

DAVISON TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 14, 2022

MEMBERS PRESENT: BRUCE CALHOUN, ANNETTA WILBON, ROB HOLLENBACK, PAUL SNYDER,
JOHN ALLEN, PAUL JAMES

ATTORNEY DAVID LATTIE

BUILDING MATT PLACE

RECORDING SECRETARY JAMI VERT

MEMBERS ABSENT: FRED JACKSON, TIM R GREEN, CAROL DOWSETT

OTHERS PRESENT: Mike McPerson, Matt Casey, Mitchell Harvey, Ken Bullis, Mark Perkoski,
Steve Shimmons, Jim Morey, Robert Burley

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 Municipal Building, 1280 N Irish Rd, Davison MI 48423 and the pledge of allegiance was recited.

ADOPT THE AGENDA

MOTION BY HOLLENBACK, SECOND BY ALLEN to adopt the September 14, 2022 regular meeting agenda as presented. Motion carried unanimously.

PREVIOUS MINUTES

MOTION BY JAMES, SECOND BY HOLLENBACK to approve the August 10, 2022 regular board meeting minutes as presented. Motion carried unanimously.

UNFINISHED BUSINESS

CASE #16-SP-2022-8 AND 16-SCU-2022-7 – DOLLAR GENERAL – 8406 DAVISON RD

Mike McPerson – Atwall Consultant – came back with the site changes; curb and gutters were added; banked 23 additional parking spots; updated light poles from wall pack; no outdoor sales removed from front of store; ice and propane are still there.

Matt Casey – added the architectural feature to the front of the building; raised peak; columns on both sides of the entrance; brick is real; both sides have parapet; screened rooftop mechanicals.

Place – old business; dollar general; 8406 Davison Rd; 16-SP-2022-8 and 16-SCU-2022-7; review of the previous meeting held August 10, 2022 with the required items to be added/corrected on this site plan:

1. Add brick, cultured stone or textured block to the north side (façade) of the building.
2. Add a gable to the façade to enhance the front of the building.
3. Curb and gutter needs to be added with drain outlets to the:
 - a. West side of the parking area and along the entire access drive.
 - b. Along the north parking area facing Davison Road.
 - c. Along the east portion of the parking area.

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4. Provide future banked parking for 23 spaces.
5. Remove wall packs and add light poles.
6. All HVAC needs to be screened on the north, west and east sides with parapet wall.
7. Remove outside retail storage area from the site plan. Only propane and ice storage are allowed with the special condition use permit.

All items above have been added/correct on the site plan; only the pages affected are resubmitted. The Planning Department as stated on August 10, 2022 recommends a support of approval on the requested changes due to:

1. The site plan an special condition use request meet the spirit and intent of the zoning ordinance.
2. The applicant upon approval of the site plan and special condition use permit may proceed with completion of the engineered drawing.

Snyder - no outside sales can be out there at all?

Place – no outdoor display.

Calhoun – want to thank Dollar General for having met all of our requirements.

MOTION BY HOLLENBACK, SECOND BY ALLEN to support approval for case #16-SCU-2022-7. Motion carried unanimously.

MOTION BY HOLLENBACK, SECOND BY ALLEN to support approval for case #16-SP-2022-8. Motion carried unanimously.

NEW BUSINESS

CASE #16-SP-2022-10 / #16-SCU-2022-8 – TRACTOR SUPPLY – 8171 LAPEER RD (TO BE TABLED)

Calhoun – tabled and probably moved to the next meeting.

CASE #16-SP-2022-11 – JONNA PROPERTIES – NW CORNER OF LAPEER AND IRISH RDS – AMENDED SITE PLAN REVIEW FOR PROPOSED 5-UNIT RETAIL BUILDING NORTH OF HAMLIN PUB

Mitchell Harvey – Stonefield Engineer and Design - seeking site plan approval just north of Hamlin Pub; proposed building would be an additional 9,750 sq. ft. directly connected to Hamlin Pub; 198 parking spaces proposed; 22 new trees; 100 new shrubs; expanding frontage along Irish Rd and wrapping along the north; have extended the sidewalk; access to the site will be on Lapeer Rd; no new curb cuts along Irish Rd; 13 high efficient full cut off led lights; storm water there is a detention pond to the west that can handle the entire building; glass along the store front; incorporated looks of the other existing buildings into this one; the rooftop will be screened by parapet walls.

