AGENDA

Special Meeting
Tuesday, April 21, 2015
7:00 p.m.

Green Oak Charter Township Hall
10001 Silver Lake Road
Brighton, MI 48116

1. Call to Order

2. The Pledge to the Flag

3. Roll Call of the Board

4. Approval of the Agenda

5. ZBA Case 05-2015, Vacant Parcel # 4716-31-300-010, Located on Green Oak Industrial Dr. Whitmore Lake, 48189. Request variance from Section 38-311 (f), Parking Regulations to allow 10 parking spaces that are within the front yard setback.
   a. Applicant’s Presentation of the Case – maximum of ten minutes
   b. Board members may question the Applicant
   c. Open Public Hearing – a maximum of three minutes shall be allotted to individuals, and a maximum of five minutes to a group representative
   d. Close Public Hearing
   e. Rebuttal by Applicant – a maximum of two minutes allotted
   f. Decision of the ZBA

6. New Business

7. Old Business

8. Approval of March 17, 2015 Meeting Minutes

9. Correspondence

10. Call to the Public – maximum of three minutes shall be allotted to individuals, and a maximum of five minutes to a group representative

11. Adjournment

Posted April 2, 2015
Roll Call: Sarah Pearsall
Deborah Sellis
Joe Weinburger

Absent: Wendy Hoover
Jim Tuthill

Guests: 10

Also Present: Debra McKenzie, Zoning Administrator

APPROVAL OF AGENDZA

Ms. McKenzie removed ZBA Case 06-2015 per the applicant’s request to be heard at a later date.

Motion by Pearsall, second by Sellis
To approve the agenda as revised.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

Mr. Weinburger explained that the full ZBA Board is not present and any applicant who would rather wait for a full board can do so and will be placed on the agenda for 4/21/15.

1. ZBA Case 03-2015, 6520 Davis St., Brighton, MI, 48116 Parcel #4716-06-401-020, request a variance from Section 38-136, the ordinance states that the required rear yard setback be 45 feet. The applicant is requesting a variance of 7 feet leaving the rear setback at 38 feet instead of the required 45 feet.

Representing ZBA Case 03-2015: Catherine & Anthony Lollio

Ms. Lollio explained that her husband is a veteran and is a quadriplegic and they need to make their home wheelchair accessible. They would like to have a small wheelchair accessible bathroom at the back of the home which would be the easiest since the plumbing is already existing in that location. She explained that there is an existing temporary ramp and they have applied for a VA grant to modify the home and it will include a permanent ramp. This will also increase the Master Bedroom which will allow Mr. Lollio to maneuver around. The hardship is that there is no other location to build
that would make logical sense. She explained that the septic field location is their practical difficulty.

Mr. Weinburger opened the public hearing at 7:20 p.m. and closed it due to no comments.

Motion by Sellis, second Pearsall
To approve ZBA Case 03-2015 regarding parcel # 4716-06-401-020, requesting a variance from the rear yard setback requirement due to the practical difficulty of the existence of the septic field in the way of where the change to the home would typically be permitted. The variance of 7’ leaving the rear yard setback at 38’ instead of the required 45’.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

2. ZBA Case 04-2015, vacant parcel #4716-11-201-002, located on the corner of Emerson Dr. and Kensington Rd., Brighton, MI 48116, request a variance from 38-136 (c) off street loading requirements. Backing into a site from a public or private road right-of-way shall be prohibited.

Representing ZBA Case 04-2015: Jim Barnwell, Desine Inc.
Michael Wainwright, Owner Sporttech
Keith Phillips, Architect

Mr. Barnwell explained that they would like to reserve the option to table for the full board. Mr. Weinburger explained that would need to be decided now. Mr. Barnwell and his group decided to move forward.

