

MEMBERS PRESENT: David Kulp, Chairman, Richard Lemke, Vice-Chairman,; Commissioners, Jared Hefley, William Mazzara, Lisa Marckini-Polk Vaughn Koshkarian, Richard Mueller and George Magro.

ABSENT: Secretary Gordon Muir.

ALSO PRESENT: Timothy Brandt, Recording Secretary, 7 Audience members and 3 students.

Chairman Kulp called the meeting to order at 7:32 p.m. and determined that a quorum was present.

ZONING BOARD OF APPEALS (ZBA) REPORT

Vice-Chairman Lemke reported on the October case and inquired of trustee Mazzara to approach the Township board for the approval of the planning commission to amend the setback requirement for above-ground flammable liquid storage.

TOWNSHIP BOARD REPORT

Commissioner Mazzara briefed the commissioners on the Township board's concerns with the Home occupation and home based business draft ordinance and the approval of the solicitation license ordinance.

CALL TO THE PUBLIC (NON-AGENDA ITEMS): None.

Chairman Kulp adjusted the agenda to discuss the item of new business prior to hearing the items of unfinished business. There were no objections.

New Business

Commissioner Mazzara informed the commission that he has professionally worked with the applicant and has not received any personal gain from those dealings therefore did not excuse himself from the site plan discussion. Samantha Eckhout representing Bloomfield Hills based American House was present and provided the commission an overview of the desire for American House to purchase Heritage Place at Ridge Valley from MSHDA (Michigan State

Housing Development Authority) with the condition of adding a commercial kitchen to the property and other minor site plan changes.

Ms. Eckhout provided the commission an overview of the business plan of American House and the services her organization provides its residents in most of the 27 properties they currently own and manage. She stressed the importance of the kitchen addition to this plan in order to provide meal services to the Heritage Place residents. Ms. Eckhout emphasized American House's plan to work with the existing homeowners association and contribute to the maintenance and operation of the private water and sewage systems on the property and correct the existing site plan deficiencies from the previous owner.

Mr. Marty Smith, an architect from Siegal/Tuomaala Associates next presented to the commission the details of the kitchen addition in the lower level underground parking area. In addition to the kitchen, Mr. Smith detailed additional storage areas and a small laundry area as part of the lower level addition plan. He identified the need for the space in its proposed location as a function of convenience to the planned dining room area directly above the parking area serviced by a small scale elevator. He noted the additional mechanical equipment locations servicing the kitchen and laundry and the proposed landscaping to provide screening.

The commissioners discussed the relocation of an exercise area within the space of the expanded dining room area to perhaps a different space in the building that is not being used.

Commissioner Mazzara next discussed the reduction in parking spaces from the proposed garage modifications. American House proposes a reduction in parking to .9 spaces per unit from 1 space per unit as originally approved by the township board. Additionally, American House provided the commission with parking data from other similar properties they manage and the ratio of parking spaces used and indicated that Heritage Place would exceed the parking needed after subtracting the spaces used for the new kitchen. The commissioners discussed the appropriateness of using the parking data provided as a guide to change the previously approved number of the original site plan.

Mr. Robert Gillette Chief Operating Officer of American House detailed to the commissioners the function of the dining room seating requirements based on different meal plans his organization offers to its residents and anticipates 2 seating's for the main meal each to accommodate 60 to 70 residents.

Mr. Lomako identified the outstanding site plan issues from his October 19th, 2011 letter. Commissioner Mazzara indicated that the maximum occupancy of the dining area will be a function of the square footage and the building code for assembly uses as well as the size and occupancy of the new kitchen area with a residential use structure.

The recording of the site maintenance agreement was next discussed. Mr. Lomako briefed the commissioners on how the ownership of the building will transfer to American House if the Township Board approves the proposal and the applicants plan to execute the site maintenance agreement after that transfer.

Mr. Gillette explained to the commission the extent of the care American House provides. Future expansion of the facility to provide more advanced nursing care is not part of their business plan and therefore would not be needed. Visiting nurses and doctors that may be arranged as a service to the residents can be accommodated within the existing office spaces the facility has but full time licensed skilled medical care is not part of their business.