Place – this is an amended conceptual site plan for a retail building with 5-units; shop at Irish Place Phase III; NW corner of Lapeer and Irish Rds; case #16-SP-2022-11; applicant is Jonna Properties; 1.17 acres plus shared parking with parcel id #25-05-18-626-005; current zoning is GC; current land use is GC; future land use is GC; Jonna Properties is amending their originally proposed site plan showing Delta One Tire to be constructed on the north of Hamlin Pub; Jonna is proposing a 5-unit 9,750 sq. ft. retail building to be attached to the north wall of Hamlin Pub;

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the building will match/compliment the Hamlin Pub exterior in color and texture; access will be from Lapeer Rd and Irish Rd; to accommodate parking for retail or office use approximately 52 parking spaces would be required; 71 parking spaces are proposed; should a food/beverage type service be proposed in one of the units these spaces would be used; there is additional banked parking of 36 parking spaces to the southeast of this proposed building; irrigated landscaped areas are placed on the frontage along Irish Rd and along northerly border; signs will be submitted to the building department at a later date for approval and permitting; open space required is 30%; open space provided is 32%; parking lot light poles and fixtures are in compliance with the ordinance; photometric plan provides zero light shed over the property line; to the north, however, along the Irish Rd will need to be reduced to zero and an updated photometric plan submitted; dumpster details meet the requirements of ordinance; the walls will be textured and the color will match the development; loading and unloading location has been provided and it complies with the zoning ordinance; no traffic study needed per Genesee County Road Commission; fire chief does not have any concerns with the site plan layout; Genesee County Road, W&W an Surface water will be submitted to all agencies; Building /Planning Department would support a recommendation of approval of this conceptual site plan based on the following reasons and conditions:

1. This conceptual site plan meets the requirements of the zoning ordinance for a retail building in the general commercial zoning district.
2. Resubmit the photometric plan showing zero lighting at the front east property line along Irish Rd.
3. Upon approval the applicant may proceed with submitting his engineered drawings to the required county agencies for review.

Snyder – regarding traffic study, will it be an issue with Irish Rd only being two lanes?

Place – no, Genesee County said with the internal access there they are good with it.

Calhoun – site lighting will match adjacent property?; on the dumpster is showing a chain-link black on the dumpster?

Place – yes it will; changed to match existing dumpsters to the south.

Calhoun – what are they?

Place – engineered wood products.

Calhoun – colors for the building?; we don't have a sample board; kinda hard to read the color; what are the actual colors?

Mitchell Harvey – the colors don't print out the best on these papers; it is similar to the tones and colors further south; more like a brown.

Calhoun – the punched-up areas are they going to be the same material?

Mitchell Harvey – we are going to incorporate the colors and materials of both buildings into the new 5-unit; we want Hamlin Pub to stand out.

Calhoun – why the change?

Jonna Property – the original one was Delta Tire.

Calhoun - they went away?

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Jonna Property – like a flat tire.

MOTION BY HOLLENBACK, SECOND BY ALLEN to approve Case #16-SP-2022-11 – with dumpster doors to match the existing dumpster there. Motion carried unanimously.

CASE #16-SP-2022-6 – WINDSOR PLACE APARTMENTS – COURT AND IRISH RDS – SITE PLAN REVIEW FOR PHASE III

Ken Bullis – representing Edward Rose and Sons – final phase; 3 buildings we are proposing with 72 units; along with fitness center, gazebo; separate detached garages; 168 required parking spots, but we actually provided 188; access for this property is on the existing site as well as a new drive on Court St; ZBA last night approved a setback of 25-foot from the wetlands to reduce the amount we would have to fill in; pond is being preserved as a wetland; had an application for EGLE; we are impacting less than a quarter of an acre on this site; majority of the units are 2 bedrooms; there are a couple of 1 and 3 bedrooms; we are providing sidewalks as shown on the drawing; we don't need to have access from Court St, but we are providing; asphalt shingles; cement board siding; display board to see; brick veneer with painted fiber cement trim.

Robert Burley – own property on Court St. – own 85 acres, but not all adjacent to this; runs further north than their property; my west property butts up next to their east boundary for several hundred feet; owned this property since the early 80's; preserved this property all this time; half farming and half wood lots, trees; along north side of property I gave an easement for the walking trail at no charge; I try to be a decent neighbor, I am not saying I do all the time; Windsor place is the most miserable neighbor I have ever had; over the years there trash blows on my property; sure they don't have any policies about encouraging there residents not to trespass on my property; joggers would come through, walkers would come through; I am sure the walking trail has helped a little on that; problem with trash and trespassers on my property; several years back when they were roofing, they would let them bundle bags blow onto my property and not pick it up; I have written number of letters over the years and never received any response back; I have gone over to their management offices and never get any responses out of those people; they don't care about their neighbors; don't expect you to deny the use of their property, but what you could do is require them to fence the east side of their property with chain-link to help stop some of the trash from being on my property; there containment structures are not on around all the dumpsters; long and short is they are miserable neighbors.

