

**CHIKAMING TOWNSHIP PLANNING COMMISSION**  
MINUTES OF THE REGULAR MEETING ON December 7, 2016  
**Approved**

The Planning Commission regular meeting was called to order at 6:30 pm by Chairman Andrew Brown with members Mario Zarantenello, Bill Marske, Gary Wood, Grace Rappe and Richard Carlson present. Member Joseph Reed was absent.

The Pledge of Allegiance was given, followed by a moment of silence to remember those who perished on December 7, 1941, and others in recent times.

Others present include Supervisor David Bunte, Zoning Administrator Van Thornton, Attorney Charles Hilmer, Attorney Scott Dienes, Attorney Randy Hyrns, Laura Jewell, Dennis Weisenritter, Rhonda Gibson, John Abend, Gail Gross, Carol Anderson, Colleen and Phillip Ruddy, Scott Rappe, and others unknown.

The Agenda was reviewed. Zarantenello moved to approve the agenda, supported by Marske. Motion carried.

Minutes of the meeting of November 2, 2016 were reviewed. Wood moved to approve the minutes, supported by Marske. Motion carried.

**Public Comments:**

Dennis Weisenritter came forth to state that he is an owner of the property known as "Tony's Dinner." He furthered that this process has been going on since August of 2016 and the proposed site plan has received all required permits with a variance for parking spaces. He continued that there were no questions or objections about square footage that day and the use of square footage as an argument would not stand up in court. He addressed the opposition to the proposed Dollar General stating that most folks commenting are not full time residents. Weisenritter then shared that he has a list of 60 permanent residents who are in favor of the Dollar General. He concluded by asking that the Planning Commission approve the site plan.

Attorney Scott Dienes came forth representing two property owners adjacent to the proposed Dollar General site. He stated that being asked to approve something that is incorrect is not permitted by the zoning ordinance. He then referred to section 21.05 stating that the proposed dumpster enclosure is located in the rear yard setback, he observed that the parking requirement has not been met and could have been revised by appearing once again before the Zoning Board of Appeals (ZBA). Dienes stated that the third is the signage. The sign ordinance allows for one sign per 200 ft. of frontage while the site plan requests two signs. Dienes summarized that any one of the three mentioned issues is reason to deny the site plan. He feels the site plan is inaccurate and incomplete without reason to even be deliberated upon.

Gail Gross came forth to state that she is with Attila Real-estate. She mentioned that attorney Dienes was not at previous meetings where engineers reviewed the three topics he touched upon. Gross stated that in the past site plans have been passed with contingencies and the Planning Commission has the ability to do this. Lastly, Gross stated that signage issues should not prevent the building of the structure.

## **Old Business:**

### **1. Site Plan review for Dollar General retail store.**

**Property Code No.:** 11-07-0010-0019-16-4 & 11-07-0010-0019-18-1 (properties will be combined.)

**Property Address:** 12993 and 12995 Red Arrow Highway, Sawyer, MI 49125

**Property Owners:** Jack & Rhonda Gibson & Dennis & Isabella Weisenritter.

Attorney Randy Hyrns introduced himself and the group representing the Dollar General application. Hyrns began by commenting on the referral of the issue to the ZBA. He continued that he could not find any referral in the record to the ZBA. Hyrns stated he is unsure of why the topic has not gone back to the ZBA. He furthered that there is no process outlined for this referral in the ordinance. Hyrns stated that there are things that can be done if the dumpster is deemed to be out of compliance and an engineer is present to address the dumpster issue. He added that a condition can be made related to this. Hyrns then addressed the parking issue stating that the zoning administrator reviewed the number of parking spaces and saw no issue with it. He continued that the decision by the zoning administrator was not appealed. The decision by the ZBA could have been appealed to the circuit court and this appeal was not made. Thus, Hyrns summarized that the parking issue does not exist. He continued that if there is a requirement that there be more parking spaces the applicant can increase the count to 35 spaces.