Mr. Barnwell explained that the piece of property is rectangular in shape and measures 220’ x 220’. He explained that this site is unique in the neighborhood and the site is extremely hilly. The property starts off at the corner of Emerson and Kensington at an elevation and goes up around 20’. The development becomes hard and difficult to turn a large truck around because a large truck takes about 100’ to make the radius. They are asking to be able to back in off of Emerson Drive. This would be for larger trucks only, smaller trucks would not have an issue. Setbacks that force the building into the corner, the drainage is all to the front as is the septic tank. Between the shape, size and topography of the lot creates a situation where there isn’t enough room to allow the trucks to turn around in that small area.

Mr. Barnwell explained that the Planning Commission knew there was no way to get a large truck in there. They did discuss it at the Planning Commission and they did recommend site plan approval subject to a variance.
Mr. Barnwell stated that the topography and the way the property drains is their practical difficulty. Mr. Phillips explained that the property has unique topography along with the detention/retention areas. The septic field also takes up the majority of the lot.

Ms. Sellis asked how the large trucks enter the property. Mr. Barnwell explained that they will back in. Mr. Wainwright stated that when he bought the parcel 3 years ago and he bought it thinking they would enter off of Emerson. He explained it is very heavy truck traffic and it is a dangerous situation entering off of Kensington.

Ms. McKenzie questioned if the applicant was aware of the Cross Access Agreement? Mr. Wainwright stated yes. Mr. Wainwright stated that the owner to the north was not going to push that agreement per their realtor.

Mr. Weinburger opened the public hearing at 7:35 p.m.

Bob Moran – Mr. Moran stated that Mr. Weinburger had asked the applicant how the Planning Commission reacted to this item. Mr. Moran explained that the Planning Commission neither supported nor felt that they could deny because it was a topic that would need to come to the ZBA.

Phil 5293, He explained that he owns the parcel immediately to the south, parcel 3. He stated that he has grave concerns about this. In theory it is nice that the truck traffic could pull in and back out, without cutting into his property but the reality is that there will be damage to his property. He felt that the truck drivers will pull into his drive and they will cut their wheels in his driveway, tearing up his asphalt, or sprinklers/lawn. The parcel in question, when he built his property he was told he had to put in a common drive, south of Emerson, circular path around that so truck traffic can manipulate. He split the parcel further south of him to create this maneuvering. He didn’t realistically see how this would work without damaging his property on a regular basis.

Mr. Weinburger closed the public hearing at 7:39 p.m. due to no further comments.

Mr. Wainwright explained that the space to the west is the space that he leases today, he is on site there every day and the trucks that use this space have never come close to his lease space, they have a significant amount of truck traffic and his would be very limited and from his experience leasing across the street there was not an issue.

Mr. Barnwell explained that a 50’ wide throat was provided and that will be an adequate area.

Mr. Wainwright stated that buying more property was not an option. This project has been two years in the making and will be a major improvement in the area, with additional jobs and tax dollars.

Mr. Wainwright stated that this is more of a safety concern. Mr. Barnwell stated that the Cross Access Agreement was not for truck traffic. It may be adequate for passengers but not for truck traffic. Emerson was intended for truck traffic. Mr. Wainwright explained that he has been speaking to Wixom Properties and they are well aware of
the situation and he knows this meeting is happening tonight and he is not here to force
the Cross Access Agreement.

Motion by Pearsall, second by Weinburger
To deny the variance request in ZBA Case 04-2015, parcel #4716-11-201-002
because there is a means that the applicant does have access through the
Cross Access Agreement and there is no practical difficulty shown other
than the size of the lot is not large enough and allowing such a variance
would be a danger to the area with traffic.

Roll Call Vote:  Ayes: Pearsall, Weinburger
Nays: Sellis

MOTION APPROVED TO DENY

3. ZBA Case 05-2015, Vacant Parcel #4716-31-300-010, locate on Green Oak
Industrial Drive., Whitmore Lake, 48189. Request variance from Section 38-
311(f), Parking Regulations to allow 10 parking spaces that are within the
front yard setback.

Representing ZBA Case 05-2015: John Dziuban, owner

Mr. Dziuban stated that he would like to defer his application until the April 21, 2015
meeting.

