

DELHI CHARTER TOWNSHIP
PLANNING COMMISSION
FEBRUARY 25, 2008

MEMBERS PRESENT: Craig, Donaldson, Grinnell, Hayhoe, Hettinger, O'Hara
MEMBERS ABSENT: Leaf, Goodall
VACANCY: One
STAFF PRESENT: Miller, Stepp

Chairperson Grinnell opened the meeting at 7:00 p.m.

Pledge of Allegiance

Amendments to Agenda: None

APPROVAL OF JANUARY 28TH, 2008 MEETING MINUTES

Donaldson moved, O'Hara supported to approve the January 28, 2008 meeting minutes as presented.

MOTION CARRIED

Public Comment (Non-Agenda Items): None

Final Site Plan Approval, Aspen Lakes Apartments Phase III, Holt Road

Ms. Miller addressed the Planning Commission (PC) and summarized the location of the property. She pointed out that the site plan, as presented, includes more units than what was approved in the original Planned Unit Development (PUD). Ms. Miller stated that the applicant decided to seek approval with all buildings included on the plan and the new unit count, with the understanding that if an amendment to the existing PUD was not granted in the future, certain buildings will not be able to be built.

The specifics of the site plan itself were discussed and Ms. Miller stated that all items have been addressed with regards to the Zoning Ordinance (ZO). She informed the PC that the appropriate agencies have reviewed and approved the site plan.

Trustee Hayhoe asked if Wigman Road offered a connection from Holt Road to Keller Road through this site. Ms. Miller replied that there is not. She stated that there was significant discussion regarding that topic during the review of the Planned Unit Development project, but it was decided that Wigman Road would be diverted towards the east, with the hope that further development will ultimately bring connectivity and the extension of that road.

Commissioner Donaldson stated that he would not be adding much to this discussion because he had been the architect on previous buildings in this development. He did suggest a modification to one of the proposed conditions listed in the staff report to reflect the maximum number of units allowed, rather than which buildings would not be allowed, this way DTN had some flexibility to provide what the market will require without exceed the maximum allowable units under the PUD.

Roger Dean, DTN, addressed the PC and stated that he would agree and this would be a better condition because the types of buildings and units built is market driven.

Commissioner Hettinger asked the applicant if alternatives for their outdoor lighting had been discussed. He suggested researching LED and solar power alternatives and a brief discussion arose regarding streetlights.

O'Hara moved, and Hettinger supported to approve the Final Site Plan submitted by DTN Enterprises, Inc. for the construction of 4 - 12 unit building and 3 - 10 unit apartment buildings in the 3800 block of Wigman Road (33-25-05-13-326-004) based on meeting the Zoning Ordinance requirements for Site Plan Review pursuant to Section 3.3 for Multiple Family buildings in the R-1E zoning district with a PUD that permits multiple family structures with following condition: 1. More than 559 units shall not be constructed without an amendment to the PUD and approval of this site plan does not imply or guarantee any future approval of such an amendment.

Discussion: None

ROLL CALL VOTE:

Aye: Craig, Donaldson, Grinnell, Hayhoe, Hettinger, O'Hara
Vacant: One
Absent: Leaf, Goodall
Nay: None

MOTION CARRIED

Special Use Permit No. 252, Kroger Fueling Station, 2495 Cedar Street, 33-25-05-15-126-010

Ms. Miller explained the time line of events that have taken place in regards to this Special Use Permit (SUP) application and outlined the specific actions that have occurred. Ms. Miller walked the PC through the SUP application and explained in detail how the proposed site plan meets the requirements of the ZO. She stated that staff recommends approval of the SUP application with the proposed conditions outlined in the staff report.

Commissioner Donaldson inquired about the size of the proposed berm that will be installed along Willoughby Road and this location was shown on the site plan provided. Commissioner Donaldson also requested clarification of what an "enclosed building" is defined as. Ms. Miller provided such.

The applicants, Tom Frank and Pat Piechowski, 39810 Grand River Ave Ste 150, Novi, Kroger Real Estate and Paul Furtaw, Ledy Design, 3135 Pine Tree Road addressed the PC.

Trustee Hayhoe asked the applicants whose responsibility the landscape maintenance would be. Mr. Frank stated that Kroger will be responsible as the tenant and they use a local sub-contractor.

Commissioner Donaldson asked if there are going to be any objections to this site plan from the Ingham County Drain Commissioner's Office (ICDC) and Ms. Miller stated that she does not believe so, but that their approval for drainage would be required. Mr. Furtaw stated that the ICDC has already issued a Soil Erosion and Sedimentation Control permit and their review seems to be going well.

Commissioner Donaldson, stated that the proposed barrier free parking needs to be brought into compliance before final site plan approval and he emphasized that the approval of the SUP does not approve the proposed signage that is currently on the site plan because it does not appear to meet the requirements of the ZO.

