

CHARTER TOWNSHIP OF HARRISON
HARRISON TOWNSHIP, MICHIGAN 48045
PLANNING COMMISSION MINUTES
THURSDAY, DECEMBER 13, 2007 – 7:00 P.M.
APPROVED PC MINUTES – JANUARY 11, 2008
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A regular meeting of the Harrison Township Planning Commission was held on **Thursday, December 13, 2007 at 7:00 PM** in Rosso Memorial Hall located at 38255 L'Anse Creuse, Harrison Township, Michigan 48045.

A. CALL MEETING TO ORDER:

Chairman Tomenello called the meeting to order at 7:08 p.m.

B. ROLL CALL:

PRESENT: Members Bill Fowke, Michael Rice, John Swiatkowski,
Maria Zingas and Chairman Lawrence Tomenello

ABSENT: Members Mark Bacha and Douglas McDougal – Both Excused

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

C. APPROVAL OF AGENDA:

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

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

Motion Carried.

D. APPROVAL OF MINUTES: November 15, 2007

Motion by Member Rice supported by Member Zingas to approve the meeting minutes of November 13, 2007, as presented.

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

Motion Carried.

E. REVIEWS

1) **Case #31-07-SGN:** Sign Review – Phillips Sign & Lighting (River Rat)

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**29370 South River Road, Harrison Twp, MI 48045 (Zoned B-3)
Proposed Wall Mounted Sign.**

Debbie Phillips from Phillips Sign was available to present the case for River Rat Restaurant. Applicant is requesting two (2) wall signs.

A brief discussion ensued relative to the Ordinance against two (2) wall signs. Ordinance reads only one (1) wall sign is allowed. Petitioner brought up the fact that the way the building sets on the property and on a curve in the road, a pylon sign would not be feasible but the two (2) wall signs would be visible from both directions.

Member Rice and Chairman Tomenello both concurred with the applicant.

Patrick Meagher, Planner, also agreed with Mr. Rice and Chairman Tomenello, especially after he took the time to check out the site. He recommends sending the petitioner to the Zoning Board of Appeals (ZBA), for a variance approval of the second wall sign, with the Planning Commission's recommendation.

Motion by Member Swiatkowski supported by Member Rice to approve Case #31-07-SGN, Sign Review Phillips Sign & Lighting (River Rat), 29370 South River Road, Harrison Twp, MI 48045 (Zoned B-3), Proposed Wall Mounted Sign, subject to the following:

- (1) Approve one (1) primary sign, on the front of the building facing South River Road.
- (2) Deny the second (2nd) sign.
- (3) Request the petitioner to apply to the Zoning Board of Appeals (ZBA) and request a variance for the second sign with the Planning Commission's recommendation for approval.

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

Motion Carried.

F. **PUBLIC HEARINGS:** None

G. **UNFINISHED BUSINESS:**

- 2) **Case #26-07-APPEAR:** AFTTJ, LLC (Crew's Inn)
32003 N. River Road, Harrison Twp, MI 48045 (Zoned WF)
Requesting extension of prior Planning Commission Approval
For proposed building renovation.
Property #1040-0031-00, Sidwell #12-15-155-030.

Mr. Fred Metry, Owner, Crew's Inn as well as Chris LaBelle, were present to address this case.

Mr. Metry gave a brief presentation of his project and why they were back in front of the Planning Commission this evening asking for an extension of their previous Planning Commission approval.

Member Rice gave a brief update on the property as observed by him earlier today. Mr. Rice gave out pictures to the Commissioner's and the petitioner. He is very unhappy with what he saw – particularly the septic tank without

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a cover on it – its wide open. There is also a broken sewer pipe and mold growing on the outside of the walls of the building.

Mr. Metry stated he was not aware of these problems. He will have the septic tank covered immediately. The part of the building with the mold on it is the part of the building that will be torn down as in our previous site plan that was submitted for earlier approval. That is still our plan – to tear that down with a new site plan approval.

A brief discussion ensued between Mr. Metry and Commission members relative to the dangers of the open septic hole and concerns with children being off for the upcoming Christmas week and possible dangers regarding the hole.

Mr. Metry stated that right now, we can throw some paint on the building to clean it up and make it look nice for right now. We really have to wait for the weather to break.

Another brief discussion ensued between the Commissioner's and the petitioner relative to the building, how much of an extension of time the applicant will need, what the building will be used for (specifically storage), the creation of parking spaces.

Mr. Metry stated that he has been working on a new site plan. Basically, they are looking to demolishing the building, rebuilding it in the back corner, adding additional parking, using it for storage, and spruce up the corner. It all depends on the economy. It may take up to a year for these changes. It is either going to be remodeled or torn down and rebuilt. All this information will have to be taken back to the Housing Board of Appeals to address their issues.

