

**TYRONE TOWNSHIP PLANNING COMMISSION
APPROVED PUBLIC HEARING MINUTES**

**Request of Paul White for White's Quality Used Cars, Inc.
9485 Center Road
Special Land Use Permit - Article 14.03, 13.03.A.4, 22.00, etc.**

September 8, 2009 7:30 p. m.

MEMBERS PRESENT: Present: Chairman - Dave Hanoute, Vice-Chairman - Mark Meisel,
Secretary - Laurie Radcliffe; Commissioners: Gary Butler, Steve Hasbrouck, Ed Kempisty

MEMBERS ABSENT: Joe Fumich

CALL TO ORDER: 7:00 p.m. by Chairman Hanoute.

READING OF THE PUBLIC NOTICE

The Notice was read aloud by Secretary Radcliffe

CORRESPONDENCE:

PURPOSE OF THE HEARING:

The purpose of the Public Hearing is to receive comments regarding the request of Paul White to locate the office of White's Quality Used Cars, Inc. at Woody's Towing, 9485 Center Road, Fenton, Michigan 48430

COMMENTS FROM THE APPLICANT:

Mr. White said there was a problem at the last Planning Commission meeting in regard to parking spots. He brought his new plans in to the Recording Secretary, who said she was going to contact Mr. Hanoute to see if the plans were OK. She called at 4:00 o'clock to say everything was OK and then he comes to the next meeting and there is a problem with the allocated spots. He was led to believe that everything was O.K. Then Mr. Meisel offered to help him lay out the spots, but he went out of town for a week. Mr. White went back to the Engineering firm and they redesigned the lot and he brought the plans in last Tuesday (September 1, 2009). Since then, the State of Michigan inspected the site and he is in full compliance with all State requirements. He was told that the State didn't care how many parking spots he had, he just needed to have 1300 square feet for parking. The inspector looked at his sign and everything was in compliance. He got a letter from the state and the Planning Commission was supposed to get copies. He received another letter which he gave to Supervisor Schmidt.

COMMENTS FROM THE PLANNER:

Sally Hodges of McKenna Associates, Tyrone Township Planner, said she didn't receive the plan until 4:00 p.m. today, thus she had not had time to review it. However, there are two issues to clarify---the question of State permission and regulation, and the question of the Township Zoning Ordinance and zoning requirements. Mr. White wants to add a new use to an existing use. The Planning Commission has to make sure that the site, including the new use, meets all of the Ordinance requirements. One of those is the parking requirement. The Ordinance requires 1 space per 100 square feet of outdoor sales area for a vehicle dealership, plus 4 per repair stall, plus one per employee. Mr. White will have no stalls, one employee and a minimum of 1300 square feet of outdoor sales which could supply the 14 parking spaces for Mr. White's use. The existing auto repair use of the property requires 3 spaces per stall, 1 per transport or towing vehicle, plus 1 per employee. We don't know the number of transport vehicles or employees, so we can't determine the minimum number of parking spaces for the repair use. The convenience store parking requirements are based on the useable floor area of the convenience store, which we don't have information for. The drawing shows 37 parking spaces on the site. Mr. Wood probably has enough space to provide all the parking area required, but it isn't shown on the plan as proof that the parking complies with the Ordinance.

Other Ordinance requirements referenced at the last hearing that we don't have information about relate to front yard landscaping, signage, lighting, trash disposal, and outdoor storage. The site plan needs to be complete for the Township Ordinance requirements not just State approval requirements. If she had received the plan in enough time, she could have put the comments in writing. Mr. Hanoute explained to Mr. White that he was adding a Special Use to a site which has to comply with the Zoning Ordinance. This site doesn't comply with the Zoning Ordinance. We need a corrected site plan which has to be checked against the site to see if it is in compliance.

Mr. White complained that he had been before the Planning Commission three times. The first time he brought a plan that the Treasurer and Clerk reviewed with him. They told him to go home and draw up a sketch. Then when he came in, the Planning Commission Recording Secretary told him it was OK. He went to the Engineering Company and did the whole site plan, and the Clerk and the Recording Secretary told him it was OK when he brought it in, but nobody looked at it. Then at the last meeting, he was told to come up with ten spots to park cars.

