

**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, Ken Montgomery

**VISITORS:** Walter Caughel, Bill Corkins, Kevin Bunge

**Chairperson Martinek opens the public hearings at 7:02 P.M.**

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

Motion by Rossow, supported by Buechler, to approve the minutes from 1/14/14 as printed and posted. Vote, 6 / 0

**REPORT FROM TOWNSHIP BOARD REPRESENTATIVE:** Crawford reported the board is reviewing construction documents for the new building - very exciting! Cost is estimated to be 3 million and the Township is able to build without raising taxes. A grounds foreman position has been created, we will now have one person over-seeing the Parks, Grounds and Cemetery.

**CITIZENS WISHING TO ADDRESS THE BOARD ON ANY ITEMS NOT PART OF THE PUBLIC HEARING:**

John McNulty: Opposed to Ruby 07 Site Plan. Original electrical contractor for the Rubloff project. Not paid one cent and owed over \$20,000. He feels the company, in his opinion, are crooks and should not be allowed in our community. He asked that the commission please not allow them to do any further business in our area.

Allen Francis: Opposed to Ruby 07 Site Plan. Attorney for Greg Sparling (who owns the property to the North of the proposed building site that is on the agenda for tonight). Our issue with the site plan is parking and we don't feel it meets the provisions of the ordinance. Series of revisions from the township planner regarding the parking and calculations of useable floor space; 75% carve out, then 68% then 72.2% carve out. Mr. Sparling was required the 80% carve out. Also, added are the 20 parking spots out back that will interfere with the loading docks in the back by Mr. Sparling's businesses. Another issue is the handicapped parking that has been proposed; the spaces on the drawing are the same exact size as the regular parking but once constructed will take up 3 times that size, taking up more parking spaces. Parking remains an issue with this site and will be problematic if constructed.

Greg Sparling: Opposed to Ruby 07 Site Plan. Owner of the property to the North of the proposed building site. Concerned that the 20 additional parking spots out back will hinder deliveries and not allow semi-trailers to turn around and now they will have to exit on his side of the building putting extra burden on his property. This will also affect the traffic flow. He feels this is just moving parking spots around that will not have any benefit.

**PUBLIC HEARING:**

**ITEM #1: SPECIAL LAND USE APPROVAL, 4189 Keewahdin Road / 74-20-019-2002-000:**

**APPLICANT:** Christians For A New Tomorrow (Walter J. Caughel, Jr.) 4189 Keewahdin Road, Fort Gratiot, MI 48059

**PROJECT:** Christians For A New Tomorrow

**REQUEST:** Special land use approval for proposed Church Facility within a portion of the existing flea market

**LOCATION:** 4189 Keewahdin Road

**PARCEL #:** 74-20-019-2002-000

**APPLICANT PRESENTATION:** Walt Caughel, pastor and owns the Flea Market. He is requesting to use 3,000 square feet of the flea market for church meetings which will mean about 80 to 90 people. He has done a lot of repairs and renovations to the building all with permits through the township. Upgraded the septic system and went through the county permits to do this. Have also brought in crushed concrete to re-grade part of the parking lot and will do the other portion hopefully in the spring. They operate the flea market and as well as the restaurant.

**CITIZEN COMMENTS AND/OR QUESTIONS:**

Patricia Griffin – 4215 Keewahdin Road: Opposed(?) Wondering what the land use curtails as they mentioned a church but they run a day care and they also added a lot to the building that look like housing for a lot of people. Wants to know what it is being used for, it looks like major housing.

Walt Caughel: Not a daycare; sometimes the kids come with their parents throughout the week and use the Sunday school rooms. They will also watch some of the church member's children but are not running a day care. As far as any of the building it has all been done through permits with the township. There are living quarters that have been renovated but are not being used for multiple people. The foot print and use other than the use of the church are not changing.

Patricia Griffin: What are you heating it with?

Walt Caughel: Not sure what that has to do with the Special Land Use and the church. However, they use natural gas, fireplace, and a wood burner.

Pat Griffin: Said the burning unit is newer and wants to know who runs that?

Walt Caughel: Again not sure what this has to do with the Special Land Use of the church? They have a classic wood burning unit that the township and fire department are aware of.

Patricia Griffin: What size is the septic field that you put in?

Crawford: These questions need to be addressed to us. This cannot be a closed conversation.

Patricia Griffin: Well, I live next door and all of these changes to the property do affect me and I want to have answers to these questions so that I can make my notes before I address my concerns.

Martinek: Do any other citizens have any other questions or comments?

Patricia Griffin: There was a neighbor who opposed and had concerns. Griffin wanted to make sure the commission was aware he wrote a letter.

Martinek: Yes, all the commission has a copy of the letter.