NEW BUSINESS

Mr. Jewell, Building Official asked for clarification of a prior case ZBA #12-2014 in
reference to a setback issue. He explained that the directional words of north and
south needed to be corrected in the motion that was made.

Motion by Pearsall, second by Weinburger
To clarify the motion in ZBA Case #12-2014 which was approved in a
motion made by Gary Gaylord for 11423 N. Shore Drive on 5/20/14 a
variance of 16’ to allow a 14’ yard setback and a variance of 2 feet on the
south side yard leaving an 8’ side yard setback and a 7’ variance leaving a
3 ft. north side variance which would allow the house without flipping it in
accordance with the intentions of the ZBA’s first motion of 5/20/14.

Voice Vote:  Ayes: Unanimous
Nays: None

MOTION APPROVED

OLD BUSINESS - None

APPROVAL OF THE Meeting Minutes
Motion by Pearsall, second by Sellis
To approve the minutes of January 20, 2015 as presented.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

CORRESPONDENCE - None

CALL TO THE PUBLIC - None

ADJOURNMENT

The Zoning Board of Appeals meeting was adjourned at 8:00 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto
Kellie Angelosanto
Recording Secretary
Site Plan Review
For
Green Oak Township, Michigan

Applicant: Lakeland Real Property LLC / John Dziuban
PO Box 53
Lakeland, Michigan 48143

Project Name: Michigan CNC Machine (SP 13-2014)

Plan Date: December 12, 2014

Date Stamped: December 18, 2014

Location: Parcel G
Green Oaks Industrial Drive
Whitmore Lake, MI

Zoning: GI, General Industrial District

Action Requested: Site Plan Approval

Required Information: Noted below.

PROJECT AND SITE DESCRIPTION

The applicant is requesting site plan approval for the development of an 11,676 square foot industrial/office building, located on parcel G on Green Oaks Industrial Drive off of 8 Mile Road in Section 31.
An aerial image of the site and its vicinity is provided below.

**Figure 1**
*Aerial Image of Subject Site and Vicinity*

The site is in a GI (General Industrial) zoning district. A fabrication/warehouse operation is permitted in this district. A summary of the surrounding zoning districts and land uses is provided in the table below.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning District</strong></td>
<td>GI</td>
<td>GI</td>
<td>GI</td>
<td>GI</td>
</tr>
<tr>
<td><strong>Land Use</strong></td>
<td>Vacant</td>
<td>Industrial/office building (under development)</td>
<td>Distribution Center</td>
<td>Agricultural/rural residential</td>
</tr>
</tbody>
</table>

*Items to be Addressed: None*
The proposed development must conform to the standards for area, building setbacks, lot width, lot coverage/impervious surface area, and building height set forth in the Section 38-136, Schedule of Area, Height, and Setback Regulations in the Zoning Ordinance. A summary of the dimensional standards are detailed in the table below.

<table>
<thead>
<tr>
<th>Dimensional Standards</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>2 acres</td>
<td>3.022 Acres</td>
</tr>
<tr>
<td>Lot Width</td>
<td>200 Feet</td>
<td>232.37 Feet</td>
</tr>
<tr>
<td>Front Yard Setback</td>
<td>75 Feet</td>
<td>28.68 Feet</td>
</tr>
<tr>
<td>Side Yard Setback</td>
<td>35 Feet</td>
<td>35 Feet and 105 feet</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>75 Feet</td>
<td>283 Feet</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>35%</td>
<td>8.86%</td>
</tr>
<tr>
<td>Impervious Surface</td>
<td>90%</td>
<td>23.0%</td>
</tr>
<tr>
<td>Building Height</td>
<td>3 stories or 50 Feet</td>
<td>1 story / 20 Feet</td>
</tr>
</tbody>
</table>

The building is setback the minimum 75 feet to accommodate the front yard setback, however, there are 10 parking spaces that encroach into the front yard. These spaces must be moved or the applicant must seek a variance from the ZBA.

