SAGINAW CHARTER TOWNSHIP PLANNING COMMISSION
SAGINAW CHARTER TOWNSHIP HALL
APRIL 15, 2015

Members Present	Members Absent	Others Present
B. Gombar	J. Howell (excused)	B. Smith, Planner
B. Nelson		M. Mahlberg, Attorney
C. Nolan		C. Edlinger, Recording Secretary
G. Fahndrich		
M. Peterson		
S. McGraw		

Mr. Gombar called the meeting to order at 7:00 p.m.

Approval of Minutes:

Motion by Mr. Nolan, supported by Mr. Nelson to approve the minutes of March 18, 2015.

VOTE: 6 YEAS 0 NAYS 1 ABSENT Howell **MOTION CARRIED**

New Business:

A. **S-15-10 –** Kroger's of Saginaw, Michigan located at 5025 Gratiot is requesting site plan approval to have an outdoor display, located along Gratiot and S. Center Roads, that would operate for a total of 64 days where 30 days are allowed. (23-12-4-29-4001-800)

Ms. Smith stated in early 2014, the Kmart operating in Gratiot Center Plaza experienced a roof collapse and has remained closed for repairs ever since. The Kmart housed an outdoor garden display. The applicant wishes to operate an outdoor display event on this property past the allotted 30-day period. This would result in an outdoor display from April 20, 2015 to June 22, 2015, resulting in a total of 64 days, when 30 days are permitted in any one calendar year per parcel. It further provides that an extension beyond the 30-day limit may be granted after a public hearing if a practical difficulty will be created were the 30-day limit to be imposed.

On April 3, 1992, Kmart applied for a variance (case number A-92-11) from the off-street parking requirements. They asked that the required parking be reduced by 111 spaces to allow for construction of an outdoor garden center. The Board of Appeals granted a variance of one hundred (100) spaces

with seven (7) conditions. One of the conditions was that "absolutely no temporary outdoor sales of any kind will be allowed within the parking lot of the shopping center complex. This includes the sale of flowers, plants, landscaping materials, automobiles, as well as carnivals or any other business endeavor that displaces parking and creates an additional demand for parking." Given that the variance condition was applied to the whole plaza and not just the Kmart section, normally a request for outdoor storage would not be approved. However, with Kmart currently closed, it has been determined that there is justification in allowing another retailer to have a temporary outdoor storage display while Kmart is nonfunctioning. It should be stressed that this does not mean that an extended outdoor event request will be granted in the future, especially if the building housing Kmart reopens.

Whereas the proposed improvements are permitted by right in a B-3, Community Commercial district and the project complies with the general development standards of the Township, staff recommends approval with the four conditions listed in staff's report.

Mr. Calvin McTaggart, Co-manager of Kroger's, was present to answer any questions. Mr. McTaggart stated last year was a big success, customers really liked it, sales grew and Kroger's appreciates the Planning Commission's support.

Mr. Gombar then asked for public comments in favor or in opposition to the proposed site plan.

There being no comments, Mr. Gombar closed the public hearing portion of the proposed site plan.

Discussion followed among the Planning Commission members.

Motion by Mr. Nolan, supported by Mr. Peterson, to recommend approval of the proposed site plan (S-15-10) with the four (4) conditions listed below:

1. The display shall be removed on or before June 22, 2015.

2. The 40' by 60' area designated as the outdoor sales area on the site layout submitted must not encroach into the 90' street side yard setback.

3. The display shall not reduce the number of barrier-free parking spaces available on site.

4. The applicant should be aware that this approval does not guarantee similar approval in the future. The conditions set forth by the Board of Appeals on April 3, 1992 apply to the whole parcel and run with the land. This means that once the space housing Kmart becomes operational again, no other business will be allowed any temporary outdoor sales of any kind within the parking lot of the shopping center complex.

VOTE: 6 YEAS 0 NAYS 1 ABSENT Howell **MOTION CARRIED**

Receive and File All Correspondence:

A. The February 2015 edition of Planning & Zoning News.

Other New Business:

Old Business:

Adjournment:

Motion by Ms. McGraw, supported by .Mr. Fahndrich, to adjourn the meeting at 7:23 p.m.

VOTE:	**6 YEAS**	**0 NAYS**	**1 ABSENT** Howell	**MOTION CARRIED**