Rappe asked if the applicants have prepared a revised plan showing the proposed parking spaces. Hyrns responded that they did not. Brown added that the engineer representing the original applicant admitted the count on the current plan was incorrect. He added that it was recommended that the applicant request to go before the ZBA once again with the accurate parking calculation. Hyrns asked who applies to the ZBA. Brown responded that the applicant would as proper procedure. Hyrns stated that it is not clear in the ordinance that this is part of procedure. Hyrns added that in earlier minutes it stated that the Planning Commission referred the issue back to the ZBA, not the applicant. Brown responded that the former applicant made it very clear in a written statement that they would not like to go back before the ZBA. Brown furthered that the applicant had a moral obligation to present the original parking space count accurately. Hyrns stated that the Zoning Administrator at the time agreed with the calculation and signed off on the parking space count. Wood stated that a third party consultant, Williams and Works, was hired and agreed that the parking space count was incorrect.

Engineer, Andrew Roselle, retained by the applicant to review the plans came forth to answer questions. He stated that the calculation error took a standard floor area approach where break rooms, restrooms, and offices were not considered in the count. He added that 35 spaces can be created and accommodate the required count. Rappe asked if a revised plan has been presented showing this new count. Roselle stated that they did not. Rappe responded that the PC can then not approve the current plan showing an incorrect number of parking spaces. She continued that adding additional spaces to the plan changes several things such as storm water retention and driveway distances.

Hyrns stated that a new plan was submitted on May 27<sup>th</sup> and considered at the June meeting. He then asked why a new site plan is required if it can be approved with conditions. Rappe responded that the site plan does not comply with what is permitted.

Gail Gross came forth and stated that the calculation is disagreed with. She questioned where the square footage calculation requirement is coming from. Carlson then asked the Zoning

Administrator to read the definition of area calculations. Van Thornton stated that the calculation being referred to is “usable floor area.” He observed that the manager’s office and the employees break room were not included and should have been used in the original calculation bringing it up to approximately 7,900 square feet. Gross then stated that former Zoning Administrator, Theresa Priest, agreed with the original calculation based on “public area” and sent the allegedly inaccurate count to all of the neighbors without challenge at the time.

Dienes observed that the applicant is on the agenda for the December ZBA meeting. Hayes stated that if he is representing the applicant he has not made that decision. Marske observed that they had been removed from the agenda. Brown stated that the decision to send the applicant back to the ZBA in June has not changed. He added that last month they received a correspondence from Rhonda Gibson informing the Planning Commission that the applicant would like to be on the December agenda for the ZBA meeting.

Wood moved that after a finding of fact, the Chikaming Township Planning Commission deny the site plan application of Jack and Rhonda Gibson and Dennis and Isbella Weisenritter for a new Dollar General Store to be located at 12993 and 12995 Red Arrow Highway, Sawyer because the site plan does not satisfy the following standards:

**Standard A** – The Site Plan does not satisfy the goals and objectives of the Master Plan, as required by Review Standard A because:

The proposed site plan is located within the boundaries of the “Green Corridor” as described on the land use map.

1. The average lot coverage in the “Green Corridor” is approximately 10%. The proposed structure and paving covers approximately 52% of the lot. This is approximately 42% greater. The lot coverage does not meet the standard of the specific goals and objectives of the Master Plan of being consistent with the character of the community and does not promote and support the community character of the “Green Corridor.”
2. The majority of the properties in the “Green Corridor” have a dense wooded and natural character. The proposed site plan would remove approximately 39 large, mature, native trees. The structure and parking would occupy approximately 52% of the lot and provide minimal landscaping. The significant negative impact on the wooded and natural character of the site does not meet the standard of the specific goals and objectives of the Master Plan of being consistent with the character of the community, and does not promote and support the community character of the “Green Corridor.”

**Standard B-** The Site Plan does not comply with all provisions of the Chikaming Township Zoning ordinance, as required by Review Standard B, because:

1. The required number of parking spaces are not provided as required by Section 18.08 (B). Williams & Works in their memorandum dated May 25, 2016 states that... “the applicant’s calculation of “retail area” on the site plan is not measured to the exterior of the walls of the building, nor has the break room or office area been included in the calculation, both of which are required.” The parking space variance granted by the ZBA was based upon misinformation. The variance is defective per Sections 2.02/18.08B.
2. The Site Plan provides 3 signs. Per Sections 16.02/16.05, the applicant is only allowed one sign.
3. The Site Plan provides an inadequate landscape screen for loading space. Per Section 18.11, loading space shall be completely screened from the residential zoning district or use a solid fence or wall at least 6 feet in eight or

a landscape screen consisting of a dense, evergreen vegetative buffer not less than 6 feet in height at time of planting.

