

subject to the same separation standards as before (1,000 feet from schools, daycares, parks and residential zoning and/or uses)

- Text has been added that states sexually oriented businesses are subject to special approval through our specific standards. However, they are not subject to the “discretionary” standards included in the Special Use Permits chapter. Although Saginaw Charter Township has always processed special use approval standards as though they were non-discretionary, some courts have found discretionary standards for sexually oriented businesses to be controversial and difficult to defend. These standards typically include items such as “consistent with the character of the community,” etc.
- The process for suspending or revoking a special use approval has been detailed. This process applies to all special uses and is a court-tested method of revoking or suspending an approval.

Mr. Brucker stated that the Township would have approximately a dozen parcels that would fit the requirements of the zoning ordinance. Ms. Smith stated that if and when a sexually oriented business would locate in the Township, they would be required to be 1000 feet from the sexually oriented business already there.

Mr. Brucker then asked for public comments in favor or in opposition to the proposed text amendment.

There being no comments, Mr. Brucker closed the public hearing portion of the proposed text amendment.

Motion by Mr. Nelson, supported by Mr. Nolan, to recommend approval of the proposed text amendment request (Z-11-03) to the Township Board.

VOTE: 7 YEAS 0 NAYS 0 ABSENT MOTION CARRIED

B. Z-11-02 – Ken Westlund of Saginaw, Michigan is requesting to rezone a portion of one (1) parcel of land from R-1A, Low Density Residential-Transitional to B-1, Office Business Commercial located at 5880 Gratiot.

Ms. Smith stated the portion of the parcel being considered for rezoning is located on the north side of the road, adjacent to the mausoleum. The entire parcel is approximately 43 acres in size; however the only portion being rezoned at this time is the southwestern most portion of the parcel, fronting on Gratiot Road, containing 1.66 acres in size. This property has been zoned Residential Transitional since the Township’s first adopted zoning ordinance in the 1950s. The Future Land Use for this area has been shown to be business since the 1990s. It is our understanding that the applicant intends to use this property for office use. The rezoning of this portion of the parcel will permit the applicant to develop the first portion of what will be a phased project.

Whereas the proposed rezoning from R-1A, Single Family Residential-Transitional to B-1, Office Business, is supported by the Future Land Use Map, Comprehensive Development Plan and is consistent with the development trend in this area, staff recommends approval of rezoning request Z-11-02.

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

1. Judy Carr of 5840 Colony Drive inquired if the only proposed entrance would be on Gratiot. Ms. Smith stated most likely and the property is owned by Gratiot Farms LLC.
2. Lloyd Bitters of 479 Braeburn was concerned with future development of the small strip of land next to it and the rear portion of the property being proposed for a partial rezoning.
3. Michael Jury of 5799 Dunrovin was concerned with curb cuts and who controls how many. Ms. Smith and Mr. Brucker both explained this proposal was for rezoning only and we do not have the exact details of the proposed development.

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

Motion by Ms. Seaver, supported by Mr. Nelson, to recommend approval of the proposed rezoning request (Z-11-02) to the Township Board.

VOTE: 7 YEAS 0 NAYS 0 ABSENT MOTION CARRIED

C. SUP-11-02 and S-11-12 – Dorchen/Martin of Brighton, Michigan on behalf of McDonald’s USA, LLC of Brighton, Michigan is requesting site plan approval to renovate the façade of the existing restaurant and alter circulation at the existing site by providing a new, double drive thru located at 2745 Bay Road.

Ms. Smith stated the McDonald’s Restaurant on this site was originally built in the 1970s. This site was subsequently redeveloped in 1974 and most recently the building was renovated and the site redesigned in 1990. As it exists, the restaurant is 6,301 square feet in size and provides 77 parking spaces. As part of this project, the façade will be renovated and circulation adjusted to provide a double lane drive through and 70 parking spaces. The project proposes to renovate the existing building and construct a double lane drive thru facility. The revisions to the drive thru facility, along with the proposed changes in parking and circulation trigger the requirements for a special land use approval and full site plan review. The site is approximately 400 feet north of the intersection of Weiss Street and Bay Road/M-84, on the west side. The property is zoned B-3, Community Commercial. Restaurants are permitted by right and drive-thru facilities are permitted with a special use permit.

Ms. Smith also stated Officer Chris Fredenburg; a crime specialist with the Saginaw Charter Township Police Department requested that the tall pine trees located along the rear property line be trimmed up six feet (6’) and to change the landscaping around the dumpster.

Whereas the proposed renovation, circulation changes and associated improvements are subject to a Special Use permit in a B-3, Community Commercial district and 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-11-02 and of Site Plan S-11-12, with the four (4) conditions listed in staff's report.

Mr. Nolan inquired if there would be a closing of any of the access drives on Bay Road for this McDonald's Restaurant. Ms. Smith stated the final plans will show one of the two access drives on Bay to be closed and the access drive in the rear portion of this parcel on Erna Drive will remain open.

Mr. Frank Martin, a representative for Dorchen/Martin of Southfield, MI (not Brighton, MI), had no problem 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 special use permit.

