

NORTHFIELD TOWNSHIP PLANNING COMMISSION Minutes of Regular Meeting July 2, 2014

1. CALL TO ORDER

The meeting was called to order by Chair Marlene Chockley at 7:00 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL AND DETERMINATION OF QUORUM

Roll call:

Janet Chick	Absent with notice
Marlene Chockley	Present
Brad Cousino	Present
Andrea Darden	Present
Kenneth Dignan	Absent with notice
Sam Iaquinto	Present
Larry Roman	Absent with notice

Also present:

Planning Consultant Douglas Lewan,
Carlisle/Wortman Associates
Township Manager Howard Fink
Members of the Community

4. APPROVAL OF AGENDA

Chockley removed discussion of the Mixed Use South District from the agenda due to three Commissioners being absent.

- ▶ **Motion:** Iaquinto moved, Darden supported, that the agenda be adopted as amended.
Motion carried 4—0 on a voice vote.

5. FIRST CALL TO THE PUBLIC

Sunoco Station; Six Mile Road. Tim Seville, 7705 Whitmore Lake Road, said two signs had been placed on this property indicating a request for the property would be on this agenda, but the signs have now been removed. Lewan and Chockley said they were not aware of any proposal for that property. Seville said the gas tanks are now exposed because the caps have been removed from the concrete slabs. He said the property is not being taken care of and he hopes that is taken into consideration if a request comes before the Commission.

Iaquinto said this sounds like a safety hazard. Seville said the tanks have probably been damaged due to water getting into the tank cavities and going through the freeze/thaw process. Fink said he will look into this.

6. CORRESPONDENCE

Chockley reported that only correspondence related to the Nowatzke application had been received.

7. REPORTS

7A. Board of Trustees

No report.

7B. ZBA

No meeting has been held since the last Planning Commission meeting.

7C. Staff Report

Nothing to report.

7D. Planning Consultant

Lewan said a joint meeting of the Planning Commission with the Township Board is proposed for July 16th, with the topic of discussion being the proposed change to the master plan requested by Biltmore Development.

8. PUBLIC HEARINGS

- 8A. **Case #JPC140003; Nowatzke Truck & Trailer; Location: 6900 Whitmore Lake Road; Request for Conditional Use Permit for a convenience store and gasoline/diesel fueling station. Parcel 02-20-300-036; zoned GC.**

- ▶ **Motion:** Iaquinto moved, Darden supported, that the public hearing be opened.
Motion carried 4—0 on a voice vote.

Dale Brewer, 11548 East Shore Drive, noted he had provided information to the Commission, including photos, and added:

- he believes the following are missing from this application:
 - Section 63.04H requires a written letter of zoning conformity from the Zoning Administrator
 - 63.05B requires that a sign giving notice of this request be posted on the property,
 - 63.07B states that the business sign needs to be maintained and be in harmony with adjoining properties, and the sign here looks worse than others nearby,
 - Under 63.07E a traffic study should be required prior to consideration of the CUP, rather than during site plan approval as recommended in the planner's report.
- The site consists of five separate buildings totaling more than 24,000 sq. ft.
- Sales on the site of "Bad Boy Buggies" is not consistent with the primary use of truck and trailer sales and service.

- There are 4-5 signs already on this 7.28 acre property, including 1 on the Tractor Supply site.
- There are several trucks or trailers in the greenbelt area which are larger than medium duty trucks, which was the limit in his previously-approved CUP.
- There are at least 25 trailers on the site, and probably more like 45.
- Debris is carelessly stored around the perimeter of the property, including old gasoline tanks.
- There is a large 2,000 gallon above-ground storage tank with a new pump on it containing an unknown substance and there is no containment for it which is in violation of state and federal laws.
- Trailers are wrapped in display signage for a variety of products, and one of them has a Maine license plate so is not paying Michigan taxes.
- Four conditional uses are being requested—diesel pumps, gas pumps, convenience store, and light auto repair—for this property which already has at least three uses on it.
- Prior CUPs were granted in 1977, 1982, and 1994, and since then at least two fuel stations have been constructed in this immediate area which sell both gas and diesel, and there are several other stations in the area selling both gas and diesel.

Craig Warburton said he has lived at 450 W. Joy Road for 23 years. He said this proposal is in compliance with what the applicant has done for years, and it fits with other things that have been approved for the area.

John Healey, TPW Whitmore Lake LLC, 10100 Waterville Street, Whitehouse, Ohio, said TPW is the developer and owner of the Tractor Supply store next to the subject site. He said they purchased their property from this applicant, and it appears that this application follows the same development proposal and traffic patterns outlined in their application seven years ago. He urged the Commission to approve this request.