Mr. Hanoute reminded him that he was told to put a parking calculation on the drawing for Woody's requirements as well as his. That wasn't done and if he had done it he would realize that the drawing doesn't show enough parking on the site. Mr. White said he added the eleven spots that were already there for Woody's. Mr. Hanoute explained that Woody's wouldn't have enough spots after Mr. White took up ten of them. There isn't enough room in the proposed configuration and no transport vehicles are shown. They can be 40 or 50 feet long. Mr. White said he could put them where they are now, and Mr. Hanoute replied that was the same place his display parking was located. Mr. White said his parking spots would be in front of the transport vehicles. Mr. Hanoute told him that would be in the highway right-of-way and that wasn't allowed by the Ordinance. Once we have a drawing that is legal and complies with the Ordinance, we will be glad to process the request.

Mr. White said Mr. Meisel offered to help, but when he wasn't available, he went back to the Engineers. Mr. Meisel said he did offer to help, but had to go out of town. When he came back, he called Mr. White and was told the drawing was taken care of. The point is that Mr. White is in a situation where he is caught in the middle. He probably complies with all the requirements set forth by the State, but his problem is that he wants to locate on another site that is not in compliance with

the Ordinance. In this case Mr. Wood will have to comply. Mr. White's site plan has to show how the site complies with the Ordinance and he is caught in the middle until he can do that. That creates a problem for the Planning Commission that isn't easy to solve. Even though they aren't part of his application, he has to account for all the customers, employees and vehicles that use the site.

Mr. White said he told them at the last meeting that Mr. Wood has to keep the cars there that he impounds until the state lets them go. Mr. Meisel said that was a problem for Mr. Wood. He would have to find a place to impound the cars. Right now they were taking up parking spaces for his business and Mr. White's business. Mr. Hanoute said that impounded cars didn't have to be kept on the site. He could store them some place else. His site was never approved for the wrecking business and he is taking up space from his other activities for his impound area. His use is non-conforming.

Mr. White said he had agreed with the Township to not display any cars there. He put that in a letter. He buys his cars for wholesale. Mr. Meisel said the problem is to separate his use from where he wants to do it. If it was a single use site, he would probably comply. The issue is that the site you want to use doesn't comply with other aspects of the Ordinance. Your use may be 100% legal, but the place where you want to operate isn't 100% legal.

PLANNING COMMISSION COMMENTS:

PUBLIC COMMENTS:

Pastor Schulz of Burton prayed that the problems could be worked out because he has been buying cars from Mr. White for 25 years for his family and friends and no one has ever had a complaint.

Scott Dietrich, 13505 White Lake Road, commented that the issue has been discussed for months. The Township knows there is a non-conformity there and has never raised any questions. He wondered why the Township hasn't directed the Zoning Administrator to go out there and get them to conform. You still don't know how many parking spaces are needed there right now. Mr. Hanoute said it was Mr. White's responsibility to provide the parking information, not the Planning Commission's. Mr. Dietrich said some one should be able to give him help to speed the process. Mr. Hanoute reminded Mr. Dietrich that the applicant was told to go to his Engineer for professional help with all of the calculations. That wasn't done.

Don Steele, 9237 Dean Road, said he built some buildings on his property, and had to keep getting building permits every time he built something. You can't stop progress.

Charles Geer from Howell, a friend of Mr. White's, said he had bought a lot of cars from him. He provides a used car service and the Township should want to have his business. He encouraged the Board to work out the problems.

Glenn Byerly, 8191 Dean Road, said he has purchased vehicles from Mr. White and he is an honorable dealer. He would like to see the business continue in the Township.

CLOSING PLANNING COMMISSION REMARKS:

Mr. Kempisty said no one came to the meeting to criticize Mr. White's reputation or standing in the community. The problem is Mr. Wood's compliance with the Ordinance. Mr. Kempisty asked Mr. White if Mr. Wood was aware of what has to be done.

