

**City of Howell
Planning Commission
May 17, 2017
611 E. Grand River Avenue
Howell, MI 48843**

The regular meeting of the Planning Commission was called to order by Chairman Streng at 7:00 p.m.

COMMISSIONERS PRESENT: Paul Streng, Maryanne Vukonich, Mayor Nick Proctor, Jan Lobur, Erin Britten, Robert Spaulding (arrived at 7:03 pm) and Jeanette Ambrose.

COMMISSIONERS ABSENT: None.

ALSO PRESENT: City Manager Shea Charles, Community Development Director Tim Schmitt, and Recording Secretary Deanna Robson.

GUESTS: Steve Berger, Jeff and Colleen Doyle, Ed and Lynne Francis, Vern and Lana Brockway, Matt Peevey, Robert Ellis, Philip Baylor, Jennifer Webb and J.R. Drick.

APPROVAL OF MINUTES, APRIL 19, 2017 REGULAR MEETING

MOTION by Ambrose, SUPPORT by Vukonich, “To approve the April 19, 2017 regular Planning Commission meeting minutes as presented.” MOTION CARRIED (6-0).

CALL TO THE PUBLIC

None.

STAFF REPORT

Timothy Schmitt, Community Development Director, stated that staff has received the Training Wheels Program materials digitally from the consultant, and the information will be distributed to City Council for the meeting on May 22, 2017 and then forwarded to the Planning Commission. Staff has received a great deal of positive feedback from national experts in this field.

Mr. Schmitt added that staff received a sketch from the Teen Center regarding utilizing the area north of the property in order to bring some additional activity to the Center. They are currently focused on some building issues, but in the near future the Commission may need to discuss temporary uses that may be more visible to the public.

PUBLIC HEARING

#17-06 – 422 WEST GRAND RIVER – SPECIAL LAND USE – NEW AUTO SHOP

Chairman Streng opened the public hearing at 7:04 p.m.

Community Development Director Schmitt noted that the applicant is proposing to reoccupy the space as new auto body shop on the property located at West Street and Grand River Avenue. No substantial changes are planned; the property is zoned B-2 district; the use is compatible with the surrounding area; and staff has no major concerns. He added that the conditions listed in the

recommended motion are found in the zoning code, which combines filling stations, repair shops and body shops into one category.

Mayor Proctor asked how long the property has been vacant and Mr. Schmitt responded that it has been unoccupied for over a year, adding that there were no previous Special Land Use approvals for a body shop. Mayor Proctor then asked if there have been any enforcement actions for blighted property. Mr. Schmitt replied that the property had been red-tagged for some minor work and the City attempted to obtain information from the property owner. He added that property owners have consistently mowed the property, and that litigation after the previous tenant vacated the site ultimately led to the degradation of the property.

Jennifer Webb, 904 Still Valley, stated that the proposed new use for the site is a repair shop, not a body shop, with the intention of improving the aesthetic of the property. She added that the property owner has taken care of the property.

J.R. Drick, Board of Directors Member of the Howell Masonic Association, stated the organization has kept up the property; it has never been a body shop; gasoline has not been sold nor has gas been in the tanks for 4-5 years; the meter was replaced, the roof fixed and a dangerous ground cylinder repaired after the mechanic vacated the property; and there have been no complaints from the State regarding the property. He added that the tanks were vacuumed following litigation with a previous tenant and a judgement in the property's owner's favor. He acknowledged that the property owners received a letter from the City to cover the sign, and they put up a tarp until the recent windstorm. Further site improvements that he noted were: removing the canopy and the rusting columns; installing a new floor and covering up the cylinders; and removing the pumps with a court order. Mr. Drick added that the site has one bathroom – the new tenant will put in a doorway so the entrance will be from inside the building. An additional planned improvement is to have the islands leveled and re-concreted.

Robert Ellis, 515 West Grand River, stated that he fully supports the project, adding that it is great to have a business investing in the area.

