
PITTSFIELD TOWNSHIP PLANNING COMMISSION MINUTES

Members Present: Dennis Ward, Richard Plisko, Wilma Luna, Christina Lirones, Stuart Dowty, John Norton, Maria Constant.

Members Absent: None.

Others Present: Randy Heldt, Warren Heldt, Senior Planner Paul Montagno, and Recording Secretary Laura Ford.

1.0 Call Meeting to Order at 7:30 p.m. / Determination of a Quorum.

Chairperson Lirones called the meeting to order at 7:30 p.m. A quorum was present.

2.0 Pledge of Allegiance

Chairperson Lirones led the Pledge of Allegiance.

3.0 Approval of Agenda

Motion by Commissioner Ward, supported by Commissioner Luna, to approve the agenda, as presented.

MOTION CARRIED

4.0 Items from the Floor

None.

5.0 Special Order of Business

5.1 CSPA 96-39 / CUP 01-04 Place with Space
[Progress report]

Commissioner Ward asked the applicant for an oral and written report as requested in the motion at the previous meeting.

Warren Heldt, owner, stated that Randy Heldt is calling their attorney and engineer to ask them why they are not here.

Chairperson Lirones stated that the Commission would postpone discussing this item for the moment and move to the next agenda item.

Chairperson Lirones asked if the applicant's attorney is attending the meeting.

Mr. Warren Heldt stated that he was supposed to be here.

Randy Heldt, owner, stated they submitted a plan for the wetlands. He said that his engineer, Ken Cousino, met with the Township on the design. He said they

moved the recreational vehicles (RV) out of the wetland area. He said they got rid of some of the cars that were parked out there.

Chairperson Lirones stated the Commission requested to have a written plan of how the applicant was going to comply with CUP 01-04 which allows for 27 RVs. She asked the applicant what he has done to get closer to this.

Mr. Randy Heldt stated that his attorney worked something out with Ken Cousino. He said they have moved some stuff out of there.

Commissioner Ward stated that he made the request at the previous meeting and asked for a written and oral update at the next three meetings. He said he was sorry that there were communication issues between the applicant, his engineer and his attorney. He said his demand is not being met. He reviewed the motion he made at the previous meeting. He said the motion is very clear that the Commission would receive a written report supplemented by an oral report. He said they have failed to comply with the Commissions request.

Mr. Randy Heldt stated that he did not know about the letter or he would have had it done.

Commissioner Ward stated that at the end of the day the applicant is responsible. He said if there is an oral report he would like to hear that. He said that the motion stated that failure to meet strict compliance with the conditions would result in the CUP being placed on the January 2008 Planning Commission agenda for revocation.

Mr. Warren Heldt stated that around the wetland some of the RVs have been removed. He said that regarding the "business within the business", the man has been notified to look for another spot to put his business. He said there is a semi trailer and they notified that person that it has to be removed. He said that this person called his attorney to see if they have the right to revoke his lease. He added that they are waiting for an answer from him. He said that this person's lease is up at the middle of this month, as well as, the lease for the other business. He said there are several RVs going out of there. He said that during the middle of this month they (the RV owners) are heading south. He said they are working on things and it takes time. He said that some of the people have been called and their trying to relocate the RVs.

Commissioner Dowty asked him if they were running a business within a business and this was what the equipment was for.

Mr. Randy Heldt stated a sprinkler system business was being run from there. He said that person's trucks are in and out of there every day. He said there are four (4) pickups and four (4) trailers. He said that he is looking for a place to put them.

Commissioner Dowty stated they have 70+ RVs. He asked how many leases they have.

Mr. Randy Heldt stated that some people pay six (6) months in advance and some leases are month-to-month.

Commissioner Dowty asked if there are other customers that will bring up the contract and the lease.

Mr. Warren Heldt stated that some customers have long-term leases. He said these could be 15 or 16 (months). He said they would keep their long-term leases.

Commissioner Ward stated there was discussion about a fence and a building being built where the fence should be.

Mr. Randy Heldt stated they would get it down to 27 RVs by December. He said that the fence will be moved back in. He said they moved the fence three (3) times and in the new plans, it will be moved again.

Chairperson Lirones stated there is some issue of whether a final inspection was completed. She said the fence was not built in conformance with the plan.

Commissioner Norton asked if they have sent letters to all the RV owners.

Mr. Warren Heldt replied, "some of them." He said that the manager is working on it.

Commissioner Norton stated that he thought he was going to receive a letter stating that he needed to remove his trailer. He said that he received a bill to continue his lease. He asked if they are really trying to get people to move out or are they trying to get people to stay in.

