

FRENCHTOWN CHARTER TOWNSHIP
PLANNING COMMISSION MEETING
July 20, 2017

The meeting was called to order at 7:00pm

Roll call: Hedwig Kaufman Steve Hyder Ignazio Cuccia
Robert Thoma Paul Thoma Dennis Staelgraeve

Excused: Hillary Schmitz

Also present: Mark Mathe, Mannik & Smith Group, Township Engineer Representative
Chris D. Khorey, McKenna Associates, Township Planning Consultant
Kerry Bondy, Petrangelo & Bondy, Frenchtown Township Attorney
James Jacobs, James Jacobs Architects PLLC, Proposed Tractor and Power Equipment
Jeff Geftos, Proposed Tractor and Power Equipment Sales
Melissa Borden, Proposed Animal Rescue Facility
Nasser Choucair/N.C. Designers, Proposed Gas Station
Jennifer Janney, Harmon Sign/Jefferson School

42 Interested persons

A quorum being present, Chairman Ignazio Cuccia called the meeting to order at 7:01 p.m. This meeting was held under the Open Meetings Act.

Motion

Moved By: Dennis Staelgraeve Supported By: Robert Thoma

A motion was made to appoint Mr. Paul Thoma as acting secretary for the duration of this meeting.

MUC

Item No. 1 Agenda Approval.

Motion

Moved By: Hedwig Kaufman Supported By: Dennis Staelgraeve

A motion was made to approve the agenda as presented.

MUC

Item No.2 Minutes of June 15, 2017.

Motion

Moved By: Hedwig Kaufman Supported By: Dennis Staelgraeve

A motion was made to approve the minutes for the June 15, 2017 meeting as presented.

MUC

Item No 3 Sign Waiver Request- Proposed Electronic Message Center Monument Sign for Jefferson Schools- Allen Industries, Harmon Sign Division- Parcel ID# 532-026-00, located at 5102 N. Stony Creek in an AG Agricultural District.

Moved By: Dennis Staelgraeve

Supported By: Paul Thoma

A motion was made to accept and place on file the following correspondence:

- Angela Dunn, Administrative Assistant, Jefferson Middle School, July 17, 2017
- Chris D. Khorey, McKenna Associates, Sign Waiver Review, July 5, 2017

Motion

Moved By: Dennis Staelgraeve

Supported By: Paul Thoma

Jennifer Janney, Harmon Signs representative for Jefferson Schools, proposed electronic message center monument sign, approached and presented.

Chris Khorey, McKenna Associates presented his review document, Sign Waiver, July 5, 2017 to the Commission.

Commission discussed review documents and representatives comments. Hours of use, sign brightness, effect on neighboring homes if any and appropriateness of this type of sign in an agriculturally zoned district where among the items discussed.

No further discussion.

Motion

Moved By: Dennis Staelgraeve

Supported By: Steve Hyder

A motion was made to open the hearing to the Public for comments.

MUC

Chairman Cuccia asked if there were any comments from the public at 7:17pm.

One concerned citizen stood to voice her support of the sign.

No further comments.

Motion

Moved By: Dennis Staelgareve

Supported By: Robert Thoma

A motion was made to close the public hearing at 7:19 pm.

Commission discussed the programming of messages, lighting and the brick base for the proposed sign.

Applicant addressed questions.

No further discussion or comments.

Motion

Moved By: Dennis Staelgareve

Supported By: Robert Thoma

A motion was made to approve the Electronic Message Center Monument Sign with the recommended conditions as stated in the Township Planner's and Engineer's reviews and to also include that the applicant must submit a photometric plan, that the existing brick base be repaired back to original condition and the sign shall be placed on a timing schedule to dim in the evenings including specifically between 11:00 p.m. and 6:00 a.m. to the lowest level possible.

Roll Call: Cuccia- yes, Staelgraeve-yes, Hyder-yes, P. Thoma-yes, Kaufman-no, R. Thoma -yes

MC

5-Yes votes, 1 -No votes

Item No. 4 Public Hearing- Special Use- Proposed Tractor and Power Equipment Sales Facility/ Sell's Equipment- James Jacobs Architects/Jeff Geftos- Parcel ID# 079-008-00, located at 2708 N Telegraph Road in an LM Light Manufacturing zoning district.

