from the Fire Department and they already have that.
#8 He mentioned, concerns letters from the 3 condo Associations and he knows they have the one from the Woods and he thought they received the letters from the other two Associations today. At this time, they are only

asking for the Site Plan approval so they can proceed with the rest of the development.

Mr. Meagher asked the Applicant what about the written Condo Documents would they be proposing any changes to that?

Applicant replied he did not know and that would be up to the attorneys.

Mr. Meagher informed the Applicant that if there are any changes to the original Condo Documents that is part and parcel to the PUD and something the Planning Commission should see.

Applicant replied that is fine.

Gary Gendernalik, 52624 Laurel Oak Lane, Chesterfield, MI 48047 addressed the board.

Mr. Gendernalik stated that he was representing Lottivue Woods Condo Association. He pointed to a shaded area and thought the applicant was not asking for approval for that area only for what is going along Au Sable. He mentioned that in the meeting in November this was discussed as a separate condo development and also the videoing of the sewer system. He stated that the vortex is not in and like Mr. Thompson and Mr. Meagher mentioned in the past many promises were made but not kept. He stated that they would like the developers to give them something in writing that this is what they are going to do. He explained otherwise at some time the Township, DEQ or the Corp is going to come along and ask about the vortex and require the homeowners to do it for a quarter of a million to a half million dollars. The developers have stated they agreed to these things, but in November when they met he asked for a document in writing about this. He then mentioned that all the condos are brick construction with wood trim and the developer should state in writing that they are going to build brick condos with wood trim and the interiors would have different options. He stated they would like the developers to answer their seven questions and put it in writing and stating exactly what they are going to do. He explained that in the past, it has been his experience that when a developer got close to getting their Site Plan approved for a condo development, they gave the Township a preliminary draft of their condo document with the Master Deed and the Bylaws, so that the Township Planner, the Engineer and the Attorney could look at the drafts and approve them. He claimed that they have not seen any of that. He explained that furthermore, at that meeting they had a discussion about putting some money aside for road repair because of the construction traffic and so far they have not heard anything from them. He made some additional comments away from the microphone that were inaudible. He reiterated that the

developers keep stating they are going to do things, but they must put together a document in writing to the Township and his clients spelling out what they are going to do with the schematics to move forward and protect every ones interests. He stated that in his opinion the Commission should table this to January 12, 2015 which is not that far off.

Mr. LaBelle asked Mr. Gendernalik if he saw the development agreement?

Mr. Gendernalik replied yes he got it at 4 PM yesterday.

Mr. LaBelle stated that in that agreement they do identify the vortex, the interceptor, the sanitary sewer inspection and the establishment of an escrow and everything Mr. Gendernalik just mentioned.

Mr. Gendernalik stated he did not see the architectural schematics for the buildings and escrow and money for the existing roads and some indication that the seven acres up here is going to be a separate condo development so the people in those existing condo associations do not have the responsibility of the road maintenance for the seven acre piece.

Motion by Mr. Miller to Table Site Plan #2015-17 to January 12, 2015

Supported by Mr. Saelens

Ayes: All

Nays: None **Motion Carried**

C. <u>SPECIAL LAND USE # 2015-18:</u> William Johns, 49560 Goulette Pointe, Chesterfield, MI 48047. Proposed garage on a canal lot located across from 495609 Goulette Pointe in Lottievue Subdivision. Set Public Hearing for January 12, 2016.

Motion by Mr. LaBelle to Set the Public Hearing for January 12, 2015.

Supported by Mr. Moran

Ayes: All

Nays: None **Motion Carried**

7. APPROVAL OF MINUTES FROM PRIOR MEETINGS:

Motion by Mr. Miller to approve the meeting minutes from November 24, 2015.

Supported by Mr. Moran

Ayes: All

Nays: None **Motion Carried**

8. COMMUNICATIONS:

There were no communications.

9. OLD BUSINESS:

There was no old business.

10. NEW BUSINESS:

There was no new business.

11. PLANNERS REPORT:

There was no Planners Report.

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

Mr. Gendernalik made some comments about message board signs in Chesterfield and there was a short discussion among the Commissioners on that matter.

Mr. LaBelle asked for volunteers for the next preplanning meeting on January 12th.

Mr. Leonard and Mr. Alexie both agreed to attend the meeting.

The Commissioners and Mr. Meagher all wished everyone Happy Holidays!

13. PROPOSALS FOR NEXT AGENDA.

There were no proposals for the next agenda.

14. ADJOURNMENT

Motion by Mr. Miller to adjourn at 8:15 PM

Supported by Mr. Saelens

Ayes: All

Nays: None **Motion Carried**

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Rick LaBelle, Secretary ***Grace Mastronardi, Recording Secretary***