

**SAGINAW CHARTER TOWNSHIP PLANNING COMMISSION
SAGINAW CHARTER TOWNSHIP HALL
DECEMBER 21, 2016**

Members Present

B. Gombar
M. Peterson
J. Howell
G. Fahndrich
S. McGraw
C. Nolan

Members Absent

B. Nelson (excused)

Others Present

A. Dier, Associate Planner
M. Mahlberg, Attorney
C. Edlinger, Recording Secretary

Mr. Gombar called the meeting to order at 7:00 p.m.

Approval of Minutes:

Motion by Mr. Howell, supported by Mr. Nolan, to approve the minutes of November 2, 2016.

VOTE: 6 YEAS 0 NAYS 1 ABSENT MOTION CARRIED
Nelson

New Business:

- A. Z-16-03** – D&M Site, Inc. of Saginaw, Michigan, on behalf of Cedar Investments Inc. of Bloomfield Hills, Michigan, is requesting to rezone one parcel of land from R-1, Low Density Residential to B-1, Office Business Commercial located at 5010 Mackinaw. (23-12-4-03-3007-000)

Mr. Dier stated the applicant is requesting to rezone one 13.93 acre parcel of land from R-1, Low Density Residential to B-1, Office Business Commercial. The site is located on the northeast corner of the intersection of McCarty Road and Mackinaw Road and is currently vacant land.

The 2014 Master Plan defines a Low Density Residential area as one that is intended for single family detached residential uses at an overall density of approximately 4.2 units per acre. The overall densities measured on a neighborhood scale ideally should be around 3 to 4 units per acre.

This area of the Township is shown to develop into a Low Density Residential land use on the Township's Future Land Use Map. Therefore, the rezoning request is not consistent with the

Township's 2014 Master Plan. In a letter dated July 20, 2001, Manager Rob Grose indicated that the Township's then Comprehensive Development Plan and Future Land Use Map designated this area as developing into a Low Density Residential District. This designation has not changed since that time. The owner of the property then moved forward with a Preliminary Plat submittal to utilize the property as Phase III of the Windemere Subdivision. The platting process was not completed and the property remains as one parcel.

At no time shall a site plan be reviewed when considering a request for rezoning. A decision to rezone property should be based on the long-term goals and the future land use map as determined by the master plan of the township.

Overall existing land uses in this area are predominately residential. To the east are Windemere Phases I and II and to the west is Maplewood's East Subdivision. The north is a private residence, and the south is the Greek Orthodox Church. Southwest of this parcel lies the McCarty Party store, Team One Credit Union, Wescourt Retirement Community, and some small office buildings along Mackinaw Road heading south. This area has been a low-intensity commercial node since the late 70's. It is buffered to the south and west by land zoned R-3, Intensive Low-Rise Residential, as opposed to directly adjacent to an R-1 zoned subdivision. No areas are shown to increase in intensity of use on the Future Land Use Map.

Additional curb cuts along Mackinaw Road or Shattuck Road were not planned for as part of Windemere Phase III, save the extension of Briarcrest Drive. The increase in traffic caused by commercial development and the additional entrances could create traffic concerns.

Whereas the proposed rezoning from R-1, Low Density Residential to B-1, Office Business Commercial is not supported by the Future Land Use Map, the 2014 Master Plan, and is not consistent with the development trend in this area, staff recommends denial of rezoning request Z-16-03.

Mr. Gombar asked if the applicant was present.

Mr. John Morey of D&M Site, Inc., representing Cedar Investments Inc. of Bloomfield Hills, Michigan, was present to answer any questions. Mr. Morey stated after reviewing the Phase III plans for Windemere by RC Engineering and performing a cost analysis, it would cost approximately \$700,000 to develop and approximately \$40,000 per lot to break even. They are proposing to have this property rezoned from R-1 to B-1, the lowest commercial usage. South of this property are doctor offices and Covenant is to the north along with an assisted living facility. They propose dividing the parcel into four lots all sharing the same access off of Mackinaw (across from Maple Woods subdivision's Mackinaw entrance). Mr. Morey stated the property is useless if it remains an R-1 zoning district. Mr. Mark Morford, of Century 21 Real Estate representing Dr. Fakih, stated he did an analysis of the property with an approximately \$32,000 value per acre making the parcel worth approximately \$400,000 to \$500,000. Zoning has to change to market this property. The year 2016 saw an uptick in the market and they project the same for 2017. The change in zoning would benefit Dr. Fakih. Mr. Morey stated the corner of Mackinaw and McCarty is becoming very busy with Valley Lutheran High School

to the east. Residential lots are not very appealing. They are not proposing a fast food restaurant or liquor store. They would market it as an office business zoning district.