Place – conceptual site plan; Windsor Place Apartments; Edward Rose Properties; case #16-SP-2022-6; parcel id 25-05-08-551-050; 10 acres; current zoning is RM-1; current land use RM-1; future land use RM-1; ZBA met on September 13, 2022 and approved a variance request of Section 1738.7.b which states a 75-foot setback is required from a boundary or edge of a regulated wetland; 1,020 sq. ft. fitness center with exercise equipment will also be provided; Edward Rose is proposing 3-buildings on this 10+ acre parcel; 3-story buildings are proposed with 24 units in each building; each building will have patio or deck; in addition to the main road access off Irish Road, they will have a secondary entrance off Court St; will be curbed and

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built to Genesee County Road Commission standards; 188 parking spots are proposed, but only 168 are required; parking lot and drive lanes will have concrete curbing and all parking lot details are compliant; landscaping plan complies with the requirements of the zoning ordinance; all landscape will be irrigated; signage will be reviewed and approved under a separate permit; 33.5% of open space will be provided, when only 30% is required; parking lot and boulevard parking lot lights are provided throughout the site; lighting on all buildings and light poles will be downcast lighting; three dumpsters located throughout the site and enclosures comply with the ordinance and will be screened from view; 7-wide sidewalks will be constructed in front of the buildings; 5-wide sidewalks will be constructed and looped throughout; picnic area with gazebo, grill, picnic table, and sand volleyball area will be provided; additional bike racks are placed throughout the site; detention pond will be reviewed and approved by the Genesee County Drain Office; traffic study results are appropriate and will satisfactorily facilitate site ingress and egress; fire chief has no concerns; Genesee County Road, W&W and Surface water once approved will be submitted to all agencies; Building/Planning Department would support a recommendation of approval of this conceptual site plan based on the following reasons and conditions:

1. This conceptual site plan meets the requirements for the RM-1 zoning district.
2. The applicant upon approval of this site plan is directed to complete the engineered drawings and submit to all Genesee County Agencies.

Allen – where is Edward Rose properties office located?

Ken Bullis – our main headquarters is in Bloomfield Hills; we have 65,000 apartments across the United States; and many different markets; we have been in this location for a long period of time.

Wilbon – is there a reason why Mr. Burley's concerns have not been addressed?

Ken Bullis – I can't speak to the issues he has experienced, maybe Steve can address that; I can say with the leadership we have in place now is very attenuative and I have already seen Steve writing down notes; in regards to the boundary lines we are preserving a 25-foot landscape buffer per the ordinance and we are going to do as much as we can to preserve the existing trees that are there; I have approached Mr. Burley last night after the meeting and tried to give him my business card and he refused to take it.

Hollenback – I have a concern with the sidewalks going to Court St; if there is a sidewalk going to nowhere, we are going to have issues; there are a lot of people walking down Court St from Windsor and I think will increase that.

Ken Bullis – that was a recommendation by staff; we can go either way; you have a valid issue with a sidewalk going nowhere, you are asking for trouble.

Calhoun – Matt where does that drive come out in relation to the properties on the other side of the road?

Place – a vacant property across the street.

Ken Bullis – if it helps to the east of the entrance is the Ponds their address is 8245; west side is the Anderson 8221.

Calhoun – that was a requirement of the Township?

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Place – no, that is what they proposed.

Hollenback – so you don't need that drive.

Steve Shimmons – I would think the fire department would want an extra drive.

James – yes, our fire trucks getting through there right now is miserable with all the speed bumps that exist.

Calhoun – I am looking at the impact of the two homes at the entrance of the new drive; I'm for seeing a lot of traffic going through there.

Ken Bullis – we will have to accommodate their property.

Calhoun – there property radius out at the end.

Place – yes, I seen it for myself.

Calhoun – from day one they were supposing to have a drive there.

Ken Bullis – we will work the residents of those properties.

Calhoun – do we have any calls from complaints for trash coming in about that property?

Place – I spoke with Mr. Burley he stated he went over to the police department and spoke with them; I told him today that if he has a complaint, he is to come see me and I can go out there and sight them for blight; if the trash stays on Windsor property, I can do that; if it is on Mr. Burley's he will have to pick it up.

Calhoun – farms don't typically generate trash bags.

Lattie – we can work with code enforcement and proceed with blight; the applicants represented that they are going to get their residents to contain their trash.

Calhoun – what is the density of the trees running along the back of the property.

