

Planning Commission Special Meeting 5/3/2021 7 p.m.

Meeting agenda: Site Plan Review for commercial property 20-09-4-21-1002-016, along with Special Use Permit application for same property to allow food sales up to 5000 sqft.

Meeting called to order by Chairman Scott Wendling

Members present: Scott Wendling, Greg Wendling, William Turnwald, Ray Birchmeier & Brian Wendling

Zoning Administrator present: Rob Kehoe

Applicants present: Mark Zawadski & Jason Raleigh

Public Present: 21 live members and 11 online initially, with 75 unique views during the meeting.

Zoning Board of Appeals (ZBA) members present: Scott Wendling, Dale Drexler & Kevin Krupp

Chair provided a descriptive agenda and structure of the meeting to include, ZBA minutes, Planning minutes, Site plan review, public comment, Site plan deliberation and potential vote by Planning Commission members, Special use permit application, public comment, Special use deliberation and potential vote by Planning Commission members, next steps and adjournment

ZBA members after having reviewed the minutes, which have been published on the township web site since April 23rd, Motion made by Drexler and supported by Krupp to approve the minutes as presented. Unanimously passed.

Planning Commission minutes from April 5th, 2021 read.

Motion to approve, supported, unanimously passed, approval of the minutes presented.

Chair explains that the commercial building being requested fits within our existing ordinance.

Site Plan portion of meeting entered: Board discussion included comparison of aspects of the site plan to existing township ordinances, such as:

- Future county right of way (ROW) growth requirements related to Lincoln Rd. ROW
- Light pole set backs
- Deceleration lane entering commercial drive
- Dumpster cement pad depth and reinforcement
- ADA parking spaces
- Sign placement, illumination and size
- Loading spaces – typical delivery schedule and how it affects parking spaces

Site Plan review Public Comment was entered (both in person and remotely): Community members shared their insight, questions and concerns, to include:

- Dumpster and Loading space overlap

- Request for privacy fence on south side of property
- Information regarding exterior lighting, type and hours of operation
- (remotely) Drainage needs for storm water
- Desire for all ordinances on the Maple Groves books to be followed completely
- Loading process, specifically maneuvering from Lincoln Rd. to parking lot
- Loading zone, specifically the desire to have two loading zones per current ordinance
- Indication that Lincoln and M-57 is a busy intersection
- Speed zone options specifically a deceleration lane
- Crime concerns primarily focused on retail fraud (shoplifting)

After the public has presented all of their information, a motion was made by Brian to deny the Site Plan application based on the currently proposed version. Motion supported by William, with ensuing roll call vote:

Greg – Yes

William – Yes

Ray – Yes

Brian – Yes

Scott - Yes

Motion prevails and current Site Plan application was denied, based on existing variation between the plan and ordinance.

Mark Zawadski & Jason Raleigh asks the Planning Commission for clarity on two points:

- Loading zone (s)
- Deceleration lane

Residents spoke up regarding both the need (follow ordinance to the tee) and lack of need (may encroach on neighbors and traffic should be slow at intersection already) for a deceleration lane

Chair asks Mark Zawadski if he would like to proceed with the Special use application process, considering the Site Plan was denied in its current form. Mark affirmed that he would like to proceed as planned believing that the Site Plan was in regards to exterior building features and the Special use was in regards to interior building operations.

Chair describes the Special Use application, is part of our ordinance process, allowing a commercial building, to perform food sales up to 5000 sqft, of the total building space.

Motion made and supported to open the meeting to public comment, unanimously passes and the meeting opens for public input (both in person and remotely), which includes:

- Concern for all age drivers at busy intersection
- (remotely) Truck traffic to site for deliveries
- Residents believe it is ok for everyone to commute to Montrose or Chesaning for Dollar General
- Simply do not want a Dollar General in the community
- Indication that this store does not provide a unique shopping opportunity
- Crime, specific to Dollar General and retail fraud, that the lack of County Police will prevent
- Employment practices, specifically are local individual hired
- Employment practices, specifically there are not enough workers to staff the store
- Will change the support to local businesses
- Empty semi-trailer parked at Montrose Dollar General full time
- Indication that community is already saturated with alcohol and tobacco sales
- Lighting concern, specifically keeping on 24 hours a day
- How is this project considered when others have been denied

When no further public comment was presented, motion made by Brian and supported by Greg to close public comment, vote ensues and unanimously passes. Public comment closed with thanks for the input from the Chair.

Board has discussion regarding community input.

Motion made by Brian to approve the Special Use Permit, with the following conditions, as detailed here:

I make a motion to approve the special use permit application for food sales less than 5,000 square feet with the following conditions

1. There shall be a solid natural (evergreen) wall or fence parallel to the south property line, a minimum of 5 ft. in height the entire depth of the lot, to limit vehicle headlights projecting into neighboring properties along with a Township approved maintenance plan that ensures integrity, proper growth, and aesthetics.
 - a. Rationale: This will provide a natural barrier between the parking lot the neighboring residential property to the south to block the vehicle headlights pulling in and out of the parking lot.
2. There shall be a Township approved building and grounds maintenance plan in place outlining in detail how the property will be maintained while occupied as well as in the event there is not a tenant or lease agreement in place.
 - a. Rationale: The expectation is that the building site and grounds will always be maintained to the ordinance regardless of occupancy.
3. There shall be no trucks or trailers left on sight overnight.
 - a. Rationale: There has been a variance approved for the number of parking spots for the building. The trailer will only reduce the number of usable parking spots if left unattended for an extended period of time.

4. Parking lot lights shall be turned off during non-business hours from a time of 1 hour after closing to 1 hour before opening.
 - a. Rationale: To avoid unnecessary light pollution for the neighboring properties
5. There shall be no beer, wine, alcohol, or tobacco sales.
 - a. Rationale: There is already a beer, wine, liquor and tobacco store in close proximity to the proposed dollar general and a bar with a to go license. The commission does not see a need to add additional sales in the community. Also, a public concern of increasing crime was raised during the meeting, eliminating the said items should help reduce the temptation to break into the store. Police officer present indicated Tobacco and alcohol was the main target.
6. An approved Storm Water Management Plan with Saginaw County.
 - a. Rationale: Specified per ordinance already, but want to make sure this is approved prior to the special use permit being valid.
7. An approved Site Plan.
 - a. Rationale: Specified per ordinance already, but want to make sure this is understood prior to the special use permit being valid.

Motion supported by Ray. Discussion by the Planning Commission, prior to a vote, modified the beer, wine, alcohol statement as well as added the overnight truck and trailer restrictions.

Roll call vote of Planning Commission members

Greg – Yes

William – Yes

Ray – Yes

Brian – Yes

Scott - Yes

Motion approved and Special use permit is granted, conditional to the completion and agreement of all the stipulations within the Motion.

Motion by Scott, supported by Greg to adjourn the Special Planning Commission meeting, vote ensued with unanimous agreement. Meeting adjourned. 9:20 p.m.

Submitted by Kevin Krupp, Supervisor, and recorder for this Special meeting of the Planning Commission