

CHIKAMING TOWNSHIP PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING ON March 2, 2016
APPROVED

The Planning Commission regular meeting was called to order at 6:35 pm by Chairman Mario Zarantenello with members Bill Marske,, Joseph Reed, Mario Zarantenello, Richard Carlson, Grace Rappe, and Andrew Brown present. Gary Wood was absent.

Others present include Building and Zoning Administrator Theresa Priest, Linda Anderson, Chris Brooks, Laura Jewell, George Lucas, Chris Thompson, Mike Davidson, Dr. Stan Showalter, Dennis Weisenritter, Drew Ytterberg, Todd Taylor, Brandon S. Noren, Jim Lilanowski, Peter Oleszczuk and James Milanowski.

Minutes of the meeting of December 2, 2015 were reviewed. Marske moved to approve the minutes, supported by Brown. Motion carried.

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

Public Comments:

Chris Thompson and George Lucas made a presentation on behalf of Chikaming Open Lands. The subject of the presentation was the value created in the community through creation of Conservation Easements as COL has been doing for fifteen years in Chikaming Township and nearby areas. The presentation cited studies which have shown that although Conservation Easements will remove properties from the tax rolls, they return value to nearby property owners and the townships through increased property value of residential land as well as reduced demand for public services. COL also provides several education programs to available to local residents.

Old Business:

1. Site Plan Approval

Property Code No. 11-07-0011-0046-01-1

Property Address: 5888 Sawyer Road, Sawyer, MI 49125

Property Owners: Sawyer Investments III, LLC

Applicant: Brad and Drew Ytterberg of Sawyer Investments III, LLC with Chris Brooks of Brooks Architecture.

ACTION: Approve, approve with conditions, or deny request.

Site Plan approval is being requested per Section 21.02 of the Chikaming Township Zoning Ordinance 87, as amended.

If granted, the approval would allow Sawyer Investments III, LLC to change the use of the former "Scarlet Macaw Art Gallery" building to a 2,640 square foot office building (to be occupied by Greenbush Brewing Company) that will require 13 parking spaces that will be located on the Sawyer Lumber & Hardware property that is adjacent and also part of a CSX Transportation easement.

Mr. Brooks presented the site plan showing a total of 77 parking spaces in various locations around the Sawyer Lumber & Hardware building. Parking is to be used for the Greenbush Annex (26 cars), Office Building (13 cars), and Sawyer Lumber & Hardware (38 cars). Driveway access will flow in a one-way driveway from the Sawyer Road entry south on the east side of the Lumber building, west behind that building and north on the west side of the building to Sawyer Road. Security gates are proposed near the south end of the lumber building. The west parking area has a wider driveway and will function as a two-way drive after hours.

Questions by the Planning Commission:

Brown asked if a sign will be erected to tell customers where they can park.

Ytterberg stated that a sign will be placed at the Sawyer Road entry to invite Greenbush and Sawyer Lumber customers to park in this lot. No designation will be made for parking spaces for either business.

Carlson asked about the narrow width between the two buildings where several large trucks and cars will be directed. The entry appears to be narrower than the 18 ft. minimum width required for one way traffic.

Ytterberg stated that the width of the drive will be increased to a minimum of 18 ft. throughout. The handicapped parking can be adjusted to increase driveway width at the north end of this parking area. Parking near the Sawyer Road entry would also be improved if moved away from Sawyer Road to allow better access for trucks and cars to enter safely.

Brown asked about the hours for closure of security gates.

Ytterberg stated that gates will be closed at 5:00 pm. when Sawyer Lumber business is closed. The gates could be moved to the north to prevent the use of parking between buildings after Sawyer Lumber business hours. The remainder of the parking outside the gates would then still be available for use by Greenbush customers.

Zarantenello asked about the location of the handicapped parking, suggesting that two of the spaces be located near the sidewalk at Sawyer Road plus one stall near the Lumber building entry. Ytterberg agreed that this would be acceptable.

Reed asked about the total number of parking spaces compared to the minimum requirement. Mr. Brooks stated that the total of 77 spaces is slightly more than the minimum, which would allow for the parking at the northwest corner to be moved away from the Sawyer Road entry point.

Review of questions from the Zoning Administrator:

Much of the parking is on the railroad easement. Does the easement agreement allow for parking to be located on it, and can a copy of the easement agreement be provided to the Township for record? Ytterberg: Yes.

Will employee parking for the office building be allowed in the main parking area?

Ytterberg: Yes

The previous project approval stated that the Greenbush Annex gaming area cannot be reduced for additional seating purposes. Will the proposed porch be restricted to use by the office building occupants only? Ytterberg: Yes.

Will required loading and unloading areas have any impact on the designated parking areas? Ytterberg: No.

Will the office building have any need for designated loading and unloading areas?

