

VIENNA TOWNSHIP PLANNING COMMISSION

MONDAY, August 22, 2022

Roll Call: Present: Ferweda, Johnson, Polmanteer, Zinn, Belill
Absent: Ranger, McDowell

Additionally Present:

Caitlyn Habben, Rowe Professional Services, Planning Consultant
Angie Thygesen, Deputy Clerk
Suzanne Maxwell, BDA Executive Director
Richard Leonard, All Out Motors

Previous Minutes: April 25, 2022. Moved by Johnson, supported by Zinn to approve the minutes of April 25, 2022 with any changes or corrections. All in favor

Additions/Changes: None

Ferweda mentioned they have information on another item that Caitlyn has reviewed and asked if it should be added to the agenda. Caitlyn recommends holding the review letter with the public hearing. The Planning Commission will be deliberating towards a decision eventually, so according to the Open Meetings Act, it needs to be on the agenda.

Communications: None

Public Comment: None

Public Hearing: Rezoning and Special Land Use. Motion by Belill and Supported by Polmanteer to open the public hearing at 5:38 p.m. All in favor

The purpose of this public hearing is for rezoning from RSA to C-2 and Special Land Use for additional space for used cars for All Out Motors at 11440 N. Saginaw Road.

Richard Leonard from All Out Motors identified he was there to represent the request being brought to the Planning Commission.

Ferweda explained the Public Hearing will be separated by item.

Rezoning

Ferweda asked Leonard for project background. Leonard explained All Out Motors acquired 11436 N. Saginaw Rd from Rocky Mountain Motors. Business has been growing. The property next door, at 11440 N. Saginaw Rd, was purchased by All Out Motors. It was a residential home that we had torn down. We added a parking lot and landscaping. We just need additional parking for 11436 N, Saginaw Rd. The parking lot is crushed asphalt topped with crushed concrete. The entrance has a third layer of limestone.

Ferweda told Leonard the Planning Commission had a professional review done of the application. Ferweda asked for points of clarification on land contract information. Leonard explained both properties, 11436 and 11440 are both purchased by land contract from two different owners. Both land contracts have been turned in to our assessor. Ferweda stated he was not sure that two pieces of property owned by two different deed holders could be combined.

Caitlyn recommends speaking with the assessor about if combining the parcels is an option. She said rezoning of separate properties is not an issue.

Ferweda called for public comment regarding rezoning (three times). There was none. Ferweda asked if the board had comment.

Polmanteer asked why the parcels had to be combined. Caitlyn answered that is the special land use concern.

Special Land Use

Caitlyn explained in this part of the public hearing that we do not permit a piece of land to be used solely as a parking lot. So that is why the combination question has arose.

Ferweda asked if there are any conditions in which we would allow a property to be used with out a building on it. Would outside storage be required to have a building on it, per the zoning ordinance? After discussion between Caitlyn and Ferweda, trying to come up with a work around, they determined, the answer was no, because in the future the property could be sold and there would be a vacant parking lot with a special land use, which is against our ordinance.

Belill summarized there are two properties, two land contracts, two deed holders. Leonard said he is willing to pay one property off and combine parcels.

Ferweda asked Caitlyn if he combines properties, does the zoning change. Her response is it becomes a split zoned parcel.

Ferweda asked Caitlyn if Leonard combines properties, does the special land use apply to the new parcel as a whole. She said it is referred to as an expansion of the special land use and is amending the original special land use. It would have to go before the board to have it amended.

Ferweda asked Leonard how many cars his special land use is for. Leonard does not know. Ferweda asked Leonard how much inventory he has, Leonard answered 11436 has 16 to 18 cars. 11440 has 5 or 6. Belill said she drove by the other day and seen about 30 cars.

Ferweda listed requirements for special use. The ordinance addresses the rules. Planning needs to know things like how many cars the company intends to have and how big is the existing building. There needs to be a plan with parking spaces and drives labeled. The setbacks need to be on the plan. The residential property to the north may require a berm. That needs to be figured out. Special land use for used car sales requires a dustless parking lot.

In the parking ordinance unless you are a single family house, the parking lot must be asphalt or concrete. If you are required to put in a parking lot, and you get a permit, you have one year to put a parking lot in. Ferweda said the County has storm water requirements.

Ferweda called for public comment special land use (three times). There was none.

Ferweda said in Caitlyn's review, she brought up exterior lighting. They are not required by ordinance to have exterior lighting. If they choose to have it, Leonard must it approved by the Township before the special land use is granted.

All commercial properties are supposed to have a waste receptacle and enclosure.

There are landscaping requirements that must be followed in the ordinance.

Obscuring walls and berms are required. The board may accept a fence. Leonard stated he has already put up a white vinyl fence.

Off street parking requirements will have to be figured out. Off street loading and unloading.

Ferweda asked Leonard if the drives were existing. Leonard had expanded an entrance off of Saginaw Rd. on 11440. Ferweda said since Dort Hwy is a State Highway he thought Leonard would need to get permission from MDOT and the County.

Right away lines need to be verified. That needs to be green space.

Polmanteer asked Leonard if work on the vehicles was being done at the lot. Leonard said no. The work was in Flint. Caitlyn said per the special land use work cannot be done in the parking lot. It could be done in the building.

Ferweda asked Leonard if he had questions from the professional consultant while she is here. He replied that he would add the tree.

Ferweda said if the Planning Commission voted to recommend to approve the rezoning, there will have to be two readings of the rezoning at the Township Board level. The Township Board actually passes the rezoning.

Ferweda said on the special land use the Planning Commission probably isn't ready to take action. They could do one of three things. They can approve it even though it doesn't meet the rules, deny it, or table it to a future meeting. If we table, Leonard would not have to pay another fee once he gets the information together.

Johnson asked if Leonard could operate in the meantime. Ferweda answered he can continue to operate at the original property, but not on the additional property until he gets the special land use.

Johnson moved to close the public hearing, supported by Belill.

Public hearing closed at 6:13 p.m.

All in favor

New Business:

1. Rezoning of 11440 N. Saginaw Road from RSA to C-2

Moved by Zinn, supported by Polmanteer to recommend 11440 N. Saginaw Road be rezoned from RSA to C-2.

ROLL CALL: Yeas – Zinn, Ferweda, Polmanteer, Johnson, Belill

Nays – None

Motion carried

2. Special Land Use

Moved by Johnson, supported by Belill to table the special use for 11440 N. Saginaw Road until he gets his paperwork in order.

ROLL CALL: Yeas – Belill, Johnson, Polmanteer, Ferweda
 Nays – Zinn

Motion carried

Old Business: None

Adjournment: Johnson moved to adjourn, Belill supported.

Adjourned at 6:33 p.m.

Recorded by Deputy Clerk Angie Thygesen