Place – it is a lot of brush; it might be hard for the trash to blow through.

Robert Burley – I don't know if anything will be able to be saved.

Calhoun – I am trying to figure a way to get this matter resolved; I can't see asking for a fence if there is no problem in that area; we can't address any issues on the older part, only this part that is on the agenda.

Lattie – you are only dealing with what is on the agenda tonight; if code enforcement can help on that then that is what we need to do.

Ken Bullis – I was encouraged to get the other dumpsters to have enclosure on them; we want to control the problem; with the regards to trespassing we can put up signs if that would help; buffer we could go beyond; we want to be good neighbors.

Snyder – can the dumpster move to the other end of the garage?

Ken Bullis – moving from north to south; if that will help, we can look into that.

Calhoun – it would help a little; wish we could come back in about a year and put stipulations on it if it has not changed; if the entertainer of the motion wants to put that in there that would be good.

Allen – in the motion are we able to say we require a fence down the whole side.

Lattie – I think that would be okay; overall benefit.

Calhoun – I don't like to throw fences up just to put them up.

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Place – if the brush is thick through there you will have clear that up and some of the trash will get through.

Hollenback – if he has issues with trespasser it will help.

Calhoun – I don't think they will want go through dense brush to get to nothing; Mr. Burley have they been trespassing lately?

Robert Burley – they have not been trespassing much since the walking trail has been in place.

Hollenback – you could have a couple trails going through, once someone makes a path others will follow.

Calhoun – yeah, but up here nothing is really happening; I don't think people want to wonder through a farm field; if there is a maker of the motion to put that in they can and we can vote on it; I would like the maker of the motion to recommend some no trespassing signs be placed along that property line, even if the applicant would we can't force it but would like to see the no trespassing signs go into the other phases to try to remedy the situation.

Hollenback – can we require them not to have the sidewalk out to Court St.

Calhoun - yes.

Place - we are trying to create a walkable community.

Calhoun - haven't we in the past had them put money in escrow for that.

Place – we have in the past.

Hollenback – but that won't happen on Court St?

Place – we don't know.

Calhoun – I think it will very unlikely that it will go down that far; I don't have a problem with cutting the sidewalk back up a little; then putting money in escrow for that if the township is okay with that and the applicant is okay with that.

Ken Bullis – question if we put the money in escrow is this something the sidewalk does on improvement plan? But they do it later?

Lattie – I would like to see this resolved tonight; would you like to make it a condition of the site plan that if the township notifies the property owner, they will go ahead and install the remainder of the sidewalk as opposed to the township taking and holding onto the money and then making some decision in the future.

Ken Bullis – we would agree to that.

Calhoun - I would like to see that too; I have had issues in the past where I tried to do that and they said the money had to be in escrow.

Ken Bullis – yes, we would not want you to have to build half side walk and vice versa; don't have to build a sidewalk in front of the adjacent property.

Place – if you recommend them cutting off the sidewalk where would you like it to stop at?

Calhoun – stop it right back at the cut for the drive coming out so it indicates that it will be continued at one time.

Place – stop it straight right even with the cut off of the curb on the parking lot across from them?

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Calhoun – no, I think take it around and stop it dead where its T's down towards the drive.

Hollenback – I think you asking for people to walk down the sidewalk and make a dirt path the rest of the way.

Calhoun – I don't think they will do that; I am fine where ever you want to cut.

Hollenback – I was thinking right there maybe to go somewhere; make that L shape, right when it starts to curb stop that.

Place - I can agree with that.

Ken Bullis – I can agree with that as well.

Calhoun – the maker of the motion needs to make the sidewalk as indicated, trash dumpster relocation, and no trespassing signs being extend along the property line to the north of the other phases at a distant recommended by the township.

Place – oh really, throw me in there.

Wilbon – are we clear on the fencing in that?

Calhoun – only if the maker of the motion puts that in there?

Hollenback – I would like to see that.

MOTION BY HOLLENBACK, SECOND BY ALLEN for case #16-SP-2022-6 recommendation for approval of deletion of sidewalk as indicated as shown, a fence on the east side, and the moving of the dumpster location to the south side of the building.

Wilbon – I think the fencing like he said, no trespassing signs if there is no fence that the signs are not needed.

Calhoun – there is motion on the table about the fence and not talking about the no trespassing signs; by adding the fence we didn't address the problem further north; don't think we need the fence as it is so dense; the issue is at the north not the south; but we can vote on it.

Lattie – this is the motion that includes the fence; if the motion does not pass you can have another motion to remove the fence.

