

City of Howell
Planning Commission
August 17, 2016
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.

PRESENT: Mayor Nick Proctor, Robert Spaulding, Erin Britten, City Manager Shea Charles, Paul Streng, Maryanne Vukonich, Jeanette Ambrose, Community Development Director Tim Schmitt, City Attorney Dennis Perkins and Recording Secretary Deanna Robson.

ABSENT: Jan Lobur.

GUESTS: Vern and Lana Brockway, Douglas Swatosh, Fadi Kajy.

APPROVAL OF JUNE 15, 2016 MINUTES

MOTION by Proctor, SUPPORT by Vukonich, “To approve the June 15, 2016 minutes as presented.” MOTION CARRIED (7-0).

CALL TO THE PUBLIC

None.

STAFF REPORT

Timothy Schmitt, Community Development Director, provided updates in addition to his staff report, noting that the City is transitioning to a new model of service delivery in the Building Department. In house staff will be in the office three days per week, resulting in quicker responses to requests and inquiries, and consolidation of inspections. Mr. Schmitt also noted that construction on the Pepsi plant expansion is expected to begin shortly; the McPherson Park Drive construction has been completed with exception of CSX railroad crossing; and Aberrant Ales continues to pursue a viable location. Commissioner Ambrose inquired about the storage trailer parked at the property vacated by Marcy’s Dry Cleaning and recent siren testing in the City.

PUBLIC HEARING #16-020 – 401 E. GRAND RIVER – GAS STATION REHABILITATION

Community Development Director Schmitt introduced the topic by stating that the application is for the gas station on the corner of Barnard and Grand River; the facility has been closed for almost two years; the new owners acquired the property with the intention of reopening; initial plans without a complete application were submitted at the beginning of this year; and staff recently received the full application. He noted that no previous approval for the use under the current zoning had been granted. Mr. Schmitt added that minimal changes are planned; the canopy and building were previously approved; trash enclosure and parking is planned for the southwest corner of the site; landscaping will be added; and the plan generally meets the requirements for a gas station. The size of the lot is smaller than would normally be required, the building is located in the back of the lot, and the canopy exceeds the height of the building – all

of which will require Board of Zoning Appeals approval. Staff has identified no major concerns and recommends conditional approval.

Chairman Streng opened the public hearing at 7:11 p.m.

Commissioner Ambrose asked about the lighting and Community Development Director Schmitt responded that the new replacement lights are recessed and intended to keep lighting directed down onto the site. Mayor Proctor inquired about the charitable clothing bins currently located on the property. Doug Swatosh, 36510 Goddard, Romulus, MI 48174, attorney for the property owner, replied that the property owners have made the appropriate calls and the bins will be removed before the gas station opens. Fadi Kajy, owner of FPD Properties and 401 E. Grand River, residing at 761 Nissan Court, Wixom, MI 48393, confirmed and added that he has not received an exact date for their removal. Mayor Proctor questioned if this gas station is part of a wider metro Detroit fueling station conglomerate and Mr. Swatosh responded that his client is a private owner with a couple of gas stations in other cities. Mr. Schmitt confirmed that the Fire Department has reviewed the application and has no comment.

Chairman Streng closed the public hearing at 7:16 p.m.

MOTION by Proctor, SUPPORT by Ambrose, “To approve the Site Plan and Special Land Use application (#16-020) for 401 East Grand River Avenue, parcel id number 4717-36-307-043, to allow for a new gas station 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, service, or repair permitted on the site.**
- 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. The applicant shall apply for the necessary variances to address the deficiencies noted for the existing site: the minimum lot area, the canopy height, and the existing building setbacks in the front and side yards.**

MOTION CARRIED (7-0).

NEW BUSINESS

#16-021 – 945 LUCY ROAD – REGAL AUTOMOTIVE

Community Development Director Schmitt introduced the topic, noted that this issue has been discussed by the Planning Commission at length in the past, and reviewed the background regarding the Regal Auto Salvage site plan, including: illegal site expansion in 2012; Planning Commission conditional approval in 2013; variance regarding paving the main lot, but not visitor parking; 2015 incomplete plan submission and plan extension; 2016 submission of application and fees; and repeated failure of the applicant to meet deadlines, communicate with staff and provide required documentation – resulting in violations issued for non-compliance which have never been paid. Mr. Schmitt added that the current site plan meets requirements and was brought to the Commission in an effort to get the project completed. Commissioner Ambrose

inquired about parking and Mr. Schmitt responded that the site plan shows that the parking lot will be paved, noting that staff expects that the site will be built in accordance with the submitted plan. Chairman Streng stated that he asked Community Development Director Schmitt to compile a summary of the violation history and previous enforcement actions for the Commission. Mr. Streng then asked Vern Brockway, the property owner, if he would be willing to move his trailer advertising his business from its current location in Marion Township in exchange for the City waiving the violations, contingent upon approval by the Commission. Mr. Brockway readily agreed and inquired about applying for a sign permit at a future date. Commissioner Spaulding inquired about the deadline for completion of the site plan and Mr. Schmitt responded that the site plan would be valid for one year.

MOTION by Charles, SUPPORT by Ambrose, “To approve the Site Plan (#16-021) for Regal Auto at 945 Lucy Road to install the required storm water management and pave the main parking lot for visitors, subject to the following conditions:

- Any modifications to the plans shall be approved by the Livingston Country Drain Commissioner’s office prior to submittal to the City of Howell for review.
- Construction on the site shall be done according to plan and shall meet all applicable ordinance standards.
- The City will waive outstanding violation amounts in exchange for a commitment from the property owner to remove the signed trailer from Marion Township in perpetuity.”

