

MINUTES
BEDFORD TOWNSHIP PLANNING COMMISSION
8100 JACKMAN ROAD, TEMPERANCE, MICHIGAN
OCTOBER 9, 2019

PRESENT:

MATTHEW ANGERER, CHAIR
DENNIS JENKINS, VICE-CHAIR
NANCY TIENVIERI, TOWNSHIP BOARD LIAISON
DAN STEFFEN, SECRETARY
TOM ZDYBEK
RON FRITZ
JOE GARVERICK

EXCUSED:

NONE

ABSENT:

NONE

ALSO PRESENT:

MARTY KAMPRATH, LENNARD, GRAHAM & GOLDSMITH, LEGAL COUNSEL
KAREN KINCAID, PLANNING AND ZONING ADMINISTRATOR
JODIE L. RECTOR, PLANNING AND ZONING, ASSISTANT, RECORDING SECRETARY

Angerer called the Bedford Township Planning Commission meeting to order at 7:00 p.m. The Pledge of Allegiance was said. Steffen called the roll. Quorum present.

APPROVAL OF THE AGENDA

Motion by Jenkins, supported by Tienvieri, to approve the agenda. Motion carried.

APPROVAL OF THE MINUTES OF SEPTEMBER 25, 2019

Motion by Steffen, supported by Zdybek, to approve the minutes of September 25, 2019. Motion carried.

PUBLIC COMMENT (LIMIT 3 MINUTES)

None

NEW BUSINESS

- A) OPEN THE PUBLIC HEARING REGARDING THE REQUEST FOR FINAL SITE PLAN APPROVAL AND SPECIAL APPROVAL TO ALLOW OUTDOOR DISPLAY OF SALES, AND SPECIAL APPROVAL TO ALLOW A PROPANE FILLING STATION, FOR TRACTOR SUPPLY, IN A C-3, GENERAL BUSINESS DISTRICT, FOR LAMBERTVILLE MIXED USE, LLC, LOCATED ON PARCEL NUMBER 5802-032-055-61, LOCATED ON THE SOUTH SIDE OF STERNS ROAD, EAST OF SECOR ROAD, LAMBERTVILLE, MI 48144**

Motion by Steffen, supported by Tienvieri, to open the public hearing at 7:03 p.m. Motion carried.

Kincaid reviewed the request noting referenced areas have been highlighted on the site plan for convenience and all special approval requirements will be addressed later in the analysis.

Kincaid stated the subject vacant C-3, commercially zoned, parcel consists of 3.72 acres with approximately 66 feet of frontage on Secor Road between Rite Aid and Splash Car Wash, and is one of four parcels that is proposed to share a detention basin that is being considered for approval this evening. On October 9, 2018, the BZA granted a frontage variance of 34 feet to allow a 66-foot frontage.

Kincaid said the developer is proposing a 19,000 square foot building that is set back approximately 400 feet from the west property line (Secor Road) and approximately 60 feet from the property line behind Splash Car Wash and Rite Aid, as well as approximately 418 feet from Sterns Road. In addition, proposed are a 15,000 square foot outdoor sales/display area to the east of the structure, 2,537 square feet of sidewalk display area on the north side (front) of the building, and a 2,400 square foot trailer and/or equipment display area on the east side of the parking lot, which is a special approval use, as the total outdoor sales/display square footage exceeds the permitted 400 square feet without special approval. It should be noted that while the frontage for this site is off Secor Road, the building is oriented on the site to face Sterns Road, and the parking lot is located to the north of the structure. In addition, a propane filling station, surrounded by 4' bollards and atop a concrete pad, is proposed within the fenced sales/display area, which is a permitted use in a C-3 zoning district subject to special approval.

Kincaid advised the parcels to the west (Splash Car Wash and Rite Aid) are C-3, General Business zoned, as is the vacant 3.02-acre parcel to the north. The property to the east of the parking lot is RME, Elderly Housing Residential zoned, and is the site of the recently approved Hampton Manor of Bedford facility, and the vacant parcel to the east of the outdoor sales/display area is R-2A, Single Family Residential zoned, with the immediately adjacent portion of the residentially zoned parcel containing a regulated wetland, and to the east of the wetland is the location of the shared detention basin. The property to the south is a PUD with residential and commercial uses.

Kincaid said the overall building is 40 feet in height (as indicated on the Title Sheet; however, the elevation sheet indicates an overall height of 30 feet above finished floor where 40 feet is permitted by ordinance, and the front yard setback (west) is approximating 380 feet, as measured from the Secor Road right-of-way, where 52 feet is required. There is no side yard setback required where abutting commercial zoning districts; however, the structure is setback approximately 197 feet from the north property line, 40 feet from the east property line, which includes the fenced sales/display area, and 57 feet from the south property line. All setbacks are in accordance with the requirements of Section 400.1800, Schedule of Regulations, of the Bedford Township Zoning Ordinance. Section 400.1303 states all buildings and structures, when considered collectively as a whole shall not exceed an area greater than 25 percent of the net parcel area, which is the gross parcel area minus the road right-of-way. The lot coverage is calculated at 24.6 percent, which is within the 25 percent maximum coverage permitted by ordinance.

Kincaid advised the parking lot to the north is approximately 270' x 183' (49,500 square feet) and contains 91 parking spaces, including 4 barrier free spaces, 6 spaces to the rear of the building, and 3 double length spaces for longer vehicles or vehicles with trailers, etc. Parking space requirements are calculated at 1 space for each 250 square feet of usable floor area (15,252 square feet) within the structure, which equals 61 spaces. The outdoor/sales display area requires 1 space for each 500 square feet of usable area (14,952 square feet), which equals 30 spaces, totaling 91 spaces.

Kincaid noted the dumpster location has been identified on the south side of the structure, east of the loading/unloading area with no additional screening to enclose the dumpster. It should be noted, Section 400.1907.7, *Screening*, states *"..Refuse containers are not required to be screened from view from uses permitted in Section 1301.2 through 1302 of the C-3, General Commercial district."* Typically, dumpsters require their own independent screening in other zoning districts.

Kincaid included that in accordance with Section 400.1906.1.B, the 70' x 12' loading/unloading area located to the south of the structure, meets the requirement for the 19,000 square feet of gross floor area of the building (ordinance only refers to "building" and does not address outdoor display/sales areas). However, when calculating the 19,937 square feet of outdoor sales/display total area plus the structure gross floor area (38,937 square feet), two (2) 70' x 10' loading/unloading areas are required. It shall be verified with the applicant the single 70' x 12' loading/unloading area will serve the loading/unloading area needs for the site.

