

**SAGINAW CHARTER TOWNSHIP PLANNING COMMISSION
SAGINAW CHARTER TOWNSHIP HALL
APRIL 16, 2014**

Members Present

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

Members Absent

Others Present

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

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 March 5, 2014.

VOTE: 7 YEAS 0 NAYS 0 ABSENT MOTION CARRIED

New Business:

- A. FPP-14-01 – JJN Builder and Developers of Saginaw, Michigan is requesting Final Preliminary Plat approval to subdivide an 8.14 acre parcel of land into nineteen (19) single family residential lots to be known as “Meadowlark Estates #2.” (23-12-4-04-3001-000)**

Ms. Smith stated Meadowlark Estates #1 consists of 21 single-family residential lots located north of Cobblestone Pointe #3 and west of Dewberry Drive at the Jasmine Drive intersection. It is approximately 1,700 feet north of McCarty Road and directly east of the Consumers Energy right-of-way. Meadowlark Estates #2 will be located directly adjacent and east of Meadowlark Estates #1 and will physically connect the development to Jasmine Drive.

Phase 1 was approved by the Planning Commission in 2003. The overall layout of the subdivision is consistent with the future phases and lot sizes depicted in the 2003 preliminary plat of Meadowlark Estates.

Lots within this phase comply with the above minimum requirements and range in size from .24 of an acre to .35 of an acre. Corner lots are designed larger given the setback

requirements. The building area width on most lots is 60-feet in width with some corner lots being as wide as 90-feet in width.

Each plat is required to follow the same three (3) steps for review and approval:

1. Tentative preliminary plat submittal for tentative approval.
2. Final preliminary plat submittal for final approval.
3. Final plat submittal for final approval.

In reviewing the final preliminary plat, the primary focus is to ensure application of all current plat regulations along with verification that approval from all other applicable agencies (Saginaw County Road Commission, MDOT, Saginaw County Public Works and DEQ) have been granted.

Whereas the proposed single family subdivision of Meadowlark Estates No. 2 meets the requirements of the Saginaw Charter Township Zoning Ordinance and the Subdivision Control Ordinance as well as the Residential Development standards within Saginaw Township, staff recommends approval of the Final Preliminary Plat, FPP-14-01 with the six (6) conditions listed in staff's report.

Mr. Nicklyn, a representative for JNN Builder and Developers, was present to answer any questions. He is fine with the six (6) conditions listed in staff's report.

Mr. Brucker then asked for public comments in favor or in opposition to the proposed final preliminary plat.

1. Mike Wood of 5157 Dewberry was concerned with the ditch and whether it would be filled in, drainage and whether there will be a connection to the rail trail.

There being no further comments, Mr. Brucker closed the public hearing portion of the proposed final preliminary plat.

Discussion followed among the Planning Commission members.

Motion by Mr. Nelson, supported by Mr. Nolan, to recommend approval of the proposed final preliminary plat (FPP-14-01) to the Township Board with the six (6) conditions listed below:

1. Approval of a revised final preliminary plat by the Fire Department, the Department of Public Services and the Community Development Department that adjusts Lot 24, which is shown to be 85 feet in width at the road, but only 80 feet of width on the south property line. When scaled, it appears to be 85 feet at both the north and south property lines. Further, incorporate the comments and concerns of the Department of Public Services, specifically adjusting the plans and profile sheets for water main installation and coordinate sanitary sewer service.

2. Review and approval of the rear lot drainage system by the Township Engineer. The Township Board will not issue any utility contracts for public water and sanitary sewer until the rear lot drainage plan has been approved.
3. Prior to the Building Department issuing an occupancy permit for any home within this subdivision, the Contractor and Engineer must certify that the storm water management system has been installed in accordance with the approved design.
4. The retention basin must maintain a thirty-foot (30') setback from all property lines.
5. The applicant will need to submit a landscape plan for the retention basin area to the Community Development Department for review and approval. The maintenance of the retention basin will need to be included within the deed restrictions of the development.
6. Covenants and deed restrictions must be submitted to the Community Development Department.

VOTE: 7 YEAS 0 NAYS 0 ABSENT MOTION CARRIED

- B. S-14-09 –** Kroger's of Saginaw, Michigan located at 4672 State Street is requesting site plan approval to have an outdoor display located along State Street that would operate for a total of 73 days where 30 days are allowed. (23-12-4-16-3008-001)

Ms. Smith stated this year is Kroger's sixth year operating at this location. In 2009, they applied for and received an extension for outdoor display for a total of 70 days. The tent is used for the sale of flowers and spring/summer products.

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 (4) conditions listed in staff's report.

Mr. Frigy, a representative for Kroger's located at 4672 State Street, was present to answer any questions. Mr. Frigy had no problems with the four (4) conditions listed in staff's report.

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

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

Discussion followed among the Planning Commission members.

Motion by Mr. Nolan, supported by Mr. Howell, to recommend approval of the proposed site plan (S-14-09) with the four (4) conditions listed below:

1. The applicant should seek a more permanent solution to seasonal displays as there is no guarantee of extended outdoor display each year; this is especially true as tenant spaces lease and parking becomes more scarce.
2. The display shall be removed on or before July 6, 2014.
3. The area designated as storing “mulch pallets” on the site layout submitted may be encroaching into the street side yard setback. The applicant may consider shifting this storage a bit more to the north.
4. The tent must be in line with the building and must not extend closer to the road than the building.

VOTE: 7 YEAS 0 NAYS 0 ABSENT MOTION CARRIED

C.. S-14-11 – Kroger’s of Saginaw, Michigan, located at 5025 Gratiot, is requesting site plan approval to have an outdoor display that would operate for a total of 83 days where 30 days are allowed. (23-12-4-29-4001-800)

Ms. Smith stated Kmart was granted a variance in 1992 for parking. 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 currently closed for an unknown amount of time, 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 three (3) conditions listed in staff’s report.

Mr. McTaggart, a representative for Kroger’s located at 5025 Gratiot, was present to answer any questions. Mr. McTaggart stated he has no problems with the three (3) conditions listed in staff’s report.

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

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

Discussion followed among the Planning Commission members.

Motion by Mr. Nolan, supported by Mr. Gombar, to recommend approval of the proposed site plan (S-14-11) with the three (3) conditions listed below:

1. The display shall be removed on or before July 13, 2014.
2. The forty-foot (40') by sixty-foot (60') area designated as the outdoor sale area on the site layout submitted must not encroach into the ninety-foot (90') street side yard setback.
3. 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: 7 YEAS 0 NAYS 0 ABSENT MOTION CARRIED

Receive and File All Correspondence:

- A. A copy of the February 2014 issue of Planning & Zoning News.
- B. A copy of an APA article regarding "Work-at-Home Villages".

Other New Business:

Adjournment:

Motion by Mr. Howell, supported by Ms. Egbert, to adjourn the meeting at 7:21 p.m.

VOTE: 7 YEAS 0 NAYS 0 ABSENT MOTION CARRIED