There being no comments, Mr. Brucker closed the public hearing portion of the proposed special use permit.

Discussion followed among the Planning Commission members.

Motion by Mr. Nelson, supported by Mr. Gombar, to recommend approval of the proposed special use permit (SUP-11-02) to the Township Board upon the following four (4) conditions listed below:

1. Approval of a final site plan by the Community Development Department, Fire Department, Building Department and the Department of Public Services.
2. A Storm Water Request for Exemption will need to be reviewed and approved by the Township Engineer prior to the issuance of a building permit.
3. The following items need to be indicated on the final site plan and are required to be installed:
 - a) A seven-inch (7") curb or installation of bollards shall be provided between the drive-thru and the building.
 - b) A change in surface at the pedestrian walkway shall be provided between the parking lot on the east side of the site and the building and shall be consistent in terms of color and pattern, both approved by the township, regardless of the method used.
 - c) The existing screening for the electrical equipment located to the west of the existing building must be upgraded to be complimentary to the new façade.

- d) A revised landscaping plan showing the required street trees along Bay Road and adjusting, if necessary, the landscaping and/or fencing associated along the property line and along the screening for the electrical service. The pine trees along the western property line should be trimmed to six feet above grade and the large shrubs around the dumpster should be trimmed or removed and replaced with low growing shrubs and perennials.
 - e) Installation of above ground directional signage associated with the drive thru facility.
 - f) The unenclosed dumpster shall be removed from the site OR the dumpster corral shall be enlarged to accommodate the additional dumpster.
 - g) If parking becomes an issue, the parking area to the south of the building shall be reconfigured to provide additional parking spaces.
4. Per the Bay Road/M-84 Access Management Plan, the existing driveway located to the north shall be closed. The southern drive shall be widened to provide full access. A permit for the closure is required.

VOTE: 7 YEAS 0 NAYS 0 ABSENT MOTION CARRIED

Motion by Mr. Nelson, supported by Mr. Nolan, to recommend approval of the proposed site plan S-11-12 upon the same conditions listed in the proposed special use permit SUP-11-02.

VOTE: 7 YEAS 0 NAYS 0 ABSENT MOTION CARRIED

D. S-11-15 – West Valley, LLC of Southfield, Michigan is requesting site plan approval to construct a new 10,000 square foot building to the east of the existing Babies R Us store, just west of Fortune Boulevard.

Ms. Smith stated the proposed project includes the construction of a 10,000 square foot building to the east of the existing Babies R Us and to the west of Fortune Boulevard. The building will be eighty-feet (80') in width and one hundred twenty-five feet (125') in depth. No additional parking spaces or changes in access are proposed. Additional site features are proposed, specifically items that will bring the project into compliance with current zoning. These include additional landscaped islands, sidewalk connections and Cardinal Square elements.

Ms. Smith also stated that initially parking calculations were based on Ulta Beauty having an estimated twenty (20) stations however the applicant has indicated that number will be closer to six (6) stations. The final site plan will show the number of stations. With that in mind, the applicant has adequate parking already existing and will require no additional parking at this time. Also, installation of additional landscaping along the eastern elevation of the building, to break up the length and height of the wall will be addressed in the final site plan.

Whereas the proposed retail use is a permitted use within the B-3, Community Commercial zoning district and the project complies with the general development standards of the

Township, staff recommends approval of S-11-15 with the six (6) conditions listed in staff's report with changing condition #4 verbiage from "Installation of additional landscaping..." to read "Installation of additional design elements...".

Mr. Mike Colpetzer, a representative for Spicer Group on behalf of West Valley, LLC, had no problem 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 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-11-15) upon the following six (6) conditions with the proposed modification to condition #4 listed below:

1. Approval of a final site plan by the Community Development Department, Fire Department, Building Department and the Department of Public Services.
2. The plans submitted show that there should be minimal to no impact on the existing storm water management plan. However, if drainage problem(s) do arise after construction, it will be the responsibility of the owner to correct the drainage problem(s) as directed by either the Township or the Township's engineer. Any corrections must be completed within the time frame stipulated by the Township or the Township's engineer.
3. The two driveways adjacent to this development shall be retrofitted with a stamped or otherwise delineated crosswalk as required within the design guidelines.
4. Installation of additional design elements along the eastern elevation of the building, to break up the length and height of the wall.
5. Any on-site lighting, including building mounted lighting, shall not exceed fifteen-feet (15') in height when located within two hundred (200') feet of a residential district.
6. Installation of the Cardinal Square Design Guidelines.

VOTE: 7 YEAS 0 NAYS 0 ABSENT MOTION CARRIED

Receive and File All Correspondence:

- A. A copy of the July, 2011 issue of Planning & Zoning News
- B. Information regarding Planning Commissioner's Toolkit Webinar Series.

Other New Business:

Adjournment:

Motion by Mr. Peterson, supported by Mr. McGraw, to adjourn the meeting at 7:38 p.m.

VOTE: 7 YEAS 0 NAYS 0 ABSENT MOTION CARRIED