

CHARTER TOWNSHIP OF HARRISON
HARRISON TOWNSHIP, MICHIGAN 48045
PLANNING COMMISSION MINUTES
THURSDAY, JULY 19, 2007 – 7:00 P.M.
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A regular meeting of the Harrison Township Planning Commission was held on **Thursday, July 19, 2007 at 7:00 PM** in Rosso Memorial Hall located at 38255 L'Anse Creuse, Harrison Township, Michigan 48045.

A. CALL MEETING TO ORDER:

Vice-Chairman Swiatkowski called the meeting to order at 7:05 p.m.

B. ROLL CALL:

PRESENT: Members Mark Bacha, Douglas McDougal, Michael Rice, John Swiatkowski and Chairman Lawrence Tomenello

ABSENT: Member Maria Zingas - Excused

ALSO PRESENT: Rosemary Davis - Township Attorney
Patrick Meagher -Township Planner
David Nummer – Township Engineer
Cynthia Chambos – Recording Secretary

C. APPROVAL OF AGENDA:

Chairman Tomenello noted that there were two (2) changes on the Agenda for the evening.

(1) River Bay Condominiums - Village Building is requesting to be tabled due to the fact that they are still addressing issues from the Planner and Engineer.

(2) Harbor Club North Phase II – Paul Jankowski, is requesting to be tabled indefinitely due to economic difficulties.

Chairman Tomenello stated that if there were any interested parties here tonight for either of these cases that they would not have to stay for the entire meeting as these cases would be tabled.

Chairman Tomenello then requested a motion for Agenda approval as recommended.

Motion by Member Swiatkowski supported by Member McDougal to approve the Agenda as presented.

<u>Roll Call Vote:</u>	Member Swiatkowski	Yes
	Member McDougal	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member Rice	Yes
	Chairman Tomenello	Yes

Motion Carried.

D. (1) APPROVAL OF MINUTES: May 17, 2007

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Motion by Member Rice supported by Member Swiatkowski to approve the minutes from May 17, 2007 as amended.

<u>Roll Call Vote:</u>	Member Rice	Yes
	Member Swiatkowski	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member McDougal	Yes
	Chairman Tomenello	Yes

Motion Carried.

D. (2) APPROVAL OF MINUTES: June 21, 2007

Motion by Member McDougal supported by Member Rice to approve the minutes from June 21, 2007 as amended.

<u>Roll Call Vote:</u>	Member McDougal	Yes
	Member Rice	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member Swiatkowski	Yes
	Chairman Tomenello	Yes

Motion Carried.

E. HEARINGS AND REVIEWS:

- 1) Case #13-07-SGN: Sign Review – Intercity Neon, John Morrison
P.O. Box 3762, Centerline, MI 48015
Property in Question: Boater's World
38989 Jefferson, Harrison Twp, MI 48045
Proposed Wall Mounted Sign with Internal Lighting

Rosemary Davis, Township Attorney, stated there is a conflict of interest with the petitioner, as her office is a representative for Intercity Neon and any legal questions that would arise would have to be deferred out.

Chairman Tomenello recognized Rosemary's notation and so noted it for the record.

Mr. John Morrison was present and gave a brief presentation on the sign project for Boater's World.

A discussion ensued between the members relative to sign sizes and any changes to sign size, resurfaces to signs and changes of fonts.

Motion by Member McDougal supported by Member Rice to approve Case #13-07-SGN, Sign Review, Intercity Neon, P.O. Box 3762, Centerline, MI 48015, Property in Question, Boater's World – 38989 Jefferson, Harrison Twp, MI 48045, Proposed Wall Mounted Sign with Internal Lighting, subject to the following:

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- 1) **Approve the sign on the face of the building only for Boater's World store – specifically noting that the Commission is not addressing the pedestal sign, out front of their building, because all the correct and necessary permits have been issued by the Building Department.**
- 2) **Mr. Patrick Meagher, Planner, was requested to review the Ordinance and provide to the Building Official the specific citations and the Ordinance that would draw that kind of sign change to meet Planning Commission review.**

James Senstock – 31698 San Juan – speaking as a resident: Mr. Senstock had questions regarding the Township's Ordinance regarding the size of proposed signs and the size of the sign being proposed by Boater's World.

Mr. John Morrison stated that the pole sign is regulation and they are asking for ninety-six point nine (96.9) square feet on the wall – we're allowed one-hundred (100) square feet. Mr. Morrison went on to explain how his company reached this square footage, with the help of Patrick Meagher, Community Planner.

The Commission then went into discussion with Patrick Meagher, Community Planner, relative to the way the square footage was reached and it was found that the applicant was correct in his calculations.

Chairman Tomenello then asked the Commission if there were any public comments or discussion on this case and hearing none asked for a motion.