Motion

Moved By: Paul Thoma

Supported By: Dennis Staelgraeve

A motion was made to accept and place on file the following correspondence:

- Chris D. Khorey, McKenna Associates, July 20, 2017
- Mark Mathe, Mannik & Smith Group of Michigan, dated July 13, 2017
- Josh, Maddox, Frenchtown Fire Department, dated July 14, 2017
- Submittal Documents
- Legal Notice, Monroe Evening News, July 3, 2017

MUC

Acting Secretary Paul Thoma read the legal notice published in the Monroe Evening News on July 3, 2017, Public Hearing- Special Use- Proposed Tractor and Power Equipment Sales Facility/ Sell's Equipment- James Jacobs Architects/Jeff Geftos- Parcel ID# 079-008-00, located at 2708 N Telegraph Road in an LM Light Manufacturing zoning district to which twenty two property owners were notified.

James Jacobs approached and presented on behalf of the applicant, Jeff Geftos, regarding the proposed tractor and power equipment sales facility.

Christopher Khorey presented review documents from McKenna Associates, dated July 20, 2017.

Mr. Khorey clarified the Use Classification for the Special Use. Mr. Khorey stated that based on the current Zoning Ordinance the applicant will require one variance from Section 18.03.5 (b) to operate at this location in order for the proposed special use to be granted by the Planning Commission

Mr. Jacobs and Mr. Geftos addressed comments. Applicant stated he has already applied to the Zoning Board of Appeals for the required variance and the matter will be heard on the August 9th meeting.

Commission discussed.

Mark Mathe presented to the Commission, the review document of Mannik & Smith Group of Michigan, dated July 13 2017. Mr. Mathe stated that there was no objection to the Planning Commission granting Special Use subject to the comments as set forth in his review.

Mr. Jacobs and Mr. Jeff Geftos addressed comments from the Engineer's report.

Commission discussed further.

Motion

Moved By: Hedwig Kaufman

Supported By: Dennis Staelgraeve

A motion was made to open the Public Hearing.

MUC

Chairman Cuccia asked if there were any comments from the public at 7:42 pm.

There were no comments from the public.

Motion

Moved By: Dennis Staelgraeve

Supported By: Robert Thoma

A motion was made to close the public hearing at 7:43pm.

MUC

No further discussion.

Motion

Moved By: Robert Thoma

Supported By: Dennis Staelgraeve

A motion was made to recommend approval of the Special Use for the Proposed Tractor and Power Equipment Sales Facility with conditions as set forth in the Township Planner's and Engineer's reports. This approval specifically includes conditions 1, 3 and 4 of the Planner's report which provides that all service and repair activities must take place indoors and is subject to approval of a variance from Section 18.03.5(b) by the ZBA or the Special Use will be void. The Planning Commission recommends favorably to the Zoning Board of Appeals that a variance for the driveway of less than 100 feet.

Roll Call: Cuccia- yes, Staelgraeve-yes, Hyder-yes, P. Thoma-yes, Kaufman-yes, R. Thoma -yes

MUC

6-Yes votes, 0 -No votes

Item No. 5 Site Plan Review- Proposed Tractor and Power Equipment Sales Facility/ Sell's Equipment- James Jacobs Architects/Jeff Geftos- Parcel ID# 079-008-00, located at 2708 N Telegraph Road in an LM Light Manufacturing zoning district.

Motion

Moved By: Paul Thoma

Supported By: Robert Thoma

A motion was made to accept and place on file the following correspondence:

- Chris D. Khorey, McKenna Associates, dated July 12, 2017
- Mark Mathe, Mannik & Smith Group of Michigan, dated July 13, 2017
- Submittal Documents

MUC

James Jacobs remained standing to present on behalf of the applicant, Jeff Geftos, Site Plan review, for the proposed Sell's Equipment. Mr. Jacobs stated that lighting plans have been amended to be compliant with the current ordinance.

Christopher Khorey presented review documents McKenna Associates, dated July 12, 2017.

Mr. Khorey discussed key points from his review, such as the bumper blocks, parking, landscaping, ingress and egress, inventory storage, suggested changes to the landscaping and the necessity of the applicant applying to the Zoning Board of appeals for any variance that would be required for the proposed special use if granted today by the commission.

Commission discussed Mr. Khorey's recommendations.

Mr. Jacobs stated that bumper blocks will not be used and stated that the requested changes to the landscaping would be made.

Mr. Khorey asked that item # 2 from his review document regarding his recommendation be removed and Item # 8 to be added regarding all other required agency approvals shall be obtained. Mr. Khorey was not opposed to the Planning Commission granting Tentative Site plan approval as long as conditions were met from his review document.

Commission discussed.

