

DELHI CHARTER TOWNSHIP
PLANNING COMMISSION
JULY 28, 2008

MEMBERS PRESENT: Craig, Donaldson, Goodall, Grinnell, Hayhoe, O'Hara, Zietlow
MEMBERS ABSENT: Leaf
STAFF PRESENT: Malone, Miller, Stepp

Vice-Chairperson Craig opened the meeting at 7:00 PM

Pledge of Allegiance

Ms. Miller addressed the Planning Commission (PC) and public regarding Chairman Norman Hettinger's passing. She explained that due to the circumstances, Vice-Chairperson Craig will be conducting the meeting and assuming the chair position.

Amendments to Agenda: None

Approval of July 14, 2008 Planning Commission Meeting Minutes

Goodall moved and Zietlow supported to approve the July 14, 2008 meeting minutes as presented.

MOTION CARRIED

Public Comment (Non-Agenda Items): None

Special Use Permit No. 259, 2237 Aurelius Road, (33-25-05-15-280-001), Coffee Barrel

Ms. Miller addressed the PC and explained that the requested Special Use Permit (SUP) is for the roasting of coffee for retail sales on premises. She stated that there is an existing SUP (No. 110) on this property that is for outdoor display of vehicles and that this use will continue until the transition of Holt Auto is completed to their new location. Ms. Miller discussed the operation of the proposed business briefly. Ms. Miller stated that staff believes this will be a good reuse for this facility and that approval of this SUP is recommended.

Commissioner Grinnell stated that because the applicant is currently a vendor at the Holt Farmer's Market he will vote "present". He also voiced his support of the applicant's business operation and commented on the nice smelling aromas that are generated.

The applicant, Mr. Tim Brenner of 2237 Aurelius Road, addressed the PC.

Commissioner Donaldson inquired about deliveries to the site. Mr. Brenner stated that there will be only 1 to 2 deliveries per month, with one typically being a semi-truck.

Commissioner O'Hara asked if an additional site plan will be available. Ms. Miller replied that the one provided does comply with the requirements of the Zoning Ordinance (ZO) and therefore no further site plan will be submitted.

Commissioner O'Hara asked the applicant if retail sales will be onsite and he wondered if there are handicap parking spaces available for customers. Mr. Brenner replied that there will be sales onsite and that he is unsure if there is currently a handicap space, but he stated that certainly one will be designated.

General discussion arose regarding parking requirements and the location of specific parking.

Public Comment:

Mr. Carl J. Davis of 4526 Spahr Avenue asked what the typical time for roasting is and Mr. Brenner replied that it's between 9 AM and 5 PM but that the duration within that time frame ultimately depends on the demand. Mr. Davis asked if the applicant is purchasing the entire property and Mr. Brenner confirmed that he was.

Ms. Laura Davis of 4526 Spahr Avenue asked what the average time for the semi-truck delivery would be and Mr. Brenner replied that it will be within approximately ½ hour of their business hours which are 9 AM to 5 PM.

Donaldson moved, Goodall supported to recommend to the Township Board approval of SUP 08-259 that would permit a processing establishment to allow the roasting of coffee for retail sales from the premises at 2237 Aurelius Road (33-35-05-15-280-001) in the C-2 district with the following condition pursuant to Section 5.10.4 (2). The Planning Commission has reviewed the "Basis for Determination for Granting a Special Use Permit" and has found that the general and specific standards outlined in Sections 8.1.3 have been satisfied and that those findings are accurately reflected and fully incorporated into this motion and the official meeting minutes and the document titled "Basis for Determination for SUP 08-259 Processing Coffee" dated July 21, 2008 is hereby adopted.

- 1. If ready to eat food or coffee by the cup is added to the product line, a monitoring manhole and grease interceptor must be installed on the sanitary sewer line between the building and the road prior to the commencement of such sales.**

Discussion: None

ROLL CALL VOTE:

Aye: Craig, Donaldson, Goodall, Hayhoe, O'Hara, Zietlow
Present: Grinnell
Absent: Leaf
Nay: None

MOTION CARRIED

Special Use Permit No. 260, 2237 Aurelius Road, (33-25-05-15-280-001), Auto Tech

Ms. Miller addressed the PC and explained that this SUP request is a result of an enforcement action. She discussed the use of the tenant's space as being the servicing and repair of motor vehicles. She

emphasized that body work will not be permitted. She explained that at this time the applicant does not anticipate the need for outdoor storage of vehicles however, staff recommends adding a condition to allow for and recognize that potential as the business grows. Ms. Miller summarized the other suggested conditions highlighting that all waste is removed by a licensed hauler in accordance with state and federal laws, that the doors facing Aurelius Road will be required to remain closed except during warm weather when the doors are allowed to remain open 18 inches for ventilation and that the floor drains in the vehicle maintenance area must have an oil sand separator installed no later than 30 days after approval of the SUP.

Commissioner Donaldson wondered if the condition suggested was intended to allow outdoor overnight storage or only outdoor storage during operational hours. Ms. Miller explained that it is expected vehicles will be stored overnight due to the nature of the use and that this is consistent with the other auto repair facilities in the commercial area.

The applicant's representative, Mr. Martin Washburne General Manager of the Holt Auto Tech location, addressed the PC.

Commissioner Craig asked the applicant what the hours of operation were and Mr. Washburne replied that they are Monday through Friday 8 AM to 6 PM and Saturday 8 AM to 4 PM.

Commissioner O'Hara inquired about the waste removal process and Mr. Washburn explained that they have a state licensed hauler which is scheduled to pick-up special containers every two weeks.