Kincaid advised an 8' chain link fence is proposed surrounding the 15,000 square foot sales/display area. It should be noted, 8' tall fences are not permitted in a C-3 zoning district. Should the applicant determine an 8' fence is required, the Planning Commission can consider the increased fence height through the special approval consideration. It should be noted, no type of screening (slats, etc.) is proposed on the fencing for buffering purposes.

For screening/buffering purposes, a 6' wooden fence is proposed along a portion of the south and southeast to buffer a portion of the area not included inside the fenced sales/display area.

Kincaid advised detention basin landscaping will not be addressed in this application, as the detention basin is located on a separate parcel and will be/or has been considered separately from this application. As the subject parcel consists of 66 feet of frontage, of which approximately 30 feet will be the paved ingress/egress to the site, no street plantings along Secor Road are proposed. Cluster plantings are, however, proposed along the north and south sides of the entrance drive. Plantings are proposed along the west property line where abutting Rite Aid and a portion of Burger King, along the northwest side of the structure, around the base of the light poles in the parking lot islands, and to the east of the trailer and equipment display area.

Kincaid stated there are three single-head fixtures on 18-foot poles with 2 feet of foundation so not to exceed 20 feet in height as required by ordinance, along the north side of the ingress/egress drive off Secor Road and one located at the east end of the fenced outdoor display/sales area. In addition are four twin-head fixtures on 18-foot poles and 2-foot foundations at the west and east ends of the parking lot, and 14 building mounted fixtures on all four sides of the structure. The provided photometrics plan indicates the foot-candle does not exceed that which is allowed per Section 400.1908.5 "Exterior Lighting Standards" of the Zoning Ordinance. While the lighting shown on the site plan is directed downward to avoid offsite glare, a note states "or similar brand with the fixture to meet the same lumens as specified". It shall be confirmed all light fixtures will be directed downward to avoid off site glare.

Kincaid referred to the plan saying the front elevation shows an overall building height of 30 feet above the finished floor, with building materials consisting of split face and smooth face concrete masonry unit, a corrugated galvanized metal panel surrounding the entry doors, and a galvanized metal awning. The west and east elevations consist of smooth face CMU plus insulated gray tinted glass at the north end of each side. The rear consists of smooth face CMU, minus the windows and corrugated galvanized metal. The main structure is of a tan (earth tone) color scheme with gray and red accents. It should be noted, Section 400.1303.A.3., "*Architectural Elements*", states "*Wherever possible, variations in roof lines are encouraged to reduce the massive scale of the structure and to add visual interest. Roofs shall have features which conceal flat roofs and roof-top equipment.*" The proposed architectural design does not conceal rooftop mechanical units, nor provides a variation in roof lines to reduce the massive scale of the structure. Also identified is an outdoor speaker on the front (north) elevation, which is not permitted per Section 400.1302.viii and Section 116.013 "*Amplified Sound*".

Kincaid advised although a wall sign is shown on the elevation plan, no dimensions or details are provided, and therefore, cannot be considered at this time. It is further stated on Sheet T-1 of the submitted site plan

that proposed signage shall be a monument sign along Secor Road, which shall meet the Bedford Township Sign Ordinance requirements, and shall be submitted separately. Section 400.1922, *Sign Ordinance*, states freestanding signs shall not be placed closer than 100 feet to the parcel line. The Planning Commission may consider a waiver on the sign placement from the north and south property lines, as the BZA granted a waiver to permit 66 feet to serve as frontage on Secor Road. It should also be noted that the proposed monument sign location is outside of the corner clearance area, and will not pose a visual clearance issue.

Kincaid noted the Planning Commission may waive the requirements of Section 400.1922, but only where exceptional conditions or circumstances exist, which were not contemplated at the time Section 400.1922 was enacted, or which are so unusual that they are not adequately regulated by Section 400.1922, but only if the waiver may be granted without impairing the intent and purpose of Section 400.1922, and without substantial detriment to the public health, safety and welfare.

Kincaid stated sanitary sewer and municipal water are available to the site.

As stated in Section 400.1303.E, *"The proposed general business development project may include sidewalk and/or bike path connections to existing and future developments...."*. While sidewalks have already been installed through the DDA along Secor Road, the Planning Commission may want to discuss if the developer has considered installing a sidewalk from the developed portion of the site to the existing Secor Road sidewalk for pedestrian traffic.

Kincaid said letters of approval have been received from the Mannik & Smith Group with comments and conditions on September 24, 2019, the Bedford Township Fire Department with comments and conditions on September 23, 2019, the MCRC with comments and conditions on September 3, 2019, and the MCDC with comments and conditions on September 19, 2019.

Kincaid reminded the Commission they reviewed the proposed 'Outdoor Display for Sales in C-3 Zoning' ordinance for recommendation to the Township Board, and the Township Board adopted the ordinance on August 20, 2019, with the effective date of September 12, 2019. The above portion of the site analysis provides the factual details of the submitted site plan, and the following applies to the existing and newly adopted ordinance as it applies to the site plan that has been submitted, and those areas that require special approval.

Kincaid advised a copy of the ordinance was provided to the Planning Commission for convenience and it was suggested the Planning Commission may want to familiarize themselves with the new ordinance, as reference will be made to specific sections within the ordinance; however, remaining sections that are not being referenced will provide further details.

Kincaid noted the above-mentioned ordinance allows for an outdoor display area for sales as a permitted use within a C-3 zoning district. However, the outdoor display area is limited to 400 square feet, or an area when calculated per 400.1303.G.4, does not exceed 400 square feet. Any area larger than 400 square feet shall require a granted special approval by the Planning Commission (400.1302.12.a.i).

Kincaid said a propane filling station, 1000-gallon tank, is proposed within the 15,000 square foot outdoor display/sales area, and is permitted subject to special approval per Section 400.1302.5. In addition, per Section 400.1302.12.vii), *"...all propane tank filling stations shall be shielded from the front and parking areas by an opaque wall made with materials, and at a height and width, and subject to a color or color scheme coordinated with the main building on the site."* As previously stated, currently, four-foot bollards are proposed around the tank.

Kincaid noted the front elevation shows a proposed outdoor speaker, which is not permitted per Section

400.1302.12.a.viii.

Kincaid advised the proposed monument sign location does not comply with the 100-foot sign setback from each side parcel line per Section 400.1922, as the BZA variance approved parcel frontage consists of a total of 66 feet. When considering a sign waiver, the Planning Commission shall take into consideration exceptional conditions or circumstances as stated in Section 400.1922.4.

Kincaid said the flat roof structure does not meet a portion of the requirements of Section 400.1303.A.3), "Site Development Standards for C-3 General Business Districts", which states "Wherever possible, variations in roof lines are encouraged to reduce the massive scale of the structure and to add visual interest. Roofs shall have features which conceal flat roofs and roof-top equipment."