Chairperson Lirones stated that if bills are going out automatically, asking people to renew their leases, it has to stop.

Commissioner Ward stated they have a CUP that was approved in 2001 with terms regarding the number of vehicles, building placement, and where you can have pavement and gravel. He said that this is what he is asking for, for this to be correct. He said that what is planned for the business is a different topic. He said he cares about the plan from 2001, that was approved, and that it is met. He said there is an issue with the final site plan inspection and the Commission needs to understand this issue.

Chairperson Lirones stated the applicant needs to get 50 vehicles out of there.

Mr. Warren Heldt stated "if they remove 50 RVs and Mr. Cousino puts the site plan in can we go from that route."

Chairperson Lirones stated that once the site comes into compliance they can start working on the new CUP. She said the Commission might not allow the gravel parking lot. She said they would have to upgrade the site. She added that they would have to remove the vehicles regardless, to make the site improvements.

Commissioner Dowty stated the Commission talked about a two-step process at the last meeting. He said they first have to come into compliance with the CUP and then the site plan is something that will be considered.

Commissioner Plisko asked since the last meeting how many vehicles were removed.

Mr. Warren Heldt replied eight (8) to ten (10) vehicles.

Commissioner Ward asked if they understand everything the Commission has said tonight.

Mr. Warren Heldt replied, "yes." He said they would work on it with the manager.

Mr. Randy Heldt replied, "yes."

Commissioner Constant asked if they understand that as of December 31 they must be in compliance and not just have a plan. She said that the vehicles and the irrigation business have to be gone.

Mr. Randy Heldt stated that he understood this.

Chairperson Lirones asked Mr. Swope what he has observed onsite.

Ed Swope, Code Enforcement Officer, stated that he inspected the property this afternoon and took photographs. He said that several vehicles were removed along the wetland. He said that the reduction was not substantial from what he sees here. He said he could not tell deep inside of the property, he said that this is his view from along the fence lines.

Commissioner Dowty asked if anyone has completed a count of the vehicles.

Mr. Warren Heldt replied, "no."

Commissioner Dowty asked that they do a count by the next meeting.

Mr. Warren Heldt replied, "ok."

Senior Planner Paul Montagno stated they could schedule a time for staff to meet onsite with the applicant, walk inside the fence, and take that count.

Mr. Warren Heldt stated they would do that with staff.

Planner Montagno asked if tomorrow was possible.

Mr. Warren Heldt stated, "tomorrow morning."

Mr. Swope stated he would be there at 8:30 am.

Commissioner Dowty stated they should do a count before the next meeting.

Mr. Swope stated there was never a final inspection done of the property.

Planner Montagno stated that the current practice of the Township is to inspect the building and also count trees and look at the fences, and make sure the site plan improvements are completed. He said that this is the current policy but he

does not know how it was done in the past. He said that the site plan is a contract between the Township and the applicant.

Commissioner Ward stated that the site plan is a legal document. He asked if they currently document when they inspect a site and if it meets the requirements of the site plan.

Planner Montagno stated that for a single user site the Building (Safety) Department has a computer program with a number of items that have to be checked off. He said that a Certificate of Occupancy would not be released until a planning staff member has verified the site and signed off on it.

Commissioner Ward asked if staff is aware of the system that was used during previous years.

Planner Montagno stated that it might have been the same program but staff has been updating the prerequisites required for a Certificate of Occupancy.

Commissioner Ward stated this is similar to what happened at the ZBA meeting a month ago. He said that an applicant requested a 17-foot variance on Maple Road. He said that the applicant's surveyor made a mistake and it was caught and they fixed the mistake with the Drain Commission but they did not fix the site plan. He said that they went through a series of inspections where it was approved and then someone else inspected the site and found the discrepancy. He said that the applicant requested a variance. He said that the ZBA did not grant that variance and the applicant has to spend approximately \$60,000 to remove that portion of this residence that was not in compliance. He said that the Commission has to make a similar determination with this site. He said that the fence and the building concerns him. He said that he wants to know if this was not caught because we were not doing our due diligence. He said he is torn because the applicant's representatives are not here tonight.

Planner Montagno stated there is a difference between the inspection prior to granting a Certificate of Occupancy, and telling the applicant they will not get their Certificate of Occupancy because it is out of compliance and they cannot submit another plot plan showing where the house actually is because it does not meet the setback requirements.

Chairperson Lirones stated that it is possible that this could still meet all of our standards.

Commissioner Dowty asked if staff could find out if there was a final inspection or not. He said that if they find out there was not one done then there is some responsibility here (the Township). He asked if a report could be completed on this by the next Planning Commission meeting.

Planner Montagno stated that staff would look into this.

