

Whereas the proposed rezoning from R-1A, Single Family Residential-Transitional to B-1, Office Business Commercial 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-10-05.

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

1. Dr. Donald Sabourin stated that he was also looking to purchase the vacant property to the west (located on the corner of Shattuck and Silverwood) and combine the two (2) lots together as one. The Saginaw Charter Township Police Department will also be using the residential dwelling for their SWAT team training before demolition.
2. Mr. Brent Hoffman, rental property owner of the duplex located at 3052 Silverwood, was concerned with dumpster location, fences, etc. Mr. Brucker stated these concerns would be addressed during the site plan review phase and directed staff to notify Mr. Hoffman of the date of the future site plan review of Dr. Sabourin's proposed dental office. Mr. Hoffman's mailing address is 2918 Nottingham, Saginaw, Michigan.

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

Discussion followed among the Planning Commission members.

Motion by Mr. Nolan, supported by Mr. Gombar, to recommend approval of the proposed rezoning (Z-10-05) to the Township Board.

VOTE: 5 YEAS 0 NAYS 2 ABSENT MOTION CARRIED
Nelson
McGraw

- B. **S-10-37** – LHL Entertainment of Saginaw, Michigan is requesting site plan approval to construct an 870 square foot addition to the rear entry area of LeFevre's Family Bowl and related site improvements located at 6220 State Street.(12-4-18-4005-000)

Ms. Smith stated this parcel has 300 feet of frontage along State Street. Currently, LeFevre's Family Bowl occupies this property. The building was constructed in 1959 and contains approximately 29,250 square feet of bowling alley area, along with 2,700 square feet for lounge area with a bar, restrooms and pro shop. Approximately 162 paved parking spaces are provided on site. The applicant is proposing to construct an 870 square foot meeting room addition onto the back wall of the existing bowling alley. Utilities will be extended from the existing bowling alley to service the new addition. Staff has been working with

the LeFevre's to address site issues and the site plan shows deferred parking in the rear parking lot.

Whereas the proposed addition meets with the dimensional requirements of the zoning ordinance and general development standards of the Township, staff is granting site plan approval for S-10-37 with the nine (9) conditions listed in staff's report.

Mr. Joe LeFevre, a representative for LHL Entertainment, presented an alternative plan that differed from the plan reviewed by staff and circulated to the township departments. Staff informed the applicant that while we could look at the alternative plan, any decision made tonight would have to be based on the plan submitted and circulated to the Township Departments. Staff also stated that the differences between the two plans were relatively minor in terms of the overall site layout and shouldn't negatively impact the review.

Mr. LeFevre stated that though they did not want to close the second drive they have to because they have been told by MDOT and the Township that it is required. Closing the driveway has reduced the number of parking spaces available. Landscaping islands further reduces parking. He further stated that each parking space is invaluable and putting in the curb and gutter would result in a loss of parking spaces. Mr. LeFevre stated that elimination of all but one parking island would make it easier for delivery trucks, snow removal. LHL Entertainment would prefer just one island with cross lines painted on asphalt. They currently have approximately 110 parking spaces in the front and on the side of the building and the Planning Department is proposing 86 parking spaces. We feel that we need the extra seven parking spaces created in part by the double row of parking spaces and the reduced setback with the berm along State Street.

Mr. Brucker stated that in order to approve the plan as they described, they would be required to seek a variance from the Board of Appeals.

Mr. LeFevre stated the timeline is critical. He stated that going to the Board of Appeals will put them into the middle of November. This could potentially halt their plans and nothing would be improved. They have a big bowling tournament planned for the future with possibly bringing in revenue of 40 million dollars.

Mr. Brucker stated the difference is seven (7) parking spaces and curb cuts. Mr. LeFevre stated they may have to look at other options and nothing would be beautified. He stated he would like to host the bowling tournament and potentially more bowling tournaments in the future. Completing the different site issues makes this project from a \$100,000 job to at least \$300,000. LHL Entertainment is only adding an 870 square foot addition and that triggers all of these other site improvements. Cost is an issue.

Mr. Brucker stated the Planning Commission does not have the power to grant variances. The Planning Commission could base their approval on adding a tenth condition. Ms. Smith stated the landscaping issues and setback requirements are required to be shown on the final site plan. She further explained that the Township has attempted to appreciate the difficulty of redeveloping an existing site and has attempted to work within the confines of the zoning ordinance to do this. For example, staff is able to forego installation of curb and gutter in areas on the proposed site plan because future access and/or future parking are proposed. Additionally, staff has offered to work with the developer to locate the best locations for parking islands, being aware of the need to maintain as much parking as possible.

Mr. Brucker stated actually there would be a nine (9) parking spaces difference instead of seven (7) parking spaces stated earlier. Mr. LeFevre stated LHL Entertainment would like to eliminate the islands in the rear parking area altogether. Striped parking lines are sufficient. The cost is prohibitive in maintaining a parking area regarding snow removal and truck maneuvering would become difficult. Mr. Brucker stated the standards listed in staff's report are the same for every development not just LeFevre Family Bowling.

Attorney Mark Mahlberg inquired what the proposed addition would be used for. Mr. LeFevre stated it would be a new meeting space/staging area for tournaments. It is not required by the tournament officials. Their current meeting space will be utilized for the retail sales of bowling merchandise and the new proposed addition will become the new office/meeting/staging area.