Kincaid referred to the site plan stating an 8' tall chain link fence is proposed around the 15,000 square foot outdoor sales/display area, where 8' tall fences are limited to industrially zoned districts, and 6' tall fences in commercially zoned districts as regulated by Section 400.1912. As well, the proposed fence does not include a buffering barrier along the south and east sides of the site which is adjacent to residential zoning districts (RME and R-2A). As permitted by ordinance, Section 1302.12.vii. the Planning Commission may require additional, or increased, screening than what is required by Section 400.1907 which requires a wall, but can be varied with Planning Commission approval. Should the Planning Commission want to consider the allowance of an 8' chain link fence, as it may be appropriate for the proposed use, a chain link fence does not serve as any buffer or screening of noise and visibility of the outside display area from the neighboring properties to the south and east. It should be verified if shelving or stacking is proposed that would elevate materials for sale or display, and which would increase visibility of the sales/display items within the fence, and where fencing inserts may want to be considered. The same non-screening issue would exist if the fence is reduced in height to 6 feet. It should be noted, a decorative (wood) 6' fence is proposed along the southeast corner of the rear parking area that includes the dumpster and loading/unloading area, which are not independently screened, and plantings are proposed between the fence and the property line to soften the C-3 use from the neighboring properties. The Planning Commission may want to consider an extension of the decorative fencing and landscaping farther west along the south property line to buffer the loading and loading area from the neighboring properties, and extending the fence east to the 20' rear setback line, then making a 90 degree turn to the north, and running the fencing and landscaping north to the north property line to provide a 6' screening and buffering between the subject site and the residentially zoned properties to the east. The lack of opaque screening between the subject site and the properties to the east allows for off-site headlight pollution, as vehicles entering the establishment from the west will cast headlight pollution directly onto the site to the east, and provides no visual or noise barrier between the commercial and residential zoning districts. As indicated on Sheet L-1, there are "existing dense scattered trees to remain for screening". It should be noted, the subject site contains a portion of the trees remaining for screening, while a large portion is located on the parcels to the east, which shall not be considered as buffering for the subject site. As well, the Planning Commission should take into consideration whether or not the existing trees will remain dense enough throughout the entire year to provide screening of off-site headlight pollution and act as a visual and sound barrier.

Kincaid noted in summary the Planning Commission shall make a decision on whether or not to grant special approval on the following, and if so determined, shall include the ordinance requirements for the approval as included below, and may want to consider the noted additional screening to buffer the neighboring residential properties from the commercial use:

- the proposed 19,937 square feet of outdoor display/sales area, which if determined allowed, includes the 15,000 square feet fenced display/sales area to the east of the structure, the 2,537 square feet of sidewalk display area to the north of the structure, and the 2,400 square feet of the trailer/equipment display area to the east of the parking lot;

- the 1000-gallon propane tank filling station subject to a) shielding from the front and parking areas by an opaque wall made with materials, and at a height and width, and subject to a color or color scheme coordinated with the main building on the site, b) compliance with all applicable building, fire, State and local codes, c) no more than one bulk storage tank on the site, with a capacity not to exceed 2,000 gallons, and d) parking of delivery trucks overnight and storage of any delivery truck on site is prohibited;
- there shall be no broadcasting, outdoor intercoms, or outdoor amplified sound or music allowed;
- once verified and as determined by the Planning Commission, the loading/unloading area will adequately serve the needs for the total square footage of the facility, as the loading/unloading area is calculated by usable floor area and does not include outdoor display/sales areas in the zoning ordinance, **OR** the loading/unloading area shall be increased to serve the indoor and outdoor needs as calculated by the total usable floor area and the outdoor display/sales square footage on the site;
- once verified, all lighting shall be directed downward to avoid off-site glare;
- allow a sign waiver to permit the monument sign to be placed as identified on the Site Plan, as the allowance of lesser than a 100 foot setback from each side property line is an exceptional condition or circumstance that was not contemplated at the time the Sign Ordinance was enacted, and the sign placement will not impair the intent and purpose of Section 400.1922, and is without substantial detriment to the public health, safety and welfare;
- features shall be added to conceal the flat roof and roof-top equipment;
- depending on the Planning Commission's determination, a waiver would be required to allow an 8' chain link fence and fencing inserts may want to be considered;
- if determined, the proposed 6' tall decorative wood fencing with landscaping material should be extended west to buffer the loading/unloading area, and shall be extended north to the north property line along the east setback line to provide a noise and visual barrier between the commercial and residential zoning districts to the east, as well as provide a barrier to prevent off-site headlight pollution and flying debris .
- Optional - Provide a sidewalk from the developed portion of the site to the existing Secor Road sidewalk for pedestrian traffic.
- You may also want to include in any approval as regulated by ordinance: "The outdoor display area for sales shall only relate to and be part of the business of the principal use permitted in the main C-3 building on the site, no unrelated use shall be permitted for the outdoor display area for sales, and there shall be no standalone outdoor display area for sales, including no tents."

Kincaid lastly stated Final Site Plan and Special Approval shall be conditioned upon the bullet points listed above and 1) addressing all conditions/contingencies of the MSG, BTFD, MCRC and MCDC review letters, 2) amending the site plan to comply with all required changes for the special approval.

Carol Laurie-1617 Royal Troon Ct.-Ms. Laurie voiced opposition to the proposed propane filling station as it is near residential area and others within a couple of miles.

David Shutt-3245 Ravine Hollow Ct.-Mr. Shutt voiced opposition of the proposed development as there is no real frontage on a main road. Mr. Shutt also voiced opposition to the proposed filling station.

Tom Achinger-3273 Ravine Hollow Ct.-Ms. Achinger voiced concern on the propane filling station and the close proximity to residential housing with other locations in the area.

Susan Slavlero-3263 Ravine Hollow Ct.-Ms. Slavlero was unsure of the purpose of the hearing. Ms. Slavlero spoke in opposition to the propane filling station due to a safety concern. Ms. Slavlero also voiced concern on the increase in traffic and larger delivery vehicles.

Greg Wakefield-3224 Ravine Hollow Ct.-Mr. Wakefield voiced safety concern on the propane filling station and increase of traffic.

Kathleen Nordgren-3386 Quail Hollow Dr.-Ms. Nordgren voiced concern on the safety issues with propane filling station and increase with the amount of traffic. Ms. Nordgren also spoke on the review and approval from the Fire Department.

George Banks-3398 Quail Hollow Dr.-Mr. Banks voiced opposition to the propane filling station, concern on increase of traffic.