Mark Mathe presented to the Commission, the review document of Mannik & Smith Group of Michigan, dated July 13 2017. Mr. Mathe commented on items from his report such as the topographic survey being unnecessary, existing drainage being sufficient, parking, traffic flow and specific items from the site plan that require labeling and further details. The Township Engineer had no objections to the Tentative and Final site plan approval provided the applicant addresses comments as listed in his review documents.

Commission discussed.

Applicant Jeff Geftos and Mr. James Jacobs addressed questions regarding incoming shipments and storage.

Chairman Cuccia asked if there were any comments from the public.

No comments from the public.

On behalf of the Applicant, Mr. Jacobs requested that the Commission consider granting both Tentative and Final Site Plan approval this evening based on applicant's compliance with terms as outlined in the Engineer's and Planner's reviews.

No further discussion.

Motion

Moved By: Hedwig Kaufman

Supported By: Robert Thoma

A motion was made to grant Tentative and Final Site Plan approval with the condition that the applicant comply with all of the items of the Planner and Engineer's reports being addressed including but not limited to #1, #3, #4, #5, #6 and # 8 from the Planner's review. The applicant is also permitted an average light level of 2.9 foot candles instead of the standard 3.6 for the site.

No further discussion.

Roll Call: Cuccia- yes, Staelgraeve-yes, Hyder-yes, P. Thoma-yes, Kaufman-yes, R. Thoma -yes

MUC

6-Yes votes, 0 -No votes

Item No. 6 Public Hearing-Special Use- Proposed Animal Rescue Operation and Associated Fundraising Events- Devoted Barn/Melissa Borden- Parcel ID# 018-510-00, located at 6227 N Dixie in an AG Agricultural District.

Motion

Moved By: Paul Thoma

Supported By: Dennis Staelgraeve

A motion was made to place on file the following correspondence:

- Chris D. Khorey, McKenna Associates, dated June 7, 2017
- Barry Buschmann, Mannik & Smith Group of Michigan, dated July 13, 2017
- Submittal Documents
- Josh Maddox, Frenchtown Fire Department, July 14, 2017
- Legal Notice, Monroe Evening News, July 3, 2017
- Chris D. Khorey, McKenna Associates, Memo dated July 20, 2017

- Letters from concerned citizens, 9 against, 1 for

Acting Secretary Paul Thoma read the legal notice published in the Monroe Evening News on July 3, 2017, Public Hearing, Special Use, Proposed Animal Rescue Operation and Associated Fundraising Events, Devoted Barn/Melissa Borden of which seventeen property owners were notified.

Melissa Borden approached and presented for the Animal Rescue Organization, Special Use request located at 6227 N. Dixie Hwy.

Christopher Khorey presented his review document, McKenna Associates, dated July 20, 2017.

Mr. Khorey indicated that he could not provide a firm recommendation on the Special Use request due to the lack of information in the applicant's submittal documents. Mr. Khorey read a list that contained some of the questions that need to be addressed by the applicant with written documentation in order for this matter to be considered.

Ms. Borden commented on some of the questions as listed from the review document July 20, 2017 as presented to her.

Commission members questioned the applicant regarding matters related to the operations of the Devoted Barn Animal Rescue facility.

Commission discussed lack of information and appropriate legal approvals required in order to consider the Special Use.

Ms. Borden addressed questions verbally.

Commission discussed and voiced some of the concerns for the Special Use.

Commission discussed further and asked Ms. Borden to elaborate on some of the procedures and operations of the Devoted Barn.

Mrs. Kaufman questioned the applicant and the lack of response and follow thru regarding the violation letters received from the Township in 2014, 2015 and 2016 for the operation of an animal rescue facility without the required approvals.

Ms. Borden stated that a volunteer had been handling the issue and she was not aware the volunteer had not followed thru or completed what was required.

Mark Mathe presented to the Commission, the review document, Mannik & Smith Group of Michigan, dated July 13, 2017. The Engineer's report reviewed criteria as to how it can be adequately served by public services and facilities and its effect on the natural environment. The information as presented should also be considered supplemental to the Township Planner's reports.

Commission discussed the Engineer's comments as presented. Waste disposal such as Manure was discussed.

Attorney Bondy was consulted on conditions for the Special Use.

Mr. Cuccia presented Frenchtown Fire Department review document dated July 14, 2017, International Fire Code (IFC) 2015, NFPA 150 Standard on Fire & Life Safety in Animal Housing Facilities stating concerns and lack of required information.

Motion

Moved By: Dennis Staelgraeve

Supported By: Hedwig Kaufman

A motion was made to open the Public Hearing at 8:48 pm.