Calhoun – I would like the maker of the motion to include the no trespassing signs on the north end of the property where the issues are currently in place; describe what type of fence he is looking for.

MOTION BY HOLLENBACK, SECOND BY ALLEN to amend the previous motion to add no trespassing signs to the north along the east side, fence would be chain-link fence. Motion did not pass. Roll Call: Allen – yes; Hollenback – yes; Calhoun – no; Wilbon – no; James – yes; Snyder – no.

Lattie - so you tied the motion did not pass.

Calhoun – we have an opportunity to make another motion possibly lessening the amount of fence, maybe if that is a concern of maker of the motion that the fence since the dumpster has been moved to the south that maybe a small portion of the fence could go up to the back side of the building and extend 10-20 feet past the dumpster not encompassing the whole property line where there wouldn't be an issue.

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Hollenback – I still think that he is seeing trespasser going onto his property he wants the fence he is the next-door neighbor there should be a fence.

Calhoun – I am all for the residents I really am, but we are looking at a farm field and looking at dense brush and it has been stated there is not an issue down there towards the south portion of the property.

Hollenback – this might give them a reason to go all the way north; if they want to be good stewards maybe they will put a fence all the way to the north, we can't make them do that, but I would like to see it.

Calhoun – is the issue you having are at the north end and not the south.

Robert Burley – the problem is no one will go through there, but it will not be thick tomorrow when they start to build.

Hollenback – that is what I am saying once they start to build, it will be a problem; the trees that are there now could be gone when they build that garage.

Calhoun – if you look at the survey the tree line is about ten foot off the building.

Allen – you say you want to be good neighbors and you heard the request from the different options that we have discussed, what do you think of all this process of making it so that he doesn't have trespassers and slow down some of the trash.

Ken Bullis – we have made an effort recently on doing enclosures for the dumpsters; some of the issues were they recent; with the letter he stated he sent that he did not get a response back, I would speculate it was about 4-5 years ago before some major changes have been made; improvements on the site that have been made; if he would go to the office today, he would get a different response; what you see on this plan is we are able to preserve maybe 10-15 feet of the scrub and brush and trees that are there; as far as the fence we will put one in but we will have to disrupt some more of the brush; no vinyl, maybe chain-link; I don't think a fence will help that; we will send out letters to the residents that when they come to pay there bills we will remind them not to go onto someone else's property.

Wilbon – can we make a motion that the 10-foot scrub line remain.

Hollenback – I think they have to keep that.

Place – 10-foot landscape buffer.

Calhoun – they could scrape that all the way to the property line and will eliminate that; have these problems been less in the past five years?

Robert Burley – except when they did the roofing.

Calhoun – that could be dealt with by not hiring that company again; maker of the motion can lessen or increase, I would recommend to lessen a little, if we are still requesting a fence to only extend it 20-feet past the dumpster not up to the south property line.

Snyder – how far 25-feet?

Calhoun – 20-25 feet.

Hollenback – it looks like the dumpster immediately to the north of the new shown here, existing is wooden; we can't make them put it all the way.

MOTION BY HOLLENBACK, SECOND BY SNYDER for recommendation of approval for case #16-SP-2022-6 with deletion of sidewalk up to the point talked about, no trespassing signs

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to the north of the property on the east side, have a chain-link fence on east side extending from the south side of the dumpster garage building 30-feet south and the north corner having a 30-foot chain-link fence.

Calhoun – I like the fence down here for encapsulating the trash, the fence down at the bottom would be nice, the issue was never addressed, but rather than the applicant doing a fence from the garage all the way to the north property line, I would ask the applicant to consider 100-foot fence 50-foot on the new building and 50-foot on the adjacent to help deter that trash from that dumpster.

Ken Bullis – I know you can't put conditions on an existing property; I think that makes sense for us.

Calhoun – over and 30-feet past the dumpster; more open down there; trying to eliminate the problem later down the road.

MOTION BY HOLLENBACK, SECOND BY SNYDER to amend my previous motion and to say 100-feet of chain link to the north side, 50-foot on the old phase and 50-foot on the new phase.

Place – and nothing by the garage, but the garage is still 30-foot.

Motion carried. Aye – 5; Nay - 1

PUBLIC COMMENT

Public comment period was opened up at 7:20 P.M.

Jim Morey – 1298 N Cummings Rd. Davison, MI – the road will just come out right in the middle of that area, by the swamp.

Public comment period closed at 7:21 P.M.

INFORMATIONAL ITEMS

None

ADJOURNMENT

MOTION BY SNYDER, SECOND BY HOLLENBACK to adjourn at 7:22 P.M. Motion carried unanimously.

Rob Hollenback, Secretary