Melinda McNiell - 3443 Birch Grove Trail: Support. Commented that she will often bring her children to the church as she home schools her 4 children but has never left them there unattended.

Martinek: Does anyone else wish to express a comment or address the commission regarding the Special Land Use of 4189 Keewahdin Road? Anyone at all with any other comment regarding Christians For A New Tomorrow? Seeing that no one else would like to speak, we will close the public hearing.

**Motion by Rossow, supported by Bland, to close the public hearing on Item #1.**

**Time: 7:23 P.M. Vote 6 / 0.**

**BOARD DISCUSSION:**

Bland had a question that if the township was informed of all the changes that Griffin had suggested and that the proper permits were pulled.

Jones responded that building permits had been obtained for all the changes that were brought up and Tom Dunn, the township building inspector, had also reviewed the special land use request and site plan and had no issues.

Montgomery read his report. He noted that the parking was adequate for such use. Church use on this property does seem to fit the criteria set forth in the Zoning Ordinance. His recommendation is to accept the special land use with the conditions cited in his report.

Crawford had some concerns about the additional living space. According to the ordinance regarding the special land use of the church, living quarters is only for two church employees and their families. He asked Caughel if this is what is happening.

Caughel explained that the living quarters, restaurant, and Flea Market are under a Class A designation and does not have anything to do with the church. Montgomery did say that the non-conforming use does remain intact despite the special land use.

Crawford said he feels the church does need to be a good neighbor, that there are concerns about dust from the parking lot, traffic with head lights in the evening and smoke from the wood burning unit.

Baron said he wanted to bring up a concern that the neighbors had about late night (10:30P.M. to 11:00 P.M.) church meetings.

Caughel said sometimes they do meet until late but that the restaurant is open 7 days a week until 9:00 P.M. and often has patrons after the closing time.

Crawford did make note that the property is on a major thorough fare and is aware of just the general road traffic.

**Motion by Rossow, supported by Baron, to approve with conditions that were sited in Montgomery's report, the special land use for 4189 Keewahdin Road (Christians For A New Tomorrow, 74-20-019-2002-000) Roll Call Vote 5 / 1. MOTION CARRIES**

Patricia Griffin then asked when she was going to get the opportunity to speak.

Martinek said that opportunity had passed and that she did have the chance to speak during the public hearing.

Patricia Griffin said it was not made clear when she could speak and feels the public should know of her concerns despite the vote.

Crawford said that would be out of order at this time.

Patricia Griffin said it was not made clear.

Martinek said I believe we did give plenty of opportunity.

Crawford said she is out of order.

Martinek said you are out of order.

Patricia Griffin said she will be out of order then. She presented pictures of her concerns on her laptop computer up at the table for the commission.

Crawford said while he understands her concerns this is not the time to present as the vote has already been taken.

Martinek said he is going to ask her to take her seat and said he felt he has already been more than generous with the time she has taken in front of the commission.

Patricia Griffin then asked if the commission would consider a change of vote.

Martinek asked if anyone on the commission would like to make a motion to overturn the vote.

Martinek said hearing none, he is going to ask that Patricia Griffin take her seat as they are moving on to the next item on the agenda.

**ITEM #2: SPECIAL LAND USE APPROVAL, 3076 Krafft Road / 74-20-021-3014-000:**

**APPLICANT:** Bill Corkins, 3515 Pine Grove Avenue, Suite 500, Port Huron, Michigan 48060

**PROJECT:** The Lighthouse Inn & Motel

**REQUEST:** Special Land Use Approval for a proposed Motel at the site of a current single family dwelling

**LOCATION:** 3076 Krafft Road

**PARCEL #:** 74-20-021-3014-000

**APPLICANT PRESENTATION:** Bill Corkins said he currently has a non-conforming use of a single family residential home in a commercial zone. He said he has been using the home for the past three years as a multiple living space for tenants. He said it was brought to his attention by the township that he could not do this, so he is asking the commission to “re-zone” his house so he can use it as a multiple housing unit and make it a “complying residential use”. Martinek asked what is it that you are proposing to do then. Bill Corkins said he is just asking to change the zoning to leave what is currently there and call it a “Motel” instead of single family home so he can continue to use it as he has been. Bill Corkins said he won’t be changing anything, as far as the building just wants to change the zoning.

**CITIZEN COMMENTS AND/OR QUESTIONS:**

Sabrina Haeck – 3079 Krafft Road: Asked if the property was going to change at all? A new drive, more traffic?

Bill Corkins: Said he will put in a new drive (because of Road Commission requirements) but he will not be having anymore people living there so traffic should not change.

Dave Zdrojkowski – 3991 24<sup>th</sup> Avenue: Also questioned what changes would be done and if Corkins was the one who also owns the adjacent property that was going to be a Used RV Sales?

Bill Corkins: Yes, he does have that property but that would not have anything to do with the home/motel.