Antoinette Banks-3398 Quail Hollow Dr.-Ms. Banks was concerned on the effects this type of use will have on property values. Ms. Banks voiced opposition to the propane filling station.

Bob Kubicz-3142 Mindy Lane-Mr. Kubicz advised he lives directly behind the proposed area for outdoor display and voiced strong opposition of the propane filling station due to the proximity to the residential area.

Berry Martin- 3275 Fox Run Lane-Mr. Martin voiced opposition to the propane filling station. Mr. Martin encouraged the Planning Commission to keep in mind the future development of the area and the vacant area and what type of business will be attracted to develop. Mr. Martin does not feel this use will be beneficial to the area.

Merrill Bodine-3333 Quail Hollow Dr.-Mr. Bodine voiced opposition to this type of use in the area. Mr. Bodine voiced opposition to the propane filling station due to the proximity to residential and the increase of traffic it will create.

Motion by Tienvieri, supported by Zdybek, to close the public hearing at 7:38 p.m. Motion carried.

Frank Jarbou-Representative for the applicant and develop the site for Tractor Supply- Mr. Jarbou stated they had been looking at this area and site for quite some time. Mr. Jarbou advised they are working with a local developer, and stated Tractor Supply is a national firm and committed to the community when developing. Mr. Jarbou continued to state Tractor Supply is willing to work with each community in regards to their needs and ordinances, further stating they working within the community on hiring. Mr. Jarbou spoke very highly of Tractor Supply and their requirements working with each individual community. Mr. Jarbou referenced the residents and the concerns regarding the propane filling station, comparing the proposed 1000-gallon tank for the filling station to a residential home and using a 500-gallon tank. Mr. Jarbou spoke on Tractor Supply and their requirements on safety and that the Fire Department will also assure compliance and safety for the community. Mr. Jarbou stated he would be happy to answer any further questions or concerns from the Commission members.

Garverick spoke on his knowledge of a propane tank, saying he currently has a 1000-gallon tank at his residency. Mr. Jarbou agreed with residential homes having 500-1000-gallon tanks and not being retested on a regular basis as Tractor Supply will be providing, such as an annual test.

Tienvieri thanked the residents that voiced their concerns.

Mr. Jarbou requested to touch base on the bullet points within the analysis and address those requests moving forward. Tienvieri spoke on the Commission's responsibility to uphold the ordinance, inquiring with the applicant if they would resubmit to comply. Mr. Jarbou stated Tractor Supply is not a traditional retail store and he was representing Tractor Supply to work on those items that do not comply but are open for review as the outdoor display of sales and the propane filling station are a Special Approval use. Tienvieri reiterated the Commission is to comply with the ordinances and the proposed outdoor sales

display is more than the building structure. Garverick voiced opinion on the site and working together to make the project work and felt the applicant has done a good job with the proposed layout. Zdybek referred to other location being located on major highways in the surrounding areas.

Steffen stated this use is supported by the Master Plan as it encourages commercial development. Steffen also thanked the residents in voicing their concern on the propane filling stations, however felt there were some negations that could be included within the motion due to the Special Approval for the use such as industry regulations, hazard and safety and the Fire Department's review.

Steffen proposed to begin discussions on the bullet points within the analysis. Mr. Jarbou advised he was very limited on making decisions on changes; however, would like the opportunity to discuss and have the possibility to have an administrative review and approval, should the Commission so desire.

Steffen inquired if one loading/unloading area would be sufficient for the use. Mr. Jarbou stated yes. Steffen advised any and all lighting must be installed to prevent off site glare. Steffen asked the applicant's representative if there is an option to install a parapet wall to conceal the flat roof and roof-top equipment. Mr. Jarbou stated yes, there could be aluminum sheeting that would match the building to conceal the flat roof and roof-top equipment. Steffen spoke in opposition to the proposed chain link fencing. Angerer agreed and suggested either vinyl or some type of masonry on the north side of the building (front) such as what is at the location in Dundee, Mi. Angerer agreed on upholding the ordinance and the need for additional buffering and screening. Mr. Jarbou stated Tractor Supply requests 8' fencing. Angerer stated chain link is not esthetically appealing nor decorative. Commission members agreed. Angerer voiced opinion that landscaping of the tree line should also be increased. Mr. Jacob's verified, in similarity to Dundee's Tractor Supply, there could be wood fencing and additional landscaping. Garverick inquired on type of tree line. Mr. Jacobs stated arborvitaes, which would eventually grow to 20+ feet. Jenkins reminded the Commission members and applicate he had voted against the rezoning request, did not recommend approval of the ordinance amendment, and suggested due to the proximity of the location to residential districts, a masonry wall should be required around the outdoor display of sales. Discussion took place on the granted variance for the frontage, where Kincaid said 66' was maintained when there was a land division to split the parcels, which is the minimum required width to develop a road. Kincaid further stated the parent parcel also had frontage on Sterns Road, with the current 66' of frontage being created when the parcel was divided after the frontage variance was granted.

Mr. Bassinger spoke on the outdoor display of sales and the propane filling station being a Special Approval from the Planning Commission and felt that due to the special approval, it provided flexibility to the Planning Commission to discuss items that did not comply with ordinances, and not require a "variance". Tienvieri stated there are eleven differences from what is required by ordinance and what is being proposed. Zdybek agreed on the Commission upholding the ordinance requirements. Tienvieri advised the request is excessive, being 37 times, the 400 square feet of outdoor display area permitted by ordinance. Mr. Bassinger voiced opinion that the ordinance allowed for increase due to the Special Approval. Steffen agreed there are other areas in the community having outdoor sales. Steffen added Tractor Supply's main focus is outdoor display of sales, however the Planning Commission can place contingencies on items to be address to ensure Tractor Supply will be a good member of our community. Mr. Jarbou explained there are many items that Tractor Supply is unable to fit inside the store and that would result in a much larger building.

Tienvieri advised she is not opposed to the Tractor Supply; however, she is opposed to the uses and the proposed requests that do not comply with ordinances. Tienvieri requested the applicant amend the changes to comply by ordinance and resubmit instead of any type of approval. Mr. Jarbou spoke on the masonry columns at Dundee location and would be willing to install those on this site. Mr. Jarbou requested the Planning Commission move forward with a decision and allow an administrative review and approval by

the Planning Department. Tienvieri stated she is against an administrative review and approval. Tienvieri advised the Planning Department is fully equipped to review and approve a resubmitted plan, however, it is the job of the Planning Commission. Mr. Kamprath advised the Planning Commission is authorized with a special approval to itemize changes and place conditions identified. Mr. Kamprath said he was not supportive of discretion left upon the Planning Department. Angerer did not want to put the responsibility on the Planning Department, and all Commission Members agreed. Tienvieri reiterated the Planning Department is very knowledgeable to review and approve a resubmitted plan, however, the Planning Department does not have the authority to review and approve. Mr. Kamprath informed the Commission there are three separate motions for review and decision tonight, advising, site plan approval, special approval for outdoor display of sales and special approval to allow a propane filling station.