Mr. Gombar asked Mr. Dier to review what is allowed by right in a B-1, Office Business commercial district and R-1, Low Density Residential.

Chapter 15. B-1, Commercial (Office Business)

Sec. 1502. Uses permitted by “right”.

The following are the principal permitted uses by “right” within a B-1 district:

1. Office buildings for any of the following occupations: executive, administrative, professional accounting, writing, clerical, stenographic, drafting, and office equipment and supplies sales.
2. Medical offices, including clinics.
3. Banks, credit unions, saving and loan institutions and similar uses.
4. Personal service establishments which perform personal services on the premises including barber or beauty shops and photographic studios or similar uses, but not including interior decorating shops.
5. Institutions for human care, including hospitals and public clinics.
6. Publicly owned buildings, exchanges and public utility offices, but not including storage yards, substations or regulator stations.
7. Commercial schools including art, business, music, dance, professional and trade.

Sec. 1504. Uses permitted by special use permit.

The following uses of land and structures shall be permitted, subject to the conditions hereinafter imposed for each use:

1. Customary accessory uses to any of the permitted uses listed in the B-1 districts and as defined in chapter 2, section 202(1).
2. Funeral homes, subject to the standards specified in chapter 22, section 2210.
3. Day nurseries, subject to the standards specified in chapter 22, section 2209.
4. Signs, as provided in chapter 5.
5. Off-street parking and loading, as required and allowed.
6. Small animal veterinary clinics, provided all animals are boarded within a wholly enclosed structure.
7. Self-storage facilities in climate controlled buildings; provided:
 - a. There shall be no direct access to storage units from outside the building.
 - b. The hours of operation shall be limited from 7 a.m. to 8 p.m.
 - c. Outdoor storage is prohibited.
 - d. Buildings are designed to be compatible with adjacent uses.

Sec. 1503. Uses permitted under special conditions.

The following uses of land and buildings may be permitted in the B-1 districts by the application for issuance of a special use permit when all of the provisional requirements specified in chapter 22, together with all applicable standards cited in chapter 22 are met:

1. Residential land uses in connection with permitted office or service uses provided the following standards are met:
 - a) Residential development shall not exceed a density of eight dwelling units per acre.
 - b) Unless otherwise mentioned herein, residential development shall conform to the requirements of the R-3 district in chapter 13.
 - c) The total floor area dedicated to or utilized by the residential use shall not exceed the total floor area dedicated to or utilized by the office or service use on the property. For the purpose of determining dedicated or utilized floor area, those areas used in common by both the residential and commercial uses shall be considered to be divided in half with one-half to each use.
 - d) Parking requirements for the property shall be the sum of parking required for each use individually.
2. Office business retail uses, subject to the standards specified in chapter 22, section 2211.
3. Restaurant or other establishments serving food and/or beverages including drive-through restaurants subject to chapter 22, sections 2216 and 2218, but not including drive-ins.
4. Tennis, racket sport, nonprofit fraternal organizations, private clubs, social and service institutions, swimming facilities (public or private); subject to the standards specified in chapter 22, section 2205.
5. Drive-in businesses, including banks and drive-in facilities, related to uses permitted in B-1 districts, except that drive-in restaurants and automobile service stations are hereby not allowed.
6. Institutional uses including religious institutions, educational and social institutions and public buildings and service installations, subject to the standards specified in chapter 22, section 2204.
7. Senior citizens' housing development, subject to the standards cited in chapter 22, section 2214, as well as a maximum density of 12 dwelling units per acre.
8. Personal wireless communication facilities as provided in section 2219.
9. Substance abuse rehabilitation centers subject to the standards cited in section 2213.

Chapter 10. R-1, Residential District (Low Density)

Sec. 1002. Uses permitted by "right".

The following are the principal permitted uses by "right" within an R-1 district:

1. Single-family dwelling not to exceed one single-family dwelling per lot.

2. Public parks, public playgrounds, public recreational grounds, and grounds for games and sports, except those of which the chief activity is carried on, or is customarily carried on, as a business.

Sec. 1003. - Uses permitted under special conditions.