**Items to be Addressed:** Relocate the 10 parking spaces that are within the front yard setback or seek a variance from the ZBA.

**NATURAL RESOURCES**

**Topography:** The front half of the site is relatively flat with only a 2 % slope. The site starts to have more slope, about 12%, as it get to within about 80 feet of the wetland area to the southwest. The applicant is proposing some grading work around the back side of the proposed development area where the site slopes of to the wetland area.

**Woodlands:** There is a woodland area that makes up a good portion of the central area of the site. The applicant has provided a tree inventory and schedule of replacement for those trees that are to be removed that conforms to the standards in Section 38-363, Woodlands Protection and Preservation. Forty six (46) trees are proposed to be removed for the site development. Twenty seven (27) replacement trees are proposed to mitigate those of fair quality. No landmark trees are proposed to be removed. Trees to be saved will be protected by tree protection measures as indicated on the site plan, which will be installed prior to any tree clearing or land balancing.

**Wetlands:** There is a substantial wetland area in the southwest corner of the site. The site plan does not propose any disturbance to areas within the wetland boundary. The
wetland will be protected from sediment by silt fence which is proposed at the limits of grading.

**Soils:** The majority of the soils found on-site are Miami Loam as indicated on the site plan.

**Erosion:** The construction of a thirty-six (36) inch silt fence is proposed as an erosion control device, along with mud tracking mats to help prevent the spreading of dirt and stone onto public roadways off-site during the construction process.

**Items to be Addressed:** None

### SITE ACCESS AND CIRCULATION

The site will have a single access point from Green Oak Industrial Drive. There is a truck turn-around/loading area, south of the building and west of the parking lot, design to accommodate semi-truck turning movements in order to allow access to the overhead door on the building. This area appears to be sufficient.

**Items to be Addressed:** None

### PARKING AND LOADING

Parking and loading shall be in accordance with Section 38-312 of the Zoning Ordinance. The site plan details parking calculations based on Gross Floor Area (GFA) and number of employees. The table below summarizes the required parking calculations set forth in Section 38-312

<table>
<thead>
<tr>
<th>Requirement</th>
<th>No. of Spaces Required</th>
<th>No. Spaces Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off-Street</td>
<td>One space per each one and one-half (1½) employees computed on the basis of the greatest number of persons employed at any one time, or one space per each two thousand (2,000) square feet of UFA (whichever is greater)</td>
<td>11,676 sf / 2000 sf = 6 spaces (whichever is greater) 30 employees/1.5 = 20</td>
</tr>
<tr>
<td>Barrier Free</td>
<td>1 spaces per every 1-25 total spaces</td>
<td>20 = 1</td>
</tr>
</tbody>
</table>

The applicant is proposing 20 spaces which will include one (1) barrier free space. Additionally this building will require one 10 by 50 feet space for loading and unloading. The applicant is proposing one space measuring 50 by 75 feet.

**Items to be Addressed:** None
**ESSENTIAL SERVICES**

The site is to be served by well and septic. The site plan indicates that all stormwater will be collected and directed to existing storm facilities for the park. We defer review of essential services to the Township Engineer, Township Fire Marshal, and any interested outside agencies, such as the Livingston County Drain Commissioner and Livingston County Health Department.

*Items to be Addressed:* Final site plan approval is subject to the review of essential services by the Township Engineer, Township Fire Marshal, and any interested outside agencies, such as the Livingston County Drain Commissioner and Livingston County Health Department.

**LANDSCAPING**

A landscape plan has been submitted. The following outlines the landscaping requirements of Section 38-177.

**General Site Landscaping** – Section 38-177(c)(1) requires one (1) tree per 3,000 square feet or portion thereof for any undeveloped area for which other specific landscaping requirements do not apply.

The applicant calculates 31,028 square feet of open space on the site which would require 11 trees, which they are providing.