<u>Roll Call Vote:</u>	Member McDougal	Yes
	Member Rice	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member Swiatkowski	Yes
	Chairman Tomenello	Yes

Motion Carried.

- 2) **Case #15-07 APPEAR: Appearance Review – William G. Struhar
41459 Gloca Mora, Harrison Twp, MI 48045
Appearance Review for Proposed Boat Hoist and Cover
Property #1260-0016-00, Sidwell #12-16-230-009**

Member McDougal and Member Rice both stated that they have a conflict of interest with this case as they are both affiliated with the Homeowners Association in which this petitioner lives.

Chairman Tomenello recognized both members association with the case and so noted it for the record and did not feel that it would cause any problems with their voting decisions.

Mr. William Struhar was present and gave a brief overview of his proposed project, materials and warranties to the Commission for their review.

Member Rice noted the unique design and how less evasive it is than any others that have been before them in the past.

Member McDougal also noted the same remarks.

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Motion by Member Bacha supported Member Swiatkowski to approve Case #15-07 APPEAR – Appearance for Review – William G. Struhar, 41459 Gloca Mora, Harrison Twp, MI 48045, Appearance Review for Proposed Boat Hoist and Cover – Property #1260-0016-00, Sidwell #12-16-230-009, as presented.

Member McDougal noted that the Commission had received correspondence from the Community Planner that this project was approved by Patrick Meagher.

<u>Roll Call Vote:</u>	Member Bacha	Yes
	Member Swiatkowski	Yes
	Member Fowke	Yes
	Member McDougal	Yes
	Member Rice	Yes
	Chairman Tomenello	Yes

Motion Carried.

- 3) **Case #16-07 APPEAR:** **Appearance Review – AHEPA 371 Apartments 26700/26800 Crocker, Harrison Twp, MI 48045 Appearance Review for Proposed Fence Installation on Both Sides of the Property Property #0960-0070-00. Sidwell #12-30-129-007**

Natalie Bochet, Property Manager and John Hatzis, Vice President, Board of Directors. Both members gave a brief discussion regarding the proposed fencing on both sides of the property.

A brief discussion ensued by members of the Commission and the petitioner's relative to the fence on the North side of the property. It was noted by Natalie that the property will be surveyed. Also, AHEPA will be working in conjunction with Metro Towers to alleviate any potential future landscape disasters. Basically, they will be asking for the parking blocks at Metro Towers to be moved so that no trucks or autos will overhang onto AHEPA property and damage the new fence.

Chairman Tomenello asked if there was any public comment and hearing none asked for a motion.

Motion by Member McDougal supported By Member Fowke to approve Case #16-07 APPEAR Appearance Review – AHEPA 371 Apartments - 26700 Crocker, Harrison Twp, MI 48045 – Appearance Review for Proposed Fence Installation on both Sides of the Property - Property #0960-0070-00. Sidwell #12-30-129-007, subject to the following:

- (1) **The fence will be located on the southeasterly and northwesterly sides of the property.**
- (2) **This is to be an aluminum decorative fence – six (6) feet in height.**
- (3) **A notation: (A) The fence on the northwesterly side needs to be located two (2) feet off the property line and (B) A proper survey needs to be presented as part of the application process for a permit that demonstrates that the fence is to be located two (2) feet off the property line and still be properly off the curb of their driveway.**

Chairman Tomenello asked if there was any discussion on the motion.

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Member Rice had questions regarding snow which the applicant reported was more Metro Towers snow than AHEPA's. Member Rice suggested that before any money was spent on this project that AHEPA get something in writing from Metro Towers that states they will take responsibility for any damages that may occur; otherwise, it could cause trouble in the future.

Chairman Tomenello asked if there were any more questions and hearing none asked for a roll call.

<u>Roll Call Vote:</u>	Member McDougal	Yes
	Member Fowke	Yes
	Member Bacha	Yes
	Member Rice	Yes
	Member Swiatkowski	Yes
	Chairman Tomenello	Yes

Motion Carried.

- 4) **Case #17-07 APPEAR:** **Appearance Review – Gloucester on the Clinton
29939 South River Road, Harrison Twp, MI 48045
Appearance Review for Proposed Landscape/Sidewalk/
Curbing/Patio/Dumpster Enclosure
Property #0730-0001-00, Sidwell #12-15-301-010**

Chairman Tomenello requested Patrick Meagher, Township Planner, give the Commission some insight into this applicant's request.

Patrick Meagher, Planner, gave an overview of the applicant's site and the changes that have been taking place. What Patrick would like to see tonight is the case to be tabled until the applicant can come in and meet with the Tech Team, get some information from the applicant and to give the applicant some direction as to what he should be doing correctly, in order to proceed with this project.

