

**City of Howell**  
**Planning Commission**  
**July 19, 2017**  
**611 E. Grand River Avenue**  
**Howell, MI 48843**

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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 and Robert Spaulding.

COMMISSIONERS ABSENT: Jeanette Ambrose.

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

GUESTS: Patrick Cleary, Bob King, Mary and Mike Nadeau, Lynn Bates, Tom O'Connell, Anthony Williams and Jason Moore.

**APPROVAL OF MINUTES, MAY 17, 2017 REGULAR MEETING**

**MOTION by Proctor, SUPPORT by Lobur, "To approve the May 17, 2017 regular Planning Commission meeting minutes as presented." MOTION CARRIED (6-0).**

**CALL TO THE PUBLIC**

Mary Nadeau, 310 Browning, inquired about the recent surveying on the property surrounding the fire station, noting that she enjoys viewing the wildlife in that area and would prefer that the property remain empty. Chairman Streng confirmed that the only development to the property under review is the expansion of the fire station, which leaves the surrounding area unchanged.

**STAFF REPORT**

Timothy Schmitt, Community Development Director, stated that condemnation proceedings have begun for the house located at 816 McPherson; adding that it has been a difficult process and the City is not taking the action lightly. Staff has been auditing departmental records to ensure that there are no other properties in the City with similar conditions.

Thai Summit is working on their expansion; A aberrant Ales is under construction – most of the roof needed to be removed; Gallery Park design changes are anticipated; and Nelson's Ridge construction is expected to begin again with no major changes from the previous plans.

Mayor Proctor inquired about the Citgo gas station at Grand River and Barnard. Mr. Schmitt responded that staff is getting ready to send notice to the property owner that the approved plans will be expiring.

Commissioner Lobur asked for the status of the recently approved auto repair shop on West Grand River. Mr. Schmitt replied that the business owner was issued permits and a progress inspection

was conducted shortly after the meeting when the plan was approved, but little to no work has been completed.

### **PUBLIC HEARINGS**

#### **#17-17 – 117 PULFORD – REZONING – R-1 TO SMD**

Chairman Streng opened the public hearing at 7:10 p.m.

Community Development Director Schmitt noted that the proposed rezoning includes a house and garage to the east of the existing gas station/car wash. The rezoning is being requested to allow modification of the car wash. He added that the residential property was included in the South Michigan Avenue District (SMD) area when the City adopted a Form Based Code. At the time, the City chose not to rezone the residential property because it was still being used as a residential home. The rezoning was planned for as part of the Master Plan and SMD district. If approved, City Council will need to approve the ordinance change.

Tom O’Connell, Howell Soft Cloth Car Wash owner, showed the Commission where the vehicle entry would be located on the displayed picture of the property; distributed information showing how paid monthly customers would travel through the rezoned property; stated that he will work with the current renter on a transition plan; noted that he will have to raise the grade 4.5 feet; and indicated that he may construct a textured poured wall covered by ivy or arborvitae.

Chairman Streng closed the public hearing at 7:17 p.m.

**MOTION by Proctor, SUPPORT by Lobur, “To recommend approval to City Council of the rezoning request (#17-17) from Howell Soft Cloth Car Wash, Inc. for 117 Pulford, parcel id number 4717-01-102-046, from R-1, Single-Family Residential to SMD, South Michigan District.”** Commissioner Spaulding inquired if staff had received any feedback from any neighbors and Community Development Director Schmitt noted that staff had not received any phone calls or concerns from neighbors prior to the public hearing. **MOTION CARRIED (6-0).**

#### **#17-185 – 1009 SOUTH MICHIGAN AVENUE/117 PULFORD – SITE PLAN AND SPECIAL LAND USE – HOWELL SOFT CLOTH CAR WASH EXPANSION**

Chairman Streng opened the public hearing at 7:19 p.m.

Community Development Director Schmitt noted that the request is for a site plan and special land use for 1009 S. Michigan Avenue and 117 Pulford to expand the car wash on South Michigan and to add vehicle maneuvering on the Pulford property.

Tom O’Connell, owner of both properties, reviewed some of the proposed changes and confirmed that the wall will be five feet from the property line and landscaping will be needed. Mr. Schmitt added that the proposal includes the addition of storm water management via a rain garden; the proposed addition will be located at the car wash entrance; and the property meets all standards of the Form Based Code, with the exception of the greenbelt on the eastern edge of the property, which the Planning Commission can waive. Vice-Chairperson Vukonich inquired about the elevation for the building addition and Mr. Schmitt responded that the plans include matching the

existing building. Mr. O’Connell added that he did not yet have the actual plans for the addition, but will submit them to the City when they are ready.

Mayor Proctor asked if there will be vehicular access to the business on Pulford and Mr. O’Connell responded no.

Anthony Williams, 940 Hadden, stated that he experienced 17 years of water coming into his yard from Mr. O’Connell’s business until the City fixed the road; he does not want to look at a future retaining wall and is not happy about the proposed changes; Mr. O’Connell never properly maintained the house on Pulford, and is trying to expand his car wash into a neighborhood. Chairman Streng responded that zoning was included in the City’s Master Plan; notices were sent to property owners; the Planning Commission can help protect neighboring properties by requiring landscaping, etc.; and the South Michigan Avenue District is an area in transition. Discussion followed regarding the greenbelt, road access, property drainage, and the proposed rain garden. Jason Moore, 157 Pulford, expressed concern about increasing the staging area for the car wash and that funneling more traffic through the property at a higher pace could result in more traffic and storm drain issues.

Chairman Streng closed the public hearing at 7:47 p.m.