MUC

Chairman Cuccia asked if there were any comments from the public.

3 citizens stood and spoke in support of Devoted Barn.

2 citizens stood and spoke in disapproval of the Devoted Barn.

1 citizen stood and voiced neither opposition nor approval of the Devoted Barn, but made a suggestion that a liaison or overseers might be appointed to make sure things are being done correctly.

Ms. Borden commented with regard to some of the citizens comments.

Motion

Moved: Robert Thoma

Supported By: Dennis Staelgraeve

A motion was made to place on file documents, both those in favor and those against as presented by the concerned individuals.

MUC

Mr. Khorey, Township Planner and Attorney Bondy addressed questions regarding which regulating body would have jurisdiction over an animal rescue facility and in what order matters would be addressed.

Commission discussed materials and comments as presented.

Melisa Borden addressed further questions and comments.

No further comments from the public.

Commission discussed.

Motion

Moved By: Paul Thoma

Supported By: Steven Hyder

A motion was made to close the public hearing at 9:36 pm.

MUC

Commission discussed further.

Mr. Hyder asked for clarification from Melisa Borden on the IRS records and the actual name of the organization.

Ms. Borden addressed the question.

Motion

Moved By: Steven Hyder

Supported By: Dennis Staelgraeve

A motion was made to table the Special Use Approval application until the applicant submits a revised site plan, and written responses addressing the questions presented in the Township Planner’s, Engineer’s and Fire Department reports with supporting documentation to be presented to the Planning Commission regarding the outstanding issues raised.

Roll Call: Cuccia- yes, Staelgraeve-yes, Hyder-yes, P. Thoma-yes, Kaufman-yes, R. Thoma -yes

MUC

6-Yes votes, 0 -No votes

Mr. Khorey made a suggestion that as a part of the process the Planning Commission might assign a subcommittee with less than a quorum of members and staff consultants that would review the applicant’s future submittal documents as it pertains to the Township Planner, Engineer and Fire Departments reports. Due to the overwhelming amount of information pending in order for the Commission to be able to make an informed decision on the proposed Special Use a subcommittee would help move the process in a more timely and efficient manner.

Motion

Moved By: Steven Hyder

Supported By: Paul Thoma

A motion was made to assign a subcommittee for the Proposed Animal Rescue Operation and Associated Fundraising Events.

Roll Call: Cuccia- no, Staelgraeve-yes, Hyder-yes, P. Thoma-yes, Kaufman-yes, R. Thoma -yes

MC

5-Yes votes, 1 -No votes

Chairman Cuccia requested a 5 minute break for the Commission at 9:47 p.m. before continuing.

The Commission excused the Township Attorney for the evening.

Item No. 7 Public Hearing-Special Use- Proposed Gas Station- Nasser Choucair/N.C. Designers & Contracting- Parcel ID# 009-036-00, located at 7051 N. Telegraph Road in a C-3 Commercial zoning district.

Motion

Moved By: Paul Thoma

Supported By: Dennis Staelgraeve

A motion was made to accept and place on file the following correspondence:

- Chris D. Khorey, McKenna Associates, July 10, 2017
- Mark Mathe, Mannik & Smith Group of Michigan, dated July 13, 2017
- Submittal Documents
- Legal Notice, Monroe Evening News, Legal Notice published July 3, 2017
- Letter, concerned citizen opposed to the gas station.

MUC

Acting Secretary Paul Thoma read the legal notice published in the Monroe Evening News on July 3, 2017, Public Hearing, Special Use, Proposed Gas Station- Nasser Choucair/N.C. Designers & Contracting- Parcel ID# 009-036-00, located at 7051 N. Telegraph Road in a C-3 Commercial zoning district to which 16 property owners were notified.

Nasser Choucair approached and presented on behalf of the applicant for the proposed gas station.

Christopher Khorey presented his review document McKenna Associates, dated July 10, 2017. Mr. Khorey reviewed several concerns including the location as it pertains to the requirements of the Township Ordinance. A Special Use was recommended as long as the applicant could address items from his review and any required variances be obtained due to the location of the facility and its proximity to the existing Fire Station.

Commission members discussed review comments as presented. The reasons for the location requirements near a fire station of the existing Township Zoning Ordinance were questioned.

The Commission discussed reviewing this issue further during a regularly scheduled Zoning Ordinance Committee revision meeting.

Mr. Choucair addressed questions regarding the proposed gas station.

Commission discussed.

No further discussion.