MOTION BY STEFFEN, SUPPORTED BY JENKINS, TO APPROVE FINAL SITE PLAN APPROVAL FOR TRACTOR SUPPLY, IN A C-3, GENERAL BUSINESS DISTRICT, FOR LAMBERTVILLE MIXED USE, LLC, LOCATED ON PARCEL NUMBER 5802-032-055-61, LOCATED ON THE SOUTH SIDE OF STERNS ROAD, EAST OF SECOR ROAD, LAMBERTVILLE, MI 48144 CONTINGENT THE FOLLOWING ITEMS ARE ADDRESSED:

- 1. THERE SHALL BE NO BROADCASTING, OUTDOOR INTERCOMS, OR OUTDOOR AMPLIFIED SOUND OR MUSIC ALLOWED.**
- 2. THE LOADING/UNLOADING AREA WILL ADEQUATELY SERVE THE NEEDS FOR THE TOTAL SQUARE FOOTAGE OF THE FACILITY AS CALCULATED BY THE SQUARE FOOTAGE OF THE STRUCTURE.**
- 3. ALL LIGHT FIXTURES WILL BE DIRECTED DOWNWARD TO AVOID OFF SITE GLARE.**
- 4. ALLOW A SIGN WAIVER TO PERMIT THE MONUMENT SIGN TO BE PLACED AS IDENTIFIED ON THE SITE PLAN, AS THE ALLOWANCE OF LESSER THAN A 100 FOOT SETBACK FROM EACH SIDE PROPERTY LINE IS AN EXCEPTIONAL CONDITION OR CIRCUMSTANCE THAT WAS NOT CONTEMPLATED AT THE TIME THE SIGN ORDINANCE WAS ENACTED, AND THE SIGN PLACEMENT WILL NOT IMPAIR THE INTENT AND PURPOSE OF SECTION 400.1922, AND IS WITHOUT SUBSTANTIAL DETRIMENT TO THE PUBLIC HEALTH, SAFETY AND WELFARE.**
- 5. THE APPLICANT WILL SEEK SEPARATE APPROVAL FOR ANY/ALL SIGNAGE TO ENSURE COMPLIANCE WITH THE SIGN ORDINANCE.**
- 6. FEATURES MUST BE ADDED TO THE STRUCTURE TO CONCEAL THE FLAT ROOF AND ROOF-TOP EQUIPMENT.**
- 7. NO 8' CHAIN LINK FENCE SHALL BE PERMITTED. THE PROPOSED 6' TALL DECORATIVE VINYL PRIVACY FENCE WITH LANDSCAPING MATERIAL SHALL BE EXTENDED WEST TO BUFFER THE LOADING/UNLOADING AREA, AND SHALL BE EXTENDED NORTH TO THE NORTH PROPERTY LINE ALONG THE EAST SETBACK LINE TO PROVIDE A NOISE AND VISUAL BARRIER BETWEEN THE COMMERCIAL AND RESIDENTIAL ZONING DISTRICTS TO THE EAST, AS WELL AS PROVIDE A BARRIER TO PREVENT OFF-SITE HEADLIGHT POLLUTION AND FLYING DEBRIS TO INCLUDE DENSE FOLIGE TO PREVENT LIGHT POLLUTION TO THE NEIGHBORING PROPERTIES.**
- 8. SIDEWALKS SHALL BE INSTALLED FROM THE DEVELOPED PORTION OF THE SITE TO THE SECOR ROAD SIDEWALK FOR PEDESTRIAN TRAFFIC.**
- 9. ENSURE ALL CONDITIONS/CONTINGENCIES BE ADDRESSED IN THE MSG, BTFD, MCRC AND MCDC REVIEW LETTERS.**
- 10. THE SITE PLAN SHALL BE AMENDED TO COMPLY WITH ALL REQUIRED CHANGES FOR THE SPECIAL APPROVAL, AND**
- 11. CONDITIONED UPON APPROVAL OF THE SHARED STORM DRAINAGE**

DETENTION POND, AS THE DETENTION POND MUST BE CONSTRUCTED AND IN OPERATION BEFORE AN OCCUPANCY PERMIT CAN BE ISSUED.

**Roll call as follows: Voting Aye: Steffen, Jenkins, Garverick, Fritz, Zdybek and Angerer
Nay: Tienvieri-, stating there are too many areas that do not conform with the newly approved zoning ordinance amendment.
Excused: None
Absent: None
Motion carried.**

MOTION BY STEFFEN, SUPPORTED BY GARVERICK, TO GRANT SPECIAL APPROVAL TO ALLOW OUTDOOR DISPLAY OF SALES FOR TRACTOR SUPPLY, IN A C-3, GENERAL BUSINESS DISTRICT, FOR LAMBERTVILLE MIXED USE, LLC, LOCATED ON PARCEL NUMBER 5802-032-055-61, LOCATED ON THE SOUTH SIDE OF STERNS ROAD, EAST OF SECOR ROAD, LAMBERTVILLE, MI 48144 AS THE USE IS NOT INJURIOUS TO THE DISTRICT AND ENVIRONS, IS NOT CONTRARY TO THE SPIRIT AND PURPOSE OF THIS ORDINANCE, IS NOT INCOMPATIBLE WITH ALREADY EXISTING USES IN THE AREA, WILL NOT INTERFERE WITH THE ORDERLY DEVELOPMENT OF THE AREA, WOULD NOT BE DETRIMENTAL TO THE SAFETY OR CONVENIENCE OF VEHICULAR OR PEDESTRIAN TRAFFIC, WILL BE SERVED ADEQUATELY BY ESSENTIAL PUBLIC FACILITIES AND SERVICES, WILL BE CONSISTENT IN ASSURING THAT THE GENERAL PUBLIC HEALTH, SAFETY AND WELFARE WILL NOT BE INFRINGED UPON, AND WILL BE IN COMPLIANCE WITH ALL TOWNSHIP, COUNTY, STATE AND FEDERAL LAWS AND REGULATIONS; AND WHICH, ONCE APPROVED, SHALL BE DEEMED TO AUTHORIZE ONLY ONE SPECIFIC USE, AND SHALL EXPIRE AND BECOME NULL AND VOID WITHOUT FURTHER NOTICE OR ACTION BY THE PLANNING COMMISSION IN ANY CASE WHERE THE SPECIAL APPROVAL USE HAS NOT BEEN ESTABLISHED WITHIN SIX MONTHS AFTER THE PLANNING COMMISSION'S GRANT OF APPROVAL THEREOF OR WHERE THE SPECIAL APPROVAL USE IS DISCONTINUED OR CEASES TO EXIST FOR SIX CONSECUTIVE MONTHS OR FOR 18 MONTHS DURING ANY THREE YEAR PERIOD; AND WHICH MAY BE REVOKED BY THE PLANNING COMMISSION AFTER IT FINDS THAT ANY OF THE REQUIREMENTS OF THIS ORDINANCE OR CONDITIONS OF APPROVAL ARE NOT BEING MAINTAINED CONTINGENT UPON:

