

**CHARTER TOWNSHIP OF CANTON
PLANNING COMMISSION PROCEEDINGS
June 6, 2022**

A Regular meeting of the Planning Commission of the Charter Township of Canton was held at 1150 South Canton Center Road, Canton, MI 48188 on Monday, June 6, 2022. Chairman Greene called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance to the Flag.

ROLL CALL:

Members Present: Acharya, Eggenberger, Foster, Okon, Singh (arrived at 7:01 P.M. after Roll Call), Watkins, Weber, Zuber, and Greene.

Absent: None.

STAFF PRESENT: Patrick Sloan, Erin Schlutow, and Ashley Amey

TOWNSHIP CONSULTANTS PRESENT: Sarah Gabis, Attorney with Foster Swift Collins & Smith PC

APPROVAL OF THE MINUTES OF MAY 2, 2022

Motion by Zuber, supported by Foster, to approve the Minutes of May 2, 2022, as presented. Ayes all present on a voice vote.

ACCEPTANCE OF AGENDA

Motion by Zuber, supported by Weber, to approved agenda as presented. Ayes all present on a voice vote.

PUBLIC HEARINGS

None.

OLD BUSINESS

1. 074-SFP-7079 **CHERRY HILL VILLAGE UNIT 101 SITE PLAN AMENDMENT** – Consider Site Plan Amendment on parcel no. 074-03-0000-000. Property is located on the west side of Roosevelt Street between Monroe Street and Filmore Street. Proposed changes to site driveways. *Reconsideration of approval granted by the Planning Commission on February 7, 2022 due to the Zoning Board of Appeals remanding this case at its meeting on April 14, 2022 due to an appeals application.*

Mr. Sloan summarized the staff report, dated June 6, 2022 and showed an aerial map of the subject site, including the location of the proposed new drive access. Mr. Sloan stated the Planning Commission approved the new access drive relocation at their February 7, 2022 meeting. Since that meeting, a neighbor (Carole Beck at 591 Roosevelt Street) filed an appeal with the Canton

Township Zoning Board of Appeals (ZBA) to reverse the Planning Commission's decision and to prohibit the proposed new drive access. Mr. Sloan stated the ZBA held a public hearing on April 14, 2022 which resulted in this application being remanded back to the Planning Commission for further consideration due to additional information being presented at the ZBA meeting.

Mr. Sloan summarized the reason the applicant has requested a site plan amendment to allow for the new access drive contained in the February 7, 2022 staff report.

Mr. Sloan stated all new materials submitted are contained in the June 6, 2022 Planning Commission meeting packet.

Mr. Sloan stated if the Planning Commission is satisfied with the revised plans to improve the clear vision area adjacent to Roosevelt St. and install a trash storage/pickup area on the west side of the site, then Staff recommends approval of the driveway. Mr. Sloan explained the 3 model motion options for consideration prepared by Staff contained in the June 6, 2022 staff report.

Mr. Sloan said the Zoning Board of Appeals remanded this application back to the Planning Commission for further findings and action due to new information being provided. Mr. Sloan stated if the Planning Commission approves the application tonight, the applicant would not be able to obtain permits to move forward with the project because the Zoning Board of Appeals action is still pending.

Mr. Acharya had no questions or concerns.

Ms. Foster said it makes sense to move forward with the revised plans and she did not have any questions.

Mr. Singh asked if this would be a one-time exception for this unit and if approved, will this be precedence setting for other units requesting similar variances in the future.

Mr. Sloan stated this application started over a year ago when the residents of Unit 101 filed for a driveway permit through the Township's Building & Inspection Services Division. As the request affected the Cherry Hill Village site plan layout, it needed to be reviewed by Planning Services. Mr. Sloan stated, previously a corner lot within Cherry Hill Village requested a minor driveway change that didn't affect the overall layout and Planning Services staff was able to approve it administratively. Mr. Sloan stated if additional applications are submitted and include substantial impact to the area, the project would be brought before the Planning Commission.

Mr. Weber referred to the aerial photo, and asked if the original site plan included the transformer in its current location.

Mr. Sloan referred to the aerial photo, and stated he believes the original intent was to have the driveway go through the peninsula and to occupy as much of the peninsula with pavement as possible to allow for a minimum of one vehicle to maneuver safely.

Mr. Weber stated this situation is unique to Unit 101 and does not feel others in the area would have a need to reconfigure other drives within Cherry Hill Village; therefore, it would not be a precedence setting situation.