Mayor Proctor questioned whether or not this action would set a precedent, and referred to previous discussions of the Commission. Commissioner Spaulding asked by what provision the tickets would be waived. Community Development Director Schmitt responded that because the violations are civil infractions, the City can rescind and waive the fines as necessary; and removal of the signage referenced in the motion will become a site plan issue. Discussion followed regarding fees that have been waived in other situations. Mr. Brockway stated that the sign would be removed the next day and that the site plan work would be completed soon.

MOTION CARRIED (7-0).

PARKING LOT #2 RECONSTRUCTION

Chairman Streng introduced the topic, stating that the Planning Commission should have an opportunity to review City projects and the City should be required to complete the same process as is required by other property owners within the City. He also thanked Community Development Director Schmitt for compiling the information per his request.

Mr. Schmitt stated that staff has worked with HRC and researched a variety of options. There were some budgetary restrictions preventing the current construction of a parking deck, but the City will still gain some much needed additional parking and the deck could be added at a future date. City Manager Charles noted that the project is comprised of a full reconstruction, in addition to expansion of the original lot as a result of property acquired on Center Street. Parking lot improvements include: a dumpster enclosure; burial of the remaining utilities; enhanced lighting and landscaping. There will also be a hybrid approach storm water system which will discharge through a storm sewer pipe after flowing through three natural/vegetative areas to address storm water capacity. The project should go out for bid at the end of the week; responses are due in early September; construction is planned to begin September 20th; and the project is

expected to be completed by November 15, 2016. The City is also in conversation with Kosin's Glass regarding their driveway and dumpster; and as a result there may be an addendum for a small retaining wall or enclosure at the property owner's cost, or an additional dumpster to service the business due to its specific needs.

Mayor Proctor added that by renovating the parking lot, Council intends to convey that the area has good development potential; and this improvement may also provide grant opportunities that may significantly lower costs for future parking enhancements such as a deck.

Discussion followed regarding the impact of burying the utility lines, future enhancements, utility poles on the surrounding streets, and the additional parking bay along Clinton Street.

The Commissioners agreed that future plans should be reviewed by the Planning Commission as a briefing and to solicit input in the future.

MICRO-ALCOHOL ORDINANCE

Community Development Director Schmitt introduced the topic by stating that the ordinance presented, which permits uses in the districts as outlined, was drafted based on feedback from the Commission. New definitions would be added to the ordinance code for each of the three potential categories (Brewpub, Microbrewery, and Small Wine Producer) based on the applicable State of Michigan definitions and would then be added to the commercial and industrial districts as appropriate in the code. The Brewpub/Small Wine Producer would be allowed in the commercial districts (B-1, B-2 and CBD) as a permitted use. A Microbrewery would be permitted in the I-1 district as a special land use. Parking could be based on the type of use, and potential odors are already addressed in the ordinance.

Discussion followed regarding the State of Michigan's definitions and whether or not they should be referenced in the document or actually included; requiring a Special Land Use to allow the City greater flexibility in approving requests; the differences between restaurants/bars, brewpubs and factories, and the corresponding production amounts and where the product is consumed; and different types of wines and wine production. Additional conversation ensued regarding which micro alcohol production facilities the City should approve via Special Land Use, and it was determined that applying the Special Land Use requirement to all would be the most fair and consistent approach.

PLANNING COMMISSION COMPOSITION ORDINANCE

The ordinance was introduced at the August 8th City Council meeting and proposes two changes to the Planning Commission: reduce the Commission members from nine to seven and remove the City manager as a voting member. Mayor Proctor stated that the City Attorney supports the changes; and with current staff expertise the City Manager is not needed as a voting member on the Commission. With the reduction in the size of the Commission, neither the City Manager's nor the vacant seat will be filled. Commissioner Vukonich voiced support. The Commission concurred.

HOWELL ESTATES

Community Development Director Schmitt stated that staff is pleased with the progress that has been made at the development, adding that the property manager has quickly responded to issues that have arisen. He noted that water system issues have occurred within the property's infrastructure predominantly due to the non-regulated initial installation; they are trying to replace the system within the development as testing is finished; a new modern meter has been installed so that the system can be monitored; and the property management company has capital budgeted to complete the work.

HOWELL TOWNSHIP MASTER PLAN UPDATE

Community Development Director Schmitt informed the Commission that Howell Township is required to notify, provide a copy and solicit comment from surrounding municipalities as part of the required update to their Master Plan. He asked the Commission to review the plan and forward any comments to him.

2017 PLANNING COMMISSION MEETING DATES

MOTION by Spaulding, SUPPORT by Britten, "To approve the 2017 Planning Commission meeting schedule as presented." MOTION CARRIED (7-0).

MOTION by Vukonich, SUPPORT by Britten, "To excuse Commissioner Lobur from the August 17, 2016 Planning Commission meeting." MOTION CARRIED (7-0).

Discussion commenced regarding signage on vacant business properties and lack of maintenance on some residential properties.

MOTION by Proctor, SUPPORT by Spaulding, "To adjourn the meeting at 8:48 p.m." MOTION CARRIED (7-0).

Deanna Robson, Recording Secretary