

City of Perry Planning Commission

Meeting: February 3, 2020

Meeting Minutes

Present: Cottrell, Elliott, Lambert, Lewis, Ottke, Porter, Sanford

Guests: Leland Scott, Mindy Galbavi, Mathias Haubert, Mayor Huguelet

Call to Order: at 7:00pm by Chairperson Ottke

Approval of Agenda: Chairperson Ottke recommends discussion on KFC begin immediately, be suspended at 7:15pm for the Public Hearing, and then finish KFC discussion after Public Hearing. Moved and approved unanimously to approve the agenda with the above modifications.

Approval of the minutes: from January 6, 2020 – unanimously approved

Correspondence from the City Council: Chairperson Ottke states the PC has received a copy of the letter from City Council that they have concurred with the PC's denial of rezoning request for parcel 024-58-014-000 ("End Poverty Now") from R-1A to B-1.

KFC Site Plan Approval: presented by Mathias Haubert – project manager for KFC

Ottke notes a letter from Thomas Bridges states reconfigured lot will be smaller than originally presented, but will still fall within the zoning ordinance requirements. Questions about the parking were resolved, one parking stall per three occupants – adequate parking plan has been presented.

Leland Scott stated he felt all questions have been resolved, including drain, entrance and access to other properties.

Clerk stated to Chairperson that any PC stipulations be minor and to resolve all questions tonight before approving.

Haubert gave site overview of the proposed KFC project. 3000 sq/ft KFC restaurant with associated site improvements including regrading/drainage/detention area. Parking lot size is adequate, no variances requested.

Detention area will be located on the southern portion of the site for aesthetics. Water and sewer connections have been resolved. Cover issue was resolved by regrading the site to protect the water main's 6ft minimum clearance per DPW John Souder to meet public works requirements. First survey didn't locate the main correctly, Souder provided updated utility information; utility locations are now believed correct.

Property boundaries were originally owned by the gas station, so a relocation of the property line must be done by the County assessor to bring conformity. Must be moved approximately 20ft to the east to meet setback requirements. Updated legal descriptions is underway, not complete.

Traffic flow. Added stop sign and stop bar for both sites of egress, so traffic flow on Lansing Road and the gas station will not be impeded. No additional permits required from Shiawassee County Road Commission. Sidewalk will be extended from the Taco Bell frontage to the proposed KFC driveway, permit will be pulled by the contractor at the time of construction.

Haubert states the project wants to get the City's approval before spending money to obtain a County drainage permit; no sense getting a permit if the City won't approve the site plan. Will be in conformance with County standards. Will share drainage permits when obtained. Seeking conditional approval at this PC meeting.

Utility easement is underway; not anticipated to be problematic.

Question by Porter re: resolution of drainage issues. Haubert stated the finished floor of the building was raised approx. 1ft. to accommodate the level of clearance needed for adequate drainage.

Cottrell asks for clarification on utility easement issues. Haubert stated eastern side of property has utility easement for water/sewer and the City generally requires no improvements on a utility easement. KFC wants to install a paved bypass lane, which will encroach on the easement by 3ft. However, KFC has agreed that if the City must dig up the utility easement, that the City will not be responsible for the damage to the bypass lane. This utility easement agreement is underway and expected to be executed soon.

Public Hearing on Zoning Ordinance 349 @7:15pm: PC meeting is closed to allow for Public Hearing at 7:15pm. No public comments were received at the public hearing. Ottke did not receive any written comment from the Clerk. PC moved and approved unanimously to accept the updates to the Zoning Ordinance as follows:

Preamble to Table 12.02: Table of Uses for Industrial Districts

All of the included uses for I-1 and I-2 uses include the production, processing, cleaning, testing, repair, storage, and distribution of materials, goods, foodstuffs, and products not involving a retail activity for said uses, all of which uses shall comply with the requirements specified in this ordinance.