Mr. Sloan stated if other applications are made to reconfigure drives they would be handled on a case by case basis.

Chairman Greene asked why the transformer could not be moved.

Mr. Sloan stated the applicant could give more details; however, moving utilities is often difficult and expensive, and the applicant noted there are easement issues with moving the transformer.

Chairman Greene asked what the main objection is for having the entry and exit onto Roosevelt.

Mr. Sloan stated concerns received by staff from residents are an increase to the volume of traffic passing by their residence and an added drive that pedestrians would have to cross which might have poor visibility.

Ms. Zuber said she believes this is a unique situation and does not feel others in the area would have a need to reconfigure their driveways. Ms. Zuber said she supports the new drive and thinks it will clear up issues with the adjacent neighbor and the issues of sharing a driveway.

Ms. Eggenberger asked if the fence located between Units 101 and 102 was originally supposed to be a driveway.

Mr. Sloan stated a fence is noted on the plan sheet and a comment from a resident was made that if the fence was removed it would create additional room for the existing driveway.

Ms. Eggenberger stated she has been to the subject site and the current driveway set up does not make sense. Ms. Eggenberger said a comment was made regarding people backing out of the driveway not being visible to people coming out of the condo. Ms. Eggenberger said she has safety concerns about the proposed new drive being on Roosevelt.

Mr. Watkins stated the development is compact and he is in favor of the proposed drive because it will open up the area. Mr. Watkins said he would like to see the transformer moved.

Mr. Okon asked when Units 101 and 102 were built.

Mr. Sloan stated the units were built approximately 20 years ago.

Mr. Okon stated the development has been this way for 20 years, it isn't the best set up and suggested making the proposed road a one-way road to alleviate in and out traffic concerns. Mr. Okon said brick pavers could be used for the proposed road to blend in with landscaping. Mr. Okon stated he does not support the current design.

Mr. Brandon Walker (Midwest Design, 628 McKinley Cir., Canton, MI, 48188) stated he is representing the applicant and is a resident of Cherry Hill Village. Mr. Walker stated the driveway has been an issue for a number of years. Mr. Walker stated Cherry Hill Village contains other alley situations similar to the proposed development with alleyways terminating into streets. Mr. Walker said the Village has a lot of vehicle and pedestrian traffic, the roads are narrow, and you need to be careful when driving there. Mr. Walker stated the area was designed incorrectly and the transformer placement added to the overall design problem. Mr. Walker said they looked in to moving the transformer; currently the transformer sits on an easement and it is not required to be moved. Mr. Walker said the current homeowner can only access half of their driveway and the Home Owner's Association (HOA) is trying to fix that problem. Mr. Walker stated the proposed access road will not increase traffic very much because it only supplies access to a 4-unit building and the traffic generated from that building has to travel on Roosevelt regardless of the location of the access point. Mr. Walker said revised landscaping plans show removal of a tree and some bushes to allow for better visibility of the proposed roadway. Mr. Walker said the proposed road will not be large enough for two cars to pass by each other at the same time, which is not uncommon with roadways in Cherry Hill Village.

Mr. Weber stated the existing design is terrible. Mr. Weber said anyone backing out of a driveway needs to be cautious regardless of where they live. Mr. Weber supports the entry and exit to Unit 101 from Roosevelt.

Ms. Carole Beck (591 Roosevelt St., Canton, MI, 48188) stated she feels that the value of her home will decrease if the proposed drive is created. Ms. Beck stated the condominium residents chose their location knowing the parking situation. Ms. Beck said the proposed road creates a safety concern to children especially because of the close location to a park. Ms. Beck asked who will be responsible for paying for the project.

Mr. Walker stated the condominium home owner's association would be responsible for the project cost.

Ms. Eggenberger stated she would like to see additional options presented to resolve the issue.

Ms. Inderjeet Talwar (561 Roosevelt St., Canton, MI, 48188) stated 3 bus stops are located in the area of the proposed road and is worried about the safety of the children.

Ms. Mary Anderson (621 Roosevelt St., Canton, MI, 48188) stated the area has a lot of pedestrian traffic and the proposed drive creates a safety concern for the children.