Martinek: Anyone else have comment or concern regarding this special land use request. At this time then we will ask to close the public hearing portion.

**Motion by Rossow, supported by Baron, to close the public hearing on Item #2.**

**Time: 8:03 P.M. Vote 6 / 0.**

**BOARD DISCUSSION:**

Crawford said he did want to ask Mr. Corkins if he intends to make this property into a motel.

Bill Corkins said he will make the existing house the Lighthouse Inn. Same house just some improvements.

Crawford said then realistically this house has been used for the last three years in non-compliance to our ordinances and that the change to a motel is just so he can continue to use the house in this manner. Bill Corkins said yes.

Martinek asked if the home is currently up to ADA code. Bill Corkins said yes.

Montgomery read his review. He said that in accordance to our ordinance the motel does not fit the criteria because it is not a major thoroughfare (Krafft Road is considered a secondary). He also stated the site plan does not include what the rooms would look like or the square footage of each room and is incomplete. Method of staffing is also unclear. Mr. Corkins could get relief from provisions in our ordinances by seeking a variance from the Zoning Board of Appeals. One of his recommendations is that we deny the use since it is not in accordance with our ordinance regarding being on a major thoroughfare. Or two, that they table until more complete information is acquired and a variance is sought.

Martinek asked if we should make that one of our provisions if we grant such use that Mr. Corkins must seek a variance.

Montgomery said that is one of the conditions that they could ask for.

Baron said he thinks he is very close to 24<sup>th</sup> Avenue which is a major thoroughfare.

Crawford said he is still concerned that this use has been outside of the ordinance for the last three years and that the only reason it is before us now is to keep it operating.

Bill Corkins said he did not know he was in non-compliance and just wants to be within the confines of what is permitted.

Buechler said he did, in the past, do some professional work for Mr. Corkins and while he feels he could make an impartial decision, in order to avoid any appearance of impropriety, he will abstain from voting on this issue.

**Motion by Crawford, supported by Bland, to deny the special land use for 3076 Krafft Road (The Lighthouse Inn & Motel, 74-20-021-3014-000) Roll Call Vote 3 / 2 MOTION CARRIES**

Chairperson Martinek calls a 5 minute recess at 8:35 P.M.  
Chairperson Martinek calls the meeting back to order at 8:40 P.M.

**UNFINISHED BUSINESS:**

**ITEM #1:       SITE PLAN APPROVAL, West of 24<sup>th</sup> Avenue/North of Krafft Road / 74-20-021-3004-000:**  
**APPLICANT:** Ruby LLC, 4949 Harrison Avenue, Suite 200, Rockford, Illinois 61108  
**PROJECT:** Fort Gratiot Retail  
**REQUEST:** Site Plan Approval  
**LOCATION:** West of 24<sup>th</sup> Avenue/North of Krafft Road  
**PARCEL #:** 74-20-021-3004-000

**APPLICANT PRESENTATION:** Kevin Bunge of CES represents Ruby 07 Port Huron LLC. Rubloff dissolved and was acquired by Iron Point who owns Ruby 07. Some of the people are the same but new owners. He has been the engineer on this project since 2009. This is the same site plan that was reviewed and approved except with 60 more parking stalls and additional landscaping and complies with the ordinance. The bike/rec path has always been a concern, it has been revised and will be done whenever the township deems it should be done. BMJ did approve the escrow amount and plan. He also brought the exterior material samples for the commission's review.

Martinek asked about the blockage of the delivery area with the additional parking in the back (that was presented by Mr. Sparling).

Bunge said he feels the semi-trailers could still get through but they could remove 4 or 6 stalls and still be within the standards of the ordinance regarding parking.

Martinek said he agrees the standard of parking stalls needs to be resolved.

Montgomery read his report. His recommendation is approval with conditions set forth in his review.

**BOARD DISCUSSION:** Martinek asked what Montgomery felt of the parking and Sparling's concerns.

Montgomery said he felt it could be resolved. He said he has never seen this parking lot full.

Crawford expressed that the created parking spaces behind and to the south side of the building are really not useable for customers.

Crawford said most of the stores are specialty and should be held to that standard.

Buechler asked if there is renewed interest of new tenants for the building.

Bunge said he is not aware but feels they do want to build quickly.

Baron and Rossow both said that unfortunately when the curbs went in the first time the parking was a mess.

**Motion by Bland, supported by Crawford, to approve with conditions set forth in Montgomery's review the site plan for West of 24<sup>th</sup> Avenue/North of Krafft Road (Fort Gratiot Retail, 74-20-021-3004-000) Roll Call Vote 2 / 4. MOTION FAILS**

**Motion by Rossow supported by Martinek, to adjourn. Vote, 6 / 0. Time, 9:39 P.M.**