

Almont Township

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ALMONT TOWNSHIP PLANNING COMMISSION REGULAR MEETING

April 10, 2019

The regular meeting of the Almont Township Planning Commission was called to order at 7:03 P.M. by Chairman Francis at the Almont Township/Village Hall, 819 N. Main Street, Almont, Michigan 48003. Pledge was recited and roll call was taken.

MEMBERS PRESENT: Andrea Bara, Brad Bletch, Rick Dodge, Steve Francis, Ron Schapman, and Bryan Zender. Caitlyn Habben of ROWE Professional Services Company and Cory Mabery, PE of Davis Land Surveying & Engineering PC were also present.

MEMBERS ABSENT: Kim Streeter

ALSO PRESENT: 9 guests

MINUTES: MOVED BY BARA AND SUPPORTED BY ZENDER TO RECEIVE THE MINUTES FROM MARCH 13, 2019, AS PRESENTED. MOTION CARRIED.

CORRESPONDENCE: Presented

PUBLIC COMMENTS: NA

LATE AGENDA ITEMS: NA

INTRODUCTION: None

PUBLIC HEARING: #1. 1. Text amendment for Section 2.14 – Setback Requirements

Chairman Francis opened the public hearing at 7:05 p.m. Planning Consultant Habben noted the changes explaining that the text amendment related to lots with frontage on two streets. Lots with frontage on two streets or corner lots shall have two front yards and two rear yards. A diagram will also be provided to aid in the understanding of measuring for setbacks.

Commissioner Dodge noted for the record that the proper legal notice was published. Public hearing was closed at 7:07 by Chairman Francis when no public comments were offered.

MOVED BY ZENDER AND SUPPORTED BY BARA TO RECOMMEND TO THE TOWNSHIP BOARD THAT THE PROPOSED AMENDMENT TO SECTION 2.14 BE APPROVED AS PRESENTED. MOTION CARRIED 5-1.

#2. SLU 19-04 – PHANTOM FIREWORKS @5945 Van Dyke

Chairman Francis opened the public hearing at 7:09 p.m. Mr. Richard Tapper of Phantom Fireworks was present requesting that Phantom Fireworks be approved to erect a temporary 40-foot x 50-foot tent and be allowed to display and sell fireworks between June 24, 2019 to July 5, 2019 at 5945 Van Dyke also known as Thumb Gun. Mr. Tapper noted that Phantom has been in business for several years and is very familiar with State Law pertaining to the display and selling of fireworks. Mr. Tapper also noted that there will be a fireproof trailer on site where the fireworks will be stored after business hours of 10 a.m. to 10 p.m. Mr. Tapper stated that the State Fire Marshall shall inspect the site for compliance with State Law. It was noted that Almont Township will require a building permit for the temporary structure and that an Electrical permit will also be required to conduct a safety inspection. Mr. Tapper stated that he was aware of this as other communities also require the same and will comply.

It was noted by the Commissioners that a banner cannot be used as part of the signage, but a temporary sign may be use so long as it does not exceed 32 sq. feet in area.

Upon hearing no further comments, Chairman Francis closed the public hearing for Special Land Use 19-04 at 7:18 p.m.

MOVED BY ZENDER AND SUPPORTED BY DODGE TO APPROVE SPECIAL LAND USE APPLICATION 19-04 AS PRESENTED BY PHANTOM FIREWORKS. PHANTOM FIREWORKS WILL OPERATE BETWEEN THE HOURS OF 10 A.M. AND 10 P.M. JUNE 24, 2019 THROUGH JULY 5, 2019, AT 5945 VAN DYKE. PHANTOM FIREWORKS WILL ALSO PROVIDE A PORTABLE TOILET FOR USE BY THE EMPLOYEES. BANNERS ARE NOT ALLOWED TO BE USED AS SIGNS PURSUANT TO ZONING ORDINANCE NO. 39, ARTICLE 2, SECTION 2.17, SUBSECTION K (5). PHANTOM FIREWORKS WILL APPLY FOR AND SECURE A PERMIT FOR A TEMPORARY SIGN NOT TO EXCEED 32 SQUARE FEET. A BUILDING PERMIT FOR THE TEMPORARY TENT PLUS ELECTRICAL PERMIT FOR THE SAFETY INSPECTION WILL BE APPLIED FOR AND SECURED. A COPY OF THE LICENSE FROM THE STATE OF MICHIGAN IS TO BE SUBMITTED TO ALMONT TOWNSHIP PRIOR TO JUNE 24, 2019. MOTION CARRIED.

NEW BUSINESS: #1. Annual Review of SLU 18-01 – Shango Fireworks @ 3983 Van Dyke

Mr. Samir Shango was present to renew his application to display and sell fireworks at 3983 Van Dyke (Mobil Gas Station). Mr. Shango stated that he was aware of the new Fireworks law and would be complying with all State statues especially the requirement of notifying the consumers as to when it is legal to set off fireworks. A security guard will be on site and that his employees have permission from the owner of the site to use the facilities in the store. Mr. Shango noted that he wished to display and sell his products from June 14th to July 5th, 2019. A temporary sign will be used as in the previous two years.