Ms. Kathy Johnson (590 Roosevelt St., Canton, MI, 48188) stated she and her husband, Mr. Johnathon Johnson, own Unit 102. Ms. Johnson said Herriman & Associates approached them regarding reconfiguring the roadways in the area to allow them full access to their driveway and garage. Ms. Johnson said the Cherry Hill Village Homeowners Association voted to approve the proposed change. Ms. Johnson stated concerns raised by residents against the proposed drive connecting to Roosevelt are removal of 4 arborvitae bushes, traffic, safety, and home value. Ms. Johnson said only 4 bushes are being removed, traffic will be the same volume on the streets, the

exit and entrance on the proposed road will supply 4 units which is a small amount, and buses drop kids off throughout the Village with roadways similar to what is being proposed. Ms. Johnson said pulling out of her garage with the current set up it is dangerous because she is unable to see oncoming traffic to back out of her garage.

Chairman Greene asked how trash pick up is handled for the condominium residents.

Ms. Johnson stated garbage is placed by the transformer.

Ms. Beck stated no accidents have occurred in the alley area by Unit 102 or on Roosevelt St. Ms. Beck described traffic flow in the area. Ms. Beck said this is an opportunity to protect children against possible accidents.

Ms. Zuber asked to view an aerial photo and said an existing alley that exits onto McKinley Street is similar to the proposed road being requested.

Mr. Watkins ask if a decision by the Planning Commission tonight would result in this application going back before the ZBA for their action.

Mr. Sloan stated yes, the ZBA will look at this because the appeal process has not concluded.

Further discussion took place regarding the Zoning Board of Appeals process, requesting different project options, and seeking information from DTE to move the transformer.

Motion by Eggenberger, supported by Okon, to table.

Further discussion took place regarding the process on how to table the application.

Mr. Sloan stated that a model motion to defer action is contained in the staff report as option 3 and reasons need to be included in the motion to defer action.

Ms. Eggenberger said she would like additional ideas to consider.

Ms. Sarah Gabis stated a ZBA appeal is pending and this application will need to be brought back to the ZBA for action. The only reason it is before the Planning Commission is because the ZBA requested a recommendation with regard to the additional information regarding safety concerns that was presented to the ZBA that had not yet been presented to the Planning Commission. Ms. Gabis said if the Planning Commission makes a recommendation to approve the new site plan amendments, the application will then go back to the ZBA for action, if the Planning Commission defers its recommendation to allow for new design ideas, it should be pursuant to a narrow timeframe.

Chairman Greene asked for clarification on the ZBA appeal.

Ms. Gabis stated it is her understanding that the ZBA appeal is based off of the Planning

Commission approval of this application at its February 7, 2022 meeting, which was the entrance to Roosevelt. Ms. Gabis stated after the ZBA appeal was filed, additional safety concerns were raised before the ZBA that had not been raised before the Planning Commission, and the applicant made some suggested modifications to address those concerns that had not been considered by the Planning Commission. The ZBA remanded the application back to the Planning Commission for consideration and recommendation with regard to those safety concerns and modifications.

Mr. Walker asked if changes had not been made to the site plan after the February 7, 2022 Planning Commission approval, would the ZBA have made a ruling on the project.

Mr. Sloan stated if the applicant moved forward with the plans approved by the Planning Commission on February 7, 2022, the ZBA could have taken action on the ZBA appeal, pursuant to its authority, but he cannot speak for what the ZBA would have done. Mr. Sloan stated the amendments to the site plan are to make improvement to visibility and the trash area concrete pad, to address the concerns raised before the ZBA.

Further discussion took place regarding the process to defer action, how the Planning Commission can initiate additional design requests, and the role of the Zoning Board of Appeals with this application process.

Ms. Gabis stated staff's model motion examples are appropriate. Ms. Gabis said the ZBA remanded it to the Planning Commission for recommendation, the Planning Commission motion will need to contain findings related to the additional concerns raised before the ZBA, and if the motion is to table, a limited duration of time should be included.

Mr. Singh stated some ideas have been discussed to improve the proposed design, and if this application is tabled other solutions may arise.

Mr. Acharya stated he is in favor for denying this application because the current proposal takes a problem for one person and moves it to another. Mr. Singh said this situation has existed for the past 20 years without any accidents, and feels there will be safety concerns for children in the area with the proposed road exiting onto Roosevelt.

Chairman Greene asked for clarification from a legal standpoint if the Planning Commission recommends denial of the application and if ZBA would then make the final action on the application.

Ms. Gabis stated she cannot disclose attorney-client communications and can only say there is still an appeal pending that needs to be dealt with.

Mr. Weber asked Mr. Sloan if staff believes additional revisions can be made and if so what are some of the expectations.