A lengthy discussion ensued among the Commission members relative to the flurry of activity that has been going on at the site and the issues related to items that have been added, constructed, with or without permits or permission, fire department issues, dumpster needing to be moved, cement being poured and the many inconsistencies that are viewed as problems.

Member McDougal has two (2) crucial notes to make.

- 1) As he understands the Ordinance, a property like this cannot be used for business purposes until a Certificate of Occupancy is secured. He is concerned about a boat that is docked out there.
- 2) The Planning Commission, Zoning Board of Appeals, Trustees and Mr. Meagher have worked long and hard with existing marina owners and others in this community to encourage them to renovate and upgrade their businesses in this Township and Mr. Bowen is destroying this relationship with the way he is conducting this operation.

Another discussion ensued among the Commissioners relative to stop work orders, permits and other vital information obtained from the Building Department.

Member Rice would like to see the entire operation brought to an immediate stop and that a full site plan be submitted like any other person who is proposing any major work to be done.

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Patrick Meagher, Planner, addressed a question from Member Bacha relative to site plans. Mr. Meagher would like to see Mr. Bowen submit a full site plan.

Chairman Tomenello addressed the Commission as to the fact that they can table this decision until a full site plan submission is received. They do not have to send it back to the Tech Team first. He really feels that if they table this case, require a full site plan submission, and order a "Stop Work Order" on the property immediately, it will cease having work continue on the property.

Patrick Meagher, Planner, confirmed this procedure.

Member Rice asked for Counsel's recommendation on this process.

Rosemary Davis concluded that anything the Commission wants to recommend should be made in the form of a motion and recommended to the Building Department to place an immediate "Stop Work Order" on this property.

Member McDougal would like to direct Member Rice, on behalf of the Planning Commission, to bring this issue to the Township Board and request an immediate cease on all work being done on this property.

A short discussion ensued between Commission members relative to what recommendations they would be making tonight.

Chairman Tomenello asked if there was any other discussion from the Commission and hearing none asked if anyone had public comments on this issue.

Jim Senstock – 31698 San Juan: Speaking as a citizen. He was out at the sight today and was appalled at what he had seen - Every spot taken for boats, not enough parking, buildings up, cement being poured and other items. Mr. Senstock then spoke with the Building Official and questioned whether or not permits were pulled. The Building Official told him that some permits were pulled but not for everything that Mr. Bowen has been doing. He was waiting for direction from the Planning Commission. He went on to add some other comments regarding the stop work order and recommendation of a full site plan submission.

Chairman Tomenello then asked if there were any other public comments and hearing none, brought the issue back to the Commission for a motion.

Motion by Member McDougal supported by Member Bacha to table Case #17-07-APPEAR – Appearance Review – Gloucester on the Clinton, 29939 South River Rd., Harrison Twp, MI; Appearance Review for Proposed Landscape/Sidewalk/Curbing/Patio/Dumpster Enclosure, Property #0730-0001-00, Sidwell #12-15-301-01, until such time a full site plan is submitted for review by this Commission.

<u>Roll Call Vote:</u>	Member McDougal	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member Rice	Yes
	Member Swiatkowski	Yes
	Chairman Tomenello	Yes

Motion Carried.

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Motion by Member McDougal supported by Member Rice to suggest to the Building Official the following:

- 1) That he place a stop work order, “formally”, on this project.
- 2) That he obtain all information that he can regarding licenses of any contractor who are required to pull permits, who are currently working out there, without permits, with a notation that certainly there is electrical, there is cement contracting, there’s been building of a building structure out there, there’s been plumbing work done out there, all of those items to be covered. Some of this may have already been permitted, but certainly not all of it.
- 3) Recommend that our liaison to the Township Board, Mr. Rice, take the issue of the owner of the property, actually using the property in his business, relative to the boat with the MC number that he cited earlier, a private vessel being docked there.
- 4) Take all this to the Township Board for consideration as to whether some enforcement should be done on that end in Circuit Court.

<u>Roll Call Vote:</u>	Member McDougal	Yes
	Member Rice	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member Swiatkowski	Yes
	Chairman Tomenello	Yes

Motion Carried.

F. PUBLIC HEARINGS:

- 5) Case #08-07-SLU: Site Plan and Special Land Use – FTV Mount Clemens -
35526 Jefferson Avenue, LLC
Proposed Clark Gas Station and Convenience Store,
35526 Jefferson Avenue, Harrison Twp, MI 48045
Lot #86, 87 and 88 of Lake St. Clair Land Company
Subdivision (Zoned B-3)
Property #0480-0068-00. Sidwell #11-36-229-005

Rosemary Davis, Township Attorney, stated there is a conflict of interest with the petitioner, as her office is a representative for Intercity Neon and any legal questions that would arise would have to be deferred out.

