

**Thursday, June 30, 2022
7:00 P.M.**

Chairperson Thompson called the meeting to order at 7:00 p.m.

ROLL CALL

Present: Bancroft, Grossmeyer, Thompson, Steffey, Campbell, Siwik, Csapo,
Rossmassler, Yeotis
Absent: No one
Others Present: Jason Payne, Building/Zoning Administrator, Justin Sprague, CIB
Planning & Consulting

MINUTES

Motion by Csapo, supported by Grossmeyer, to approve the minutes from the May 26, 2022. Motion passed.

PUBLIC HEARINGS/BUSINESS

A. PUBLIC HEARING – To allow public comment on a special land use for Senter Strength & Health Fitness Center, located at 1056 Grant Street, zoned IND, Industrial, where recreational and health facilities are a permitted by special use.

Chairperson Thompson opened the public hearing at 7:05 pm. There were no speakers and the hearing was closed.

B. PSLU22-0003 – Special Land USE request for Senter Strength & Health Fitness Center, located at 1056 Grant St. The special use will allow for a strength and health fitness center in a 2,962 square-foot space.

At this time, Justin Sprague, CIB Planning, gave the following report;

At your request, we have completed our review of the above Special Land Use request for 1056 Grant Street to repurpose the existing roughly 3,000 square-foot, former Cleaning Authority building. The primary new use will be a health and fitness center with workout equipment, a smoothie bar for patrons and a full shower facility. The applicant will not be making any exterior improvements to the site. The proposed use requires a minimum of 12 parking spaces while the existing site has at least 15 spaces, including barrier-free, as well as an area banked for future parking if needed. This property is zoned IND-PUD, Industrial District - PUD where this use is permitted as a Special Land Use.

The opinions in this report are based on a review of the site plan submitted by the applicant and conformance to City plans and ordinance standards. Please note that the applicant and their design professionals shall be responsible for the accuracy and validity of information presented with the application. In reaching a decision on the application, the Planning Commission should consider our comments along with those from other staff and consultants, additional information provided by the applicant, input provided during the public hearing, and your own findings based on ordinance standards as part of your deliberation.

GENERAL SPECIAL LAND USE STANDARDS

According to *ARTICLE 14*, any special land use must adhere to all the following general and specific standards listed in the Zoning Ordinance:

1. Be compatible and in accordance with the goals, objectives, and policies of the City of Fenton Master Plan and promote the intent of the zoning district in which the use is proposed.

Finding - In compliance: The subject site is located in the Fenton Business and Technology Park and zoned industrial where a wide range of uses from commercial to recreational to institutional, as well as manufacturing and processing, are permitted either by right or special land use. The fitness center will be located in a building that was previously used for general commercial services and would be compatible with the goals of the Master Plan and intent of the district.

2. Be constructed, operated, and maintained so as to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed.

Finding – In compliance: Since this use will be fully enclosed within an existing building, it will not change the essential character of the area where it is proposed.

3. Be served adequately by public facilities and services, such as highways, streets, police and fire protection, drainage structures, water and sewage facilities, and primary and secondary schools.

Finding - In compliance: The subject site will be adequately served by existing facilities and roads.

4. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to the natural environment, public health, safety, or welfare by reason of excessive production of traffic, noise, smoke, odors, or other such nuisance.

Finding - In compliance: The special use should not have a negative impact on the above items through the excessive production of noise, traffic, etc.

SPECIFIC SPECIAL LAND USE STANDARDS

The special land use application has been reviewed utilizing the following specific standards outlined in Section 36-14.08, *Special land use specific requirements*, of the Fenton Zoning Ordinance.

AA. Recreation Facilities: Public or Private

1. All.

*a. The site shall be located on a paved street which is classified as a major traffic route in the City of Fenton Master Plan or classified as a "major street" on the city's Act 51 map. **Grant Street in this area is identified on the 2021 Act 51 map as a major street.***

*b. Principal buildings shall be set back at least 50 feet from any property line. The building area includes recreation activity areas, spectator seating and any other structural appurtenances. **The existing building meets this requirement.***

*c. The parking setback shall be 20 feet in the front, side and rear yards in residential districts and 50 feet in nonresidential districts. **The current approved parking setback for this building is 20 feet per site plan approval.***

2. Indoor.

a. Such uses shall include, but not be limited to: bowling alleys; indoor tennis, skating, swimming pools, batting cages, driving ranges, gymnasiums; community centers with recreation facilities; and similar uses as determined by section 36-2.06 Determination of similar use.