Dale Brewer added:

- This will be a 1-1.5 million project, which will require a lot of traffic to pay for the investment.
- There are significant road and bridge problems, and problems with turning ratios, including one turn from the highway in excess of 135 degrees.
- There is no indication that the owner of the subject site, Colt V LLC, has given permission for this proposal.
- The Commission should delay action on this application until all of the required information is supplied or until 2016 when the US-23 interchanges are redone.

He objected to the time for public comments being limited.

9. OLD BUSINESS

9A. Mixed Use South District; Discussion of Uses.

Removed from the agenda.

10. NEW BUSINESS

10A. Case #JPC140003; Nowatzke Truck & Trailer; Location: 6900 Whitmore Lake Road; Request for Conditional Use Permit for a convenience store and gasoline/diesel fueling station. Parcel 02-20-300-036; zoned GC.

Lewan explained that the applicant is asking for permission to construct a new convenience store building with six gasoline and six diesel pumps and canopies. He noted that the Planning Commission only makes recommendations on Conditional Use Permits (CUPs); the final approval or denial is made by the Township Board.

He said the applicant has provided information that:

- in 1997 they started selling diesel fuel,
- a 1982 CUP granted permission for gasoline sales, although much lower amounts than is now being requested.
- in 1994 a convenience store and sale of diesel fuel were approved for the site, but the store was not built.

He explained the primary purpose of this hearing is to determine if the proposed uses are appropriate, and if that is agreed to, site plan review will consider the details. He said the site currently consists of truck and trailer repair and storage, and he asked if any of that business will be cut back. He noted overnight truck and trailer parking are not allowed on this site, so the only vehicles which may be on-site overnight are those that are for sale.

Regarding compatibility with neighboring uses, Lewan said there is a wide variety of commercial and industrial uses including retail, farm market, and industrial. He said the master plan calls for an MU-Mixed Use designation for this site and properties to the south. He read the description of the MU district and said automotive services are a conditional use, so the proposal is compatible with the master plan.

Lewan said traffic impact—which the Washtenaw County Road Commission (WCRC) will comment on that in the future—is the most serious issue, and his report recommends submittal of a traffic study at the site plan review state, but he agrees with Brewer that it may be more appropriate to require that now. He added that information about the size of the proposed building was not clear, site circulation needs to be clarified, and information about utility services needs to be provided.

Lewan referred to the seven standards listed in Article 63 and said the applicant must provide information about:

- Hours of operation of the convenience store and gas station.
- Whether liquor will be sold on site.
- Whether trucks are to be stored on site.

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- Types of materials to be stored on site for the service station.
- Underground storage tank specifications.

He added that action on this application may be postponed by the Commission to allow additional information to be submitted. He also said he had assumed a letter of conformance from the Zoning Administrator had been submitted and that could be a condition of approval, but the requirement for posting of a sign is an ordinance requirement, so approval cannot be granted without that.

Iaquinto questioned whether the applicant was aware of the sign requirement and questioned whether the Township should have informed them. Lewan said it is a clearly stated requirement in the zoning ordinance.

John Damrath, project engineer, and Tom Nowatzke appeared. Nowatzke said:

- When he moved into the property in 1995 all of the current signs were there.
- He has one building.
- The convenience store will go inside the existing building. It will be 2200 sq. ft.
- A letter was submitted stating no alcohol would be sold.
- He will be discontinuing sales of Bad Boy Buggies after the current ones are sold.
- Material from his former operation in Detroit was moved to this site and will be removed within 90 days.
- They are asking for continuation of previously approved CUPs on the site and the addition of diesel fuel pumps.
- He eliminated the three diesel fuel tanks and four underground storage tanks and got certification that it was done properly.

Damrath said he does not see any obstacles in the staff recommendation that cannot be overcome. He said they will be installing a 25,000 gallon tank for gasoline and a 30,000 gallon tank for diesel. He said it is important for Nowatzke to have a decision or consensus on this now so his plans can move forward. Regarding the well on the site, he said it is 300 feet from the proposed fuel tanks, so it will not need to be relocated. He added that the drive shown on the plan was installed last year with approval from the WCRC Commission and the dashed lines on the plan show the previous location.

Nowatzke said 9-10 letters in support of this proposal have been submitted from businesses in this area.

Chockley said her biggest concern is traffic, and she questioned how many trucks per day would be going in and out of the site. Darden noted that Whitmore Lake Road gets a lot more traffic when US-23 backs up, and she asked if the applicant had considered how that would affect the site. Damrath said that is something the traffic study will address, but it is the uses that are under consideration right now. He noted there are already CUPs in existence for this site. Iaquinto said the

applicant is asking for an expansion of the existing uses, which why this application is necessary.