Mr. White said that Mr. Wood has never had a violation, so how could he be aware that he is not in compliance. Mr. Wood was aware of all the trips he has made to the Planning Commission and Mr. Wood wrote a letter endorsing the business on his property. He isn't the one to tell Mr. Wood he isn't in compliance. Mr. White asked Mr. Hanoute if he had personally filed the complaint he said he was going to file at the last meeting.

Mr. Hanoute said he hadn't filed the complaint yet. He asked Mr. White if Mr. Wood was aware of his dilemma, that Mr. White can't get certified because of issues at Woody's. It isn't totally Mr. Wood's issue---there just isn't enough parking there for both of the uses. He has 20 cars with no license plates parked in stalls that should be allocated for customer parking. Mr. White said the Board should address that problem, it wasn't his job. He wondered why Woody's was never cited for a violation.

Mr. Hanoute asked Mr. White if the Engineer added the parking spots and then put an asterisk on the drawing. Mr. White said the Engineer drew in the spots, but he put the asterisk on the drawing. Mr. Hanoute said that was where the transport parking is located and asked if the Engineer took that out and put in the vehicle parking. Mr. White said the transport parking is located in back of the vehicle parking.

Mr. White asked if he could sit down with someone from the Township to set up the parking he needs. Mr. Hanoute explained that Mr. White needs to show the parking requirements for Woody's business and then add his parking requirements to that. He should ask his Engineer to do that for him. The requirements are in the Zoning Ordinance.

Ms. Hodges said she had been authorized to do a review of the plan at the last meeting. Because of the late mail delivery she didn't have a chance to prepare the review. She planned to prepare a letter or memo listing the things that need to be done on the plan so the applicant would have guidance. That will include parking calculation specifications and the plan requirements so Mr. White has a check list to take to his Engineer. Mr. White said there is adequate parking there and Mr. Hanoute said he just has to show it.

Mr. Hasbrouck asked if the letter would address Woody's parking too. Ms. Hodges said she will have to review the site as a whole for the combination of uses. She will probably need more information about the site regarding useable floor area in the convenience store and the other uses that occur on the site. She usually asks for 5 days to turn around a review and then Mr. White will have to take it to his Engineers, so realistically it probably won't be ready for the next meeting.

Mr. Hasbrouck reminded Mr. White that he had said Mr. Wood was going to contact the Road Commission about gaining the use of their easement as a parking area. Mr. White said he doesn't know if that has been done or not.

Ms. Radcliffe asked if the construction occurring on the garages was to make them bigger. Mr. Kempisty said they were extending the roof, but they had also changed the footprint of the building. Ms. Hodges asked Mr. White if his site plan shows the changes and if it matches what is actually

on the site. Ms. Radcliffe wondered if there would be enough clearance between the handicapped parking and the exit from the first garage bay to permit backing a car out of the garage as shown on the drawing.

Ms. Hodges said she would review the documents that were provided and list the additional information that is required.

Mr. Butler asked if Mr. Wood had seen the site drawing provided for the Planning Commission. Mr. White said he had seen it and he has a full sized copy. The drawing was made before Mr. Wood received his permit to extend the building. He thought the building extension was about 4 or 5 feet. Mr. Wood was in agreement with the plan and didn't make any comments about his equipment when he was shown the plan. Since Mr. White wasn't going to be parking any cars there, it wouldn't affect Woody's parking because there would be nothing there. He doesn't park cars. They are pretty much wholesaled or he buys the cars and customers come to the auction to pick them up. He doesn't buy cars for an inventory.

Mr. Hanoute explained that the Township has to certify to the State that the site is prepared to park ten cars, whether they are parked there or not. He asked Mr. White if the Inspector had said anything about the Township certification. Mr. White said he didn't ask because he was told that State laws superceded Township laws.

ADJOURNMENT:

There were no further comments and Chairman Hanoute adjourned the Hearing at 9:05 p.m.



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission