

7:00 o'clock p.m. Chairperson Martinek called the meeting of the Planning Commission to order.

MEMBERS PRESENT: Baron, Bland, Buechler, Crawford, Martinek, Rossow

MEMBERS ABSENT: Mills

ALSO PRESENT: Kristy Jones

VISITORS: Kevin Bunge, Greg Sparling, Allen Francis

Motion by Barron, supported by Buechler, to approve the agenda as printed and posted. Vote, 6 / 0

MOTION APPROVED

Motion by Bland, supported by Rossow, to approve the minutes from 3/11/14 as printed and posted. Vote, 6 / 0

MOTION APPROVED

REPORT FROM TOWNSHIP BOARD REPRESENTATIVE: Rob Crawford reports the ceremonial Ground Breaking for the new township building took place last week. Edison, RESA and Comcast lines are being moved. The Township Board voted at their last meeting to move all money for the new building into one line item, as all costs will be covered in-house. Swizzle Inn will be demolished this week.

REPORT FROM ZBA REPRESENTATIVE: Bob Buechler reports that on March 18th there were two requests; a variance and a Class A Designation, one for 4133 Surrey Ln. new construction of a garage, the other for 4743 Desmond Beach side yard set back; both were approved. Also, the ZBA was asked for an interpretation of the ordinance regarding "Line of Sight" on waterfront; specifically condominiums. The ZBA interrupted that measurement should be from building as a whole and not from individual units. On April 22 there was a special meeting for 5450 Lakeshore Rd. Class A Designation; approved.

CITIZENS WISHING TO ADDRESS THE BOARD

Allen Francis, attorney for KM Real Estate LLC (Mr. Sparling, land owner to the North); As far as he knows it is the same site plan as last time but he is sure that will change as he feels there is a little bit of "blind-siding going on but that's not for him to say". As for the Site Plan proposal as presented, the parking and the deduction for usable square feet in regards to ordinance 38-619; off-street parking, they are not meeting the parking ordinance. He feels that the additional parking as presented before is in the back and not usable or functional. Greg Sparling, owner of KM Real Estate LLC, (owns the North portion of the building); A lot of talk that Rubloff doesn't have ownership however, true, there was a deed transfer to Ruby 07 but according to Fort Gratiot Twp. and St. Clair County records show that all information is mailed to Rubloff in Rockford Illinois, if they weren't involved, they wouldn't get anything mailed to them. It's the old "smoke and mirrors" and "they can't be trusted on who the ownership is" and didn't pay the people who worked on it the last time. Feels that we are in the "same boat as last time".

UNFINISHED BUSINESS:

ITEM #1: SITE PLAN APPROVAL, West of 24th Avenue/North of Krafft Road / 74-20-021-3004-000:

APPLICANT: Ruby 07 Port Huron LLC, 1133 Connecticut Ave NW, Suite 800, Washington, DC 20036

PROJECT: Fort Gratiot Retail

REQUEST: Site Plan Approval

LOCATION: West of 24th Avenue/North of Krafft Road

PARCEL #: 74-20-021-3004-000

APPLICANT PRESENTATION: Kevin Bunge; As for the owner of the development, it is Iron Point out of Washington DC and was transferred about 3 months ago. They have maintained some members of Rubloff but ownership is Iron Point. Secondly, the plan before you is the same as the one presented in February. BMJ approved this plan 3 times, Montgomery, has approved the plan 7 times. Compared to the original plan that was approved in 2009, there are 60 additional parking stalls. 20 stalls at the rear, can go away and be placed else where. Based on previous discussions on parking, he does have 3 alternate plans for parking; Alternative A: 458, converted the 20 stalls out back to 6 stalls on the side, still 2 above what is required. Alternative B: Take out curb islands on the West side of the site, which will make 3 rows of 22 stalls instead of 48 it is 66, also, keeping the 6 on the side, adding an additional 20 extra stalls bringing the count to 476. Alternative C: We can keep some of the landscaping by having one curb island and add 8 stalls, keeping 6 stalls out back for employee parking, bringing the count to 464. Also, highlighted are the handicapped stalls that are to the ADA specifics. Landscaping can be looked at further if parking still seems to be an issue.

Kevin Bunge also stated that Iron Point has signed agreements with some past contractors for amounts due from the previous developer.

BOARD DISCUSSION: Chairperson Martinek said he would like to keep the discussion to the board members rather than a back and forth with the applicant and visitors, so if there were any questions, now was the time. Rossow asked about Bunge about the agreements with past contractors and if they were contingent on the Site Plan Approval. Bunge said he was not aware of the details of the settlement/agreement. Francis did ask to reiterate that Mr. Sparling was held to an 80 percent parking ratio and that this Site should be held to the same standard which would be 484 parking stalls.

Points of discussion:

1. Montgomery Associates, INC. Site Plan Review dated January 27, 2014 (Conditional approval of site plan). Martinek: Any comments or questions – None heard.
2. BMJ letter dated January 6, 2014 (Approval of plans with met recommendations). Martinek: Any comments or questions – None heard.
3. Parking around the back of the proposed site and burden to property owner to the North. Martinek: Any comments or questions – Crawford commented on the poor condition of the SW portion of concrete and around back and that it should be addressed before approval. Crawford also stated that reducing the parking spots from 20 to 6 as proposed tonight would alleviate the issue of semi's being able to turn around.
4. Landscaping (excerpts from Zoning Ordinance Sec. 38-615 – Landscaping, screening, green-belts, buffers and fencing.) and possible revisions that can be implemented per Planning Commissions review and approval. Martinek: Any comments or questions – Crawford said the curbs and islands did not work well before and that adjusting the landscaping requirements would help thus Plan B would be a feasible solution. Martinek agreed.

Barron said he feels there are hair-splitting issues of parking, reality is that the access off of Krafft Road is used as a thoroughfare by a high percentage of people and he feels the parking arrangement would not be safe.

Martinek expressed that this plan has met the Planners and Engineers requirements.

Crawford brought up concerns of the bike path escrow and that maybe they should be asked to build it at the time of construction rather than build at a later date.

Martinek asked about the performance guarantee and any drain commission agreements and or easements, all are part of the conditions of the Montgomery's review.

Buechler thinks that the parking standard should be consistently addressed.

Bland commented he agreed with the Montgomery's Review.

Motion by Crawford, supported by Bland to approve with conditions set forth in Montgomery's and BMJ's reviews as well as, the adoption of Plan B as presented by applicant (that the landscaping islands and curbing on the west side of the proposed site be eliminated adding 20 additional parking spots bringing the parking to 476) and add 8 additional stalls to the SW parking area bringing total to 484 (which is the same standard Mr. Sparling was held to) also, that repairs to the SW parking area be addressed, the site plan for West of 24th Avenue/North of Krafft Road (Fort Gratiot Retail, 74-20-021-3004-000) for the reason that the Plan complies ordinance 38-486.

Roll Call Vote 3 / 3

MOTION FAILS

Motion by Rossow, supported by Barron to deny the site plan for West of 24th Avenue/North of Krafft Road (Fort Gratiot Retail, 74-20-021-3004-000) for the reason that it does not serve the public health, safety and welfare in accordance with ordinance 38-486 – 1 A.

Roll Call Vote 3 / 3

MOTION FAILS

Motion by Martinek supported by Crawford, to recess and reconvene at a Special Meeting on 5/27/14 at 7:15 PM with a full board present. Vote, 6 / 0. Time, 8:54 P.M.