

DAVISON TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING
OCTOBER 13, 2021

MEMBERS PRESENT: CHAIRMAN BRUCE CALHOUN, VICE CHAIR DAVID SHIELDS, SECRETARY ROB HOLLENBACK, CAROL DOWSETT, TIM GREEN, PAUL SNYDER, JOHN ALLEN

ATTORNEY DAVID LATTIE

BUILDING MATT PLACE

PLANNING/ZONING CONSULTANT CHARM HEALY

RECORDING SECRETARY JAMI VERT

MEMBERS ABSENT: JACKIE HOIST, FRED JACKSON

OTHERS PRESENT: Shannon Rozell, DesRae Joubran, Brian Scott, Jill Chaulklin, Gus Taha

CALL TO ORDER

The regular meeting of the Davison Township Planning Commission was called to order at 6:00 P.M. at the Davison Township Municipality Building, 1280 N Irish Rd, Davison MI 48423 and the pledge of allegiance was recited.

ADOPT THE AGENDA

MOTION BY SHIELDS, SECOND BY SNYDER to adopt the October 13, 2021 regular meeting agenda as presented. Motion carried unanimously.

PREVIOUS MINUTES

MOTION BY DOWSETT, SECOND BY GREEN, to approve the September 8, 2021 regular board meeting minutes as presented. Motion carried unanimously.

UNFINISHED BUSINESS

None

NEW BUSINESS

CASE #16-RZ-98 – DCC CONSTRUCTION – A REQUEST TO REZONE PARCEL #25-05-15-100-027 FROM GC (GENERAL COMMERCIAL) TO M-1 (LIMITED MANUFACTURING).

DesRae Joubran – speaking on behalf of DCC Construction; to rezone so we can store our equipment; consolidate to one building.

Jill Chaulklin – 10280 Lapeer Rd – next door to the place that you want to rezone; all you want it for is to store equipment?

DesRae – yes, all we are looking for at this time is to store our equipment; would not be visible from the road.

Jill – why do you have to rezone it to manufacturing?

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DesRae – we are not allowed to store equipment on GC zoning without rezoning it to manufacturing.

Jill – as long as there is nothing else going in there.

DesRae – that is all we are looking at doing is bringing our equipment in there.

Place – DCC is requesting Case #16-RZ-98 to rezone 7.43 parcel located at 10266 Lapeer Rd; parcel #25-05-15-100-027; from GC to M-1 (Limited Manufacturing); bordered on West by MX (Mixed Use); on East by M-1; to South by I-69 and to the North by RU-1 and RM-1; future land use map suggests General Business from M-15 on the South to Old Orchard Mobile Home Park; on North side general business is shown from M-15 to Hillside Meadows; parcel is located in DDA District; Planning Department would support a recommendation for approval based on:

1. There are existing M-1 zoned parcels abutting this parcel to the East
2. A light industrial use of M-1 will not adversely affect the district

Calhoun – read a letter from Daniel and Susan from 10.4.2021 they want to express their concerns to rezone the current property; rezoning to M-1 is not a good use; we bought our home over 19 years ago and would never have bought in a manufacturing community; hope that the Planning Commission would leave this parcel as is.

Snyder – how much equipment will be stored back there; will it disrupt the neighbors?

DesRae – it will be stored there; will not be going in and out on a regular basis; taken offsite and when project is finished bring it back; taken out early morning or early evening; will come in for maintenance.

Snyder – what type of equipment?

DesRae – all of our construction equipment.

Dowsett – if they want to expand on at a later date, they have to come in front of us again?

Calhoun – yes; if they want to expand.

Healy – and possibly get a special use permit depending on what they want to do.

Calhoun - under this rezoning can we limit this to just equipment?

Place – no.

Calhoun – once it is rezoned it stays that way; it was zoned manufacturing when?

Place – years ago before Genesis Technologies and they rezoned it to GC for their business.

Shields – why would they have rezoned it for their business?

Place – they were just doing offices there.

Hollenback – are there any other M-1's on this side?

Place – M-1 goes all the way to the mobile home park.

Calhoun – what does it show on the map?

Place – M-1.

Calhoun – it shows M-1, okay.

Board is looking over the maps.

Hollenback – what is an example that can go into M-1?

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Place – bake sale goods; clothing; business use; distribution centers; pharmaceutical’s; repair garages; retail; lumber yards; light manufacturing use; all kinds of uses.