Ytterberg: Loading will be minimal. Two doors exist in addition to the main entry to accommodate deliveries.

How will lighting be provided in the parking areas? Ytterberg: All door on both buildings have photocell operated lighting, plus the barns behind, and the lighted sign at the entry. Have parking and loading requirements been followed in design of this parking lot? Brooks: Yes, although loading spaces related to the lumber yard are located in the rear area not shown on this plan. In addition the temporary loading spaces for limo's are to be located along the west wall of the office building and will be show on the final plan.

Additional Commission comments:

Reed offered congratulations on the nicely conducted renovation of the Scarlet McCaw building, keeping the historic character of the original building intact. Landscaping is required by the zoning ordinance. What is planned?

Public Comment:

Linda Anderson: Is it anticipated that the office building will eventually be converted to a pub or restaurant? Ytterberg: Greenbush Brewery is the intended tenant and the proposed use at this time is office space. A new application will be submitted by them if they proposed any other use in the future.

Police Chief Taylor: Traffic on Sawyer Road is a major concern as the railroad tracks interfere with visibility and speed is an additional factor. Anything that can be done to address this hazard will be important. It is recommended that the property owner work with the road commission to provide signage, especially at the pedestrian crosswalk, which can be placed on both sides of the road at times of pedestrian presence. Public Safety is a significant concern in the Sawyer Road area with the number and variety of vehicles in the area.

Fire Chief Davidson: Water for firefighting is limited to two hydrants and the amount of traffic congestion could prohibit efficient firefighting. The drive in the parking areas is one way and if security gates are closed a firetruck would have to back up to get back out. Access to the rear part of the site is also needed to fight a fire in the lumber storage area. A Knox Box would enable firefighters to have after hours access to the rear ares of the site in the event of a lumber fire. A planter or landscape barrier at the Sawyer Road entry sign as well as in front of the office building would prevent parking too close to the road, as a clear vision area.

Review of Site Planning Criteria and Master Plan Goals:

Each goal was reviewed and it was agreed that all applicable criteria and goals were met. Discussion regarding bicycle racks was positive and would be beneficial.

Motion:

It was moved by Brown, and supported by Rappe, that the site plan be approved with the following conditions:

1. Reduce parking by 4, meeting the minimum requirement, to allow a clear view area of 30 ft. width at the Sawyer Road entrance.
2. Provide two handicapped parking spaces near the sidewalk at Sawyer Road and one near the lumber building entrance.
3. Relocate security gate between buildings to the north to prohibit parking between buildings after lumber yard business hours.
4. Provide a Knox Box for Fire Department key access to security gated areas.
5. Provide a sign near the Sawyer Road entrance to inform patrons of Sawyer Lumber and Greenbush Annex and office building of available parking areas.

6. Parking access drive must be minimum 18 ft. wide where one way, and 24 ft. minimum wide where two way on the west lot.
7. Provide bicycle racks near the office building
8. Provide a copy of the CSX lease agreement to the Township for record.
9. Provide wheel stops to define the limits of the parking lots.
10. Provide landscaping in the area west of the office building.

Voting:

Marske	Yes
Brown	Yes
Reed	Yes
Zarantenello	Yes
Carlson	Yes
Rappe	Yes

Motion Carried

A revised copy of the site plan, incorporating all Conditions is to be submitted prior to the next meeting of the Planning Commission.

Other Communication: None

Reports: None

New Business:

1. Site Plan Approval

Property Code No. 11-07-0009-0014-15-1

Property Address: 13696 Red Arrow Highway, Harbert, MI49115

Property Owners: Trilogy Harbert, LLC

Applicant: Brandon Nelson, Principle of Trilogy Harbert, LLC.

Site plan approval is being requested per Section 21.02 of the Chikaming Township Zoning Ordinance No. 87, as amended.

If granted, the approval would allow Trilogy Harbert, LLC. to change the use of the former Horizon Bank Building to a 3600 sq. ft. retail store that will require 18 parking spaces (which already exist).

Action: Approve, approve with conditions, or deny request.

Mr. Nelson made a short statement that his intentions are as stated in the application. If there are questions he can provide addition information.

Questions from the Planning Commission:

Reed asked what signage is planned for the new use. Nelson response: signage will be similar to the that for the former Horizon Bank. Lighting will be per Sign Ordinance.

Carlson asked: In view of the Master Plan's goal to create walkable commercial nodes with shared community parking along the Red Arrow Corridor, have you given consideration to sharing of parking and walkways with neighboring

commercial entities such as the Harbert Bakery? Nelson response: I have no firm plans at this stage but am willing to discuss the possibilities. Reed asked: Do you have any plans for additional landscaping? Nelson response: No plans exist at this time, but heavy landscaping is already present on the site and will remain.

Review of Site Planning Criteria and Master Plan Goals:

Criteria and Goals were reviewed and it was agreed that all applicable criteria and goals were met in this proposal.