Mr. Sloan stated the applicant feels a driveway on Roosevelt is essential for reasons previously stated, and the position of the appellant to the ZBA and other neighbors is that no driveway is

necessary and the west driveway should continue to function as is. Mr. Sloan said both positions are opposed as to where the access should be.

Further discussion took place on how to make a motion to include a request for additional design ideas. Ms. Gabis suggested additional language to be used in a motion to table.

Amended Motion by Eggenberger, supported by Okon, to table the recommendation requested by the ZBA on this application until the next Planning Commission meeting for the purpose of considering additional ideas to address the safety concerns that were raised for the first time at the ZBA meeting and presented to the Planning Commission on June 6, 2022.

Ayes: Acharya, Eggenberger, Okon, Singh, Watkins, Greene

Nays: Foster, Weber, Zuber

Absent: None

Chairman Greene asked for clarification on the following process for this application.

Mr. Sloan stated the application is a site plan amendment; therefore, the initial decision rests with the Planning Commission, not administration.

Chairman Greene asked what sources are available for determining solutions regarding the application.

Mr. Walker stated they are at an impasse. There are 4 homeowners that do not want this and others that do.

Audience members replied to Mr. Walker but were not audible. Staff and Commissioners addressed the audience members that the motion had been taken and no further discussion on the item would be received.

Mr. Okon said he would like input from Unit 101 residents about this application.

Mr. Sloan stated staff can request a statement from Unit 101 residents. Mr. Sloan said the homeowner's association has voted for the changes. Mr. Sloan said staff has been communicating with the applicants for approximately a year and has exhausted other design options.

Chairman Greene said since the Planning Commission has tabled the application additional solutions to recommend and convey to the ZBA will need to be obtained prior to the next Planning Commission meeting.

Mr. Sloan stated the applicant is not required to submit additional plans, they can supply a letter to address the safety concerns raised this evening and possibly explore additional signage.

Chairman Greene asked if the Planning Commission will need to wait for a determination to be made by the Zoning Board of Appeals prior to taking action.

Mr. Sloan stated the Planning Commission will need to complete their process.

Ms. Gabis stated the ZBA remanded this application back to the Planning Commission for their findings and recommendations related to the additional safety concerns and site plan amendments that had not been presented to the Planning Commission; therefore, in this situation the ZBA will wait for the Planning Commission to make its recommendations.

Two members of the audience addressed the commission from their seats but were not audible.

NEW BUSINESS-SITE PLANS

2. **MASTER PLAN** – Initiate update and notification for the Plan in compliance with the Michigan Planning Enabling Act, P.A. 33 of 2008, as amended.

Ms. Schlutow summarized the staff report dated June 6, 2022, and stated the Michigan Planning Enabling Act, as amended, requires a Planning Commission to send notification of their intent to prepare a master plan to various surrounding municipalities and other agencies. Ms. Schlutow said a draft of the notification letter and a list of recipients is contained in the Planning Commission packet.

Ms. Schlutow said at the Canton Township Board of Trustees meeting on May 24, 2022, a contract for McKenna Associates was approved for consulting services to assist Canton Township with the Master Plan project and to establish the Master Plan Advisory Board. Ms. Schlutow said the Master Plan Advisory Board seats have not been filled yet and will be forthcoming.

Ms. Schlutow stated staff is requesting the Planning Commission to make a motion to initiate the process of preparing the Master Plan and authorize the Planning Services Division staff to mail notices to those entities contained in the Planning Commission packet.

Motion by Zuber, supported by Eggenberger, to move to initiate process of preparing a new Master Plan and authorize Planning Services Division staff to mail notice of the Township's intent to prepare a new Master Plan to surrounding municipalities and other agencies as required by the Michigan Planning Enabling Act. Ayes all present on a voice vote.

PUBLIC COMMENT

Mr. Bradley Holt (4138 Hawksbury Ct., Canton, MI, 48188) stated he is the Vice President of a condominium board. Mr. Holt asked for the status of the Anand Village development that was on the May Planning Commission agenda.

Mr. Sloan stated the Anand Village development was shown under the Staff Referral area of the May Planning Commission meeting agenda. Mr. Sloan said the application for this development was received in April for staff to review and once the application has been completed it will be placed on a future agenda for the Planning Commission to take action on as early as July 11. Mr.

Sloan stated this application is seeking approval for a final site plan and several steps still need to be completed.

There were no additional public comments.

