CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION MINUTES FOR REGULAR MEETING OF MARCH 10, 2009

TOWNSHIP CIVIC COMMUNITY CENTER 12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN

Chairman Tucker called meeting to order at 7:02 p.m.

Present: Carlson, Franz, McGuirk, Richard, Root, Spees, Tucker

Recording Secretary McDonald

Absent: None

APPROVAL OF AGENDA:

Motion to move SUP09-002 to the first item of business remove the approval of the minutes and approve the agenda as amended

Motion by: Tucker Seconded by: Root

Ayes: Carlson, Franz, McGuirk, Richard, Root, Spees, Tucker

Nays: None Absent: None

Motion carried

PUBLIC HEARINGS

SUP09-002 Lifepoint Church, Rev. Jeff Lievens, 2256 Rollins St. Grand Blanc:

06-29-100-026 15178 Linden Rd.

Request: Special Use Permit: religious institution

Secretary Carlson reviewed the file. Brian Will, Remax Platinum & Rev. Jeff Lievens of Lifepoint Church sworn in. Will explained the church is very small, they would like to lease this building in the hope that they will grow and eventually be able to build their own building. Lievens stated that the building will be used on Sundays and on Tuesday and Friday evenings. Times that will not conflict with the day care center located on this property. Chairman Tucker called for audience comments. Dolores Tressell, 15146 Linden stated concerns about parking. She explained that when this building was used as a dance studio attendance at recitals would cause the parking lot to overflowed onto Linden Rd. and Old Linden Rd. creating a dangerous situation and jeopardizing public safety. Tucker explained the special use permit can restrict the growth of the use to a certain level to insure that will not happen. Tucker then deferred to the applicants, he noted that when he visited the site the parking lot was covered in storm water sufficient to touch the floor of his car. Will stated the building has to be reconnected to the sanitary sewer and electricity has to be restored. He said there is a pump that takes the water from the driveway that is not working at this time. Spees stated concerns about a pump not being part of the Planning Commissions approval. He noted that during construction and engineering the pump may have been required be another agency, however the plans they have do not show a pump and they, the Commission, cannot verify whether the detention plan is in compliance with Township approvals. Tucker noted some of the required landscaping around the dumpster has not been installed. He said that will have to be addressed. The Commission calculated the parking based on 1 space for every 2 seats which, if shared parking is agreed upon, would allow for the church to grow to a congregation of 76. The Commission discussed several conditions upon which the special use permit could be approved, they included reconnection to the sanitary sewer, certification from the Township Engineer that the parking lot detention system was installed and is functioning properly. There shall be no off-site parking and letter will need to obtained for the file that shows an agreement for shared parking. The landscaping around the dumpster must be completed or bonded before the Township will issue a certificate of occupancy.

CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION MINUTES FOR REGULAR MEETING OF MARCH 10, 2009

Motion to grant a special permit to operate a religious institution at 15178 Linden Rd. with the following conditions:

- Parking requirements dictate that the congregation shall be limited to 76 parishioners.
- There shall be no off-site parking.
- The Township shall receive a written agreement between applicant and owner for shared parking.
- The building must be reconnection to the sanitary sewer.
- Certification from the Township Engineer that the parking lot detention system was installed and is functioning properly. Any cost for review will be the responsibility of the applicant/property owner.
- The landscaping around the dumpster must be completed or bonded before the Township will issue a certificate of occupancy.

Motion by: Root Seconded by: Carlson

Ayes: Carlson, Franz, McGuirk, Richard, Root, Spees, Tucker

Nays: None Absent: None

Motion carried

<u>SUP09-001 Simply Self Storage Linden, 7932 W. Sand Lake Rd. Ste. 108, Orlando FL:</u> 06-29-100-015 15124 S. Linden Rd.

Request: Special Use Permit: sales & storage, low intensity

Secretary Carlson reviewed file and read e-mail objecting to the operation of a trucking firm as it appears has been happening for the recent year and objecting to parking of rental vehicles near the entrance. The e-mail was dated 3-4-09 from Carvel Gardner, 15156 Linden Rd. Scott Weatherwax, Simply Self Storage and Brad Chapple, Mid American Commodities, sworn in. Chapple stated Mid American Commodities is a local family owned and operated ceramic dinnerware sales company. They lease space and have been storing their product at Simply Self Storage in Linden since 2007. He explained that the product is delivered to the site by semi truck, in 2008 there were a total of 24 deliveries throughout the year. Two or three employees access the property about 3 times a week for an hour or 2, these visits are done by SUV's that pick up product and take the merchandise to an alternate location for small parcel shipping. He stated the average for 2009 is not expected to exceed 1 semi truck per month. Chapple said it is his opinion that this use fits the category of sales & storage, low intensity and requested the Commission grant a special use permit for his operation. Richard asked how the trucks position themselves to deliver product. Chapple explained there are several ways the trucks maneuver around the building to positions themselves to back up to the overhead door and unload. Root asked how the trucks are unloaded. Chapple responded by hand and by fork lift. Spees asked how many SUV's would be required to carry away a semi load of product. Chapple said he did not know. Chairperson Tucker called for audience comments. Mark & Dolores Trussell, 15146 Linden Rd. submitted photographs and stated concerns that there are numerous semi trucks that visit the site. At times several trucks are lined up on the driveway idling and waiting to get in for hours. Once a truck is at the door it takes hours to unload. He claimed there are pallets from floor to ceiling in the building and that it is not just ceramic products. Mark Trussell stated the operation has the characteristics of a trucking company, it is far from low intensity in nature and the Commission should not grant a special use permit to allow this to continue next door to his residence in a residential area. Weatherwax noted that at one point there were 3 or 4 trucks lined up in the driveway. Only 1 of those trucks belonged to Chapple the others were either waiting to park in their lease space or waiting to visit the business office. He said this was an unusual occurrence. Chapple said during the busy season

CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION MINUTES FOR REGULAR MEETING OF MARCH 10, 2009

they may receive more than 1 semi truck in a day. Mark Trussell said he did not have a problem with the trucks that rent storage space at the storage facility. His problem is the operation of a warehouse and distribution center on property that is not zoned for such an intense use. Dolores Trussell stated concerns about the amount of truck traffic and public safety she noted there is a day care center and a park nearby. Franz asked how many semi trucks Chapple expected per day at his busiest time. Chapple stated 2 to 3 semis. Franz explained the Zoning Board of Appeals interpretation made in October of last year was that "Storage Facilities" exclude the use of commercial warehousing and distribution operations. He said this is warehousing and distributing and the applicant was told to cease operation in December of 2008 and has continued to operate despite notice from the Township. Chapple and Weatherwax stated that several attempts to meet with the Township fell through for them around the holiday time because of scheduling conflicts. They met with the Zoning Administrator and staff in January and proposed this as sales and storage, low intensity and subsequently filed application for this special use permit. Franz noted the applicant is claiming that his average semi truck business is being increased from an average of 1 truck a month to 2 trucks a month, they bring in product warehouse it, break it down and ship it out. He said he feels this is not low intensity and does not belong in the C-2 zoning district. Richard concurred questioning the previous reasoning of the Township in approving C-2 zoning in this area and permitting a storage facility so close to the residential properties. Richard asked how the product is sold. Chapple said it is sold to internet based companies like overstock and other smaller gift shops like Thimbleberry in Linden and Zender's in Frankenmuth. Tucker asked how much product is shipped out and when is the busy season. Chapple said anywhere from a case to several pallets, their busiest time is in October preparing for the holidays. Spees noted that some of the negative impacts may be able to be minimized with some buffering and He added that because this is an expansion of use the ordinance and landscaping. Commission can require a full site plan that would include a landscape plan. Root concurred with Spees adding the driveway was not designed for this amount of truck traffic and it may need to be reviewed for construction. Root said his findings after review of the general standards for consideration of a special use permit are not favorable because he does not feel this use is in harmony surrounding neighborhood, there have been questions raised as to vehicular and pedestrian traffic that cause concern with regard to public safety and welfare and the assessor has indicated that the proximity of the commercial use does lower the value of the neighboring property. Tucker explained the Commission has been presented evidence from the neighbor that this is an intense use and the applicants are indicating it is not intense. The first issue that must be addressed is the question of the use being sales & storage low intensity or warehousing & distribution. Tucker asked that he and any other Commissioners be given access to the portion of the building being used by Chapple. Root stated he felt the proposed use was too intense. Richard concurred. Spees supported the idea of allowing the applicant to present a site plan including a complete landscape plan to see if the impact could be minimized in order to comply with the general standards for approval of a special use permit. He added that he is not saying whether or not the use meets the criteria for the classification as requested. Franz read from the letter of intent submitted with the application requesting the special use permit be granted to allow a commercial tenant to occupy the large storage building, storing merchandise for commercial purpose and allowing limited onsite sales activity with employees 7 days a week from 9 am to 5 pm, limiting semi truck load deliveries to 52 semi trucks annually with an exception of non-semi related deliveries. Franz concluded this does not at all fit the description of a storage facility and is too intense to be called sales & storage, low intensity. Weatherwax replied that is not their intent but rather a general description. McGuirk agreed and concurred with Tucker that the applicants view of the proposal and its impacts differ greatly from testimony of the neighbor. He felt the test of the general standards for a special use permit are not met, the use is closer to warehouse & distribution and pushes the envelop to far to be

CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION **MINUTES FOR REGULAR MEETING OF MARCH 10, 2009**

classified as sales & storage, low intensity. Root said he is not in favor of granting a special use permit as requested. Franz concurred stating the proposed use is inappropriate for the area and is too intense to be called low intensity. Weatherwax asked to postpone to allow him to meet with the owner to discuss the Commissions concerns and the opportunity to present a site plan including the buffering and landscaping. Franz stated this should not be postponed indefinitely. Tucker noted they could postpone until the next meeting. Weatherwax stated if the his company decided to cancel the lease with this client rather than pursue the special use permit 1 month is an unreasonable amount of time for the applicant to vacate. The Commission stated that would be at the discretion of the Enforcement Department.

Postponed

PUBLIC COMMENT & COMMUNICATION CONCERNING ITEMS NOT ON THE AGENDA:

5 Minute Limit - Chairman Tucker called for public comment and communication concerning items not on the agenda. There were none

ADJOURN: 8:45 p.m. Sandra Carlson, Secretary Minutes Posted 03/20/09

John Tucker, Chairman