Chairman Tomenello recognized Rosemary’s notation and so noted it for the record.

Chester Stempien, Architect for the case was available to address the project. Presently there is on the site a very small and outdated service station. In order to be competitive in these times, the applicant is proposing to put up a service station/convenience store combo. Applicant is trying to, overall, improve that corner. Mr. Stempien had art drawings of what the end project would look like. It was noted that a variance was granted by the Zoning Board of Appeals. The footprint of the area is not changing other than the new building would be a bit larger than the former building.

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Chairman Tomenello questioned Patrick Meagher, Planner, as to whether this was a site plan review or special land use review and hearing, and Patrick responded that it was never brought to the Planning Commission as of yet because he had the applicant go before the Zoning Board of Appeals to ask for his variance first. The project is not changing the land use only upgrading what was there to begin with. So, with this information, Chairman Tomenello stated that they will proceed with this as a special land use review and hearing as per Patrick Meagher's comments.

Member Bacha questioned Patrick Meagher, Planner, on his planning review of June 26, 2007, and the latest date on the plans he received on July 7, 2007, of which Cynthia did not have any of the Commissioner's. The original plans he reviewed from were June 26, 2007. David Nummer, Engineer, also did not have the updated plans.

A lengthy discussion ensued among the members regarding the project itself, driveway accommodations, parking issues, the amount of traffic, the ingress/egress, turning areas, and other small issues such as hours of operation (7 am – 12 am). This will not be a 24-Hour Convenience store. There are several issues that have not been corrected from the Engineer, Planner, and Fire Chief.

Chairman Tomenello then asked if there were any additional comments from the Commission and hearing none addressed the audience if there was any public comment on this particular issue.

Bill Bogen – 25895 Campau Lane. Voiced his opinion on the wall. He feels that a six (6) foot wall is not high enough. It really is not adequate enough to keep the lights and noise from bothering the home (s) on the other side of it.

Chairman Tomenello asked if there was any other public comment and hearing none brought the discussion back to the Commission.

Chairman Tomenello and the rest of the Commission then had a short discussion on the options before them and what they would like to include in their motion.

Member Rice voiced his concerns regarding the plans not being signed and sealed as noticed by David Nummer, Engineer. This makes it difficult to know which set is the proper set of plans that are considered legitimate to the Commission.

Member McDougal had concerns relative to the detention basin. Where is it? Where would it go? As per David Nummer, Engineer, detention basin has been recommended and recognized.

Motion by Member Swiatkowski supported by Member Rice to table Case #08-07-SLU: Site Plan and Special Land Use – FTV Mount Clemens - 35526 Jefferson Avenue, LLC, Proposed Clark Gas Station and Convenience Store, 35526 Jefferson Avenue, Harrison Twp, MI 48045, Lot #86, 87 and 88 of Lake St. Clair Land Company, Subdivision (Zoned B-3), Property #0480-0068-00. Sidwell #11-36-229-005, date specific to the September 20, 2007 Planning Commission meeting, subject to the following recommendations:

- 1) To allow the petitioner to comply with the five (5) items listed by Community Planning & Management and the four (4) items listed by the Engineer's comments.**
- 2) To make improvements to the pavement on the side street, LaMour, from Jefferson to the existing asphalt – the East lot line of the property. This will be left up to the Engineer to address.**

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3) All plans are to be signed and sealed.

Chairman Tomenello asked if there was any discussion on the motion.

Member Rice voiced his approval on this project and felt it would be a definite improvement to that corner and that part of the community as well.

Chairman Tomenello voiced his approval also stating that this would greatly improve that part of the community.

Member Bacha is concerned about the street being able to handle the load of trucks. Will the concrete support the trucks and not tear up the street.

David Nummer, Engineer, stated that they would be working closely with the Road Commission and would leave it up to the Road Commission and their recommendations.

Chairman Tomenello then asked if there was any other discussion on the case and hearing none asked for a roll call.

<u>Roll Call Vote:</u>	Member Swiatkowski	Yes
	Member Rice	Yes
	Member Bacha	No
	Member Fowke	Yes
	Member McDougal	Yes
	Chairman Tomenello	Yes

Ayes: 5, Nays: 1 Motion Carried.

- 6) Case #09-07-SLU: Site Plan and Special Land Use – C.V.S. Pharmacy at Mariner’s Point, 25990 Crocker, Harrison Twp, MI, 48045, Proposed Retail Drug Store with Drive-Through Window 35990 Crocker Blvd, Harrison Twp, MI (Zoned B-2) Property #0960-0067-05, Sidwell #11-24-479-006.**

Chairman Tomenello explained to the audience that this will be a public hearing and he will open it up for discussion after a brief presentation of the project by the petitioner.