MOVED BY ZENDER AND SUPPORTED BY DODGE TO APPROVE THE RENEWAL OF SPECIAL LAND USE APPLICATION 18-01 AND ALLOW SHANGO FIREWORKS TO DISPLAY AND SELL FIREWORKS BETWEEN 9 A.M. AND 10 P.M. ON THE DATES JUNE 14 THROUGH JULY 5, 2019 AT 3983 VAN DYKE. MR. SHANGO IS TO APPLY FOR AND SECURE A PERMIT FOR THE TEMPORARY SIGN, AND TENT AND FOR AN ELECTRICAL INSPECTION. A COPY OF THE LICENSE FROM THE STATE OF MICHIGAN IS TO BE SUBMITTED TO ALMONT TOWNSHIP PRIOR TO JUNE 14, 2019. MOTION CARRIED.

#2. Novak Supply 3620 Van Dyke – Revised Site Plan

Mr. Jim Novak of 3620 Van Dyke was present to explain that he would like to modify his site plan by adding four pole lights in the front display area, and modify his current sign frame and install a digital (LED) sign. Discussion followed on the height of the sign frame, which is 20 feet. Discussion followed on whether or not these items are minor in nature and if an amended plan would be required and a public hearing scheduled. Commissioners could also consider this a minor site plan change and have it administratively reviewed and brought back for Planning Commission approval. Consensus of Commissioners agreed that the Planning Consultant and Engineer administratively review the proposed lighting and sign modification and submit their recommendations to the Planning Commission.

MOVED BY BARA AND SUPPORTED BY BLECH TO POSTPONE THE DECISION REGARDING NOVAK'S SITE PLAN REVISIONS, AND TO HAVE MR. NOVAK SUBMIT PHOTOMETRIC PLANS TO THE ALMONT TOWNSHIP, ALSO REVISED SIGNAGE PICTURES, AND TO PULL ALL APPLICABLE PERMITS INCLUDING SIGN AND ELECTRICAL. MOTION CARRIED.

Discussion then followed on the new roof over the salt bin. Mr. Novak noted that he had a plastic cover over the bin, but the wind kept tearing it off, therefore he constructed a metal roof to replace the plastic. Again, there was discussion on whether or not this is a minor change to the site plan.

MOVED BY BARA AND SUPPORTED BY DODGE TO APPROVE NOVAK'S SALT STORAGE SHED WITH MR. NOVAK PULLING A BUILDING PERMIT THROUGH THE ALMONT TOWNSHIP BUILDING DEPARTMENT. MOTION CARRIED.

OLD BUSINESS: 1. Parcel 44-001-009-013-30 – SLU App. 19-02 – Wm. Saintonge

Mr. Mike Noles of Diffin-Umlor, and Mr. William Saintonge were present with their revised plans. Mr. Noles noted the design changes to the plans according to the Planner and Engineer reviews from January 2019 and the comments made by the Planning Commission at the January 2019 meeting. Mr. Noles also acknowledged receipt of the Planner and Engineer review notes from April 2019.

Mr. Noles asked if the Planning Commission could help interpret the Zoning Board of Appeals decision on curbs for the parking area. Chairman Francis stated that the Planning Commission does not interpret for the Zoning Board of Appeals. Commissioner Dodge noted that the ZBA will be meeting on April 17th, and suggested that Mr. Saintonge attend the meeting and ask for an interpretation.

A lengthy discussion followed on the April reviews from the Planner and Engineer; there are still a few outstanding issues. It was questioned why the main office building was proposed to be over 200 feet from Van Dyke. The property in question is a corner lot, and as such has two frontages, one facing Van Dyke and one facing Danielle Drive. As the Van Dyke frontage is more than 200 feet from the front lot line it would not require stone, brick, or other decorative material. The front of the building facing Danielle Drive will require stone, brick or other decorative material. The storage building will require design changes as to placement as it encroaches into the required front setback on Danielle Drive. The dumpster location is approved providing the façade of the enclosure is of decorative masonry block and the proper screening is in place. Some general notes regarding hazardous materials, parking calculations, a more detailed landscape plan, loading/unloading areas, fire lanes, cross section of parking lot pavement, culvert sizes, if required, are to be added to revised plans.

Exterior lighting was also discussed. Mr. Noles noted that his client will be placing wall pack lights on the main building. Mr. Noles apologized for missing that on the plans noting that he will correct that oversight and add lighting details with a photometric plan to the revisions.

Consensus of the Commissioners agreed to postpone further discussion on Special Land Use Application 19-02 until the May 8, 2019 meeting thereby allowing the applicant and his design professional Mr. Noles time to make the necessary corrections to the site plan.

#2. Parcel 44-001-004-011-10 – SLU App. 19-03 – George Tencza

Mr. George Tencza was present to discuss his request for Special Land Use approval to develop 9+ acres on the corner of Webster Road and Van Dyke. The site is zoned C-3.