4. The Site Plan shows a driveway width that exceeds ordinance standard. Per Section 18.06, driveway exceeds (30') feet width by (6') feet.
5. Landscaped areas within the perimeter of the parking area are not provided as required by sections 18.06 (9)(a.)
6. The dumpster enclosures and bump posts are not in compliance with section 14.02.

**Standard C-** The Site Plan does not comply with all provisions of Chikaming township Zoning ordinance, as required by Review Standard C, because:

1. The Site Plan is not in harmony with existing uses because it will abut single family residences on the rear of the project.
2. The average lot coverage in the "Green Corridor" is approximately 52% of the lot. This is approximately 42% greater. The lot coverage does not meet the standard for being harmonious.
3. The majority of the properties in the immediate area have a natural and dense wooded character. The site plan would remove approximately 39 large mature native trees and lot coverage by the structure and parking would occupy approximately 52%. The significant lack of tree coverage and minimal landscaping does not meet the standard of being harmonious.
4. The cold box-like commercial structure with unrefined materials of the Site Plan structure is inconsistent with the warm residential and natural character of the immediate area. The building design does not meet the standard of being harmonious.

**Standard I-** The Site Plan does not comply with provisions of the Chikaming Township Zoning ordinance, as required by Review Standard I, because:

1. The conditions of operations would be hazardous and detrimental to the public health and safety due to increased ingress and egress traffic in close proximity to an existing traffic light.

Motion seconded by Rappe

Roll Call Vote as follows:

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Bill Marske	Abstain due to participation on the Township Board
Mario Zarantenello	Abstain due to the possibility of the issue coming before the ZBA
Andrew Brown	Yea
Richard Carlson	Yea
Gary Wood	Yea
Grace Rappe	Yea

By vote of a quorum the motion for denial passed.

## **2. Discussion regarding the Chikaming Green Corridor**

Brown stated that the Township Board passed the proposed moratorium on newly proposed commercial developments requiring a site plan review in the "Green Corridor" for a period of one month at their previous meeting. He furthered that since the current zoning ordinance for this area is under review we would like the time period to be expanded.

Brown stated that the Planning Commission is not trying to hinder commercial activity. He added that changes in use would require a site plan review. Zarantenello expressed concern with property values and landowners being affected. Rappe stated that a major need for the moratorium is the fact that the Planning Commission is currently undergoing a process to update the Zoning Ordinance. She continued that if the ordinance updates are finished early, and within 12 months, the moratorium may be rescinded.

Rappe moved to recommend to the township board that from this day forward a moratorium be placed on all newly proposed commercial developments requiring a site plan review in the Red Arrow Hwy. green corridor extending to the end of 2017. Supported by Zarantenello. Motion carried unanimously.

### **3. Recommendation from the Zoning Ordinance Update subcommittee.**

Wood came forth to state that the subcommittee tasked with reviewing proposals submitted by planning consultants to update the township zoning ordinances recommends a contract be negotiated with McKenna and Associates. He added that the subcommittee reviewed five firms, three proposals, and two formal presentations prior to this recommendation.

Wood moved that the Planning Commission recommend to the Township Board of Trustees that they approve and direct the Township Supervisor to negotiate and enter into a contract with McKenna Associates for their professional planning services based upon the scope of services detailed in their proposal dated October 31, 2016. Supported by Marske. Motion carried unanimously.

**Other Communication:** None

**Reports:** None

**New Business:** None

**Public Comments:**

Gail Gross came forth to ask if a new site plan presented by the applicants that came before the commission during the present meeting would be subject to the moratorium since it was recommended that they devise a new site plan. Brown responded that the commission will need to consult their attorney on that question.

**Adjournment:**

With nothing further, Wood moved to adjourn the meeting at 8:00 pm. Supported by Zarantenello.

Meeting Adjourned.

Respectively Submitted,  
Jess Miller  
Recording Secretary

Richard Carlson  
Secretary, Chikaming Township Planning Commission