- 1. PROPOSED 19,937 SQUARE FEET OF OUTDOOR DISPLAY/SALES AREA ALLOWED, INCLUDES THE 15,000 SQUARE FEET FENCED DISPLAY/SALES AREA TO THE EAST OF THE STRUCTURE, THE 2,537 SQUARE FEET OF SIDEWALK DISPLAY AREA TO THE NORTH OF THE STRUCTURE, AND THE 2,400 SQUARE FEET OF THE TRAILER/EQUIPMENT DISPLAY AREA TO THE EAST OF THE PARKING LOT**
- 2. THE PROPOSED 8' CHAIN LINK FENCE WITH INSERTS BE AMENDED TO A DECORATIVE MASONRY WALL WITH WROUGHT IRON ON THE NORTH SIDE OF THE DISPLAY AREA AND ON THE SOUTH AND EAST OF THE DISPLAY AREA AN OPAQUE MASONRY WALL SUBJECT TO COLOR OR COLOR SCHEME COORDINATED WITH THE MAIN BUILDING ON SITE**
- 3. THE OUTDOOR DISPLAY AREA FOR SALES SHALL ONLY RELATE TO AND BE PART OF THE BUSINESS OF THE PRINCIPAL USE PERMITTED IN THE MAIN C-3 BUILDING ON THE SITE, NO UNRELATED USE SHALL BE PERMITTED FOR THE OUTDOOR DISPLAY AREA FOR SALES, AND THERE SHALL BE NO STAND ALONE OUTDOOR DISPLAY AREA FOR SALES, INCLUDING NO TENTS**

Roll call as follows: Voting Aye: Steffen, Garverick, Fritz, Jenkins and Angerer

Nay: Tienvieri - stating the outdoor display area exceeds the ground floor area of the proposed building

Zdybek - agreed with Tienvieri

Excused: None

Absent: None

Motion carried.

MOTION BY STEFFEN, SUPPORTED BY GARVERICK, TO GRANT SPECIAL APPROVAL TO ALLOW A PROPANE FILLING STATION, FOR TRACTOR SUPPLY, IN A C-3, GENERAL BUSINESS DISTRICT, FOR LAMBERTVILLE MIXED USE, LLC, LOCATED ON PARCEL NUMBER 5802-032-055-61, LOCATED ON THE SOUTH SIDE OF STERNS ROAD, EAST OF SECOR ROAD, LAMBERTVILLE, MI 48144 AS THE USE IS NOT INJURIOUS TO THE DISTRICT AND ENVIRONS, IS NOT CONTRARY TO THE SPIRIT AND PURPOSE OF THIS ORDINANCE, IS NOT INCOMPATIBLE WITH ALREADY EXISTING USES IN THE AREA, WILL NOT INTERFERE WITH THE ORDERLY DEVELOPMENT OF THE AREA, WOULD NOT BE DETRIMENTAL TO THE SAFETY OR CONVENIENCE OF VEHICULAR OR PEDESTRIAN TRAFFIC, WILL BE SERVED ADEQUATELY BY ESSENTIAL PUBLIC FACILITIES AND SERVICES, WILL BE CONSISTENT IN ASSURING THAT THE GENERAL PUBLIC HEALTH, SAFETY AND WELFARE WILL NOT BE INFRINGED UPON, AND WILL BE IN COMPLIANCE WITH ALL TOWNSHIP, COUNTY, STATE AND FEDERAL LAWS AND REGULATIONS; AND WHICH, ONCE APPROVED, SHALL BE DEEMED TO AUTHORIZE ONLY ONE SPECIFIC USE, AND SHALL EXPIRE AND BECOME NULL AND VOID WITHOUT FURTHER NOTICE OR ACTION BY THE PLANNING COMMISSION IN ANY CASE WHERE THE SPECIAL APPROVAL USE HAS NOT BEEN ESTABLISHED WITHIN SIX MONTHS AFTER THE PLANNING COMMISSION'S GRANT OF APPROVAL THEREOF OR WHERE THE SPECIAL APPROVAL USE IS DISCONTINUED OR CEASES TO EXIST FOR SIX CONSECUTIVE MONTHS OR FOR 18 MONTHS DURING ANY THREE YEAR PERIOD; AND WHICH MAY BE REVOKED BY THE PLANNING COMMISSION AFTER IT FINDS THAT ANY OF THE REQUIREMENTS OF THIS ORDINANCE OR CONDITIONS OF APPROVAL ARE NOT BEING MAINTAINED CONDITIONED UPON:

- 1. THE 1000-GALLON PROPANE TANK FILLING STATION INCLUDES SHIELDING FROM THE FRONT AND PARKING AREAS OF OPAQUE WALL MADE WITH MATERIALS, AND AT A HEIGHT AND WIDTH, AND SUBJECT TO A COLOR OR COLOR SCHEME COORDINATED WITH THE MAIN BUILDING ON THE SITE**
- 2. COMPLIANCE WITH ALL APPLICABLE BUILDING, FIRE, STATE AND LOCAL CODES TO INCLUDE NFPA58 STORAGE, AND HANDLING OF LIQUIFIED GAS**
- 3. LIMIT OF ONE 1000-GALLON BULK STORAGE TANK ON THE SITE**
- 4. PARKING OF DELIVERY TRUCKS OVERNIGHT AND STORAGE OF ANY DELIVERY TRUCK ON SITE IS PROHIBITED**
- 5. ALL CONDITIONS/CONTINGENCIES BE ADDRESSED IN THE MSG AND THE BTFD REVIEW LETTERS**

Roll call as follows: Voting Aye: Steffen, Garverick, Fritz and Angerer

Nay: Tienvieri, Jenkins and Zdybek

Excused: None

Absent: None

Motion carried.