REPORTS AND DISCUSSION

3. **MASTER PLAN** – Provide update on the Master Plan project, including upcoming public engagement events/activities, establishment of the Master Plan Advisory Board, and grant funding.

Ms. Schlutow summarized the Canton Township Master Plan memorandum contained in the June 6, 2022 Planning Commission packet. Ms. Schlutow stated a memo regarding status updates about Master Plan will be supplied monthly to the Planning Commission at their regular meetings.

Ms. Schlutow stated any of the commissioner's wishing to join the Master Plan Advisory Board to let her know so she can forward their information to the Township Supervisor.

Chairman Greene asked how many Planning Commissioners is the Advisory Board designed to have.

Ms. Schlutow stated the Advisory Board should have (2) Township Board members, (2) Planning Commission members, and Ms. Foster who acts as a liaison to both the Planning Commission and Township Board of Trustees.

Chairman Greene asked if the remaining spots would be filled by citizens.

Ms. Schlutow stated yes. Ms. Schlutow said several applications have already been received and interest has been expressed in participating in the Advisory Board from local students.

Ms. Zuber asked for clarification regarding the "separation of cultural groups in school and throughout the community" received through student feedback as part of a public engagement activity by staff and planning consultants and contained in the Canton Township Master Plan memo.

Ms. Schlutow stated student feedback received noted that there is separation in their own cultural groups within the community, as well as within their schools. Ms. Schlutow said this is something that needs to be reviewed carefully so public services and opportunities can be distributed appropriately throughout the community.

Further discussion took place regarding monthly Master Plan updates and what it will be included.

Chairman Greene asked for clarification regarding the Planning Commission agenda changes contained in the adopted Planning Commission bylaws.

Ms. Schlutow stated the Staff Referral section of the agenda will appear as New Applications

Received and will be for reference only.

Chairman Greene asked if Public Hearings will need to be approved by the Planning Commission.

Ms. Schlutow stated if an application is received for a rezoning or something similar, the Planning Commission won't need to set the Public Hearing. However, if Township staff initiates a rezoning or something similar the Planning Commission would need to set the Public Hearing.

Chairman Greene asked for an update regarding the Blessing rezoning application that was remanded back to the Planning Commission from the Township Board.

Mr. Sloan stated the Blessing rezoning applicant has not requested to be placed on a Planning Commission agenda until they evaluate their options as to how they want to proceed with the application.

Chairman Greene stated the Blessing scenario might be something to discuss during the Master Planning in terms setting density limits.

Mr. Weber stated the group that was in attendance tonight was unhappy about not receiving a public notice regarding the proposed project and asked, in situations similar to this when it is not required to send out public notices to residents, is that explained to them when they come into the Township offices?

Mr. Sloan stated yes, it is explained when site plan amendment applications are received they do not require public notices to be sent out per the Zoning Ordinance. Mr. Sloan said applications for Special Land Uses, Rezoning requests, and Planned Developments require public notices. Mr. Sloan stated the site plan amendment, brought before the Planning Commission tonight, follows the same process as other site plan amendments brought before the Commission, which includes being placed on the Planning Commission agenda, posted at the Township Administration building, and posted on the Township website. Mr. Sloan stated each application classification is processed the same even when it is deemed controversial because of legal ramifications. Mr. Sloan stated after the vote was taken this evening on the first agenda item an audience member asked why they were not mailed public notices. Mr. Sloan stated prior to the ZBA meeting, the topic of public notices not being mailed out for this site plan amendment case was addressed and explained by him personally with the individuals in the audience asking why public notices were not mailed out prior to the February Planning Commission meeting. Mr. Sloan stated notices were properly sent prior to the ZBA meeting because a ZBA appeal requires a public hearing and prior public notice. Mr. Sloan said attendees of the April ZBA meeting who supplied email addresses were given a courtesy communication about the application being on tonight's agenda.

Mr. Weber asked if anyone from Unit 101 has been in contact with staff regarding the proposed project.

Mr. Sloan stated he is unaware of any communication regarding the project from the residents of Unit 101.

Further discussion took place regarding who originally proposed the Cherry Hill Village Unit 101 Site Plan Amendment.

Further discussion took place regarding the appearance of the shipping area behind Home Depot and who should be contacted to enforce ordinances.

ADJOURN

Motion by Eggenberger, supported by Foster to adjourn the meeting. Ayes all present on a voice vote.

Meeting adjourned at 9:01 P.M.

Kelly Dandy
Recording Secretary