Commissioner Craig asked what the anticipated delivery time for the fuel is. Mr. Frank stated that it will be delivered in the morning about two (2) to three (3) times per week, depending on fuel sales. Mr. Frank stated that the hours of operation will likely be from 6 a.m. until 9 p.m.

General discussion arose regarding where the drainage would be diverted to onsite and offsite as well as how drains and wetlands would be protected from possible fuel spills. Mr. Furtaw stated that the catch basin will be installed with a special angled downturn intended to create the separation of water and fuel. He explained that the fuel will remain in the catch basin until it is cleaned out. Ms. Miller explained that the ICDC's approval is needed for these types of concerns and also maintenance agreements are often put into place to ensure that said catch basins are routinely cleaned out.

Commissioner O'Hara reiterated that the current landlord has not maintained required landscaping, and that the proposed site plan is a significant improvement that the PC is excited about. Mr. Frank reassured the PC that Kroger is very invested in the landscaping around the site, especially because they will be installing and paying for it themselves.

Commissioner Craig and if there were any planned modifications of the current exit for the Kroger store. Mr. Frank explained that there was not a large change to the entrance of the store and he stated that through aerial photography, Kroger was able to analyze where the best location for the proposed fuel station would be, with all things considered, including existing parking.

Commissioner Donaldson suggested that the Township receive a legal description of the area of land that the SUP will be approved for, and Mr. Furtaw stated that he could supply the Township with that.

O'Hara moved and Craig supported to recommend to the Township Board approval of SUP 07-252 to permit a Fueling Station at 2495 Cedar Street (33-35-05-15-126-010) in the C-2 district with the conditions below. The Planning Commission has reviewed the "Basis for Determination for Granting a Special Use Permit" and has found that the general and specific standards outlined in Sections 8.1.3 have been satisfied and that those findings are accurately reflected and fully incorporated into this motion and the official meeting minutes and the document titled "Basis for Determination for SUP 07-252" dated August 6, 2007 is hereby adopted.

- 1. The scope of this Special Use Permit is limited to a Fueling Station and it does not authorize the repair or maintenance of automobile, trucks, lawn equipment, trailers, boats or other fuel powered devices.**
- 2. Any sales shall be in a wholly enclosed building and no outdoor sales and/or display of products shall be permitted.**
- 3. The Kroger site greenbelt and parking lot plantings required by the Zoning Ordinance shall be installed during the construction of the Fueling Station. That shall include the replacement of all required greenbelt or parking lot landscape plants that are dead, dying or missing on the Kroger site.**
- 4. All landscape plants shown on the approved site plan shall be maintained in good condition and all dead or dying plant materials shall be replaced within the next planting season.**
- 5. All outdoor storage in the rear service area shall be contained within a fully enclosed building. That could be accomplished within the existing building or an addition to the building adjacent to the compactor enclosure. The solution must be shown on the final site plan for the Fueling Station prior to granting site plan approval.**
- 6. The landscape plan, at a minimum, shall include a berm and additional trees and shrubs as shown on the SUP drawings received February 11, 2008.**
- 7. The wall surrounding the compactor shall be increased in height sufficient to hide the compactor and it shall be painted to match the building.**

8. The above requirements shall be completed before a certificate of occupancy is issued.

Discussion: None

ROLL CALL VOTE:

Aye: Craig, Donaldson, Grinnell, Hayhoe, Hettinger, O'Hara
Vacant: One
Absent: Leaf, Goodall
Nay: None

MOTION CARRIED

Proposed ZO Text Amendments regarding Real Estate Signage

Ms. Miller outlined the changes that are proposed to Section 6.9.9(A), and summarized past discussions regarding the proposed changes which involve Real Estate Signs. Ms. Miller walked the PC through the specific changes that are proposed. She explained that the size of lot will no longer be the determining factor of the sign size, but instead, that land use would make the determination. Ms. Miller emphasized that land use based sizing helps tremendously with enforcement.

Ms. Miller brought to the PC's attention the difficulty that the Town Center (TC) District might face in regards to the land use based sizing. Other scenarios were discussed also. The PC directed staff to research average lot sizes within the TC district to address these complicated situations.

Staff Report

Ms. Miller informed the PC about the current status of the Soil Erosion and Sedimentation Program including that the Township Board approved the ordinance on February 5th, 2008. She explained the steps that have been taken previously, as well as outlined the final steps that are left to complete the Township's MEA designation process.

Chairperson Grinnell provided the PC with a DDA report and informed them the site of the senior center was moved to the VFW building. He also said that a farmer's market was discussed to possibly be held at the old fire barn. There was general discussion regarding the proposed Holt Road and Aurelius Road improvements also.

Meeting Adjourned 9:00 p.m.

Respectfully Submitted,

Norm Hettinger
Secretary