*b. Whenever any such use abuts a residential district, a transition buffer area of at least 100 feet in width, in addition to the setback requirement, shall be provided. Walls, fences, or landscaping may be required as part of this buffer area as determined by the planning commission. **This site does not abut a residential district and additional buffering will not be needed.***

*c. All uses shall be conducted completely within a fully enclosed building, unless a special land use is approved for any outdoor recreation facilities under [subsection] 3. **All activities will occur within the building.***

*d. Building design and materials shall be compatible with the existing or intended character of the surrounding area. **The existing building meets the intended character of the area.***

RECOMMENDATION

Based upon the above analysis, **we recommend approval of the special land use for 1056 Grant Street for a fitness center with the following conditions:**

- 1. That all activities occur within the building as specified above as part of the specific conditions for Special Land Use Approval; and**
- 2. Review and approval from all applicable consultants, departments, and agencies.**

The applicant, Eric Senter, 1056 Grant St., stated this is a dream opportunity for him to purchase this building and open up this fitness center. He has lived in the area all his life and the ultimate goal is to bring health and fitness into the community in a way that it's never seen before. After a brief discussion, the following motion was made:

MOTION by Csapo, SUPPORTED by Bancroft, to approve the special land use for the Senter Strength and Health Fitness Center, conditioned upon the items listed in the CIB letter dated 6/23/22.

MOTION PASSED (9-0) Siwik – yes, Grossmeyer – yes, Csapo – yes, Steffey – yes, Bancroft – yes, Campbell – yes, Thompson – yes, Yeotis, Rossmaessler – yes

C. PSPR22-0003 – Site Plan review for Fenton Memorials, located at 3236 Owen Road, zoned IND, Industrial/PUD, planned Unit Development. Requesting to construct a new addition on the west side of the building and new façade on south elevation.

Mr. Sprague gave the following report;

At your request, we have completed our review of the above site plan to demolish the front portion of the existing building, split the lot and sell a portion to Taco Bell, construct a new addition on the west side of the building, and construct a new façade for the remaining south elevation. Adding a portion of the parcel to the Taco Bell site will improve site circulation and vehicle stacking for the drive-through window. The plan also includes creating a drive lane in front of the building, providing four (4) parking spaces, and granting cross-access easements to McDonald's and Taco Bell at the front drive to the site. The property is zoned IND, Industrial/PUD, Planned Unit Development where industrial uses are permitted.

The opinions in this report are based on a review of the site plan submitted by the applicant and conformance to City plans and ordinance standards. Please note that the applicant and their design professionals shall be responsible for the accuracy and validity of information presented

with the application. Key review item points in this letter are underlined for the benefit of the applicant. In reaching a decision on the application, the Planning Commission should consider our comments along with those from other staff and consultants, additional information provided by the applicant, and your own findings based on ordinance standards as part of your deliberation.

REVIEW COMMENTS

Section 36-13.08, Final PUD Site Plan Submittal Requirements, of the ordinance, requires the submission of a Final PUD Site Plan meeting the requirements of *Section 36-16.05* of the City of Fenton Zoning Ordinance. This is an amendment to an approved PUD site plan. Based on our review of the proposal, discussions with Mr. Jason Payne, Building Official/Zoning Administrator, past meetings with the applicant and a visit to the site, we offer the following comments for your consideration:

- 1. Building Setback.** The existing building has a zero (0) setback for part of the elevation and an approximate six (6) foot setback for the remainder of the building. The proposed new building elevation will be set back 35' from the new property line (where 50' is required), thereby decreasing the existing nonconforming situation.
- 2. Building Elevation.** The existing south elevation has a worn look and will be replaced with cultured stone and metal siding, to match the existing building to the rear. Any painting or repair to the remaining building will be required.
- 3. Parking.** Although the size of the building would normally necessitate more parking spaces (23), the use of the building indicates that the proposed five (5) parking spaces are sufficient for the site. This is especially true since the current building does not have any on-site customer parking spaces.
- 4. Lighting.** A photometric grid, meeting ordinance requirements, has been provided. Although lighting details have been provided, manufacturer's specification sheets must be provided for administrative review and approval.
- 5. Waste Receptacle.** Because all manufacturing operations are located to the rear of the building and the yard is fully screened, we are of the opinion that it would be impractical to require construction of a dumpster enclosure for the site.
- 6. Previous Site Plan Approval Items.** Site plan approval was granted, with conditions, in December 2005. Not all of the site improvements were completed, including paving of the storage area to the rear of the building. Given the use of the storage area by heavy equipment and neat maintenance of the site, we recommend that the Planning Commission grant a waiver from this requirement. The 2005 review also included review of the detention basin by the City Engineering consultant, which should still occur.
- 7. Cross-Access Easement Agreements.** A condition of approval will have to be the granting of cross-access easements at the front of the drive to both McDonald's and Taco Bell, for construction of the access drive. The applicant has agreed to grant these easements as part of this project.
- 8. Entry Drive Maintenance.** The entry drive is in need of repair or replacement, and while this may occur as part of the cross-access drive construction along the property frontage, it needs to be made a condition of approval.