Alene Chernick, petitioner, was present to address her proposed project – a Special Land Use for a proposed new free-standing C.V.S. building at the Mariner’s Point Shopping Center. In addition, she is coming back for reconsideration of the building materials of which the building will be constructed with. She had site plans and color elevations and also, included with this package, an explanation and illustrations of

her concerns with what the Planning Commission wanted done prior to at the May 19, 2007 meeting where the Gino’s Restaurant was given approval for split-faced block, and then in a complete reversal, the Planning Commission, discriminated against us and told us we could not use the similar materials to build this building.

Chairman Tomenello then asked for a motion to open this up to a public hearing.

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Motion by Member Swiatkowski supported by Member Rice to open this up for a public hearing.

<u>Roll Call Vote:</u>	Member Swiatkowski	Yes
	Member Rice	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member McDougal	Yes
	Chairman Tomenello	Yes

Motion Carried.

Chairman Tomenello then recited a few regulations relative to the public hearing and the comments from the public. Comments will be restricted to three (3) minutes per person. Also, please try not to be too redundant with your comments.

Bill Bogen – 25895 Campau Lane. Mr. Bogen voiced his concerns regarding the privacy wall in his back yard. He lives directly behind the wall where the new building is proposed to be. He did some investigating on his own regarding the headlights on trucks and vans and definitely a six (6) foot wall is not high enough to block that kind of direct lighting at night. Mr. Bogen had pictures that he dispersed to the members that

depicted the type of light that would be coming into his backyard at night. Although he knows a ten (10) foot wall is ridiculous, and would love an eight (8) foot wall, a six (6) foot wall is inadequate. His other concern is the dumpster against the wall. Mr. Bogen would like the members to look at his concerns relative to these issues.

Paul Chirco – 25925 Campau. Mr. Bogen is his father-in-law. Mr. Chirco addressed the fact that the wall drops down a good foot and then goes back up as it gets further down towards Metro Parkway.

Chairman Tomenello asked if there were any further public comments and hearing none addressed the concerns he heard with regards to the height of the wall. The Ordinance calls for six (6) foot walls and then brought the issue back to the petitioner and asked if a wall height of eight (8) foot could be considered.

Alene Chernick, petitioner, stated that she would be willing to work with the residents and would be willing to work with the Building Department and determine what type of materials that could be used to shield and address this situation.

A discussion then ensued among the members relative to the wall issue, lighting issues, parking, the dumpster issue, and other minor issues.

Jim Senstock – 31698 San Juan – speaking as a resident. Voiced his concerns regarding the issue of the “brick or better” He made note of the fact that Ms. Chernick has not yet given any reason as to why she wants the split-faced block over the brick. He would like her to address this issue.

Alene Chernick addressed Mr. Senstock’s issues. She went on to explain how she brought this issue up at the May 19, 2007 Planning Commission meeting and had even shown different samples of the colors and textures of the brick and what the façade would look like with the split-faced block. She also explained that she had done her homework and was able to give examples of how this was proven to be better than brick.

Ms. Chernick went on to state that the rest of the shopping center is already built with the split-faced block on it so why can’t the new building have it? The site overall should look harmonious with all the buildings.

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She went on to give examples as to the problems that can arise with the usage and maintenance of brick and not split-faced block.

Jim Senstock – 31698 San Juan – speaking as a resident. Voiced his concerns relative to the petitioner's ability to work with the residents. If she fails to work with the residents, the Commission has the right to disapprove the petitioner's request.

Ms. Chernick stated that she is more than willing to work with the residents and address their concerns.

Chairman Tomenello read into the records a piece of correspondence received from Ann Schmidt, 26265 Campau Lane, relative to the proposed C.V.S. Pharmacy.

Chairman Tomenello asked if there were any further comments and hearing none brought it back to the Commission for a motion to close the public hearing.

Motion by Member Rice supported by Member McDougal to close the public hearing for Case #09-07-SLU, C.V.S. Pharmacy at Mariner's Point.

<u>Roll Call Vote:</u>	Member Rice	Yes
	Member McDougal	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member Swiatkowski	Yes
	Chairman Tomenello	Yes

Motion Carried.

Chairman Tomenello then brought the discussion back to the Commission for discussion.

Member Bacha had questions for Patrick Meagher, Planner, relative to the site plan, building materials, and the special land use.

Patrick Meagher, Planner, addressed the issues relative to Member Bacha's questions relative to the special land use/site plan and building materials.

Chairman Tomenello stated that this is an unusual situation and inquired from Patrick Meagher, Planner, as to whether the Commission can invoke the three-quarter (3/4) rule in this situation.