#2. Parcel 44-001-004-011-10 – SLU App. 19-03 – George Tencza

Mr. Mabery, PE went over his review of April 2, 2019. The parking area will require curbs pursuant to Section 6.2.O of the Zoning Ordinance. Mr. Tencza asked if the Planning Commission would be willing to wave that requirement. Consensus of the Commissioners stated that they would not.

The fenced area will require screening slats or screening with landscaping. Inquiry was made as to whether or not the 100-foot x 100-foot fenced area was adequate for Mr. Tencza's needs. Mr. Tencza noted that he could enlarge it later if needed. Commissioners suggested that Mr. Tencza enlarge the fenced area to cover any future needs Mr. Tencza may require so that Mr. Tencza would not need to return to the Planning Commission for further site plan approval.

Clarification on the proposed use of the remaining gravel area was questioned. Mr. Tencza noted that he will not be storing any equipment outside of the fenced area. Commissioner Zender asked how Mr. Tencza plans to control the dust in the graveled area. Mr. Tencza noted that he will use the industrial standard method. Setback encroachment was noted along the Webster Road frontage. Mr. Tencza stated that the plans will be corrected.

Building elevations were provided.

Mr. Tencza related to the Commissioners that he had just that afternoon received approval from the Lapeer County Road Commission for his access approaches.

Raising the rim of the detention pond was suggested by Engineer Mabery. Mr. Tencza agreed.

Planning Consultant Habben noted that the hydrant location could be removed from her review as there is no public water in the location of the property.

Soil borings need to be submitted. Commissioners noted that soil boring test results are also required by the Township Building Department and can be submitted at the same time as Mr. Tencza submits his building plans for review.

Cross section for the berm needs to be submitted.

Commissioner Schapman noted that he would prefer evergreen trees be planted in the northwest corner of the lot due to the fact that when the leaves fall from the existing deciduous trees, the neighboring property to the north can see the gravel area.

Dumpster enclosure needs to be adequately screened by landscaping

#2. Parcel 44-001-004-011-10 – SLU App. 19-03 – George Tencza Continued:

Engineer Mabery stated that Mr. Tencza had sufficiently addressed his concerns and would recommend to the Planning Commission that contingent approval be granted noting that the few outstanding items be addressed on revised set of plans. Planning Consultant Habben noted that Mr. Tencza had also addressed her concerns.

MOVED BY ZENDER AND SUPPORTED BY BARA TO POSTPONE SLU APPLICATION 19-03 UNTIL MAY 8, 2019 THEREBY ALLOWING THE APPLICATION SUFFICIENT TIME TO ADDRESS THE ITEMS LISTED ON THE PLANNER'S AND ENGINEER'S REVIEW. MOTION CARRIED.

#2. Storage Containers

Planning Consultant Habben went over storage container ordinances from three other communities. Chairman Francis asked those attending what their thoughts were on using storage containers for accessory uses. Having them used for storage units on industrial or commercial zoned properties was a good idea, but not so much in residential areas. Having them used as accessory units on bona fide agricultural operations could be permissible.

Consensus was to postpone decision until May 8, 2019 meeting.

REPORTS:

Planner – NA

Engineer – Written report submitted

Zoning Board of Appeals – will meet on April 17, 2019 to hear a request for variance from Article 2, Section 2.3.C – placement of accessory building

Zoning & Building – May 11, 2019 Workshop

Planning Commission – General Comments – NA

May 8 Agenda items – SLU Applications 19-02 and 19-03 & Storage Containers

MOVED BY ZENDER AND SUPPORTED BY SCHAPMAN TO ADJOURN AT 9:48 P.M. MOTION CARRIED.

RESPECTFULLY SUBMITTED BY:

Ida L. Lloyd

Ida L. Lloyd, Recording Secretary

2. Parcel 44-001-004-011-10 Special Land Use Application 19.03 (George Tencza)

3. Workshop Dates

After some discussion it was agreed to hold the workshop as presented by ROWE Profession Services Company on Saturday May 11, 2019 between 9:00 a.m. and 11:30 a.m.

4. 3620 VAN DYKE – NOVAK SUPPLY & EQUIP. – POSSIBLE SITE PLAN UPDATE

After viewing the site it was suggested that the owner of 3620 Van Dyke be notified again with a request to meet with the Planning Commission to discuss the matter of the site change and determine as to whether or not a site plan update is required. Zoning Administrator will send a second notice and invite Mr. Novak to the April 10, 2019 meeting.

REPORTS:

Planner: None

Engineer: Written report submitted.

Zoning Board of Appeals – Commissioner Dodge gave brief summary of the March 13, 2019 meeting.

Zoning & Building – None

Planning Commission General Comments –

MOVED BY ZENDER AND SUPPORTED BY BARA TO ADJOURN AT 9:12 P.M. MOTION CARRIED.

Respectfully submitted by:

Ida L. Lloyd, Recording Secretary