Commissioner Grinnell wondered if there are multiple locations that Auto Tech runs and Mr. Washburn confirmed that there are. Commissioner Grinnell asked how the applicant can assure the PC that the conditions of the SUP will be fulfilled since the Zoning Ordinance regulations have already been disregarded by the business owner. Mr. Washburne stated that he unfortunately cannot speak for the owner of their company but because he is the Manager of this site, he takes on the day to day responsibility.

Public Comment

Mr. Carl J. Davis of 4526 Spahr Avenue explained that he has attended previous public meetings such as this and has been told specific things which have not been followed through with. He provided the examples of the promise of curb and gutter to protect against runoff as well as the guarantee that an outdoor announcement system would not be used. Mr. Davis expressed his concern that even if conditions are recommended and the Special Use Permit is granted that enforcement of the conditions and permit will not be done. He stated that from past experience, it seems there are not teeth to the requirements and he wanted to know specifically what the ramifications will be if they do not follow through with what is being discussed as well as who he should speak with if violations occur.

Ms. Miller stated the once a SUP is issued the ZO requires compliance of the permit and conditions. If the site does not remain in compliance it becomes a code enforcement violation and there are several steps that could be taken such as to issue a civil infraction ticket, order of abatement or ultimately revoking the SUP. If revocation of the SUP occurs the previously permitted business operation could not continue at said location. Ms. Miller continued that the Township Board is ultimately responsible for the revocation of a SUP and if however, Community Development Staff

recommends revoking said permit and the Board does not agree, all violations will still be enforced until compliance is obtained. Ms. Miller stated that she did not believe that the installation of the curb and gutter that Mr. Davis was referring to was a condition of SUP 110 so therefore was not subject to enforcement action.

Mr. Davis stated that he was concerned about noise that may be generated and in his past experience the Sheriff's office has not been responsive to the ordinance violations. He asked what further measures he could take and Ms. Miller replied that the Sheriff's office is the enforcement agency and perhaps speaking with a person that is higher up may help.

Commissioner Goodall suggested adding the condition that an external announcement system as well as working on vehicles outdoors is not permitted.

The applicant, Mr. Washburne, addressed Mr. Davis' concerns and stated that many of the company's policies protect neighbors, especially in regards to waste disposal. He explained that the waste from the auto repair that they undertake is less toxic than what has been used on site previously and additionally everything is fully contained. He continued that in accordance with existing company policy no air tools or major repair will be done outside. He also stated that the existing announcement system has already been disassembled in places.

Ms. Laura Davis of 4526 Spahr Avenue wondered what happens if the vehicles stored outside begin to leak. Mr. Washburne replied that most vehicles will not be stored very long and in extreme cases 2 or 3 days at most. He also stated that any vehicles with potential leaks will be stored inside and that the potential for non-running vehicles to leak is less likely than those parked at the typical convenience store.

Goodall moved and Donaldson supported to amend the motion to be as follows; To recommend to the Township Board approval of SUP 08-260 that would permit the Servicing and Repair of motor Vehicles at 2237 Aurelius Road (33-35-05-15-280-001) in the C-2 district with the listed conditions below pursuant to Section 5.10.4 (1). The Planning Commission has reviewed the "Basis for Determination for Granting a Special Use Permit" and has found that the general and specific standards outlined in Sections 8.1.3 have been satisfied and that those findings are accurately reflected and fully incorporated into this motion and the official meeting minutes and the document titled "Basis for Determination for SUP 08-260 Servicing and Repair of Motor Vehicles" dated July 21, 2008 is hereby adopted.

- 1. Auto body work is not permitted on the site.**
- 2. All waste fluids are to be removed from the site by a Michigan licensed waste hauler.**
- 3. Overhead doors facing Aurelius Road are to remain closed except when vehicles are entering and exiting and during warm weather when the doors may be left open 18".**
- 4. Vehicles in the process of being repaired are to be parked within a fully enclosed building or within the fenced area in the rear of the building not to be visible to adjacent residential properties or the road right-of-way and no more than 15 vehicles are to be stored at any one time. Catch Pans must be placed under any vehicles being stored outside that may leak.**
- 5. The floor drain(s) in the vehicle maintenance area must have an oil sand separator installed no later than 30 days after the approval of the this SUP.**
- 6. Use of an external announcement system is not permitted onsite.**
- 7. Work on vehicles outside of the building is not permitted at any time.**

Discussion

There was general discussion about the outdoor vehicles and the numbers permitted at any one time.

ROLL CALL VOTE:

Aye: Craig, Donaldson, Goodall, Grinnell, Hayhoe, O'Hara, Zietlow
Absent: Leaf
Nay: None

MOTION CARRIED

McDonalds Final Site Plan Approval, 2400 Cedar Street, (33-25-05-15-202-040)

Ms. Miller explained the proposed site development and construction schedule. She noted that the barrier free parking space layout is different from what the PC has preferred in the past. Ms. Miller stated that the site plan meets all the requirements of the ZO and that all other agencies have submitted their approvals for this site plan.

In depth discussion regarding barrier free parking space location arose. Commissioner Donaldson stated the he felt the proposed layout was not the shortest or most direct route as stipulated by state law. Discussion regarding crossing the drive area and allowance for close parking for individuals without handicap parking permits arose.

The applicant, Mr. Iggy Pipitone representing McDonalds's, addressed the PC and explained their reasoning for the barrier free parking space layout.

Hayhoe moved, Grinnell supported, to approve the Final Site Plan submitted by McDonalds Corporation for the construction of a new McDonalds at 2400 Cedar Street (33-25-05-15-202-040) based on meeting the Zoning Ordinance requirements for Site Plan Review pursuant to Section 3.3 for a drive through restaurant in the C-3 zoning district.

Discussion

Commissioner Donaldson said that he would like to see condition to require all barrier free parking adjacent to the building.

MOTION CARRIED

Meeting adjourned at 8:52pm

Respectfully Submitted,

Michael Goodall
Secretary