

**SAGINAW CHARTER TOWNSHIP PLANNING COMMISSION
SAGINAW CHARTER TOWNSHIP HALL
JULY 17, 2013**

Members Present

C. Nolan
B. Nelson
J. Howell
P. Brucker
M. Peterson

Members Absent

B. Gombar (excused)
J. Egbert

Others Present

B. Smith, Planner
M. Mahlberg, Attorney
C. Edlinger, Recording Secretary

Mr. Brucker 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 June 19, 2013.

VOTE:	5 YEAS	0 NAYS	2 ABSENT	MOTION CARRIED
			Gombar Egbert	

New Business:

- A. S-13-03 and SUP-13-01** – Boom-Hort, Inc. of Saginaw Michigan is requesting a special use permit and site plan approval to construct an approximately 2,300 square foot building to be used for a restaurant and associated drive thru facility located at the southeast corner of Towne Centre and Tittabawassee Road at a address more commonly known as 4960 Towne Centre. (23-12-4-02-1003-000)

Ms. Smith stated the location would be on an “out parcel” in front of, or north of, the Sheraton Four Points Hotel. Although the site would be under separate ownership of the hotel, it will share access with the hotel. The area proposed for the Tim Horton’s fronts along Tittabawassee Road. It is 130 feet deep and 213.70 feet along Tittabawassee Road. The property is zoned B-3, Community Commercial and restaurants are permitted by right and drive-thru facilities are permitted with a special use permit. A review of Trip Generation Rates from the Institute of Transportation Engineers reveals that most fast food restaurants typically generate a minimum 1,400 vehicle trips per day. The applicant is deficient eighteen (18)

parking spaces. The applicant has stated that they are aggressively working to secure additional parking from the hotel. While there appears to be adequate parking if the hotel and the proposed Tim Horton's were considered one comprehensive site, the applicant only has control over the proposed lot. Given that the applicant had expected to resolve this issue prior to this stage and that they have stated that they are working to resolve this issue and that calculations do provide for adequate overall parking, staff has agreed to take this to the Planning Commission level. However, the request for a Special Use Permit will not be scheduled for Township Board approval until such time as the parking issue has been resolved.

Whereas the proposed construction and associated improvements are subject to a Special Use permit in a B-3, Community Commercial district, the project complies with the general development standards of the Township, and the specific standards contained in Chapter 22 and Section 2216; staff recommends approval of Special Use Permit SUP-13-01 and of Site Plan S-13-03, with the nine (9) conditions listed in staff's report.

There was discussion amongst the members of the Planning Commission and staff regarding the consistency of the Plan with the Tittabawassee Road Access Management Plan. Staff and Mr. Beebe, the applicant's engineer, stated that the drive location and width had been conceptually approved by the Saginaw County Road Commission. Staff explained that a mutual access easement agreement between Tim Horton's and the hotel is required, and that further, a mutual access easement agreement between the hotel and the adjacent IHOP is required.

Tim Beebe, a representative from Central Michigan Surveying and Development Company, on behalf of Tim Horton's was present to answer any questions. Mr. Ken Boomer, owner of Tim Horton's, stated they had no problems with the nine (9) conditions listed in staff's report.

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

1. David Meyer of Smith Bovill, representing I HOP, stated I HOP is very interested in getting a mutual access easement agreement between their property and the Four Points Hotel and Tim Horton's. Mr. Meyer stated he sent a letter to Saginaw Township dated July 16, 2013 to request the Planning Commission not approve the proposed site plan until the three parties can come to an agreement regarding mutual access. There was open discussion regarding the history of the two (2) sites (I HOP and Four Points Hotel) to have mutual access agreements in place. However, over the years the parties have never been able to come to an agreement. Mr. Nelson inquired if we approve the proposed special use permit tonight will that be an incentive for I HOP to pursue the mutual access easement agreement. Mr. Meyer specifically referred to section 2401 of the Township's zoning ordinance (letter is attached) that states the Planning Commission may call for specific innovative treatment of access control on a particularly congested arterial road. Staff stated that while Tittabawassee Road is a five lane roadway and is busy, traffic counts have decreased in this section of Tittabawassee by almost 10,000 vehicles per day between 2005 and 2010. Staff further stated that this is the way in which we have routinely practiced access management. It is not possible for

the Township to be involved in private negotiations between multiple property owners. This is why we require shared access easement agreements being executed between the property owner and the Township. It is in everyone's interest that shared access be provided and it will be provided as part of this plan. The fact that the access will be in a location other than that which is preferred by IHOP should not delay the development of a project that still meets the purpose and intent of the zoning ordinance and the underlying standards in the district. Mr. Brucker stated he did not want to penalize Tim Horton's for already having a plan. Mr. Brucker would have preferred the three groups had come to an agreement ahead of time. Mr. Beebe stated he had put together at least a dozen site plans and sent them to I HOP for their input, however, they never received a response back. Mr. Beebe is working for Tim Horton's and Four Points Hotel. Mr. Beebe still encourages I HOP to agree to a cross easement agreement. Mr. Meyer still implored the Planning Commission to defer action on this site plan tonight and to require a traffic study which takes into account the subject property but also the DSJB parcel and the Speedway parcel. Mr. Ken Boomer, Tim Horton's, stated they had offered to share the cost but it was denied by I HOP. They have been working on this plan for at least eight (8) months and I HOP refused all options and basically ignored all offers.

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

Discussion followed among the Planning Commission members. Ms. Smith suggested amending condition #3 and add "The Township encourages the hotel, I HOP and Tim Horton's to meet to discuss access agreements in advance of a final submittal to the Township Board."

Motion by Mr. Nelson, supported by Mr. Nolan, to recommend approval of the proposed special use permit (SUP-13-01) with the nine (9) conditions listed below with the amendment to condition #3:

1. Approval of a final site plan (1' = 40 feet) by the Community Development Department, Fire Department, Building Department and the Department of Public Services.
2. A berm is required to be installed along Tittabawassee Road for the length of the twenty foot (20') setback.
3. Prior to submission of the special land use permit to the Township Board of Trustees for review, the applicant shall provide in writing and through a revised site plan, provision of the additional parking required. The Township encourages the hotel, I HOP and Tim Horton's to meet to discuss access agreements in advance of a final submittal to the Township Board
4. Installation of stamped and dyed crosswalks at all points where pedestrian cross drives is required, including the point at which the public sidewalk connection from Tittabawassee Road crosses the circulation drive.

Adjournment:

Motion by Mr. Howell, supported by Mr. Peterson, to adjourn the meeting at 8:06 p.m.

VOTE:	5 YEAS	0 NAYS	2 ABSENT Gombar Egbert	MOTION CARRIED
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