



When working with older, nonconforming sites, staff has attempted to work with the owner/applicant to make the site substantially more conforming. In this case, staff would recommend rather than making the setback compliant (a ninety-foot (90') setback from the center of the road) that a number of items be "more compliant" and the setback, while not consistent with zoning, also becomes more compliant than it is currently.

The owner and their engineer have been working with the neighboring property to the south to establish a shared drive and shared parking agreement. This will facilitate improved circulation and traffic flow as well as help implement the adopted M-84 Access Management Plan.

The parking spaces indicated on the site plan are shown to be ten (10') feet wide. The applicant had stated that this was to aid more elderly customers or accommodate larger vehicles. If the parking spaces are reduced in size to the minimum nine (9) feet in width, more spaces could be added to the site.

Whereas the proposed use is a use permitted by right within a B-4, General Commercial zoning district and the project complies with the general development standards of the Township, staff recommends approval of site plan S-14-08 with the conditions listed in staff's report.

Mr. Mike Colpetzer with Spicer Group, a representative for Jack's Fruit Market, was present to answer any questions. Mr. Colpetzer stated they will request a deferred parking agreement with the Township for the overflow parking area and they are fine with the 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-14-08) with the thirteen (13) conditions listed below:

1. Elevations and details regarding the building materials, including color, are required and shall be reviewed and approved by the Township. The building shall be designed in such a way as to be consistent with the Township's design guidelines.
2. Approval of the final site plan by the Community Development Department, Fire Department, Building Department and Department of Public Services prior to issuing a building permit. Specifically, the applicant shall work with the Township's Engineer and Department of Public Services to provide all necessary plans, profiles and specifications along with the necessary deposit to secure construction of the required utilities.



Ms. Smith stated the proposed project includes the redevelopment of the site itself to be compliant with the terms of the existing ordinance and the terms of a variance granted for encroachment into a required street side yard setback. The proposed use of the building by Suniva, a solar cell manufacturer for assembly of solar modules, will include changes to the interior of the building as well as an updated façade.

Staff was initially contacted regarding this potential development a few months ago. The proposed tenant (Suniva) was not revealed during these initial discussions. The proposed use was described as assembly with limited office and reuse of the existing truck bays for shipping. During conversations with the proposed tenant, it was noted that there would be no outdoor storage but the truck bays would be essential. As it is substantially similar to the Sear's Warehouse use (constant loading, unloading) assembly and storage inside the building, we informed the representatives that the use was appropriate however the site would need to meet the terms of the variance granted for redevelopment in 2012.

In 2012, the Zoning Board of Appeals heard a case involving the reuse of the property. In review of the appeal, the Zoning Board of Appeals approved a request to deviate from the required street side yard setbacks for Schust Road and to bring the driveway opening into compliance with the use of the building and zoning standards. The variance granted an encroachment of up to 18' along Schust Road. The proposed plan submitted as part of this site plan meets these same conditions. The side yard setback along Fashion Square Boulevard is being brought into compliance by permitting a twenty foot (20') setback with a berm; Schust Road is being made more compliant. The required setback in this area is 43 feet for the proposed road right of way plus an additional 20 foot setback with a berm. The easternmost portion of the site along Schust Road is the area in which the applicant was granted permission to deviate from the required setback by encroaching into the required setback. This is consistent with the variance, which granted an 18 foot deviation from the required 20 foot setback and a berm is proposed to be installed, however given the limited setback it is proposed to be two feet tall rather than three feet in order to create a slope that is maintainable.

There are very few buildings in Saginaw Township that are this size in terms of square footage and not part of a larger development, such as Fashion Square Mall, Green Acres Plaza or West and East Valley Shopping Centers. Given the bulk of this building and the limited site on which it is located, staff found that the conditions presenting themselves in this request are generally not found throughout the Township.

This parcel is a corner lot with access from both Fashion Square Boulevard and Schust Road. Shared future access is shown with the adjoining parcels to the north. The drive off Fashion Square Boulevard has been redesigned to meet Township and Saginaw County Road Commission standards. Given the expected use of the truck bays, the site has been set up to facilitate employee parking which is separate from the truck bays. When trucks are docked at the bays there will be limited space between the trucks and the entrance. The drive on Fashion Square Boulevard and the drive further east on Schust Road will help facilitate employees entering and exiting without creating conflict with the loading bays.

The applicant has provided a ten (10') foot walkway around the perimeter of the building where parking now exists. This same ten foot (10') walk is shown adjacent to the deferred parking to the north of the building.

There are eighty-one (81) parking spaces provided on site. With an executed shared access easement agreement (as noted on the site plan with the properties to the north) a total of 282 parking spaces are required. The business owner has provided information to the Township detailing operation at the facility. At maximum operation, the site is anticipated to have 300 employees. These employees will work three shifts. At this time, the business anticipates hiring 75 employees, also working three shifts. Due to the gradual build up in employees, staff finds it reasonable to provide for 81 parking spaces on site now, with deferred parking noted on the site plan. A deferred parking agreement will be required.

Whereas the proposed use is consistent with the previous use and a use permitted by right within a B-4, General Commercial zoning district and the project complies with the general development standards of the Township and the terms of variance A-12-01, staff recommends approval of site plan S-14-20 with the conditions listed in staff's report.

Mr. Rick Keith, a representative from Wolgast Design Group, on behalf of Bierlein Investments LLC, was present to answer any questions. Mr. Keith stated there will also be deferred parking on the east side of the building and there will be no street sign installed. Signage will be on the building. Mr. Keith also stated they had no problem with the eight (8) 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-14-20) with the eight (8) conditions listed below:

1. Approval of the final site plan by the Community Development Department, Fire Department, Building Department and Department of Public Services prior to issuing a building permit.
2. The site plan must comply with the Township's Storm Water Management Ordinance.
3. A revised landscaping plan detailing the changes required to the Cardinal Square elements. This landscaping plan should also show the types of planting materials.
4. Details for the parking lot lighting shall be provided in terms of height and type of fixture. Lighting shall not shed onto neighboring properties or streets.