- 2) REQUEST FOR FINAL SITE PLAN APPROVAL FOR A SHARED DETENTION POND TO SERVE FOUR PARCELS 5802-032-055-61, 5802-032-055-62, 5802-032-055-63 AND**

5802-032-055-065, FOR LAMBERTVILLE MIXED USE, LLC, WITH THE POND BEING LOCATED ON PARCEL NUMBER 5802-032-055-65, LOCATED ON THE SOUTH SIDE OF STERNS ROAD, EAST OF SECOR ROAD, LAMBERTVILLE, MI 48144

Kincaid reviewed the analysis saying the applicant is seeking approval for a shared detention pond to serve four individual parcels. The shared detention pond will be developed on parcel #4 (5802-032-055-65), and a Drainage Maintenance Agreement has been drafted. Site plans have been submitted for two of the four sites, where the site plan for Hampton Manor (Parcel #3) was approved on August 28, 2019, and Tractor Supply (Parcel #1) was considered this evening.

Kincaid noted although at this time there has been no official submittal for the remaining two parcels, the detention basin has been reviewed and approved to serve all four parcels. The Monroe County Drain Commission reviewed and approved the shared detention pond to serve all four parcels with comments and conditions on 9/20/2019. Monroe County Drain Commission has approved the soil erosion/sedimentation control on 8/22/2019, and The Mannik and Smith Group reviewed and approved with comments and conditions on 9/25/2019. A detention pond permit must be obtained through the Building Department prior to beginning the pond construction, and a Soil Erosion Control Permit must be obtained from the MCDC prior to construction. Per the email from Monroe County Drain Commission dated 9/23/2019 the applicant must continue to work on securing the State EGLE permits and all Drainage Maintenance Agreements must be recorded.

Therefore, any site plan approval shall be conditioned upon addressing all comments and/or conditions of the MCDC and the Mannik and Smith Group review letters, and obtaining all required permits.

Jim Jacobs-James Jacob's Architect—Mr. Jacobs explained easements have been filed, soil erosion is in place and the site is waiting on approval from EGLE (state) with the public hearing.

Angerer asked for clarification that the proposed location is outside the wetland area. Mr. Jacobs stated the development is outside of the wetland area. Tienvieri asked whom will be maintaining the shared detention pond. Mr. Jacobs advised there is a maintenance agreement with the Monroe County Drain Commission and should the four parcel owners not maintain the detention pond, the MCDC has authorization to do so and apply fees to each property's sewer tax bill. Mr. Bassinger stated there is a recorded maintenance agreement for the four parcels to maintain the detention pond. There was no further discussion.

MOTION BY JENKINS, SUPPORTED BY TIENVIERI, TO GRANT FINAL SITE PLAN APPROVAL FOR A SHARED DETENTION POND TO SERVE FOUR PARCELS 5802-032-055-61, 5802-032-055-62, 5802-032-055-63 AND 5802-032-055-065, FOR LAMBERTVILLE MIXED USE, LLC, WITH THE POND BEING LOCATED ON PARCEL NUMBER 5802-032-055-65, LOCATED ON THE SOUTH SIDE OF STERNS ROAD, EAST OF SECOR ROAD, LAMBERTVILLE, MI 48144 CONDITIONED UPON ADDRESSING ALL COMMENTS IN THE MONROE COUNTY DRAIN COMMISSION LETTER, INCLUDING COMMENTS REGARDING THE SOIL EROSION/SEDIMENTATION CONTROL; THE MANNIK AND SMITH GROUP LETTER; A DETENTION POND PERMIT MUST BE OBTAINED THROUGH THE BUILDING DEPARTMENT PRIOR TO BEGINNING THE POND CONSTRUCTION; AND A SOIL EROSION CONTROL PERMIT MUST BE OBTAINED FROM THE MCDC PRIOR TO CONSTRUCTION. AND PER THE EMAIL FROM MONROE COUNTY DRAIN COMMISSION DATED 9/23/2019 THE APPLICANT MUST CONTINUE TO WORK ON SECURING THE STATE EGLE PERMITS, AND ALL DRAINAGE MAINTENANCE AGREEMENTS MUST BE RECORDED.

**Roll call as follows: Voting Aye: Jenkins, Tienvieri, Zdybek, Fritz, Garverick, Steffen and Angerer
Nay: None
Excused: None
Absent: None
Motion carried.**

C) REQUEST FOR FINAL SITE PLAN APPROVAL FOR PINNACLE EYE, FOR QUAIL MEADOWS, LLC, PARCEL NUMBER 5802-031-090-07, LOCATED ON THE NORTH SIDE OF SMITH ROAD, WEST OF SECOR ROAD, OTHERWISE KNOWN AS 6601 SECOR ROAD, LAMBERTVILLE, MI 48144

Kincaid reviewed the request stating the subject vacant C-1/PUD zoned 2.12-acre parcel is located on the northwest corner of Smith Road and Secor Road and is within the Villas at Summerlyn Lakes PUD.

Kincaid stated the developer is proposing a two-story multi-unit structure oriented to face Secor Road with a building footprint of 6103 square feet and total usable floor space of 9178 square feet. The known tenant usable floor space including both floors is 7648 square feet, with the second unit consisting of 1530 square feet. While the site address is Secor Road, access to the lot is made from Summerlyn Lakes Drive with no direct ingress/egress from Smith Road or Secor Road.

Kincaid said the subject parcel and the parcel to the west are both C-1 zoned and are within the Villas at Summerlyn Lakes PUD; however, are not included in the Master Deed with the residential portion of Villas at Summerlyn Lakes. The residential property to the north is within the Villas at Summerlyn Lakes PUD, and the property to the east, located on the east side of Secor Road is R-2A, one-family residentially zoned. The southeast corner of Smith and Secor roads is C-1, Local Business zoned, and the parcels to the south are PBO, Professional and Business Office zoned. All surrounding parcels are being utilized in accordance with the zoning, with the exception of the property located on the northeast corner of the Secor Smith intersection, which is vacant at this time. The Master Plan designates the intersection area as Neighborhood Business.

Kincaid noted the overall building is 24 feet in height where 30 feet is permitted by ordinance. Due to the subject site being located within the Villas at Summerlyn Lakes PUD, and the site having three front yards, the rear (west) yard setback, as Summerlyn Lakes Drive is categorized as a “w” road as described in Section 400.1800, “Schedule of Regulations” is 25 feet from the road right-of-way where a 40 foot setback is provided. The setback along Smith Road is 90 feet where 52 feet is required, the east setback (front) is 130 feet from the road right-of-way where 52 feet is required by ordinance, and the north setback is 52 feet where 20 feet is required per ordinance.