9. Other Reviews. This review is also conditioned upon review and approval from all applicable consultants, departments, and agencies.

RECOMMENDATION

Based upon the above comments, **we recommend that the revised site plan for Fenton Memorials, located at 3236 Owen Road, be approved** subject to the following conditions:

- (1) Filing of the lot split and consolidation with Taco Bell;
- (2) Planning Commission approval of a waiver for the revised building setback of 35 feet;
- (3) A Planning Commission waiver from the industrial parking space requirement of 23 spaces to allow five (5) spaces at the front of the building;
- (4) The submission of manufacturer's specification sheets for all light fixtures, to be reviewed and approved administratively;
- (5) A Planning Commission waiver from the dumpster enclosure requirement;
- (6) A Planning Commission waiver from the site plan requirement that the storage yard be paved with a hard surface;
- (7) Review of the detention basin by the City Engineering consultant;
- (8) The granting of cross-access easements at the front of the drive to both McDonald's and Taco Bell, for construction of the access drive;
- (9) Entry drive repair or replacement; and
- (10) Review and approval from all applicable consultants, departments, and agencies.

The applicant's architect from Creekwood Architecture, Inc., Bruce Calhoun, stated Mr. Sprague summed it up pretty well. He gave a brief review of the changes and said they have no issues with the conditions recommended by CIB Planning.

Members were happy to see the renovation and changes to this area and are glad to see it finally happen. After some further discussion regarding directional traffic, entryways and parking, the following motion was made:

MOTION by Bancroft, SUPPORTED by Grossmeyer, to approve the Site Plan for Fenton Memorials, conditioned upon the items and waivers listed in the CIB letter dated 6/22/22.

MOTION PASSED (9-0) Siwik – yes, Grossmeyer – yes, Csapo – yes, Steffey – yes, Bancroft – yes, Campbell – yes, Thompson – yes, Yeotis, Rossmassler – yes

D. PSPR22-0008 – Site Plan review for Texas Road House, located 18055 Siler Parkway, zoned GBD, General Business District/PUD, Planned Unit Development, requesting to construct a new 8,039 square foot restaurant.

Mr. Sprague gave the following report;

At your request, we have completed our review of the above site plan to construct a new 8,039 square foot Texas Roadhouse restaurant on the existing undeveloped site at 18555 Silver Parkway in the Silver Lake Village Planned Unit Development (PUD). Proposed is the construction of a new building, with a pick-up window, and associated parking lot improvements. The property is zoned GBD, General Business District/PUD, Planned Unit Development, where restaurants with pick-up windows are permitted uses in that District (the pick-up window has been interpreted administratively to be similar to a carry-out window due to the lack of a menu board and vehicle stacking capability is not provided.

The opinions in this report are based on a review of the proposed revised site plan, conditions of Planning Commission approval meetings, and conformance to City ordinance standards. Key review item points in this letter are underlined for the benefit of the applicant. Please note that the applicant and their design professionals shall be responsible for the accuracy and validity of information presented with the application.