Patrick Meagher, Planner, stated that the Commission certainly can use the three-quarter (3/4) rule if indeed the Commission felt it necessary to do so, especially since this issue had already been in front of the Commission once before.

Chairman Tomenello inquired as to whether it had to be invoked at tonight's meeting and Patrick Meagher, Planner, stated that it indeed should be used.

Member Swiatkowski reminded the Commission that "better" does not exist in the Ordinance language. It is what is approved by the Commission that matters. It doesn't matter if it's "brick or better", it's what the Commission approves.

Member Rice voiced his concerns relative to the fact that the development doesn't meet the standards of the C.V.S. at Moravian and Garfield and other buildings that are brick. He went on to voice his concerns on

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a few other issues already discussed earlier regarding Gino's Surf. He also referred to the fact that the proposed development would have two (2) front yards.

Ms. Chernick went on to show the members where the split-faced block would be located on the building and the colors that would be used, and where the colors would be located. It would be constructed of burnished block near the bottom of the building and up to a certain level and then the split-faced block would continue up to the top.

Member Bacha offered support of his experience with the material. Structurally the product is equal to a clay masonry product of brick, the maintainability is equal to brick material, and durability is equal to a brick material. The only thing you get into a conversation on is the architectural intent, and he believes that is not what is referenced within the Ordinance itself. This comes from his own experience of twenty-five (25) years in the business. He has certainly found this to be an acceptable material. The product which is the actual material on the building, interestingly enough, is a burnished scored block, which from a distance actually looks like it's a brick material. Because of the scoring that is on the block, it reduces the size of what you perceive it to be, to be a smaller product. Member Bacha personally went and looked at the material on the shopping center

Member Rice had concerns regarding the lighter color on the building and the height of the building and how the reflection from the headlights at night would be greater and bother the residents at night, especially if you're driving an SUV or truck.

A discussion ensued between members relative to the color, height, and lights from trucks.

Ms. Chernick addressed the color issue and also the height of the building – it's actually not as tall as the Sears Hardware building.

Chairman Tomenello then addressed the Commission relative to the height of the wall, which material to allow and just how to address these issues.

Rosemary Davis, Township Attorney, addressed the Commission relative to the fact that this is an entirely new application in front of them. It is not really, necessarily, a motion to reconsider your prior decision; it is a special land use along with a site plan approval. And, Ms. Chernick is proposing split-faced block. It can all be made in one motion. It is not a motion to reconsider.

Patrick Meagher stated that it started out that way at one time because it was not properly noticed as a Special Land Use. At this point, it can just be treated as a new motion.

A discussion ensued relative to the construction of the precasted wall behind the building and the limits that would be deemed necessary to construct such a wall including how far the wall should be extended.

Chairman Tomenello asked if there were any other questions or any other discussion on these issues and hearing none asked for a motion.

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Motion by Member Bacha supported by Member Swiatkowski to invoke the three-quarter (3/4) rule.

<u>Roll Call Vote:</u>	Member Bacha	Yes
	Member Swiatkowski	Yes
	Member Fowke	Yes
	Member McDougal	Yes
	Member Rice	Yes
	Chairman Tomenello	Yes

Motion Carried.

Motion by Member McDougal supported by Member Rice to approve Case #09-07-SLU - Site Plan and Special Land Use – C.V.S. Pharmacy at Mariner’s Point, 25990 Crocker, Harrison Twp, MI, 48045, Proposed Retail Drug Store with Drive-Through Window, 35990 Crocker Blvd, Harrison Twp, MI (Zoned B-2), Property #0960-0067-05, Sidwell #11-24-479-006, as it complies with our Ordinance Article 13, Section 13.02, Special Land Use Review Requirement Standards:

- 1) The proposed use shall be of such location, size and character that it will be in Harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the zoning district in which it is to be located.
- 2) The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing pedestrian-vehicle interfaces in residential districts.
- 3) The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be clearly irritating to the occupants of any other nearby uses permitted, whether by reason of dust, noise, fumes, vibration, smoke or lights.
- 4) The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- 5) The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the township.
- 6) The proposed use is necessary for the public convenience at the proposed location.
- 7) The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.

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- 8) The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

The following caveats will also be addressed. (Referring back to the Planning Commission meeting Minutes of May 17, 2007).