Mark Mathe presented to the Commission, the review document, Mannik & Smith Group of Michigan, dated July 13, 2017. Mr. Mathe mentioned the issues with the approach and configuration of the site. As this is a redevelopment of an existing commercial use there were no major concerns expressed. The Township Engineer had no issues with the Planning Commission granting approval subject to the comments as set forth in his report document.

Commission discussed.

Motion

Moved By: Steven Hyder

Supported By: Dennis Staelgraeve

A motion was made to open the Public Hearing.

MUC

Chairman Cuccia asked if there were any comments from the public at 9:59 pm.

It was noted that one letter was submitted from a citizen opposed to the gas station.

No further public comments.

Motion

Moved By: Dennis Staelgraeve

Supported By: Steven Hyder

A motion was made to close the public hearing at 10:00 pm.

MUC

No further discussion.

Motion

Moved By: Dennis Staelgraeve

Supported By: Steven Hyder

A motion was made to grant the Special Use approval with the condition that the applicant comply with the Township Planner's and Engineer's review along with the condition that the applicant must obtain the required variance. The Planning Commission also recommends to the Zoning Board of Appeals that the required variance be considered for approval in this matter.

Roll Call: Cuccia- yes, Staelgraeve-yes, Hyder-yes, P. Thoma-yes, Kaufman-yes, R. Thoma -yes

MUC

6-Yes votes, 0 -No votes

Item No. 8 Public Hearing- Frenchtown Charter Township Master Plan- Review Comments and Recommendations to the Township Board.

- Memorandum, Master Plan Public Hearing, Chris D. Khorey, McKenna Associates, July 5, 2017

Mr. Khorey presented his Memorandum, July 20, Master Plan Public Hearing to the Commission.

Planning Commission members discussed as presented.

Future development on the Nike park site and the expansion of the sewer and water system to accommodate growth was discussed.

Discussion continued.

Corrections were made to the wording on page 45 second paragraph from the bottom, also to page 46 third paragraph, page 47 second paragraph, Page 48 second paragraph from the bottom of the draft Master Plan.

Motion

Moved By: Steven Hyder

Supported By: Robert Thoma

A motion was made to recommend approval to the Township Board of the Frenchtown Charter Township Master Plan with revisions to the wording on pages 46, 47, and 48 as noted.

Roll Call: Cuccia- yes, Staelgraeve-yes, Hyder-yes, P. Thoma-yes, Kaufman-no, R. Thoma -yes

MC

5-Yes votes, 1 -No votes

After further discussion it was noted that the Commission failed to open the public hearing.

Motion

Moved By: Dennis Staelgraeve

Supported By: Steven Hyder

A motion was made to open the public hearing on the proposed Master Plan.

MUC

No members of the public were present for comment.

Motion

Moved By: Dennis Staelgraeve

Supported By: Steven Hyder

A motion was made to close the public hearing.

MUC

Motion

Moved By: Steven Hyder

Supported By: Robert Thoma

A motion was made to rescind the motion regarding the Master Plan approval as made prior to the public hearing.

Roll Call: Cuccia- yes, Staelgraeve-yes, Hyder-yes, P. Thoma-yes, Kaufman-yes, R. Thoma -yes

MUC

6-Yes votes, 0 -No votes

Motion

Moved By: Steven Hyder

Supported By: Robert Thoma

A motion was made to recommend approval to the Township Board of the Frenchtown Charter Township Master Plan with revisions to the wording on pages 46, 47, and 48 as noted.

Roll Call: Cuccia- yes, Staelgraeve-yes, Hyder-yes, P. Thoma-yes, Kaufman-no, R. Thoma -yes

MC

5-Yes votes, 1 -No votes

Item No. 9 Administrative Reviews Update/Chairperson

- ZBA: Howard & Kathy LeCompte regarding Parcel # 008-032-20 which is located at 768 Steiner Road Newport, MI 48166 for an 8' x 20' roof assembly to existing garage. Approval was granted.
- Mini Committee: No meetings to discuss.

Item No. 10 Old Business.

- No new business.

Item No.11 New Business.

- Subcommittee, Special Use Devoted Barn Animal Rescue:

Commission discussed the details of the subcommittee.

Paul Thoma, Steven Hyder and Hedwig Kaufman volunteered to be on the subcommittee for the Devoted Barn Animal Rescue Special Use review.

Item No. 12 Adjournment.

Motion

Moved By: Dennis Staelgraeve

Supported By: Steve Hyder

A motion was made to adjourn the meeting at 10:38 p.m.

MUC