

Almont Township

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ALMONT TOWNSHIP PLANNING COMMISSION REGULAR MEETING

September 13, 2017

The regular meeting of the Almont Township Planning Commission was called to order at 7:02 P.M. by Chairperson Steve Francis at the Almont Township /Village Hall, 817/819 N. Main Street, Almont, Michigan 48003. Roll call was taken.

MEMBERS PRESENT: Brad Bletch, Rick Dodge, Steve Francis, Mark Lauwers, Kim Streeter, Jesse Thompson, and Bryan Zender. Also present: Scott Kree of ROWE Professional Services and Cory Mabery P.E. of Davis Land Surveying & Engineering PC

MEMBERS ABSENT: 0

ALSO PRESENT: 25 guests

MINUTES: MOVED BY DODGE AND SUPPORTED BY ZENDER, TO RECEIVE THE MINUTES FROM JULY 12, 2017 AS AMENDED. MOTION CARRIED.

CORRESPONDENCE: Commissioner Streeter read a prepared statement explaining the reason that the public hearing for Paul's Collision Repair Centers was again on the agenda. Commissioner Streeter also publicly apologized to the applicant and the property owners for any inconvenience this may have caused them.

PUBLIC COMMENTS: Mr. Michael Cicchini asked the Commissioners why Southern Truck Equipment/TDC (4310 Van Dyke) was given until February 1, 2018 in which to complete their landscaping. Mr. Mabery noted that there were other items that also needed to be completed by February 1, 2018 and evergreen trees can still be planted November through January providing there hasn't been a heavy freeze.

Mr. Stephen Haynes who lives next to the Country Smokehouse expressed his concerns and his personal views regarding the open site plan that still exists on the Country Smokehouse site.

LATE AGENDA ITEM: Raider Auto Sales came in with a Pre-Application request. Consensus of commissioners agreed to place this under new business.

INTRODUCTION: N/A.

PUBLIC HEARINGS:

#1. SLU – Application 17-01 – Paul’s Collision Repair Centers, LLC – New Site

Chairman Francis again explained that due to an error made by the Township the public notices were never mailed or published in the newspaper, therefore the public hearing for Paul’s Collision was once again being heard noting that for this hearing all notices have been mailed and that the Township has received confirmation that the notice was published in the newspaper. Chairman Francis opened the public hearing for Special Land Use Application 17-01 at 7:16 p.m.

Mr. Paul Sheffer, owner and developer of the property in question (4248 Van Dyke), explained that at this new site the main operation would be on the repair of heavy trucks thereby alleviating the congestion at his current site (4691 Van Dyke).

Mr. Ray Shavers who owns property along Van Dyke spoke in favor of Mr. Sheffer’s proposal.

Mr. Dave Wilcox adjoining property owner of the property in question stated his disapproval of not getting the public notice in March/April. Mr. Wilcox also expressed concerns on drainage, the outside storage of wrecked vehicles, and strongly expressed his displeasure over the proposed business.

Mr. Mabery, Mr. Kree and Chairman Francis explained that the drainage is directed towards the detention pond located in the southeast corner of the property where the excess will then flow north along the M-53 road ditch and that there is to be no storage of vehicles outside of the screened-in fence. The site is also to be landscaped to screen between the two different zoned uses (3-C and Ag/Res). Commissioner Streeter also noted that the Township had contacted their attorney and was advised to proceed as if the first meeting never took place. All notices were mailed to property owners within 300 feet and the notice was published in the newspaper as required by the Zoning Enabling Act and the Township ordinance, section 13.9. The commissioners agreed that some work is needed in the road ditches along M-53, but again that is not something that the Planning Commission has any authority over.

Chairman Francis asked 3 times if there were any further comments from the audience. None were offered. Chairman Francis noted for the record that the public comment portion of the public hearing for Application 17-01 was closed at 7:38 p.m.

Discussion was held by the commissioners. Both the Planner and the Engineer’s reports were reviewed. Commissioner Streeter suggested that Mr. Dodge the author of the original motion again read the motion for the record.