Motion by Member Rice supported by Member Swiatkowski to approve Case #26-07-APPEAR, AFTTJ, LLC (Crew's Inn), 32003 N. River Road, Harrison Twp, MI 48045 (Zoned WF), Requesting extension of prior Planning Commission Approval, for proposed building renovation, Property #1040-0031-00, Sidwell #12-15-155-030, for an extension of time for six (6) months.

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

Motion Carried.

- 3) **Case #12-07-S:** **Site Plan Review – West Marine, Ron Jona & Associates
30060 South River Road, Harrison Twp, MI 48045 (Zoned B-3)
Proposed Marine Business, Lots 164, 165 and 166 of Warren
Park Subdivision, Property #1290-0145-00, Sidwell #12-16-157-
003, Lot #163 of Warren Park Subdivision, Property #1290-0144-
00, Sidwell #12-16-157-019 (Petitioner requested to be tabled
from the November 15, 2007 Planning Commission Meeting,
date specific to December 13, 2007).**

Mr. Ron Jona, Ron Jona & Associates, representing West Marine, was present to address this case.

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Mr. Ron Jona gave a brief overview of the project as it stands today. An update on all items and then some were addressed for the Commission, including information obtained from his appearance from the Zoning Board of Appeals.

A lengthy discussion ensued between Mr. Jona and the Commissioners relative to FEMA, flood plain issues and LOMA, drainage issues - especially storm drain problems – which were addressed by Wade Trim – with proposed plans to direct it towards the river north of the building site, building size, landscape issues, alley vacation issues, parking issues, the right-of-ways for the Road Commission, the decorative wall in the area behind the building, loading and unloading area issues, the semi truck issues and finally dumpster issues.

Chairman Tomenello asked if there were any other comments from the Commissioner's and hearing none opened up the discussion to the public for comments.

Leonard Lemke, 39755 Clearview: Voiced his concerns relative to the storm water issue, the "No Trucks" signs, the poured concrete wall (decorative), wants to see a foundation on the wall, underground wires, and islands.

Lori and Steve Lukaszewski, 30040 South River Road: Voiced concerns relative to the size of the alley behind their building – which needs to be clarified, the building behind their building, concerns about the partner of Jeff Hines – did he also give his approval for the alley vacation because as far as she is concerned, he is not giving up any property – please check into this.

Earl Stilson, 30134 South River Road: Voiced concerns over the loading and unloading of semi trucks. He's not sure how these trucks are going to back into this building. Other than that, he is on board for this project. He feels this is a very positive thing for the neighborhood.

Mr. Jona also answered some of the concerns of the public relative to the decorative wall and the driveway area for loading and unloading and also the alley situation.

Mr. Jona referred to Mr. Greg Busse, his legal counsel, several times and how he is working with him to get the alley vacations and working with the homeowners in the area and business owners, in order to secure everything legally.

Greg Busse, Attorney, representing West Marine: He was unaware of this issue with Jeff Hines and another partner. He will check into this. He does not see this as a problem with going forward with this project.

A brief discussion ensued between Commissioner's and Mr. Jona relative to the power lines being underground.

Motion by Member Zingas supported by Member Rice to approve Case #12-07-S, Site Plan Review – West Marine, Ron Jona & Associates, 30060 South River Road, Harrison Twp, MI 48045 (Zoned B-3), Proposed Marine Business, Lots 164, 165 and 166 of Warren Park Subdivision, Property #1290-0145-00, Sidwell #12-16-157-003, Lot #163 of Warren Park Subdivision, Property #1290-0144-00, Sidwell #12-16-157-019, subject to the following:

- 1) **Petitioner shall add five (5) courses along the east, south and west portions of the building with exception to the front of the building.**
- 2) **All alleys are successfully vacated with proper documentation provided to our Tech Team and Planner.**
- 3) **Successful right-of-way from the Macomb County Road Commission.**

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- 4) **Work with the Road Commission to post signs on Clearview showing that no semis will be allowed to turn around on Clearview to the south.**
- 5) **More planting and screening along the east, the west, and the southeast portion of the property, specifically near the trash enclosure.**
- 6) **Petitioner shall show all semi turn radius on the plans to be reviewed and approved by our Tech Team.**

Member Fowke would like an additional sign added to the intersection of Emerick and Jefferson.

Rosemary Davis, Township Attorney, stated that this is up to the Road Commission and may not be feasible.

Motion amended by Member Zingas to add the following:

- 7) **Work with the Road Commission to possibly provide “No Semi Trucks” along Clearview and at Emerick and Jefferson.**

Patrick Meagher, Planner, brought up the issue of the wall size and the FDC location being approved by the Fire Chief.

Motion amended by Member Zingas to add the following:

- 8) **Based on the Planner’s letter, item #3, the wall must be six (6) feet high.**

David Nummer, Engineer, brought up the issue of the storm water to the north of South River Road, which is not currently showing on the plans.

Motion amended by Member Zingas to add the following:

- 9) **Based on the Engineer’s letter dated November 30, 2007, developer shall direct all storm water outlets to the north of South River Road to the river.**

Chairman Tomenello brought up the issue of the down spouts and asked if Member Zingas would like to add that to her motion.