Amend reserved SECTION 3.33 to add: Determination of Similar Use

A. Since every type of potential use cannot be addressed in this chapter, each district provides for similar uses, referencing this section. All applications for a use not specifically addressed in any zoning district shall be submitted to the planning commission for review and decision, based on the following standards:

- 1. A finding is made that the proposed use is not listed as a named permitted or special land use in any zoning district.*
- 2. If the use is not addressed in this chapter, the planning commission may attempt to select a named use listed in this chapter which most closely resembles the proposed use. Such named use shall be determined using criteria such as potential impact on property values, nature of use, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare, and other objectionable impacts on the health, safety, and welfare in the city.*
- 3. If a use is determined to be similar to a named use, the proposed use shall comply with any special land use standards or other ordinance requirements that apply to the named use.*
- 4. Where the planning commission determines a proposed use is not similar to any named use addressed in this chapter, the applicant may petition for an amendment to this chapter.*

B. The determination as to whether a proposed use is similar in nature and class to another named permitted or special land use within a district shall be considered as an interpretation of the use regulations, and not as a use variance. Any use determined by the planning commission to be similar shall thereafter be deemed to be included in the enumeration of the uses.

Public hearing closed.

KFC Site Plan Approval, resumed: Follow up questions regarding sidewalk. Scott states he is comfortable with the proposed utility agreement.

Motion by Lewis, second by Elliott to approve the site plan for the KFC project with the following conditions:

Drainage permit acquired from Shiawassee County

Lot split recorded with Shiawassee County Assessor

Utility easement agreement executed with the City

Any other relevant permits as required by local, county and state entities

Approved unanimously by Planning Commission

Fee schedules of comparable municipalities: presented by Bob Porter, who offered comparable cities and their printed fee schedules. Porter states the fees noted from the other municipalities are close to what the City of Perry charges, but that some of the selected cities are more stringent in their requirements and permitting conditions. Ottke would like more information about penalty fees from the material presented. PC agrees to evaluate the information given and will divide up the work as follows:

Elliott – Owosso; Lambert – Fenton/Linden; Ottke – Mt. Morris; Lewis – Corunna; Sanford – Meridian Township; Porter – West Bloomfield; Cottrell – Bloomfield Hills

Site plan / ordinance violation at Johnny V's: Sanford stated the dark sky lighting requirement by Johnny V's addition has not been met. The recently installed light poles are not shielded and are causing a nuisance to nearby neighbors. Sanford relayed this information to Scott, who spoke to the contractor who agreed to fix it three weeks ago. Sanford requests assistance from Scott and the Mayor to address the problem; Sanford has concerns that the conditional approvals issued by the PC are not adhered to by contractors. Cottrell also notes that this is in violation of Section 13.02(B). Mayor states Johnny V's could be taken to court for the violations, but hopefully will not be necessary.

Discuss Zoning Changes: postponed for next meeting.

Questions for Attorney: Planning Commission has not received answers from the City Attorney per the October 2019 PC meeting:

1. Can Section 3.26 of the Zoning Ordinance be amended to specifically exclude proposed I-1 and I-2 development from obtaining a permit without a site plan review?
2. Can Chapter 12 of the Zoning Ordinance be amended to have all I-1 and I-2 development undergo a site plan review?
3. What is the correct term for a performance bond, so the Zoning Ordinance can be amended appropriately?
4. Can the Planning Commission recommend to the City Council to consider a Zoning Ordinance that would not allow temporary use permits to be issued in I-1 and I-2 zones and site plan reviews are required in these zones?
5. Can review of all temporary permits be required to go through review by the Planning Commission, if the Zoning Ordinance was amended to require this?

Mayor recommends resubmitting them to the Clerk.

Mayor's comments: Mayor states intention of appointing Cottrell to City Council as Mayor pro tem at February 6th City Council meeting.

Adjourned: 7:56pm Next meeting March 2nd, 2020