SLU – Application 17-01 Continued:

MOVED BY DODGE AND SUPPORTED BY ZENDER TO APPROVE THE REQUESTED SPECIAL LAND USE BASED ON THE FOLLOWING FINDINGS OF FACT:

- 1. THE SPECIAL LAND USE SHOULD NOT AFFECT THE HARMONY OR CHARACTER OF THE AREA AS THERE ARE SEVERAL COMMERCIAL AND INDUSTRIAL BUSINESSES ALONG M-53 (VAN DYKE ROAD) IN THIS AREA.**
- 2. THE SPECIAL LAND USE WILL BE SITUATED ALONG M-53 IN AN AREA WHERE SEVERAL COMMERCIAL AND INDUSTRIAL BUSINESSES EXIST AND WILL NOT DISRUPT A CONTINUITY OF DEVELOPMENT IN THE AREA.**
- 3. THE USE, BEING CONSISTENT WITH THE CURRENT ZONING DISTRICT AND FUTURE LAND USE PLAN FOR THIS SITE.**
- 4. BASED UPON THE PROPOSED PROJECTS' COMPLIANCE WITH THE SITE PLAN REQUIREMENTS, IT APPEARS THAT HEALTH, SAFETY AND WELFARE OF THE GENERAL PUBLIC WILL IS UPHELD AND NOT AFFECTED IN ANY MANNER.**
- 5. BASED ON EXISTING LAND USES WITHIN THIS GENERAL VICINITY, IT APPEARS THAT THE PROPOSED USE WILL BE IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE.**

FURTHER IN ORDER TO ENSURE COMPLIANCE WITH THESE STANDARDS, THE FOLLOWING CONDITIONS ARE PART OF THE MOTION TO APPROVE:

- 1. CONTINGENT ON SITE PLAN APPROVAL FROM THE PLANNER, ENGINEER, AND PLANNING COMMISSION.**
- 2. APPLICANT SHALL INSTALL OBSCURED FENCING AROUND THE PERIMETER OF THE VEHICLE STORAGE AREA.**
- 3. NORMAL HOURS OF OPERATION: 7:00 A.M. TO 7:00 P.M., 7 DAYS A WEEK. TOWING AND VEHICLE STORAGE (IMPOUND LOT, ETC.) OPEN 24 HOURS, 7 DAYS A WEEK.**
- 4. APPLICANT MUST SUPPLY DUST CONTROL IN GRAVEL/VEHICLE STORAGE AREA.**

ROLL CALL VOTE: DODGE – YES; ZENDER – YES; LAUWERS – YES; BLECH – YES; STREETER – YES; THOMPSON –YES; FRANCIS – YES. SPECIAL LAND USE CONTINGENTLY APPROVED.

Public Hearings Continued:

#2. Re-Zoning Petition 17-01 – Ray Shavers rezone parcel 44-001-016-003-00 from Ag/Res to Industrial

Chairman Francis noted that all public notices for re-zoning petition 17-01 were mailed and published in the newspaper according to law. Chairman Francis opened the hearing for public comments at 7:50 p.m.

Mr. Shavers explained that he has two parcels of property that abut each other. One is zoned Industrial the other (2 acres) is zoned Ag/Residential. In order to expand his business he would like to re-zone the 2 acre lot to Industrial and combine it with the Industrial zoned lot. Mr. Shavers also noted that the existing house which is currently occupied will continue to be occupied by said tenant, but will hopefully be converted into an office if his business allows.

Chairman Francis asked 3 times if there were any public comments. Hearing none, Chairman Francis closed the public comment portion of the re-zoning hearing at 7:53 p.m.

Planner Kree explained his review noting that the Township's Master Plan supports said re-zoning and as the property to the North and East are already zoned Industrial, this re-zoning would be appropriate. Mr. Mabery had no concerns.

Discussion between commissioners followed. A letter from Mr. Roger Anspaugh whose property lies within the 300 feet of Mr. Shavers was read. Mr. Anspaugh was against any changes in the zoning.

MOVED BY STREETER AND SUPPORTED BY ZENDER TO RECOMMEND TO THE TOWNSHIP BOARD APPROVAL OF RE-ZONING PETITION 17-01-PARCEL 44-001-016-003-00 FROM AG/RESIDENTIAL TO INDUSTRIAL BASED ON THE SURROUNDING INDUSTRIAL ZONING, THAT THE PROPOSED RE-ZONING WAS SUPPORTED BY THE TOWNSHIP'S MASTER PLAN, AND IT WOULD ALSO BE A GOOD FIT FOR THE COMMUNITY AND MAKE THE PARCEL MORE CONFORMING.

ROLL CALL VOTE: STREETER – YES; ZENDER – YES; BLETCH – YES; LAUWERS – YES; THOMPSON – YES; FRANCIS – YES; DODGE – YES. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

#1. Global Systems Engineering Group - Sign

Mr. Chris Roberts from Global Systems Engineering Group asked if the temporary sign that is in place could be approved as their permanent sign.

Chairman Francis asked if Global Systems Engineering Group and the rest of the companies who leased space in the building ever considered applying for a multi-tenant sign thereby allowing all businesses in the complex to advertise their business legally.