REVIEW COMMENTS

Section 36-13.08, Final PUD Site Plan Submittal Requirements, of the ordinance, requires the submission of a Final PUD Site Plan meeting the requirements of *Section 36-16.05* of the City of Fenton Zoning Ordinance. Based on our review of the proposal, discussions with Mr. Jason Payne, Building Official/Zoning Administrator, past discussions with the applicant and a visit to the site, we offer the following comments for your consideration:

1. Area and Bulk. The proposed site was reviewed in accordance with *Article 15* as described in the following table.

		<u>Required</u>	<u>Proposed</u>	<u>Comments</u>
Building Height		2 stories 30 ft. max.	1 story Not Indicated	Potentially in compliance. The Building Summary table on the cover sheet should indicate the building height.
Front Yard Setback	Building	40 ft.	70 ft.	In Compliance
	Parking	20 ft.	40 ft.	
Rear Yard Setback (east)	Building	25 ft.	55 ft.	In Compliance
	Parking	10 ft.	12 ft.	
Side Yard Setback (north)	Building	10/25 ft.	73 ft.	In Compliance
	Parking	10 ft.	10 ft.	
Side Yard Setback (south)	Building	10/25 ft.	70 ft.	In Compliance
	Parking	10 ft.	5 ft.	
Maximum Coverage	Buildings	30% max.	11.5%	Possibly in compliance
	Paved Areas	45% max.	not provided	

2. Building Design. The building has a one-story, southwestern “roadhouse” design with brick along the lower part of the building, vertical and horizontal cement broad siding, and a metal roof system. *Section 36-2.20, Non-residential design requirements*, of the ordinance states that

“The predominant building materials should be quality materials that are characteristic of Michigan such as earth-toned brick, decorative tilt-up panels, wood, native stone, and tinted/textured concrete masonry units and/or glass products” and “Other materials such as smooth-faced concrete block, undecorated tittup concrete dryvit panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure.” We are of the opinion that the building materials and design meet ordinance requirements. In addition, the proposed exterior gutter downspouts must be internal to the building per the Silver Lake Village PUD Design Guidelines.

3. Building Orientation. Recognizing that this is a highly visible location with frontage on a primary road and two (2) drive lanes, the current west elevation with the pick-up window should not be facing Silver Parkway. Drive-through windows and lanes are not allowed to face a public road unless no feasible alternatives exist. It would be better to have either the current south or east elevations face Silver Parkway.

4. Signs. In addition to panels on the main identification signs at the entry to the center and along US 23, identification signs are proposed on three (3) of the four elevations. The ordinance allows one identification sign for each road frontage, so waivers are needed for these additional signs to be permitted. Since this site is located in a Planned Unit Development (PUD), the Planning Commission can approve these signs under site plan review. The requested signs, sizes and needed waivers are indicated below:

<u>Elevation</u>	<u>Size</u>	<u>Permitted</u>	<u>Required Waivers</u>
West	108.75 s.f.	100 s.f.	8.75 s.f.
South	231 s.f.	100 s.f.	131 s.f. & second sign
East	179.5 s.f.	100 s.f.	79.5 & third sign

There are two 18 s.f. signs over the door on the south elevation and the pick-up window on the west elevation that we do not consider to be identification signs. Instead, they are intended to provide internal direction to customers and in our opinion, waivers are not needed. We are also of the opinion that since this is a heavily travelled area, the additional building-mounted identification signs will help customers better locate the business without cluttering the look of the building or area. All signs require permits and any other sign requests must meet ordinance requirements.

5. Building-Mounted LED. The application also indicates the use of white border LED accent lighting on the east, west and south elevations. Per the Silver Lake Village PUD Design Guidelines, prior Planning Commission approval is required. We question the need for building-mounted LED border lighting given the exposure provided by the additional identification signage requested.