Commissioner Ward asked if this half of the building was originally constructed or added later.

Mr. Heldt mentioned that these are prefabricated buildings and they cannot add onto them.

Commissioner Norton stated he would like to look at the final site plan. He said that if the plan showed the building to have garage doors on both sides with the fence running up the side of the building you could not access the doors on the back. He added that this would have been a problem on our side with approving a plan where the garage doors would be on the outside of the building.

Planner Montagno stated it is supposed to be half a building, per the site plan. He said that half of the doors were inside the fence and the other side was just a wall. He said it was the intent in April to work with the applicant and have a revised plan that would either expand the site or meet what they were currently doing.

Commissioner Ward stated staff should send a letter to the applicants engineer and attorney, and ask them why they did not comply with the Commission's motion. He said the applicant felt like their representatives were going to bring this information and this is why they were retained. He said he wants a written explanation as to why the Commission does not have what they asked for. He said he wants something from them no later than closing on Monday.

Mr. Warren Heldt asked what would happen if on the new site plan they fenced the road.

Chairperson Lirones stated they would discuss this after they come into compliance with this CUP and submit a revised site plan.

6.0 Public Hearings

None.

7.0 Old Business

7.1 RZ 96-03 Sweetwater Corporate Park [submitted for a major/minor change]

Chairperson Lirones stated that the Planning Commission discussed this request at the previous meeting. She said the Commission found that this is a major change.

Commissioner Dowty stated that instead of just having a motion on the record he thought they could translate this into formal findings in a resolution.

Motion by Commissioner Dowty, supported by Commissioner Ward, to approve the resolution of denial for RZ 96-03 Sweetwater Corporate Park.
(Attachment #1)

Discussion:

Planner Montagno stated that today they received a letter from Greg Elliott.

Commissioner Ward stated that the letter from Mr. Elliott is inappropriate. He said that staff should investigate filing a complaint with the Washtenaw County Bar Association. He said that Mr. Elliott lied to the Commission and misrepresented his client. He added that this is an ethical violation.

Chairperson Lirones stated that one item was asked for in the letter and then it was changed.

Commissioner Ward stated this was premeditated deception regarding the request and the use asked for. He said that this was premeditated, planned, deceiving and deceitful. He discussed the use and the presentation of the use with the quotations. He said that they misrepresented the Ordinance. He said this was completely inappropriate. He said that Mr. Elliott's behavior and the letter was inappropriate.

Chairperson Lirones stated that especially the line where he said "medical...organization". She said they asked for one use and then they changed it.

Commissioner Ward stated that it came out that the client knew he wanted a nursing home. He said that the client did not know what was going on. He said the client paid for a service and did not get what he was paying for.

Chairperson Lirones stated that Mr. Grammatico stood up and said, "It is not like we are asking for assisted living." She added that the letter was asking for assisted living. She said the Commission told the applicant every time he came before the Commission that he needed to amend the Comprehensive Plan. She said he was given the same information at every meeting.

Commissioner Luna stated that she does not understand the purpose of Mr. Elliott's letter.

Commissioner Dowty stated that he shares Commissioner Ward's feelings and analysis. He said that the record of the discussions and questions from the previous meeting shows this. He said he does not know if it is the role of the Commission because they are in an adversarial relationship and they are not his client. He said this is a matter of judgment of what the Bar Association might determine.

Chairperson Lirones stated she wanted to make sure the Commissioners have read the letter from Mr. Elliott. She read from the letter and stated, "We object to adoption of this resolution. We have received a copy of the resolution on this matter that is on tonight's Planning Commission agenda. We object to the adoption of this resolution as the Planning Commission took its action on October 18, 2007, and the record in the matter speaks for itself." She said the Commission should add clarity to why they feel this is a major change.

Commissioner Dowty stated that clearly they object to the Planning Commissions decision last week. He mentioned sending a copy of the resolution to Mr. Elliott. He said this was not a requirement that they did this. He said they chose not to come tonight. He said if they would have, back in February, dealt with the substance honestly this could have been dealt with appropriately. He said that they want to put in a high-density residential unit in an area that is not zoned for that. He said that instead of asking that this be done they have essentially tried twice to make a run around it and stretch the ordinances and avoid fairly representing what they want to do. He said that the discussion would have been a lot clearer if they would have been honest with what they were doing in the first place.

Commissioner Constant stated that the letter is irrelevant. She said that it does not really say anything significant. She said there was a suggestion that we make a complaint to the grievance committee. She added that this is not something they would act on.

Commissioner Ward stated that Mr. Elliott's approach is inappropriate.

The Commissioners discussed changes to the resolution.