Motion:

It was moved by Rappe and supported by Brown that the site plan be approved as submitted.

Voting: All Commissioners voted Yes.

Motion Carried

2. Site Plan review for a new Family Dollar 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

Applicant: Midwest V, LLC. (Peter Oleszczuk, Manager)

Site plan approval is being requested per Section 21.02 of the Chikaming Township Zoning Ordinance No. 87, as amended.

If granted, the approval would allow Midwest V, LLC to construct a new 9264 sq. ft. (total) Dollar General Retail store with ingress / egress provided on Red Arrow Highway. The plans have been approved by both the Berrien County Drain Commissioner and the Berrien County Road Commission; no other outside agency approvals are required. A variance was granted on January 19, 2016 by the Chikaming Township Zoning Board of Appeals for a reduction in the required number of parking spaces, from 37 to 32.

ACTION: Approve, approve with conditions, or deny request.

James Milanowski, design engineer, representing the applicant, made a presentation of the proposed site design. The building is located on the south east corner of the site with parking between the building and the Red Arrow Highway right-of-way. The remainder of the site is occupied by two stormwater retention basins. We have received approvals from the Drain Commission, the Berrien County Highway Commission and a variance from the Zoning Board of Appeals, therefore we believe we fully meet the requirements for approval of this project. A copy of the drain maintenance agreement will be provided after we close on the property. Employees number 2-4 per shift and total 9. Store hours are to be 9:00 am to 9:00 pm.

Questions from the Planning Commission:

Carlson asked: Your site is zoned commercial, but is also in a gateway position in a critical zone which is described in the Township Master Plan as “The Chikaming Green Corridor”, being critical to maintaining the quality of the character of our community. Having reviewed your site plans I note that you are removing over 40 substantial trees from the site, and replacing them with three spruce trees 6 ft. tall. The site is covered by building, parking and detention basin, with little room to provide any significant landscape element. It seems like there are several things that could be done to improve to development to make it more compatible with other properties in the Chikaming Green Corridor. An example would be using pervious paving, which would reduce the amount of detention basin required. Milanowski response: We believe we meet your ordinance. We do not want to use pervious paving as it will require greater maintenance.

Zarantenello asked: I have a question about the minutes from the Zoning Board of Appeals meeting. There seems to be a page or two missing. Priest response: The page might have been missed in my copying but page 1 contains the majority of the discussion regarding this case.

Carlson asked: A second thought on improving your ability to provide sufficient landscape area would be to reduce the width of the parking area which is currently shown as twenty feet wider than the Township Zoning ordinance requires. Milanowski response: We want the extra width of paving to improve truck maneuvering to the loading area.

Rappe asked: There are other ways to achieve a “green” site design besides just planting more trees. Would you describe what you are doing to meet the criteria described in the goals of our Green Corridor? Milanowski response: Your Master Plan is not an ordinance. I was unaware that you had this concern about landscaping or that you had a Green Corridor. Rappe response: You are right that we do not have a prescriptive requirement for landscaping. We have left this issue a little subjective so there is some latitude. If you chose instead to build the greenest Dollar General store possible, using other methods, we would be open to discussion. Milanowski response: Goals are not ordinances. I was never been given a copy of the Master Plan.

Oleszczuk response: We are providing parking as required for the building and stormwater detention as required, which is a green space.

Reed asked: Did you purchase of a larger site which would accommodate the full project needs. Oleszczuk response: No, this site is adequate to meet the requirements of the project. We can consider additional landscaping where possible on the site as it currently exists.

Brown asked: We would like to see you do more than the bare minimum that Dollar General would do. We believe it would enhance your business to comply with the goals of our Master Plan. Milanowski response: we need to have specific requirements from you as to what we need to do.

Zarantenello stated: I would like to go on record regarding trees along the Red Arrow Highway. I am opposed to planting trees that would in any way block the view of a car pulling out of this parking area onto a 55 mph highway. The Red Arrow right-of-way should be planted with grass only. Plantings in the driveway area should be maximum 18 inches high. Priest comment: Plantings in front of the parking area should also not block vision from the highway for security purposes. Oleszczuk: We have looked at other optional sites but this is the location that Dollar General likes. Some trees could be around the edges of the detentions structure, but we need definition on what is required.

Rappe statement: Many solutions are possible. We will ultimately evaluate your plan and decide whether it meets our criteria as spelled out in the Zoning Ordinance and the Master Plan. This conversation is our way of coming to agreement on what you are willing to provide in that regard.

Reed statement: The Planning Commission has the authority to hire a consultant to evaluate your compliance with our criteria, if necessary. You may wish for us to choose that option. Milanowski response: We do not want to follow that path. This board should be able to make a decision.