6. Parking Lot Requirements. The following table lists the requirements for parking lot design.

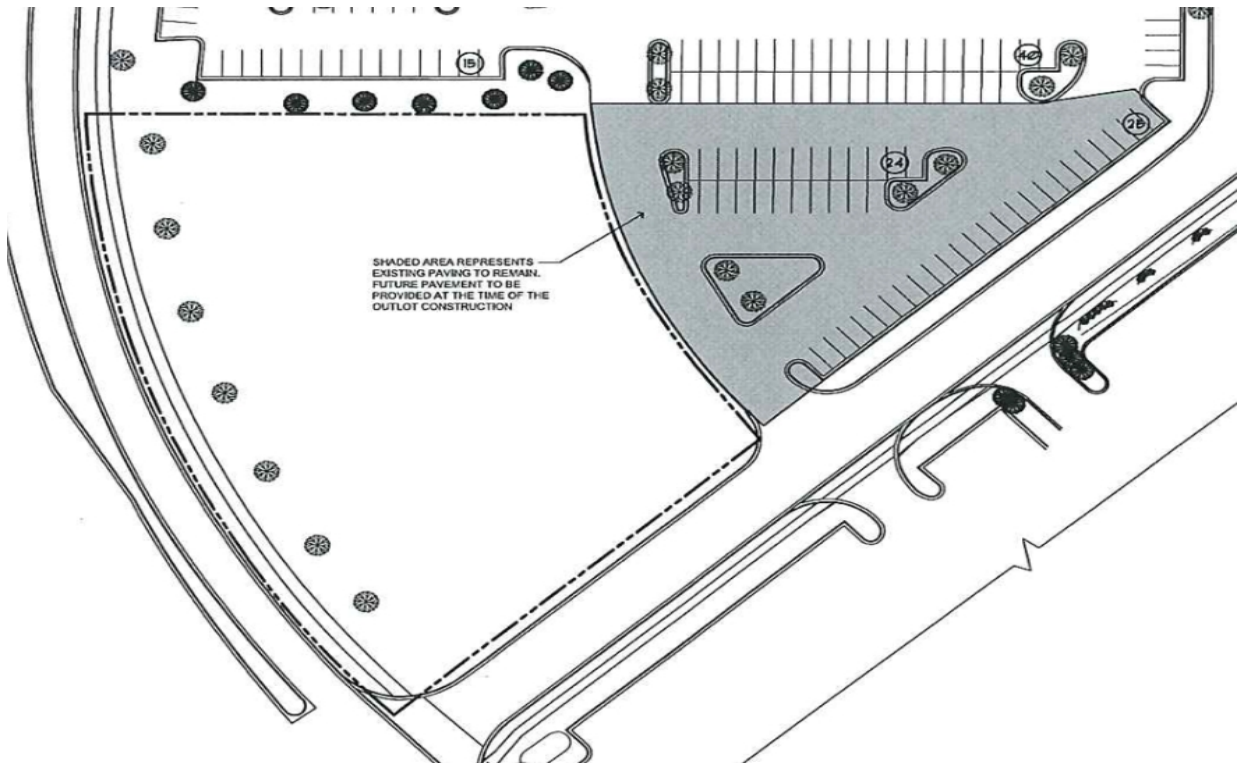
	<u>Required</u>	<u>Provided</u>	<u>Comments</u>
a. Parking Spaces	134 spaces and 4 barrier-free spaces	96, including 5 barrier free spaces	Potentially in compliance: a waiver is needed but the Silver Lake Village PUD provides for shared parking between uses. A significant amount of underutilized parking is available in the center to the east.
b. Parking Aisle Width	26'	24'	Not in compliance
c. Parking Space Dimensions	9'x18' & 9' x 21'	9'x18'	In Compliance
d. Barrier-Free Parking Spaces*	2 spaces	2 spaces	In Compliance
e. Loading Zone	1 Loading space	0 loading spaces	Not in compliance: <u>a waiver is required for no loading zone being provided. There is likely not enough space for a loading zone and the application should indicate how this will be addressed.</u>

* barrier free spaces are subject to the State of Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division regulations.

7. Shared Parking. Although 134 parking spaces are required and only 96 are provided on-site, there is a sufficient supply of available parking spaces in the shopping center lot to the east. The following items must be considered:

a. The Silver Lake Village PUD provides for shared parking between units and the owner of the center must also recognize that parking spaces need to remain available for shared use by Texas Roadhouse. Since this project is being utilized through a land lease, a unit split or easement would only be necessary in the event of separate ownership between the out lot and shopping center. We recommend that a written understanding of the parking arrangement be submitted by the property owner.

See Shopping Center Site Plan Submission below:



b. The Planning Commission previously allowed deferment of pavement replacement for the parking lot opposite the subject site. This parking area must now be re-paved and striped, per the agreement with the Planning Commission when the shopping center was redeveloped.

c. Although a striped area for pedestrian crossing is provided across the drive lane to the east of the building, it is close to the corner and could present a hazard with incoming traffic. We recommend that the pedestrian crossing be located farther to the north to provide a safer crossing location.

d. The developer indicated that he might want a portion of the parking lot to be converted to an out lot in the future, but shared use of these parking spaces might eliminate that option.

8. Drive Lane Width. The drive lanes are only 24 feet in width where widths of 26 feet are required for two-way lanes. We find the 24' width acceptable where the parking is single-loaded but the double-loaded cross-access drives must meet the 26' minimum. In addition, the pick-up window must provide sufficient room for by-pass traffic and should not be opposite parking spaces.