Green – are they planning on putting in additional driveway?

DesRae – no, we are using the same driveway; there will not be a second driveway.

Hollenback – will there be a fence to secure it?

DesRae – you will not be able to see it from the road; it will be in the wooded area; and will be fenced in.

Place – there will be a site plan change that will be brought back up in front of this board.

Calhoun – on one more note they are located next to my subdivision and I have yet to hear them come and go at all.

MOTION BY HOLLENBACK, SECOND BY DOWSETT to approve recommendation for approval of CASE #16-RZ-98 – Rezone Parcel #25-05-15-100-027 from GC (General Commercial) to M-1 (Limited Manufacturing). Motion carried unanimously.

CASE #16-SP-2021-7 – PROPOSED CONCEPTUAL SITE PLAN REVIEW FOR A PUD DEVELOPMENT ON MAIN GATE DRIVE (ACROSS FROM TOWNSHIP OFFICES).

Brian Scott – 9797 Reese Rd Clarkston, MI – want to build duplex across from township building and the back piece towards the end of the property.

Healy – may have not given you the floor plan as this is a formality for the PUD; you have to review overall content; they will finish site plan and bring it back.

Calhoun – so we are just reviewing the PUD?

Healy – yes

Place – this is the conceptual site plan for Irish Manor Condominiums; parcels A, F and G on Main Gate Drive; Case #16-SP-2021-7; parcel ID #25-05-07-400-025, 030 and 031; 58.83 acres; current zone is RU-1; current land use vacant;; future land use is MX; back on August 31, 2006 a PUD agreement was signed and recorded for 99.98 acres called Lions Gate; from 2006-2016 only a portion of the PUD agreement was constructed; on December 19, 2016 parcels A, F and G were reverted back to the Davison Township through tax sale; on August 10, 2021 Zoning Board of Appeals granted the variance; Irish Manor is 78 unit attached condominium development; there will be 2 phases; 26 units in phase 1; 52 in phase 2; for landscaping a ten-foot green belt buffer is required; natural vegetation could be used as a buffer in some areas; all streets will have a 5-foot paved sidewalk; open space requirement is 30% they proposed 69.5%; parcel G is proposed to have walking paths 5 foot-wide; dog park area; garden area; trash receptacles and benches; open are will remain in their natural state; Building and Planning Department would support a recommendation of approval based on the following:

1. Site plan complies with requirements of the Davison Zoning Ordinance per section 702.14.1 PUD conceptual plan
2. Site plan meets the requirements of the Zoning District in which it is located

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3. Approval of this conceptual site plan gives direction to the applicants to produce the preliminary condominium drawings and PUD agreement to present to the Planning Commission at a future meeting

Dowsett – are they going to be rentals?

Brian – rentals, yes.

Calhoun – cost for rentals?

Brian - \$1400-\$1600/month; 3275 square-foot; all ranches; slab concrete; 2 car garages.

Calhoun – are these private roads going in there?

Place – yes.

Calhoun – on the ponds are they designed to hold water or are they just going to be drained in and out?

Engineer – there might be stuff that we want to do.

Calhoun – is this your first project?

Brian – no, I own a couple others like this.

Calhoun – if it is a maintained pond, it will look good with the landscaping.

MOTION BY HOLLENBACK, SECOND BY SHIELDS to approve a recommendation of Case #16-SP-2021-7 – Proposed conceptual site plan review for a PUD Development on Main Gate Drive (Across from Township Offices). Motion carried unanimously.

CASE #16-RZ-97 – SHANNON ROZELL – A REQUEST TO REZONE PARCEL #25-05-29-100-002 - FROM GC (GENERAL COMMERCIAL) TO RU-1 (RESIDENTIAL URBAN).

Shannon Rozell – 8060 E. Atherton Rd Davison, MI – we purchased it for storage; we restore old things; can't spend the night because it is zoned commercial; can't have a bathroom in it; it has to be treated like a business; we want to live here and be snowbirds; RU-1 would have to build a small home; 1080 square-foot; picked a beautiful design of a home; just looking at getting it rezoned so we can move in there.