- 1) The parking issue needs to be addressed with regards to the alignment of parking spaces over on the McDonald's side of your parking lot as it was agreed to earlier. (It was noted by Ms Chernick that this issue had already been addressed of which Member McDougal did acknowledge.)
- 2) The lighting issue, in terms of shielding the neighbors, was resolved by the F. Matthew Ray presentation, of today, and addresses this issue.
- 3) The bike rack has been added to the plan and the issue addressed and resolved.
- 4) The Planners Review and comments have all been addressed including the changes in the building materials to be used.
- 5) At this time, the applicant's request for reconsideration of the changes in the building materials will be addressed. Member McDougal stated the Commission is in agreement that the materials being presented, the split-faced and burnished block material, are the appropriate materials for this building to be built of.
- 6) The Engineer's Review of July 17, 2007, which has a roof-drain issue, needs to be addressed as part of the Engineering process.
- 7) The screening wall at the rear shall be erected so that it is made of the identical materials to the existing wall, and the identical construction methods, that it shall be eight (8) feet tall, and that it shall extend, in the eight (8) foot height, from the extreme westerly property line of the residential property located at the west end, behind the wall, easterly/southeasterly, as you please, to include and cover six (6) parking places, easterly/southeasterly of the fire hydrant that is approximately straight behind the westerly corner of the Curves store.

<u>Roll Call Vote:</u>	Member McDougal	Yes
	Member Rice	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member Swiatkowski	Yes
	Chairman Tomenello	Yes

Motion Carried.

At this time, Chairman Tomenello asked for a motion, to extend the meeting, for a period of time, since the meeting has run past 10:00 pm.

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Member McDougal supported by Member Rice to extend the meeting by twenty (20) minutes, until 10:30 pm.

Ayes: 5, Nays: 0 Motion Carried.

- 7) Case #23-06-SLU: Site Plan and Special Land Use – River Bay Condominiums, Village Building South Proposed 32 Unit cluster Residential Housing Development, South of Emerick, East of Jefferson, Between Metro Parkway and South River Road. A vacant parcel of land in the Township, part of Private Claims 238 and 319, Described as Lots 150-156, 225-230, 273-289, 258-374, and 410-426 of Riverside Bay Gardens Subdivision, (Zoned R-1-D), (Tabled Date Specific from the May 17, 2007 Planning Commission Meeting.)

Chairman Tomenello reiterated the fact that a letter was received from the petitioner requesting an extension of time (30 days) to address the Planner's and Engineer's review comments.

Motion by Member Swiatkowski supported by Member Bacha to table Case #23-06-SLU - Site Plan and Special Land Use – River Bay Condominiums, Village Building South, Proposed 32 Unit cluster Residential Housing Development, South of Emerick, East of Jefferson, Between Metro Parkway and South River Road. A vacant parcel of land in the Township, part of Private Claims 238 and 319, Described as Lots 150-156, 225-230, 273-289, 258-374, and 410-426 of Riverside Bay Gardens Subdivision, (Zoned R-1-D), (Tabled Date Specific from the May 17, 2007 Planning Commission Meeting.), date specific to the October 18, 2007 Planning Commission Meeting.

<u>Roll Call Vote:</u>	Member Swiatkowski	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member McDougal	Yes
	Member Rice	Yes
	Chairman Tomenello	Yes

Motion Carried.

G. UNFINISHED BUSINESS:

- 8) Case #05-05-S: Updated Site Plan Review – Harbor Club North Phase II, Paul Jankowski, 37500 Jefferson, Harrison Twp, MI Property #0001-0061-22, Sidwell #12-29-203-001 (Zoned HMR) (Tabled Date Specific from the May 17, 2007 Planning Committee Meeting)

Chairman Tomenello reiterated his comment, from the beginning of the meeting, relating to a letter received July 18, 2007, from the applicant requesting this case be rescinded, and requested a motion relative to the applicant's request.

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Motion by Member McDougal supported by Member Rice to withdraw Case #05-05-S - Updated Site Plan Review – Harbor Club North Phase II, Paul Jankowski, 37500 Jefferson, Harrison Twp, MI, Property #0001-0061-22, Sidwell #12-29-203-001, (Zoned HMR) (Tabled Date Specific from the May 17, 2007 Planning Committee Meeting), due to poor economic conditions as requested by Mr. Jankowski in his letter dated July 18, 2007. The Commission has agreed to terminate this applicant's request, at this time.

<u>Roll Call Vote:</u>	Member McDougal	Yes
	Member Rice	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member Swiatkowski	Yes
	Chairman Tomenello	Yes

Motion Carried.

9) **Review and Recommend Proposed Changes to Planning Commission Procedures.**

Chairman Tomenello requested Patrick Meagher, Planner, to table this matter until the August 16, 2007 Planning Commission Meeting, due to the unusual length of this meeting, of which Patrick was more than happy to oblige.

Motion by Member Swiatkowski supported by Member McDougal to table the Proposed Review and Recommendation Changes to the Planning Commission Procedures, to the August 16, 2007 Planning Commission Meeting.

<u>Roll Call Vote:</u>	Member Swiatkowski	Yes
	Member McDougal	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member Rice	Yes
	Chairman Tomenello	Yes

Motion Carried.