9. Sidewalks. Sidewalks abutting parking spaces must be seven (7) feet in width to accommodate vehicle overhang.

10. Bumper Blocks. The Silver Lake Village PUD Design Guidelines prohibit the use of bumper blocks.

11. Landscaping. A landscape plan has been included in the site plan submission and we note that the Silver Lake Village Design Guidelines require a minimum 3-inch caliper for deciduous trees.

	<u>Required</u>	<u>Provided</u>	<u>Comments</u>
Parking Lot & Tree Replacement	1 canopy per spaces, 1/3 within parking lot islands; 12 trees required with 4 in parking lot islands.	20 new canopy trees with 4 located within islands. within islands.	In compliance with parking lot and tree replacement requirements.
Greenbelt (Silver Parkway)	20' width, 1 canopy tree and 6 upright shrubs per 30 linear feet; 13 trees, 78 upright shrubs required.	20' width, 14 canopy trees and 66 shrubs are provided.	Potentially in compliance: Replacement trees have been Provided and we agree with removal of existing maple trees, since they will block views of the new building. Also, <u>the required number of Shrubs along Silver Parkway is Deficient but the intent is met With the additional plantings Along the interior drive.</u>

12. Lighting Plan. The photometric grid meets ordinance requirements, but manufacturer's detail sheets must be submitted for all light fixtures.

13. Dumpster Enclosure. We recommend that the dumpster enclosure be constructed of the brick matching the building instead of the proposed cement board.

14. Site Details. A sheet with site details must be provided for items like curbing, pavement, dumpster enclosure, etc.

15. Other Reviews. This review is also conditioned upon review and approval from all applicable consultants, departments, and agencies.

RECOMMENDATION

Based upon the above comments **we recommend that Planning Commission feedback be provided regarding the building orientation, that the site plan be tabled, and that a revised site plan be submitted for re-review.**

At this time, the spokesperson for Texas Roadhouse, Emily Bernahl, was asked by the chairperson if the orientation of the building is something that can be resolved since the front façade of the building should be facing Silver Parkway? Ms. Bernahl stated that this maybe a little challenging because they still want the "to go" drive-up aspect of this store. She

presented more renderings of what the building would look like from their new restaurant they just opened in East Lansing. They are still more of a sit-down restaurant, so if the restaurant becomes full capacity, they will shut down the drive-through, “to go” orders. You can only order from the app or call in orders and they have to be paid for prior, so there are no billboard menus or money exchanged at the window. If the food is not ready, then they are directed to park in the designated parking spaces.

Ms. Bernahl also addressed some of the comments in the CIB letter stating that downspouts should not be a problem to change, adding brick to the dumpster enclosure can also be addressed. Regarding the loading zone, their deliveries are typically after hours or during non-access hours, but we can designate an area for deliveries. They are aware they need to address the off-site parking area and are working with the property owner on this issue. They can try and work on the drive-up “to go” window concerns as well, but they really don’t anticipate one or two cars in that area because it isn’t a traditional drive-through. She is hoping for an approval this evening instead of tabling the item if they can work everything out this evening.

Commission members had issues with the pick-up window (drive-up entry and pedestrian crossings), the shared parking designated area, and façade changes. Comments were also made that this needs to be looked at as for whatever business/restaurant may be there in the future and not just a Texas Roadhouse. Businesses come and go and we need to make sure the loading zones, drive-up windows, etc. are in compliance with city ordinances, along with the store frontage facing Silver Parkway as it states in our ordinance and the Silver Lake PUD. The applicant stated she would take these comments back and resubmit new plans. The following motion was made;

MOTION by Csapo, SUPPORTED by Bancroft, to TABLE the Site Plan application for the Texas Roadhouse until they provide feedback with an updated site plan.

MOTION PASSED (9-0) Siwik – yes, Grossmeyer – yes, Csapo – yes, Steffey – yes, Bancroft – yes, Campbell – yes, Thompson – yes, Yeotis, Rossmassler – yes

CALL TO THE AUDIENCE

No one this evening.

ADMINISTRATIVE ITEMS

Payne stated we should be getting the laptops soon and announced the items for next month’s meeting along with providing the applicants for new Planning Commission members. He also gave updates on past projects that will be coming back to the Commission.

CIB ITEMS

Nothing this evening.

COMMISSION MEMBER ITEMS

Nothing this evening.

ADJOURNMENT

The meeting was adjourned at 8:10 pm.

Respectfully submitted by,

Linda Davis

Recording Secretary