Place – Shannon Rozell, owner of 8060 E. Atherton Rd; Case #16-RZ-97 wants to rezone .69 of an acre from GC to RU-1; property has 100 feet of frontage and is 300 feet deep; prior owner built the existing 4608 square foot pole barn; this is a conforming parcel in a GC Zoning District; by rezoning this parcel to RU-1 it will render this parcel nonconforming; Planning Department would recommend support of denial based on the following, these sections of the Davison Township Ordinance will be violated if this rezoning is approved:

1. Sec. 1705.7 – no accessory building is allowed on parcels without a dwelling unit
2. Sec. 1705.3e. – accessory buildings cannot exceed 864 square feet on 1 acre or less
3. Sec. 1705.6 – no detached accessory building having less than 3 acres shall exceed (15) feet in mean roof height

Please make your motion in a form of a recommendation to the Township Board.

Shields – is there room to build a 1000 square foot building?

Place – it is possible.

Calhoun – if the house is built, would it still be non-conforming?

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Place – yes, correct.

Calhoun – what was the structure used for before?

Place – oil company used as storage.

Calhoun – do you own the property next to this?

Shannon – no, the land next to this is vacant; the house on the other side is a friend.

Calhoun – house built just like this off Atlas Rd down towards Perry.

Place – that is Atlas Township; I would not go that far down.

Hollenback – the house can be built, but still a violation?

Place – yes, correct if it is rezoned to RU-1; cannot build a house on Commercial.

Calhoun -can't go against Zoning; but I see both sides.

Hollenback – my problem is if we change it and they don't build a house we cannot change it back.

Shannon – can that be a stipulation?

Lattie – you can have the opportunity to make a conditional offer for rezoning; to have a house built there in a certain amount of time; you still have two conflicts: size and height.

Place – one is size and one is height.

Calhoun – not changing the height and size; we are allowing a house to be built around the use of the structure; don't see any problems with that; see from the Township that we approve something that is not allowed in the Township; working backwards not forward, I think we are not setting a precedence for someone else coming in.

Lattie – understand what you are thinking; makes sense; this is a reverse situation.

Calhoun – Matt and Charm, you don't want anyone else coming in and trying to do this.

Place – that is correct; basically, this is on you the Board.

Calhoun – I don't have a problem with it; it won't hurt the property.

Snyder – can they attach the house to the pole barn?

Shannon – we could do that if it helps; was told no because of the fire wall.

Calhoun – what if you converted the barn to a house?

Shannon – we didn't think that was an option, we thought about it.

Place – be careful with that; you could create problems later with subdivisions; the garage area will dwarf the size of the house.

Calhoun – looking at about 1000 square foot home; it does offset that.

Place – I can see the stand alone home.

Allen – is the lot next to you available?

Shannon – we have tried to get a hold of the owner of the vacant lot.

Hollenback – we could put a condition on it that the house has to be built within a certain amount of time.

Lattie – you wouldn't do that; the owners would say they would put a stipulation on it and offer it to the Board.

Calhoun – put the conditions on it.

Lattie – is that okay with you (Shannon); you have 1 year to finish.

Shannon – yes.

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Place – once the permit is issued, you only have a year.

Calhoun – I'm not going to make a motion; put in the minutes that this is a reverse of what we typically allow in the Township; don't want anyone coming in down the road later and wanting to do this; if we make a motion to approve, not saying the maker of the motion has to do it, but stipulate it is for this lot only because it exist now and not for future developers.

Dowsett – so if said that detached should exceed 15 feet.

Place – the sidewalls currently stand at 16 feet; 14 feet but it has 4 12 pitch which puts it over 15 feet.

Dowsett – because of the peaked roof it exceeds the height?

Shields – just questioning on whether there are any other options; going against what should be done.

Calhoun – not making it worse.

Shields – that I understand; we don't want to set a precedence.

Calhoun – no because we are going backward.

Snyder – limited on what could we could do there.

Calhoun – how it affects the neighbors; see it be residential use even if it is non-conforming.

MOTION BY HOLLENBACK, SECOND BY SNYDER to approve recommendation to request to rezone Parcel #25-05-29-100-002 – from GC (General Commercial) to RU-1 (Residential Urban) with the condition set by the land owners that they start building in the year and be done in that same year once the permit is pulled. Motion carried 6 to 1.

Lattie – can you abide by that?

Shannon – yes.

Lattie – need it in writing.

CASE #16-SCU-2021-7 – SPECIAL CONDITION USE FOR DAIRY QUEEN AT THE NW CORNER OF LAPEER AND IRISH ROADS.

Gus Taha – 848 Dover Dearborn Heights, MI – partners looking to start up Dairy Queen.