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

1. Vickie White stated LHL Entertainment has had numerous meetings with Township staff and MDOT beginning in April of 2010. Although nine parking spaces in the front parking area may sound trivial, it is important for their female bar patrons. Parking in the rear parking area would require their female patrons to walk alongside the building to get access to the front entrance and it would be difficult because of security reasons and there is no walkway.
2. Ruth Buko stated she noticed that McDonald's Restaurant on State and Center must have received a variance and the Kroger's store located in the Green Acres Plaza has the stripes in their parking area and they have no islands. Apparently not all businesses are required to do it. Ms. Smith explained that McDonald's had applied for and received a reduced setback and that Kroger's and Green Acres were renovations and followed the same pattern as is proposed for LeFevre's Family Bowl.

3. Mr. Joe LeFevre inquired if LHL Entertainment chooses not to do the proposed addition will the staff recommendations still be a requirement or would they be null and void. Mr. Brucker stated the proposed new addition triggered the site improvements required by the zoning ordinance. Mr. LeFevre inquired if the facility remains the same would the staff recommendations still be required.
4. Mr. Rob Grose stated eight years ago the Township allowed the expansion of the pub and staff handled this administratively which included the front parking area improvements which to this date have never been done. Mr. LeFevre stated the terms have changed. In 2002 this was true, but by losing two (2) entrances now it becomes a perishable dream. Ms. Smith stated in 2002 the building permit with a stated value of \$300,000 was pulled by the applicant and a Certificate of Occupancy was issued but no required site improvements were made. The closure of one access or driveway is a MDOT requirement from the access management plan from 2007. Mr. Brucker stated the Planning Commission does not have the power to negotiate. Ms. Smith further elaborated that if the owners of the site sought to only perform maintenance on the building and parking lot, then no site improvements would be required. However, she added, any change in use or change in intensity, regardless of whether or not it includes a building addition, would trigger compliance with the zoning ordinance.

Attorney Mark Mahlberg stated the applicant submitted a site plan and now would like to submit a new site plan tonight and negotiate staff recommendations. The applicant would need to seek a variance because the Planning Commission does not have the power to negotiate.

Amy Seaver stated the new site plan submitted tonight has had no department reviews and no staff review. Bridget Smith stated the applicant would need to seek two variances. The first variance to reduce the setback requirements on State Street and the second variance would be to eliminate the required number of parking islands. The Planning Commission can use tonight's staff report and add a tenth condition stipulating that the applicant has the option to seek a variance and receive the Zoning Board of Appeals approval. Staff could then handle the final site plan administratively.

Attorney Mark Mahlberg stated the Planning Commission can approve the original site plan with the stipulation that a variance would be required from the Board of Appeals if a reduced setback and elimination of parking islands is preferred by the applicant. It then becomes a business decision on whether to proceed with the project or not.

Ruth Buko stated the first site plan was submitted in error by their engineer and the Planning Commission needs to review the second site plan brought in tonight. Insufficient setbacks need to be addressed and a reduction in landscaped islands. This plan could be modified by the Board of Appeals

regarding berm, setback and striping of parking lot. If denied by Board of Appeals, would the staff recommendations still be required. Ms. Smith stated if there is ever a change in use or intensity it would trigger compliance with the zoning ordinance.

There being no further comments, Mr. Brucker closed the public hearing portion of this 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-10-37) upon the following nine (9) conditions plus the addition of a tenth condition listed below:

- 1) A final site plan must be reviewed and approved by the Community Development Department, Department of Public Services and Fire Department.
- 2) The final site plan must show an enclosed dumpster area. In addition, a detail drawing for the dumpster areas should be included.
- 3) The final site plan will need to reflect the future parking area to the west of the rear parking lot and the future access connections (to the east and southeast (rear parking area). A signed mutual access easement agreement is required.
- 4) The State Street entrances shall be removed and reconstructed in accordance with MDOT standards and the adopted M-58 Access Management Plan. A permit from MDOT is required as part of the final site plan approval.
- 5) A landscaping plan, consistent with the Township Zoning Ordinance, must be submitted as part of the final site plan.
- 6) A setback of eighty feet (80') with a berm, or ninety feet (90') without a berm, shall be installed along State Street.
- 7) All pedestrian access crossings shall be denoted through a change in surface, and stamped and dyed bituminous or concrete.
- 8) Curbing along the west side of the rear parking lot and the north side of the rear parking lot is not shown due to the potential to expand parking to the west and tentative access connection to the north. The future access connection should be noted on the final site plan.
- 9) A photometric plan should be submitted and details should also be provided at that time.

- 10) A variance from the Board of Appeals would be required to modify setback and parking island requirements.

VOTE: 5 YEAS 0 NAYS 2 ABSENT MOTION CARRIED
Nelson
McGraw

Receive and File All Correspondence:

- A. The September 2010 issue of Planning & Zoning News.

Other New Business:

Adjournment:

Motion by Mr. Peterson, supported by Mr. Gombar, to adjourn the meeting at 7:52 p.m.

VOTE: 5 YEAS 0 NAYS 2 ABSENT MOTION CARRIED
Nelson
McGraw