NEW BUSINESS: #1. Global Systems Engineering Group - Sign Continued:

Mr. Roberts agreed that a multi-tenant sign might be a good idea, but would have to ask the Landlord and the other tenants.

The temporary sign that is currently on site is does not meet the standards for a new ground sign. Planning Commissioners notify Mr. Roberts that the temporary sign must be removed by September 22, 2017 or legal action will proceed.

#2. Lumberjack Shack – Sign

Kevin the owner of YS Branding Solution was present to represent the sign application.

Commissioner Zender asked if the proper permits had been issued, especially for the electrical work that was done. Kevin stated that the electrical was not part of his contract with the Lumberjack Shack. Permits cannot be issued until the Planning Commission has approved the erection of said sign.

Commissioner Zender noted that with the addition of DRZ Agency, Inc. to the sign, it made the sign an “off-site” or “off-premises” sign and therefore is prohibited. Commissioner Zender also noted other violations to the site which requires the owner of the property to apply for special land use approval.

MOVED BY STREETER AND SUPPORTED BY LAUWERS THAT THE LUMBERJACK SHACK APPLY TO THE ALMONT TOWNSHIP BUILDING DEPARTMENT FOR A NEW SIGN PERMIT AND FOR ALL APPROPRIATE ELECTRICAL PERMITS. APPLICANT IS TO RETURN TO THE PLANNING COMMISSION FOR APPROVAL IF APPROPRIATE. THESE PERMITS WILL BE APPLIED FOR BY 9/22/2017. THE ZONING DEPARTMENT SHALL ALSO ISSUE A LETTER TO THE PROPERTY OWNER DETAILING ALL CURRENT SITE VIOLATIONS BY 9/22/2017. MOTION CARRIED 6-1.

Commissioner Lauwers asked that item #4 – Raiders Auto Sales be placed before item # 3 so as not to prolong the applicant’s waiting time. Consensus of commissioners agreed.

#4. Raider’s Auto Sales – (late agenda item)

Mr. Dale Hermiller introduced himself and noted that he and his partner Ami Lehman would like to lease the building at 4516 Van Dyke which is owned by Edward Blake in order to sell used vehicles. They specialize in trucks and handicap vans. They plan to have no more than 20 vehicles for sale at any one time.

#4. Raider's Auto Sales – (late agenda item)

Mr. Kree noted that due to the outdoor display and the service part of the proposed business, special land use approval was required and all site plan requirements must be met. Discussion followed on what would be needed to submit prior to approval. Mr. Blake noted that other businesses with outdoor display had operated out that site prior so unless something had changed, Raider's Auto Sales should be able to sell their vehicles too.

Commissioner Francis suggested that a pre-application meeting between the owner, the applicants, the planner, engineer, Zoning Administrator, Supervisor Bowman and himself be held to go over the site plan and discuss what was needed and anything else that the site required. Mr. Blake agreed and would contact the Township offices.

Chairman Francis called for a break at 8:44 p.m.

Chairman Francis called the meeting back into order at 8:55 p.m.

#3. Planning Commission Process Guidelines

Commissioners Streeter noted that it was time the Planning Commission used the resources they have to better keep track of their agenda items. Commissioner Streeter volunteered her time to put together a packet that the Commissioners, the Planner, the Engineer, and the Zoning Administrator could review and discuss to clearly outline everyone's duties and responsibilities. Commissioner Streeter noted that it had been sometime since a workshop had been held and perhaps this was now a good time to review procedures and policies.

Mr. Kree provided 2 examples of procedural manuals that other communities are currently using. ROWE Professional Services helped provide assistance during that process to those communities. Consensuses of the commissioners were interested in working on a procedural manual.

Also discussed was ex parte contact or communication that occurs when there is either oral or written communication outside of a public meeting with a board or commission member. This ex parte contact should be avoided to prevent any potential problems no matter how innocent the contact may be.

Commissioners also requested that the Planning Commission agenda be placed on the Township's website at least 2 weeks prior to a scheduled meeting.

OLD BUSINESS:

Chairman Francis noted that as the next item of the agenda affected his personal business, asked that the record show that he was stepping away from the table at 9:10 p.m. and relinquishing the chairing of the meeting to Vice-Chairman Zender for:

#1. Country Smokehouse site plan review/renewal

Vice-Chair Zender asked Mr. Francis to explain his reasons for asking for an extension on his site plan and note any changes that had been made from the original 2009 site plan.