Commissioner Dowty stated that he accepted all the discussion regarding the motion.

ROLL CALL:

**YES: WARD, PLISKO, LUNA, LIRONES, DOWTY, NORTON,
 CONSTANT**
NO: NONE
ABSENT: NONE
ABSTAIN: NONE

MOTION CARRIED

Mr. Randy Heldt asked that what was approved the first time they are now excluding it because they do not want to make a change.

Chairperson Lirones stated they are clarifying the original determination of a major change. She said that no change occurred.

8.0 New Business

None.

9.0 Planner's Report

9.1 2008 Meeting Schedule

Planner Montagno discussed the proposed schedule for the 2008 Planning Commission meetings. He said staff revised the October meeting dates. He mentioned staff had originally proposed leaving that week open so the Commissioners and staff could attend the MAP conference, but the bylaws state the meeting has to take place in the first week.

Chairperson Lirones stated that the proposed calendar had the Comprehensive Plan update scheduled for the first meeting of September. She said that it is usually during the second meeting in September. She discussed a developer not knowing about this always being scheduled for the second meeting of September. She asked that the Comprehensive Plan update be scheduled for the second meeting.

10.0 Chairperson's Report

None.

11.0 Commissioner's Report

Commissioner Plisko discussed final inspections. He said that many final inspections are never completed and the inspectors sign a piece of paper but never look through the building. He said that if they did get a Certificate of Occupancy there were inspectors out there.

Planner Montagno discussed the Place with Space inspections.

Commissioner Ward discussed a recent ZBA meeting. He said that Township building inspector Michael Yoder attended that meeting in support of the applicant. He stated that Mr. Yoder performed the previous inspections and did not catch the change. He said that Kurt Weiland, the building official, went out for other inspections and caught it immediately. He said that he does not know what the volume of work is at the Township. He discussed putting a porch on the front of his house. He said that the contractor was putting in postholes and on one of the holes, they hit hard clay. He said they went down 30-inches and made a deal with the inspector that they would put in conduit so that the inspector could inspect it and work could continue. He said that this is his house and he did not agree with that. He said that he does not know what short cuts are being taken within that organization. He said that the citizens are not being properly served by our employees. He said they are not doing things that need to be done, especially when things are slow.

12.0 Approval of Prior Minutes

12.1 Minutes of October 18, 2007

Motion by Commissioner Luna, supported by Commissioner Plisko, to approve the minutes, as corrected.

MOTION CARRIED

13.0 Adjournment

Motion by Commissioner Luna, supported by Commissioner Ward, to adjourn the meeting.

MOTION CARRIED

Chairperson Lirones adjourned the meeting at 9:22 p.m.

s/Wilma Luna, Secretary

November 15, 2007

(Attachment #1)

**PITTSFIELD TOWNSHIP PLANNING COMMISSION
RESOLUTION OF DETERMINATION FOR MAJOR/MINOR CHANGE
RZ 96-03 SWEETWATER CORPORATE PARK PUD
November 1, 2007**

Pittsfield Charter Township received a written request from the law firm representing the owners of Sweetwater Corporate Park for the Planning Commission to make a determination of a major or minor change for the addition of Senior Assisted Living Facility on Units 2 and 4 only to the permitted uses in, RZ 96-03, Sweetwater PUD. At the Planning Commission meeting of October 18, 2007 this request was changed to a request for a nursing home on Units 2 and 4 only.

The Pittsfield Charter Township Planning Commission considered the request per the requirements of Article 52, Section 52.12 of the Township Zoning Ordinance at their regular meeting on October 18, 2007. Extensive discussion between the Planning Commission, the applicant and the applicant's attorney took place.

IT IS RESOLVED That the Pittsfield Charter Township Planning Commission determined the proposed major changes to RZ 96-03 Sweetwater PUD to be a major change and approved this determination by a roll call vote of five (5) in favor, zero opposed, and two (2) absent.

IT IS RESOLVED That the Planning Commission makes the following findings regarding petition RZ 96-03:

1. The proposed addition of Senior Assisted Living Facility or Nursing Home as a permitted use would constitute a change in concept of the development because this use does not fit with the research and development future land use vision for this State Road corridor as described in the Township's Comprehensive Plan on which the original rezoning was based.
2. The proposed addition would constitute a change in use or character of the development because nursing homes and congregate care facilities are residential in nature as opposed to typical business uses. Residential uses have different hours of operation, different kinds of traffic, and typically require proximity to different types of amenities than research and development.
3. The proposed addition would constitute an increase in the number of dwelling units (density), because there are currently no residential dwelling units allowed on the site. Therefore, the addition of a single residential unit must be considered an increase.