Ed Francis, 510 West Grand River, stated that his home is directly west of the site. He noted his support of the basic concept, but suggested expanding the conditions of approval as part of the entry image into Howell from the west and in order to make the property more compatible with the surrounding residential properties, including: landscaping, upgrading the building, reducing the curb cuts, and implementing time restrictions on the lighting of the sign. He stated that the owner has not truly invested in the site and the property has not been maintained as well as it should have been. He also commended the City for recent improvements to Parking Lot #2.

Commissioner Spaulding inquired about the definition of inoperative or unlicensed vehicles, and Community Development Director Schmitt responded that proposed condition #3 referred to vehicles that cannot be turned on and driven away, have a physical defect, or are unlicensed.

Applicant Jennifer Webb inquired about the proposed conditions. Mr. Schmitt reviewed the conditions and recommendation listed in the staff memo and recommendation, noting that they

were derived directly from the Special Land Use standards and staff can issue violations if work is being done without permits. He added that the westernmost curb cut on Grand River is not in compliance, and staff would recommend its removal if the parking lot is ever redone. He also noted that the sign does appear to meet current ordinance standards based on City records, and the owner will be required to meet all applicable standards going forward, including obtaining necessary permits.

Chairman Streng closed the public hearing at 7:28 p.m.

Commissioner Lobur noted her appreciation of Mr. Francis' comments, as well as her concern regarding the impact of the property on the City's image..

Mayor Proctor thanked Mr. Francis for attending the meeting and voicing his concerns. He noted his support of the Masons. He added that the most beautiful entrance to the City is from the west; the City has made great strides to try to upgrade its image including the south corridor on Michigan Avenue with the passage of Form Based Code; and the City has invested in improving the appearance of the downtown streetscape through the Downtown Development Authority. He noted that he would like to see the property occupied but would not support the request in the hopes to have some significant redevelopment or a different use for the site, such as a small apartment building, a two-story business, or residential property.

Commissioner Spaulding stated his support of the property being utilized, but noted his concern about the large number of cars on site for extended periods when the site was previously occupied and suggested adding a condition to the Special Land Use. Community Development Director Schmitt stated that the request was presented as a Special Land Use because the approval for the previous use had expired; the City ordinance will allow staff to be more aggressive in enforcing requirements; and the Planning Commission has the ability to add conditions of approval to the use and operations of the use as it has an effect on surrounding properties.

Commissioner Lobur asked the applicant if she owns any other auto repair shops. Ms. Webb responded that this will be the first business of this type that she owns, but it is not the first that her family has operated. She noted that she has invested in the City of Howell and added that cars that remain on the site overnight will be stored in the bays.

Commissioner Ambrose inquired about adding landscaping. Mr. Schmitt responded that some landscaping could probably be added around the sign; but landscaping may be limited due to the lack of green space on the property.

MOTION by Vukonich, SUPPORT by Spaulding, "To approve the Special Land Use application (#17-06) for 422 West Grand River Avenue, parcel id number 4717-36-102-030, to allow for a new automobile repair garage to open on the site, subject to the following conditions:

- 1. The proposed construction and use shall meet all applicable ordinance standards and permits shall be acquired for all work on the site.**
- 2. There is no vehicle washing permitted on the site outside of the building.**

3. **Inoperative or unlicensed vehicles shall not be stored outside for more than seven (7) days. Such storage shall not occur in front of the building front line.**
4. **Vehicle sales shall not be permitted on the premises.**
5. **All combustible waste and rubbish, including crankcase drainings, shall be kept in metal receptacles fitted with a tight cover until removed from the premises. Sawdust shall not be kept in any gasoline service station or place of storage therein, and sawdust or other combustible material shall not be used to absorb oil, grease or gasoline.**
6. **No advertising signs may be placed onsite other than the permitted maximum wall and/or ground sign area per Article 7. The prohibited signs include banners and flags.**
7. **The operations on the site shall comply with all provisions of Article 8 of the Zoning Ordinance.**
8. **If major modifications are made to the paved portion of the site, the west curb cut will be removed and new paved surfaces shall be striped to indicate parking spaces.**
9. **Advertising signs shall be illuminated no earlier than 6:00 a.m. and no later than 10:00 p.m.”**

MOTION CARRIED (5-2). Commissioners Proctor and Lobur opposed.

NEW BUSINESS

#17-05 – 309 EAST GRAND RIVER – SITE PLAN – THE PEARL BUILDING

Community Development Director Schmitt stated that the property extends to Sibley Street and the applicant does not propose changes to the building size. The application includes redoing the rear of the building and restriping to meet current standards; adding an accessory structure to the back; utilizing the first floor for retail and restaurant space; creating four dwelling units on the second floor; adding a rooftop deck and living space on the front of the building facing Grand River with a steel cabling system to keep people safely on the roof; constructing a small balcony in the back for the rear units; and parking garages on the bottom floor of the accessory building. Proposed access from Sibley would be facing the parking lot. He noted that the second floor apartments in the accessory structure will require Board of Zoning Appeals approval because their proposed size is slightly larger than is currently allowed for accessory structures. Mr. Schmitt added that the property has two front yards; the proposal is to renovate the existing building; and the building was three stories prior to a fire.

Commissioner Spaulding inquired about the front elevation and if the guest room of the front apartment would be visible from Grand River. Director Schmitt responded that the room is set back and pedestrians on the sidewalk would not be able to see inside.

Jeff Doyle, 7798 Wildwings Court, Brighton, MI 48116, displayed pictures of the building to the Commission; stated that he plans to restore the building and preserve the art deco appearance; owns the entire parking lot behind the neighboring theatre and auto parts store; plans to restore the brick on the back of the building; the five foot alleyway will be used for egress between the theatre and the building; the building was three 3 stories in front and two in back before the 1935 fire; does not yet have a tenant for the first floor restaurant; the property qualifies under the brownfield standard as an unoccupied building; when restored the property will be spectacular and may spur neighboring properties to redevelop; and the accessory building will be used for parking with

housing above. He added that it has always been his dream to live in the upstairs of a downtown building and has been looking for a suitable location where he can utilize the rooftop deck to watch events.

Mayor Proctor commended Mr. Doyle for his plans to renovate the property, adding that this is the type of development that he likes to see downtown. He asked if the apartments will actually be condos that can be purchased and Mr. Doyle responded that they will be rental apartments which are easy to lease downtown, especially with the added benefit of parking.

Commissioner Vukonich stated that the applicant needs to ensure that his architect follows the guidelines set forth by the Fair Housing Act when designing the units.

MOTION by Lobur, SUPPORT by Ambrose, “To approve the Site Plan (#17-05) for The Pearl Building LLC at 309 East Grand River Avenue for a new accessory structure and dwelling unit along Sibley Street, the rehabilitation of the main building on the site, the addition of a third story to the main building, and reconstruction of the parking lot on the site, subject to the following conditions:

- **Board of Zoning Appeals approval for the necessary variances to construct the accessory structure and dwelling unit along Sibley Street.**
- **The construction shall meet all applicable ordinance standards.”**

MOTION CARRIED (7-0).

#17-07 – 2140 INDUSTRIAL – SITE PLAN – NEW INDUSTRIAL BUILDING

Community Development Director Schmitt stated that the new owner of the building has purchased the facility previously occupied by the former roofing company; displayed pictures of the site; noted that the applicant is proposing to remove the garage, stray pavement and the second building on site, and add onto the eastern side of the main building and create additional parking. The interior of the main building will be renovated and converted for storage and use as a retail food distribution operation, adding onto the building toward the center of the site. He noted that the plan meets all of the current standards and is zoned I-2 Industrial. Hubbell, Roth and Clark needs more information on how the site will drain and staff needs landscaping added to site – both of which are details that can be addressed after the Planning Commission takes action on the overall concept.

Steven Berger, First Choice Building, stated that their client is Amico Premium Provisions, which is a Boar’s Head food provider. He confirmed that no meat processing will be done on site, the facility will be used for cold and dry storage; adding that there is a need for an addition of smaller cold storage in order to keep the meat cold as it is removed from trucks. Originally, the client wanted to retrofit the building but the deferred maintenance was too great. The renovated facility should look like a new building.

Mayor Proctor noted his support and inquired about the size of the trucks that will be using the facility. Mr. Berger responded that shorter delivery trucks such as box trucks and refrigerated vans will be used most of the time, with full size semis for one to two deliveries per week.

Commissioner Lobur confirmed that Industrial is an unpaved road. Director Schmitt confirmed that it is a County road. City Manager Shea Charles stated that both Lucy and Industrial are County roads and the area is part of the 425 Agreement. His understanding was that the Michigan Department of Transportation is partnering with the Livingston County Road Commission to pave a portion of Lucy Road to prevent gravel erosion, and due to cost sharing the City may become the fiduciary.

MOTION by Proctor, SUPPORT by Vukonich, “To approve Site Plan application #17-07 for First Choice Building on behalf of Amico Holdings, LLC at 2140 Industrial Drive for a 40’X60’ building addition and modifications to the parking and maneuvering throughout the site, subject to the following conditions:

- 1. A landscape plan be submitted to meet all requirements of the Zoning Ordinance.**
- 2. The engineering plans be updated to address all concerns raised by Hubbell, Roth, and Clark in their review letter.**
- 3. The construction shall meet all applicable ordinance standards.”**

MOTION CARRIED (7-0).

#17-08 – 1460/1480 MCPHERSON PARK DRIVE – SITE PLAN – THAI SUMMIT

Community Development Director Schmitt informed the Commission that the building is one of the largest in the City with two plants on the site. The application is for an addition to the proposal submitted in 2014 and includes approximately 77,000 square feet of supplemental space between the two buildings and increased parking along McPherson Park Drive. Staff suggested conditions including minor modifications to the landscape plan and combining the property in order to resolve property lines. The proposal meets all ordinance standards, and will improve semi truck traffic patterns.

Chairman Streng inquired if the lot combination issue would need to be reviewed by the Planning Commission and Mr. Schmitt responded that it can be resolved by the City Assessor.

Philip Baylor, Industrial Engineer at Thai Summit, stated that connecting the two buildings will facilitate one-way traffic, help with logistics, and allow for expansion to additional projects.

MOTION by Proctor, SUPPORT by Lobur, “To approve Site Plan application #17-08 for Thai Summit America Corporation at 1480 McPherson Park Drive for an approximately 77,000 square foot building addition, to include additional parking, and modifications to the overall maneuvering on site, subject to the following conditions:

- 1. A landscape plan be updated to meet all requirements of the Zoning Ordinance.**
- 2. The owner combine parcels 4717-35-300-008 and 4717-35-300-009 into one parcel, to eliminate setback and building code issues with the new building straddling the existing property line.**
- 3. The construction shall meet all other applicable ordinance standards.”**

MOTION CARRIED (7-0).

#17-09 – VACANT LUCY ROAD – LOT SPLIT

Community Development Director Schmitt stated that the property is comprised of 40 acres and the proposal is to split off two acres, noting that there is no use currently proposed.

Mayor Proctor inquired as to the reason for the lot split request. Director Schmitt responded that the Planning Commission must approve all lot splits, he believes that the owners have someone ready to purchase the parcel, and there is currently no permitted use for the property.

Chairman Streng asked the owner, Vern Brockway, if he would like to add anything and he replied that he had no comment.

MOTION by Spaulding, SUPPORT by Ambrose, “To approve the land division application #17-09 for the vacant parcel of land on the east side of Lucy Road, parcel id number 4717-06-100-005, to remove 2.0 acres of land from the main parcel to create a new parcel, subject to the following condition:

- **No use is permitted on the property until appropriate site plans or special land uses have been approved.”**

Mayor Proctor inquired if the Lucy Road frontage was included in prior plans for connection to National Street. Director Schmitt responded that it was not part of the original plan for the Highland Howell route, and approval of the current request would not affect the property frontage.

MOTION CARRIED (7-0).

OLD BUSINESS

None.

MOTION by Vukonich, SUPPORT by Britten, “To adjourn the meeting at 8:26 p.m.”
MOTION CARRIED (7-0).

Deanna Robson, Recording Secretary