Zarantenello comment: The Zoning Board of Appeals has made their decision. Looking at this plan - it is a commercial zone, but emphasis on the Chikaming Green Corridor is important. So deciding how we can green up this proposed plan should be our objective. Adding trees around the detention basin would be an improvement.

Carlson comment: An example of what we consider an appropriate site solution would be the former Marco Polo building, beautifully landscaped with ornamental (Bradford Pear) trees. Oleszczuk response: We would be willing to provide 20 deciduous and pine trees planted on the site as it exists.

Open for questions from the floor:

Linda Anderson question: Have you done a market plan? My concern is that since this is a seasonal area with low occupancy in the winter months, it is difficult for many businesses to survive on the summer months only. Similar stores in local communities have closed in recent years, so we do not want another vacant building in our community, especially since there has been another Dollar store approved nearby recently. Oleszczuk response: We have not done a market study, but have built over 40 similar stores in similar locations and have not had a failure. We also have the backing of the Dollar General corporation.

Linda Anderson: The design element that I was thinking about was a Rain Garden, to improve the appearance of the detention basins if space will allow. Also, will lighting be controlled, pointing down to pavement? Milanowski: Yes.

Laura Jewell and Dennis Weisenritter comment: The owner of the existing property is very anxious to sell this property and is under hardship if no approval is granted.

Review of Zoning Criteria and Master Plan Goals by the Planning Commission:

Chairman Zarantenello began review of the Master Plan Goals:

Rappe: It is my opinion that the plan for this project is not consistent with the character of the Red Arrow Corridor. No other chain corporate enterprise now exists along the Red Arrow, so this project should exhibit some regard for the location proposed within the Green Corridor.

Carlson: Fitting into the character of the community has less to do with whether the business is a chain corporate store vs. a Mom & Pop store. What you do on the site and the image you present is what counts. As we discussed earlier, a facility like the Marco Polo store is an example in keeping with the character of the community. It is an asset and also likely to survive in our economic environment, with appeal to future occupants if the initial business were to fail. I offered some suggestions as to how that character might be met with this project and can be flexible if you are also willing to conform to our criteria. Milanowski response: Many uses are allowable on this site. If additional landscaping meets with your approval we can do that. Oleszczuk comment: No reduction in the amount of pavement will be possible. What we have shown is what we are allowed by the Zoning Ordinance.

All Goals from the Master Plan were read and discussed. The above comments represent the areas of disagreement with the project's compliance with Master Plan Goals. Goals #6 and #8 were stated to be the greatest point of disagreement. Otherwise, the applicable goals have generally been met by the proposal.

Zoning Ordinance criteria was read and discussed. There was general agreement that the applicable zoning criteria has been met.

Motion:

It was moved by Reed, supported by Rappe, to seek a planning consultant to examine the issues involved and advise the parties on an appropriate compromise for approval, if possible.

Roll call voting:

Marske	No
Brown	No
Reed	Yes
Zarantenello	No
Carlson	No
Rappe	Yes

Motion Failed: 4 to 2 Decision

Motion:

It was moved by Brown, supported by Marske, to approve the project with the following conditions:

1. Add 20 trees - a combination of 2 1/2" caliper deciduous and 6 ft. spruce, to be planted in the areas available around the detention basins.
2. Bike racks to be provided for customer use.

Roll Call Voting:

Marske	Yes
Brown	Yes
Reed	No
Zarantenello	Yes
Carlson	No
Rappe	No

Motion Tied: 3 to 3 Decision

Motion:

It was moved by Marske, supported by Brown, to refer this matter to the Township Board for a decision.

Roll Call Voting:

Marske	Yes
Brown	Yes
Reed	No
Zarantenello	Yes
Carlson	No
Rappe	No

Motion Tied: 3 to 3 Decision

Additional discussion:

Milanowski Request: I believe we are being caught in the middle of this discussion. Is there an alternative to this stalemate?

Jewell asked: Could you modify the previous motion in any way to reconsider approval of this project?

Carlson response: In consideration of the importance of the Master Plan and it's goal to preserve the character of the Red Arrow Green Corridor it appears that we are squeezing too much into too small an area, with no willingness to modify the proposed site plan.

Marske: it appears to me that we should pursue modification of the Zoning Ordinance to include more detail on those measures that we consider to be critical.

Motion:

It was moved by Marske, supported by Reed, to table this matter until the next meeting of the Planning Commission.

Roll call voting:

Marske	Yes
Brown	No
Reed	Yes
Zarantenello	No
Carlson	Yes
Rappe	Yes

Motion Approved: 4 to 2 Decision

Adjournment:

With nothing further, Marske moved to Adjourn the meeting at 11:10 pm, supported by Brown.

Voting: All Ayes

Meeting Adjourned.

Respectively Submitted,
Richard Carlson
Secretary, Chikaming Township Planning Commission