Place – Case #16-SCU-2021-7; Dairy Queen; Parcel ID #25-05-18-200-017; 1.63 acres; zoning is GC; land use is GC; future land use is General Business; requesting special condition use for a drive-thru; section 1302.8 of the Davison Township Zoning Ordinance; Building/Planning Department would support recommendation of approval of this Special Condition Use based on the following:

1. Drawing submitted and reviewed by the staff reflect the requirements set forth in the Davison Township Zoning Ordinance for the Special Condition Use permit
2. Type of use will be harmonious and in good character with the surrounding land uses in the GC District in which it is located

Calhoun – is the patio included in the SCU?

Healy – no.

MOTION BY GREEN, SECOND BY DOWSETT to approve recommendation of the Special Condition Use Permit at the NW corner of Lapeer and Irish Roads. Motion carried unanimously.

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CASE #16-SP-2021-8 – PROPOSED SITE PLAN FOR DAIRY QUEEN AT THE NW CORNER OF LAPEER AND IRISH ROADS.

Place – applicant is requesting a conceptual site plan for Dairy Queen; NW corner of Lapeer and Irish Road; Parcel #25-05-18-200-017; 1.63 acres; phase one will be site of 2663 square foot of Dairy Queen Grill and Chill with 800 square foot patio with seating capacity for 66 persons; access will be Irish Place Way and Irish Circle; parking required 48 spaces, provided 50 spaces; landscaping screen with a berm along Irish Road and screening along Lapeer Road with trees and bushes; signage is approved but will need required separate permit; lighting is contained at the property lines; dumpster meets requirements; open space requires 30%, provided 40%; Fire Chief reviewed and approved plan; Building/Planning Department would support a recommendation of approval of this conceptual site plan based on the following:

1. Conceptual site plan contains the information required by Zoning Ordinance based on type of use proposed and is permitted in the General Commercial Zoning District
2. Upon approval by the Planning Commission the applicants may proceed with the preparation of the engineered drawings for the Genesee County Agencies

Calhoun – on dumpster enclosure what type of masonry?

Engineer – 8-inch block with veneer.

Calhoun – typically match the building; don't want smooth face.

Place – split face block.

Calhoun – recommend you match dumpsters on the other side; height of the parapets; they slope.

Engineer – metal panel will actually be high enough to screen.

Calhoun – section sheet 8 2.0 on the elevation shows roof top protruding.

Engineer – we would put screening on for that.

Calhoun – any stipulation for cooler outside?

Healy – we want them screened.

Calhoun – coolers will have to have a screen around them, or put them inside; where is the ornamental fence going?

Place – around the patio.

Calhoun – stacking; do we adhere to stacking?

Healy – yes, it is about the timing.

MOTION BY HOLLENBACK, SECOND BY SNYDER to approve recommendation of the proposed site plan for Dairy Queen at the NW corner of Lapeer and Irish Road with the adding screen to the in walk-in coolers; match dumpsters to existing dumpsters and additional screen at the west and north sides of the parapet. Motion carried unanimously.

PUBLIC COMMENT

Public comment period was opened up at 7:00 P.M.

Public comment period closed at 7:00 P.M.

INFORMATIONAL ITEMS

Allen – can we have these emailed to us instead of delivered?

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Place – won't be able to read the plans.

Healy – just afraid you won't be able to read the plans and then you'll have to print them off if you would like to see them; saves you time and money.

Calhoun – what is happening with Tractor Supply?

Place – we are in a lawsuit right now.

Lattie – they have to make a commitment to resolve those issues.

Place – problem is it is the #1 sales site in Michigan; we have sighted them; fencing has to go back into corral.

Calhoun – would Planning Commission see that?

Place – to expand it; in office review.

Snyder – when is Cottage Inn coming in?

Place – they are finishing up the final touches.

Calhoun – on BP gas station, are they going to do anything with the outside?

Place – they are fixing up the inside as of right now; waiting for photo metric on the change of the lights.

Allen – any new business coming in?

Place – Detroit Wing and others that have asked to not be mentioned as of right now.

Green – Pita Way, Sushi.

Snyder – car wash?

Place – it is up for sale again.

ADJOURNMENT

MOTION BY SNYDER, SECOND BY HOLLENBACK to adjourn at 7:15 P.M. Motion carried unanimously.

Rob Hollenback, Secretary