H. **NEW BUSINESS:** None

I. **CORRESPONDENCE:**

Correspondence received from Jan Jorgensen, Township Clerk, relative to the Fireworks application approval process pursuant to Ordinance 354, Division II License, Section 2264, 4 (A). Basically outlined the responsibilities, duties, and rolls of Planning Commission, Administrative Offices, and so forth.

Chairman Tomenello questioned Member McDougal relative to this issue as to whether this could be tabled until the next meeting, due to the time constraints.

Member McDougal stated he would be open to table this issue, but first wanted to make a statement regarding this correspondence.

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Member McDougal wanted to make a quick point and suggest that this matter needs to get in Member Rice's hands, to take to the Township Board, because this ordinance needs a quick correction, in order to see that the seasonal "Tree Sales" people don't run into a major problem here.

Member McDougal went on to state that there are several problems with the ordinance that need to be addressed. He would like to see Member Rice follow this up with Mr. Forlini. He would like this done as soon as possible.

Motion by Member McDougal supported by Member Rice to direct Member Rice to take the matter of the Seasonal Vendor Ordinance to the Township Board for revisions, in accord with the conversations held with Member Rice and Mr. Forlini, along with a notation that Member McDougal would be happy to discuss this with anyone – on the Board, anyone else in the Township, Ms. Davis' office (or Mr. Huth), or anyone else who feels they need to discuss the issue.

<u>Roll Call Vote:</u>	Member McDougal	Yes
	Member Rice	Yes
	Member Bacha	Yes
	Member Fowke	Yes
	Member Swiatkowski	Yes
	Chairman Tomenello	Yes

Motion Carried.

J. COMMENTS FROM THE PLANNER:

Patrick Meagher, Planner, apologized for his sarcasm this evening – he's not feeling well.

Patrick Meagher, Planner, went on to say that he did a little checking during the meeting and verified that the Ordinance specifically states that the Building Inspector has the right to approve a refacing of a sign. It was never treated that way in the past, but it's very clear in the ordinance under Section 5.05 (A). Patrick will put together a letter verifying that it has been done properly.

Patrick Meagher, Planner, stated there has been some talk about the clarity of the Accessory Structures Ordinance and some issues with building materials and also a new sign ordinance. He went on to request, in the future, that we make up a committee that could work together and get these issues worked out and out of the way.

Patrick Meagher, Planner, put together, and gave you tonight, a preliminary draft of the Master Plan. This is just for the Commission members own use. Patrick is looking for a better cover and he wants to present to you, in the future, what things could look like in the future, if you were to go with some of these neo-traditional design concepts – village courts type of atmosphere. This is a remake of the South River Road and Jefferson Intersection.

Chairman Tomenello suggested getting a meeting together where everyone can voice their ideas and brainstorm something constructive. Recording Secretary, Cynthia, was instructed to poll some of the members and set up some type of meeting schedule within the next thirty (30) to forty-five (45) days. Email the information to all members.

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K. COMMENTS FROM THE FLOOR:

Gary Turner – 39527 Detroit Street – Mr. Turner was interested in Case #7 – River Bay Condo's. He raised concerns regarding the tabling of this project several times in the past. Mr. Turner also voiced his concerns about being made to sit through the entire meeting before having his say.

Ruby Turner – 39527 Detroit Street – Wanted to know how the people will be notified of the next meeting and when the next time this case will come before the Commission. She was also concerned about the ongoing litigation. Mrs. Ruby also had questions regarding the wetlands issue on this property.

Chairman Tomenello could not answer her question because he did not have the information she was requesting at his disposal.

Jim Stenstock – 31698 San Juan – Speaking as a resident. Mr. Stenstock referred Mrs. Turner to the Board of Trustees for answers, as the Planning Commission doesn't have the information she is looking for. He went on to explain that the Planning Commission does not get this information. Contact a Board of Trustee member or Mr. Forlini's office.

Judy Mifflin – 39620 Detroit Street – If someone asks for an extension, why can't this case be moved up on the agenda and voted on so that people don't have to sit here so long just to have their say – just to let the people know so they don't have to sit and wait to hear this at the end of the meeting?

Chairman Tomenello explained that it was his intent to share this information with the public at the beginning of the meeting so that no one would have to sit around and wait. Changes to the agenda are up to the Commissioner's and items can be moved around on the agenda.

L. NEXT MEETING: August 16 @ 7:00 PM

M. ADJOURNMENT:

Motion by Member McDougal supported by Member Swiatkowski to adjourn the meeting at 10:38 pm.

Ayes: 5 Nays: 0

THE MOTION CARRIED UNANIMOUSLY.

Mark Bacha, Secretary
Harrison Township Planning Commission

Cynthia Chambos, Recording Secretary