Chockley noted the Commission cannot approve this request now because the property was not properly posted with a sign as required by the ordinance. Nowatzke said no one told him that was necessary and his original hearing date was postponed from June 18th due to a lack of quorum. Fink confirmed the signage is a zoning ordinance requirement, so the property must be posted, the application fee paid again, and another public hearing held.

Iaquinto said he is in favor of a traffic study being submitted with the CUP, and if that is the consensus of the Commission the applicant should be told now so he can be prepared before the public hearing in August. Chockley noted that the letters of support do not have to be resubmitted.

Nowatzke said it is not written anywhere that he has to read the zoning ordinance and no one told him the requirements in it for a sign, so he should not have to pay the application fee again. Fink said the Township Board is the only entity that can waive fees.

Chockley said the site looks more like a junkyard than a service station with all of the trucks scattered around the site, and the ordinance now requires screening from US-23. Nowatzke said the business next store has piles of mulch visible from US-23, so he questioned why the Commission should be concerned about the appearance of his site, but added it will be cleaned up.

In answer to a question, Lewan said if a CUP is granted but never acted upon that approval expires. Nowatzke asked if he can restore the diesel pumps to this site that were previously approved and installed, but then later removed. Lewan said that might be allowed.

Cousino said the plan submitted is not clear. Nowatzke answered his questions, including stating that the building size will not change.

It was noted that the applicant paid the \$100 bond that would be returned when the required signs notifying the public of this application were removed, so that would seem to indicate he knew of this requirement. Nowatzke said he was not aware of the details of the fees he was paying.

► **Motion:** Chockley moved, Iaquinto supported, that based upon the information received from the applicant, Nowatzke Truck & Trailer, Inc., 6900 Whitmore Lake Road, Whitmore Lake, MI 48189 concerning Parcel Number B-02-20-300-036, and reflected in the minutes of this meeting, the Planning Commission postpones the Conditional Use request to allow the applicant to respond to the comments discussed tonight by the Planning Commission, including the following:

1. To post a sign in accordance with the zoning ordinance.

2. To obtain a traffic study.
3. To provide a letter of authorization for Mr. Nowatzke to represent Colt V LLC, the owner of the subject property.
4. To address the items enumerated in the planning consultant's report dated May 5, 2014,
5. To address the items enumerated in the township engineer's report dated June 16, 2014,

Iaquinto said it is the applicant's responsibility to know the ordinance requirements, but said for the benefit of the Commission a system should be implemented to insure that legal requirements have been met prior to hearings. Fink directed Nowatzke to Township staff who can give him the pertinent information about the sign requirements.

Mr. Healey with Tractor Supply again said he may be able to attend the August meeting and speak in support of Mr. Nowatzke's application, so he confirmed that at the time of the approval of Tractor Supply's site plan easements for cross traffic between the two sites were arranged and agreed upon and Nowatzke has documentation for that.

Motion carried 4—0 on a roll call vote.

11. MINUTES

June 4, 2014, Regular Meeting

Chockley made four minor corrections.

- ▶ **Motion:** Darden moved, Iaquinto supported, that the minutes of the June 4, 2014, regular meeting be approved as corrected, and to dispense with the reading. **Motion carried 4—0 on a voice vote.**

12. POLICY REVIEW & DISCUSSION

None.

13. COMMENTS FROM THE COMMISSIONERS

Iaquinto, Darden, and Chockley wished everyone a safe and joyous Fourth of July weekend.

Prepared by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows:

Wording removed is ~~stricken through~~;

Wording added is underlined.

Adopted on August 6, 2014.

14. SECOND CALL TO THE PUBLIC

Nowatzke CUP Application. Dale Brewer said the Department of Environmental Quality or the Environmental Protection Agency should be notified to inspect the above-ground storage tank on the Nowatzke site because there is no containment. He also said in addition to the Washtenaw County Road Commission the Michigan Department of Transportation should be notified to comment on traffic.

Biltmore Proposal. Craig Warburton said a letter from Kyle Warburton about the Biltmore project was in the packet for the canceled June 18th meeting, but it was not included in this packet. Chockley said she does have his letter and would like to talk to him about that after the meeting.

Warburton said he is profoundly behind the master plan as written, and said the use of sewers should be discouraged in areas not currently served.

Sound System. Warburton said added that the sound system in the meeting room is terrible, Commissioners mumble, and it is difficult to distinguish between what is commentary and what is germane to the matter at hand.

15. ANNOUNCEMENT OF NEXT MEETING

July 16, 2014, at 7:00 P.M. at the Public Safety Building was announced as the next regular Commission meeting time and location.

16. ADJOURNMENT

- ▶ **Motion:** Iaquinto moved, Darden supported, that the meeting be adjourned.
Motion carried 4—0 on a voice vote.

The meeting was adjourned at 8:25 P.M.

Marlene Chockley, Chair

Kenneth Dignan, Secretary