Mr. Francis noted that when the original site was presented in 2009 to the Planning Commission he had proposed a 3-phase development which he intended to complete within a 2-3 year time frame, but due to the downturn in the economy at that time and various other factors only phase 1 has been completed. Mr. Francis noted that he has since modified his plan noting that the size of the proposed phase 2 & 3 additions is smaller in footprint than the original. The new square footage is 18,446. Mr. Francis also noted that the dumpster will be located inside of the new addition, thereby alleviating the need for a dumpster pad on the outside of the building. The parking area will be paved and lighting will be mostly soffit lit except for the parking area.

Mr. Francis read from the June 2013 minutes noting that the Planning Commission had approved the 12 round circle concrete pads for picnic tables, BBQ trailer, and 2 additional pads for vehicles or displays to be parked on.

Mr. Francis noted that due to advice given by the previous planner, he nor the Township were aware that he needed to renew his site plan on an annual basis and as he is now ready to begin the final phases of his project he was requesting an extension so that his project could be completed.

Planner Kree noted that in his report he had reviewed past documents relating to Country Smokehouse and concluded that zoning for phase 1 was completed and that no special land use approval was required. Mr. Kree also noted that while phase 1 may be completed there were several items on the revised plan that needed to be either clarified or corrected to comply with the standards found in the Zoning Ordinance. Mr. Kree stated that a revised set of plans needs to be provided for review for compliance and that Mr. Francis needs to modify his façade or seek a variance since it extends into the front setback measurement.

Mr. Mabery also agreed that phase 1 was completed but noted that many of the same items listed on Mr. Kree's report were also on his. Mr. Mabery noted that the plans should be revised to more clearly depict the existing site improvements and submit a complete site plan that clearly outlines the proposed site improvements as intended.

#1. Country Smokehouse site plan review/renewal continued:

Vice-Chair Zender asked if parking calculations were correct. Mr. Kree noted that parking calculations could be reviewed once the amended site plan has been received.

Commissioner Streeter and Dodge asked if a new application needed to be submitted or if a renewal was appropriate. Lengthy discussion followed on how to proceed.

MOVED BY STREETER, SUPPORTED BY LAUWERS THAT THE PLANNING COMMISSION ACKNOWLEDGES AND ACCEPTS THAT THE SUBMITTED SITE PLAN DATED 8/24/17 IS AN UPDATED SITE EXTENSION OF THE 2009 EXISTING SITE PLAN. THIS ACCEPTANCE/ACKNOWLEDGEMENT MEANS THE SITE PLAN IS CURRENT AS OF 9/13/2017. ROLL CALL VOTE: STREETER – YES; LAUWERS – YES; THOMPSON – YES; DODGE – YES; BLETCH – YES. ZENDER – YES. MOTION CARRIED.

Commissioners noted that the revised site plans for Phases 2 & 3 for the Country Smokehouse shall be submitted by October 31/November 1, 2017 for the November 08, 2017 Planning Commission meeting.

Vice-Chair Zender relinquished the chairing of the meeting back over to Chairman Francis at 10:17 p.m.

REPORTS:

Planner: - N/A

Engineer: Mr. Mabery stated that he will begin submitting monthly reports like they had done in the past. Mr. Mabery gave a verbal update on Paul's Truck Center and the drainage along Van Dyke.

Zoning Board of Appeals: N/A

Zoning & Building Report: N/A

Planning Commission General Comments: Commissioner Zender expressed his concerns and objections to the conditions that are currently in violation at the properties owned by the Robert and David Zgnilec's. Commissioner Zender noted that the Township needs to be more careful in signing dealer license applications and asked that before the Supervisor and the Zoning Administrator sign such applications it first be reviewed and approved by the Planning Commission.

Planning Commission General Comments Continued:

MOVED BY ZENDER AND SUPPORTED BY DODGE TO NOTIFY THE OWNERS OF THE LUMBERJACK SHACK AND THEIR SURROUNDING PROPERTIES LOCATED WITHIN ALMONT TOWNSHIP THAT THE PLANNING COMMISSION IS MAKING A FORMAL COMPLAINT AND THAT ALL VIOLATIONS MUST BE BROUGHT INTO COMPLIANCE. THIS INCLUDES SUBMITTING AN APPLICATION FOR SPECIAL LAND USE FOR THEIR SITES, THEIR SIGN, AND ANY OTHER ZONING VIOLATIONS THAT ARE CURRENT. ROLL CALL VOTE: ZENDER – YES; DODGE – YES; STREETER – NO; BLETCH – YES; THOMPSON – NO, LAUWERS – YES; FRANCIS – YES. MOTION CARRIED.

MOVED BY LAUWERS AND SUPPORTED BY BLETCH TO ADJOURN. MOTION CARRIED. MEETING ADJOURNED AT 10:43 P.M.

Respectfully submitted by:

Ida L. Lloyd

Ida L. Lloyd, Recording Secretary