Commissioner Magro inquired about the installation of the side walk along Milford Road from the original plan. Mr. Lomako provided a history of the Oakland County Road Commission's involvement on the side walks installation and indicated to the applicant that if the County agrees to the installation of the side walks within the future road right of way American House would be financially obligated for its installation based on the approved site plan. American House agreed.

Commissioner Mazzara moved, Commissioner Mueller seconded to recommend to the Township Board approval of S-11-5006 American House Milford site plan revision of Heritage Place at Ridge Valley with the following conditions:

1. That the reduction in parking is being granted based on the data provided by American House and in the event that the parking needs are not met, American House will replace the spaces in the number from the original site plan.
2. The outstanding issues indicated in the Wade-Trim letter of October 19th, 2011 from the original site plan as recorded by the building official are corrected.
3. The site maintenance agreement is signed and recorded within 10 days after purchase and that the planning commission is notified by the building official when it is accomplished.

4. American House agrees to the installation of a sidewalk from the original site plan approval when the issue is resolved with the Oakland County Road Commission.

Motion unanimously carried.

Unfinished Business: Home occupation and home based business ordinance.

Chairman Kulp summarized the concerns of the home occupation and home based business from the Township Board and building official and concluded that the concerns were generally an enforcement issue or the inability to measure the standards accurately and fairly. Commissioners concurred with the chairman's conclusions and emphasized the ordinance was a guide for the residents to follow keeping the residential atmosphere and ancillary use from the intent as the main focus and that the onus of proof of violations be required to be provided to the township by the complainant.

The commissioners agreed that keeping the current ordinance in place as a guide is fitting and that additional concerns could be incorporated into the intent of the draft ordinance so they can be used appropriately if an activity becomes a nuisance.

The commissioners discussed the difference between the inability to enforce an ordinance and the lack of will to enforce an ordinance and its standards. The commissioners discussed the inability of the township to enforce an ordinance as more directly related to the township's lack of will to implement the ordinances and enforce the standards and that the lack of enforcement is the problem.

The commissioners debated on what they believe should be the next step prior to responding back to the township board. The consensus from the commissioners was to try and simplify the ordinance, recognizing the residential character and intent of the new ordinance and requiring enforcement when an activity contrary becomes a nuisance.

Commissioner Mazzara indicated to the commissioners that he would take back to the township board a summary of the evening's discussions for their reaction and feedback.

Commissioner Koshkarian moved, Vice-chairman Lemke seconded to allow commissioner Mazzara to address the township board's concerns after the planning commission discussion and consensus and also allow Mr. Lomako to

revise the current draft text to incorporate the changes as discussed. **Motion unanimously carried.**

Discussion: Lighting ordinance

Chairman Kulp overviewed the revised lighting ordinance provided and suggested that the commissioners review the draft and provide feedback prior to next months meeting.

Commissioner Mazzara moved, Commissioner Magro seconded to postpone discussion of the lighting ordinance to allow time for review and incorporate any changes to a revised text. Motion unanimously carried.

Discussion: Yard descriptions

Commissioner Mazzara highlighted his concerns with areas in the ordinance that may need clarification.

Commissioner Mazzara moved, Commissioner Koshkarian seconded to postpone discussion of yard descriptions until next month to allow for suggestions to be brought to the next meeting.

APPROVAL OF MINUTES: October 27, 2011

Commissioner Koshkarian moved, Commissioner Mazzara seconded to approve the September 29, 2011 meeting minutes as amended. **Motion unanimously carried.**

PLANNING CONSULTANT'S REMARKS

Mr. Lomako provided the commissioners an October 3, 2011 newspaper article on the medical marijuana issue. Additionally, he provided information to the commissioners on mining, zoning enabling legislation and EV vehicle charging stations. Mr. Lomako also updated the commission on the status of the Camp Dearborn Wake Park proposal.

COMMISSIONERS REMARKS

Commissioner Mazzara asked for the commission to be kept more informed and up to date on land use requests that are made at the Township.

CALL TO THE PUBLIC

None

ADJOURNMENT: 9:52 p.m.

**REGULAR MEETING
PLANNING COMMISSION
CHARTER TOWNSHIP OF MILFORD**

**October 27, 2011
Page 6**

Charter Township of Milford,

Gordon Muir
Secretary