The following are the permitted uses subject to the cited conditions hereinafter imposed for each use:

1. Customary accessory uses to any of the permitted uses listed in the R-1 district and as defined in chapter 2, section 202(1) and section 305.
2. Customary home occupations as provided in chapter 3, section 305(9).
3. Cemeteries, public and private, subject to the following conditions:
 - a) The site shall be at least 20 acres and shall be so designed as to provide ingress and egress directly onto or from a major or minor thoroughfare.
 - b) No principal or accessory building shall be closer than 50 feet from any abutting residentially zoned property line.
 - c) All lighting shall be shielded to reduce glare and shall be so arranged and maintained to direct light away from residential lands adjoining the site.
 - d) A maximum of one sign is permitted at a point of entrance or exit which shall bear only the name of the cemetery and shall have a maximum area of 16 square feet. The sign shall be located no closer than the yard requirements for the residential zone.
4. Signs, as provided in chapter 5.
5. Off-street parking and loading as required and allowed.
6. Family day care facilities as provided in chapter 3, section 305(10).
7. State-licensed residential facilities, provided the population of such a facility is no greater than six persons and no similar facility is located within 1,500 feet of the proposed facility and persons released from correctional facilities may not be housed in such a facility.
8. Group day care home, as provided in chapter 3, section 305(11).

Sec. 1004. - Uses permitted by special permit.

The following uses of land and building may be permitted in the R-1 districts by the application for issuance of a special use permit when all of the procedural requirements specified in chapter 22, together with the applicable standards cited in chapter 22, are met.

1. Institutional uses including religious institutions, educational and social institutions, and public buildings and service installations, subject to the standards specified in chapter 22, section 2204.
2. Bed and breakfast establishments as provided in section 2217.

3. Personal wireless communication facilities when located on municipally owned and occupied land containing 20 acres or more and meeting the requirement of section 2219.

Mr. Gombar then asked for public comments in favor or in opposition to the proposed rezoning.

1. Miles P. Light of 4088 Windemere was concerned with the applicant's presentation not directed to the Windemere residents who currently live there. Mr. Light was also concerned with traffic volumes and accidents at the corner of Mackinaw and McCarty Roads. He stated he was overwhelmed with the proposal of adding commercial to this area.

2. Tim Ruby of 4140 Windemere was concerned with changing the R-1 zoning to B-1. Dr. Fakh developed it as an R-1 subdivision and lived there at that time. Mr. Ruby's opinion is that the only advantage to rezoning to B-1 would be to Dr. Fakh and Cedar Investments and not the current residents. Mr. Ruby stated there is no reason to rezone and that it should be developed as originally planned.

3. Steve Stankiewicz of 4110 Windemere was concerned with how many businesses could be put in 13 acres.

4. Patricia Stankiewicz of 4110 Windemere was concerned with height restrictions and rezoning it to B-1. Mrs. Stankiewicz also stated there are no residential homes behind the McCarty party store on the corner of Mackinaw and McCarty. It does not back up into R-1 like Windemere would. Mr. Gombar stated the height could be three stories tall or 40 feet.

5. Mark Yeager of 4063 Windemere stated he would have never purchased land there if he knew that parcel could be developed into an office business commercial district. Mr. Yeager also stated he saw the original layout and B-1 was never proposed. The land is not useless, it can still be developed as R-1.

6. Dennis Cabine of 3883 Ballentrae shares the same concerns as Mr. Yeager. Phase 3 of Windemere was supposed to be residential.

7. Barbara McDonald of 4219 Windemere stated she built her home 14/15 years ago and spent a lot of money on her house and she would never have built there if she knew that she could be possibly abutting to a commercial district.

8. Sugendrin Ponnampalam of 4168 Windemere was concerned with the increase in traffic if this was rezoned to B-1. She bought in Windemere because it was residential. She stated she is against the rezoning request.

9. Mrs. Kondapaneni of 4188 Windemere stated she saw Phase III of the plan and she would never have built there if she thought it could be commercial.

10. Mrs. Cabine of 3883 Ballentrae stated she was concerned with the parcel becoming commercial. Ten to 15 years ago Dr. Fakhri talked about breaking this parcel into smaller lots with smaller houses and we said no.

There being no further comments, Mr. Gombar closed the public hearing portion of the proposed rezoning.

Discussion followed among the Planning Commission members.

Motion by Mr. Howell, supported by Mr. Peterson, to recommend approval of the proposed rezoning (Z-16-03) from R-1, Low Density Residential to B-1, Office Business Commercial to the Township Board.

VOTE: 0 YEAS 6 NAYS 1 ABSENT MOTION DENIED
Nelson

Receive and File All Correspondence:

A. A copy of the September and October 2016 issues of Planning & Zoning News.

Adjournment:

Motion by Ms. McGraw, supported by Mr. Fahndrich, to adjourn the meeting at 7:48 p.m.

VOTE: 6 YEAS 0 NAYS 1 ABSENT MOTION CARRIED
Nelson