Kincaid advised parking is provided on the north, east and south of the structure, where parking is permitted within the front yard subject to 50 percent of the required front yard remaining as green space. Parking spaces as calculated by Section 400.1904 “Off-Street Parking Requirements”, for the proposed use requires 70 spaces where 74 spaces are provided. It should be noted that the provided parking includes only that as required for the identified medical use. The second unit use has not yet been determined, thus requiring further review of the parking spaces provided once the use is known. Approval shall be subject to further review of the parking requirements when the second unit use is determined. It shall also be kept in mind depending on the use, it might be found that patrons may be those that are visiting the eye care facility and those that are residents of the Villas at Summerlyn Lakes, as a walkable community is being provided with sidewalk connections within the community.

Kincaid noted the dumpster is located on the southwest corner of the subject site and while the dumpster location is behind the structure, due to the three front yards, the dumpster is located in a front yard and being screened with rough sawn wood and 6’ arborvitae. The Planning Commission shall review and

comment on the dumpster location.

Kincaid stated no designated loading/unloading area is proposed. The provided truck route is based on 36-foot long trucks. It shall be confirmed no large truck deliveries will be made to the site, as one 10' x 70' loading/unloading area is required by ordinance for a structure between 5001 and 20,000 square feet. A proposed truck route has been included for your consideration.

Kincaid referred to the site plan saying no fencing is proposed for the site. It should, however, be recognized that in accordance with the approved PUD, a fence with landscaping to match the fencing that is included in the residential portion of the development will be installed along the north side of the subject site for buffering purposes between the C-1 use and the residential use to the north.

Kincaid advised there is no detention basin on site, thus no detention basin landscaping will be required. Bradford Pears are proposed around the entire site with Japanese Maples, Lilies, Boxwoods, and Hydrangeas completing the entrance landscaping, sign landscaping, and foundation plantings. The remainder of the unpaved area will consist of a grassy area.

Kincaid stated there are two twin-head fixtures within the front parking area and five single-head fixtures surrounding the parking lot. It shall be confirmed the fixtures do not exceed 20 feet in height, and all lighting is directed downward to avoid offsite glare. The provided illumination plan meets the requirements of the ordinance where a commercial zoning district is adjacent to a residential zoning district. It shall also be confirmed there are no building mounted lighting fixtures.

Kincaid noted on the elevation plan it shows an overall building height of 24 feet, with building materials consistent on all sides of manufactured stone veneer, vinyl split shake siding, and fiberglass shingle roofing. The color scheme shall be confirmed.

Kincaid stated signage is not being proposed with this submittal.

Kincaid advised sanitary sewer and municipal water are available to the site.

Kincaid referred to the approved PUD, saying sidewalks will be installed along the south and east perimeters of the subject site.

Kincaid informed that letters of approval have been received from: 1) the Mannik & Smith Group with comments and conditions on October 1, 2019, 2) the Bedford Township Fire Department with comments and conditions on July 15, 2019, 3) the MCRC with comments and conditions on September 4, 2019, and 4) the MCDC with comments and conditions on October 3, 2019.

Kincaid reiterated any Site Plan Approval shall be conditioned upon 1) addressing all comments and conditions of the MCDC, MCRC, BTFD, and MSG; 2) submitting the sign design(s) to the Planning Department for review on compliance with the Sign Ordinance; 3) no loading/unloading area is required (confirming loading/unloading meets the requirements for the uses so not to utilize required parking spaces for loading/unloading purposes); 5) light fixtures do not exceed 20 feet in height and are directed downward to avoid off-site glare; 6) confirm there are no building mounted light fixtures, and if there are, the fixtures must meet the lighting requirements of Section 400.1908; 7) submit the site plan once the second unit use is determined for further review of the parking requirements.

Scott Bollin-6622 Summerlyn Blvd- Mr. Bollin stated this use will fit with the surrounding area. Mr. Bollin advised this is moving an existing company to maintain in Bedford Township and moving a new company into the community.

Angerer inquired on two commercial locations. Mr. Bollin advised there is another commercial lot to the west. Jenkins inquired on remaining area within the building and it not proposed for a use at this time. Mr. Bollin advised the intent is to lease that smaller portion out on a short-term lease and in the future become an area for the eye center. Tienvieri spoke on the beautiful landscaping proposed.

There was no further discussion.

MOTION BY JENKINS, SUPPORTED BY TIENVIERI, TO GRANT FINAL SITE PLAN APPROVAL FOR PINNACLE EYE, FOR QUAIL MEADOWS, LLC, PARCEL NUMBER 5802-031-090-07, LOCATED ON THE NORTH SIDE OF SMITH ROAD, WEST OF SECOR ROAD, OTHERWISE KNOWN AS 6601 SECOR ROAD, LAMBERTVILLE, MI 48144 CONDITIONED UPON ADDRESSING ALL COMMENTS AND CONDITIONS OF THE MCDC, MCRC, BTFD, AND MSG LETTERS; SUBMITTING THE SIGN DESIGN(S) TO THE PLANNING DEPARTMENT FOR REVIEW ON COMPLIANCE WITH THE SIGN ORDINANCE; NO LOADING/UNLOADING AREA IS REQUIRED PER THE APPLICANT'S REPRESENTATIVE, LIGHT FIXTURES DO NOT EXCEED 20 FEET IN HEIGHT AND ARE DIRECTED DOWNWARD TO AVOID OFF-SITE GLARE; CONFIRM THERE ARE NO BUILDING MOUNTED LIGHT FIXTURES, AND IF THERE ARE, THE FIXTURES MUST MEET THE LIGHTING REQUIREMENTS OF SECTION 400.1908; SUBMIT THE SITE PLAN ONCE THE SECOND UNIT USE IS DETERMINED FOR FURTHER REVIEW OF THE PARKING REQUIREMENTS AND AN INGRESS/EGRESS EASEMENT AGREEMENT BE RECORDED FOR THE USE OF SUMMERLYN LAKES DRIVE, AS IT IS A PRIVATE ROAD.

**Roll call as follows: Voting Aye: Jenkins, Tienvieri, Garverick, Fritz, Zdybek, Steffen and Angerer
Nay: None
Excused: None
Absent: None
Motion carried.**

Tienvieri inquired who draws up the easement agreement. Mr. Kamprath advised the easement agreement will be drawn up between the developer and the condominium association.

PUBLIC COMMENT – Ms. Banks asked for clarification on the propane filling station. Commission Members assured Ms. Banks the approval was for only one 1000-gallon tank on site.

INFORMATION – None

COMMISSION / STAFF COMMENT – None.

ADJOURNMENT – The meeting was duly adjourned at 9:10 p.m.

Respectfully submitted,

Jodie L. Rector, Recording Secretary