Motion amended by Member Zingas to include the following:

- 10) **All downspouts to be connected to the storm sewer as appropriate and approved by our Engineer.**

Chairman Tomenello also brought up the issue of the wall on the south side and the foundation. Would you like to amend your motion to include this also?

Motion amended by Member Zingas to also include the following:

- 11) **In an effort to not kill the trees, the wall shall not have a continuous foundation, but a steel supported, obscuring, and decorative wall.**

Member Rice supported all the amendments made by Member Zingas.

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Mr. Jona at this time asked for clarification of a few of the motions which the Commissioner's obligated.

Chairman Tomenello asked if there was any further discussion on this motion and hearing none asked for a roll call.

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

Motion Carried.

- 4) **Case #23-06-SLU:** **Site Plan and Special Land Use – River Bay Gardens Condominiums, Village Building South, Mike Mattera Proposed 32 Unit C luster Residential Housing Development South of Emerick, East of Jefferson, Between Metro Parkway and South River Road (Zoned R-1-D)**
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 (Tabled Date Specific from the November 15, 2007 Planning Commission Meeting to December 13, 2007 to allow applicant to apply to the Tech Team).

Chairman Tomenello stated to the Commissioner's that they have received a copy of a letter from the petitioner asking to be tabled to the February meeting. He would like to remind everyone of the history of this development. On October 25, 2007, this petitioner was asked to go before the Tech Team to resolve some of the issues and they called and sent a letter stating they could not make that meeting. There was also a meeting that was

cancelled on December 12, 2007 by the petitioner. Now the petitioner is asking to be tabled to February. In the request to extend this, one of the things in this request is that fact that they might not go forward with this proposal because of the market environment. Before we extend them again, he would like to point out to the Commissioner's that he feels this has been in the system a long time and it may be a good idea, or the right thing to do, to deny this at this time. But, I will open this up for discussion with the Commissioner's and ask for your opinions, at this time.

Member Rice entirely supports this statement by Chairman Tomenello.

Member Zingas asked Cynthia Chambos, Recording Secretary, if the letter that was requested to be sent to the petitioner at last month's meeting was sent and notified.

Cynthia Chambos, Recording Secretary, stated that the letter was sent.

Member Rice is upset that the residents have always shown up and were let down by the applicant not showing up.

A brief discussion ensued between the Commissioner's and the Township Consultants relative to some of the issues regarding the Consent Judgment and issues of proper placement on the land.

Motion by Member Zingas supported by Member Rice to table Case #23-06-SLU, Site Plan and Special Land Use – River Bay Gardens Condominiums, Village Building South, Mike Mattera, Proposed 32 Unit C

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Iuster Residential Housing Development, South of Emerick, East of Jefferson, Between Metro Parkway and South River Road (Zoned R-1-D), 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, subject to the following:

To continue as stated in the November 15, 2007 motion to table to the January 17, 2008 Planning Commission Meeting. Applicant's letter for request to be table to the February meeting was received. The Planning Commission noted applicant's request and denied the applicant's request to table to February. It stands, as is, on the January 17, 2008 Planning Commission Meeting.

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

Motion Carried.

H. NEW BUSINESS None

I. CORRESPONDENCE None

J. COMMENTS FROM THE PLANNER

Patrick Meagher, Planner, noted the Board of Trustees, at their Board meeting Monday evening, had concerns relative to the Master Plan and why it was not completed as of yet. Patrick addressed some of these concerns.

K. COMMENTS FROM THE FLOOR

Cynthia Chambos, Recording Secretary, brought to the Commissioner's attention the fact that there is quite a large agenda for the January 17, 2007 Planning Commission meeting and requested a second meeting for the month of January. Also, the fact is, there will be three (3) members missing from the January 31, 2008 Special PC meeting for the Master Plan, which would not be a good alternate evening to hold a meeting.

Chairman Tomenello requested Cynthia Chambos, Recording Secretary, to make communication to the members and get a consensus as to when we could hold a second meeting in January.

Member Zingas brought to the attention of the Commissioner's, a new guide from the DEQ titled, "Protecting Michigan Wetlands". She has requested Cynthia to distribute this to the Environmental Committee and some brochures with information on wetlands for distribution to our citizens.

Member Zingas addressed a fill problem and would like to consider putting in our ordinance some compensation requirements in consideration of taking flood storage away and giving flood storage back. Some cities do have it but not all.

Chairman Tomenello would like to add to our January elections and appoint someone from our Commission to the Environmental Committee.

L. NEXT MEETING: January 17, 2007 at 7:00 pm in Rosso Hall.

M. ADJOURNMENT:

Motion by Member Swiatkowski supported by Member Rice to adjourn the meeting at 9:20 p.m.

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Ayes: 5

Nays: 0

Motion Carried.

Mark Bacha, Secretary
Harrison Township Planning Commission

Cynthia Chambos, Recording Secretary