**Roadway** – Per Section 38-177(c)(2), landscaping adjacent to roadways must contain: one (1) deciduous or evergreen tree per thirty (30) lineal feet of road frontage, one (1) ornamental tree per 100 lineal feet of road frontage, and five (5) shrubs per thirty (30) lineal feet of road frontage.

The site has 232 feet of road frontage along Green Oak Industrial Drive. This would require 8 deciduous trees, 3 ornamental trees, and 39 shrubs. These are provided in a reasonable arrangement.

**Greenbelts** – Per Section 38-177(4), 20 foot wide greenbelts and plantings are required along the side and rear property lines of the site. Required greenbelts shall be located between the property line and any developed or paved area, including parking areas, access drives, and buildings. One (1) deciduous/evergreen tree is required for every thirty (30) lineal feet.

There are approximately 250 feet on the south side yard adjacent to the parking lot and loading area, and approximately 230 feet along the north side yard adjacent to the building. This would require 16 additional tree to be planted along these areas.
Parking Lot – Per Section 38-177(c)(6)a. twenty (20) square feet of interior landscape area is required per parking space for parking areas containing at least twenty (20) spaces. A minimum of one (1) tree shall be planted per three hundred (300) square feet of interior landscaped area.

There are 20 spaces proposed which would require 420 square feet of landscaping area and 2 trees. The applicant is not providing a landscape area or tree island within the parking lot, but does indicate the 2 required trees on the landscaping plan. The applicant could use the striped area that separates the loading area from the parking lot for this purpose. If necessary for interior circulation, the Planning Commission can also consider a waiver of this provision.

**Items to be Addressed:** Provide 420 square feet of landscaping area (landscape island) within the parking lot. Provide 16 additional trees along the two side yards.

### TRASH RECEPTACLES

A dumpster enclosure is proposed at the south end of the building. The enclosure is proposed to be made of masonry units matching the building and treated wood gates. Details of the enclosure have been provided.

**Items to be Addressed:** None

### LIGHTING

A lighting/photometric plan has been submitted on Sheet LT1 of the site plan. There are three (3) wall mounted lights and one (1) 20 foot tall pole light that will provide lighting for the parking and locating areas and walk ways. These lights are all down directed and appear to comply with the lighting requirements in the Section 38-364 of the Zoning Ordinance. There are also two (2) ground mounted flood lights that are to be directed at the building. These do not comply with the ordinances requirement that all lighting be shielded and down-directed. If the applicant would like to light the building they may consider downward directed sconce or wall mounted lighting.

**Items to be Addressed:** Remove the ground mounted flood lights.

### FLOOR PLAN AND ELEVATIONS

The applicant has submitted floor plans and elevations for review. Fabrication/warehouse space comprises the majority of the building, approximately 10,000 square feet. The balance of the building houses office space. The office area is on the east side, closest to the road and the parking lot. The façade of fabrication/warehouse space is prefinished metal siding and the office area has vinyl siding with a low brick wall. The building layout and elevations are typical of an industrial building within a business or industrial park.

**Items to be Addressed:** None.
SUMMARY / RECOMMENDATION

The site plan is substantially compliant with the regulations of the Township’s Zoning Ordinance. We recommend approval of the revised site plan with the following conditions to be addressed prior to final site plan approval:

1. Relocate or seek a variance from the ZBA for the 10 parking spaces that are within the front yard setback.
2. Final site plan approval is subject to the review of essential services by the Township Engineer, Township Fire Marshal, and any interested outside agencies, such as the Livingston County Drain Commissioner and Livingston County Health Department.
3. Provide 420 square feet of landscaping area within the parking lot or seek Planning Commission waiver.
4. Provide 16 additional trees along the two side yards.
5. Remove the ground mounted flood lights.

#175-1429
cc:     Mark St. Charles, Supervisor
        Debra McKenzie, Planning & Zoning Administrator
        Leslie Zawada, Township Engineer
        Tim Kedzierski, Township Fire Marshal
        John Dziuban, Applicant (michigancncctool@att.net)