Vice-Chairperson Vukonich asked if the changes could result in an increase in vehicular traffic on the property and why two lanes were needed – Mr. O’Connell responded that it would not increase traffic and two lanes are needed in order to relieve the current backups and to speed up cars getting to the entrance of the car wash tunnel. He also added that the property will need a directional sign; noted that the business is open seven days per week; there have been no noise complaints; and three lights will illuminate the property, with no spillover lighting.

**MOTION by Proctor, SUPPORT by Spaulding, “To approve the Site Plan and Special Land Use application (#17-18) for 1009 South Michigan and 117 Pulford, parcel id numbers 4717-36-102-030, to allow for an expansion to the existing car wash on the site, including expanded vehicle maneuvering, 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. Planning Commission waiver of the required greenbelt adjacent to the residentially zoned property in the east, with the addition of additional landscaping on the residential ground level to screen the retaining wall.**
- 3. City Council waiver of sidewalk along Pulford due to the drainage and grade issues along the south side of the street.**
- 4. There is no vehicle washing permitted on the site outside of the building.**
- 5. Vehicle sales shall not be permitted on the premises.**
- 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. All properties associated with the Howell Soft Cloth Car Wash shall be combined into one parcel.**
- 8. Applicant shall submit building elevations and floorplans prior to construction.**

**9. The operations on the site shall comply with all provisions of Article 8 of the Zoning Ordinance.”**

**MOTION CARRIED (6-0).**

Chairman Streng asked Mr. O’Connell to work with the neighboring property owners .

**#17-16 – 1211 WEST GRAND RIVER AVENUE – SITE PLAN AND SPECIAL LAND USE – HOWELL AREA FIRE SUTHORITY SIRE STATION EXPANSION**

Chairman Streng opened the public hearing at 7:56 p.m.

Community Development Director Schmitt stated that the City owns the property on which the fire station is located. The Fire Authority is proposing an addition of 6,246 square feet, as well as additional parking in the back and an expansion to the existing basin. The property is zoned R-2, as are other public buildings; the request meets all requirements; and the use is permitted subject to Special Land Use. Additional conditions for public service building include meeting all setback requirements and prohibition of outdoor storage. Although it is a well-landscaped site, staff recommends adding more trees and screening the additional parking.

Bob King, Lindhout Associates Architect, presented the drawings and plans: the addition was designed to match the current building; and there will be a new corridor link and main entry into the addition, which is smaller than the existing structure. Fire Chief Andy Pless stated that the addition has been needed for a long time; the Authority has grown to 65 employees; there are currently no women’s facilities and no formal building entrance. Mayor Proctor added that the addition will almost double the size of the main station and is necessary due to: the increase in the number of firefighters; the need for a centralized training facility that can also operate as a fire station; and the Authority’s support of surrounding communities. Commissioner Spaulding inquired about the funding for the addition and Chief Pless responded that the Authority will be paying cash.

Mary Nadeau, 310 Browning, requested verification that none of the existing trees will be removed and inquired about water retention. Patrick Cleary, Boss Engineering, responded that there is an existing retention basin for overflow; catch basins will be added; and the new parking lot will sheet flow to the east and overflow into the existing basin, which will be slightly graded to accommodate for the expansion. He also confirmed that the butternut tree and the swamp will be preserved. Lynn Gates, 316 Browning, asked if the land is protected and if there will be any impact on the wildlife residing therein. Community Development Director Schmitt responded that the wildlife area will be preserved; the proposed changes are planned for an area that has already been disturbed; and the City has no intention of developing the wetlands, which would require state permits.

Chairman Streng closed the public hearing at 8:18 p.m.

**MOTION Lobur, SUPPORT by Britten, “To approve the Site Plan and Special Land Use application (#17-16) for 1211 West Grand River Avenue, parcel id number 4717-35-100-088,**

**to allow for an expansion to the fire station and additional parking 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. Additional landscaping be provided at the southeast corner of the new parking area to further screen the parking area from the residential properties to the south.”**

**MOTION CARRIED (6-0).**

Chairman Streng suggested adding an item to the July 19, 2017 meeting agenda regarding performance bond requirements for units of government and organizations that provide essential services. He proposed requesting staff to prepare an amendment to the zoning ordinance so that units of government would be exempt from paying fees associated with building permits unless actual costs are incurred. Community Development Director Schmitt noted that under state law, building and planning departments cannot be money making enterprises; construction and escrow costs are a different method of accounting; and staff costs are not covered by building fees. He also verified that the City did not waive construction costs for the Livingston County Jail, Howell Carnegie District Library, Downtown Development Authority offices, or the City’s Waste Water Treatment Plant sludge press ; adding that schools are exempt from construction permit fees under state law. Mayor Proctor noted that he agreed with Chairman Streng and acknowledged that he recently brought up the issue at a City Council meeting; adding that charging a public entity is shifting one cost to another and requesting that staff provide City costs for building projects. Chairman Streng stated that the Commission can propose an amendment in order to provide City Council with options for waiving fees for specific entities, and suggested that the amendment be retroactive to January 1, 2017. Commissioner Spaulding agreed but expressed concern about the City waiving the fees for the fire station expansion project when other municipalities are also supported by the Fire Authority and would incur zero costs.

Mayor Proctor requested that the discussion item be added to the August 16, 2017 Planning Commission meeting agenda.

**OLD BUSINESS**

**MOTION by Lobur, SUPPORT by Proctor, “To excuse Commissioner Ambrose from the July 19, 2017 Planning Commission meeting.” MOTION CARRIED (6-0).**

**MOTION by Lobur, SUPPORT by Spaulding, “To adjourn the meeting at 8:31 p.m.” MOTION CARRIED (6-0).**

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Deanna Robson, Deputy City Clerk