

## **BROWNSTOWN TOWNSHIP PLANNING COMMISSION MEETING**

**Monday, January 14, 2013**

The meeting of the Charter Township of Brownstown Planning Commission was held in the Brownstown Township Hall, 21313 Telegraph Road, Brownstown, MI 48183 on Monday, January 14, 2013. Chairman Zurawski called the meeting to order at 7:00 P.M. followed by the Pledge of Allegiance.

**PRESENT:** Chairman Zurawski, Members Allen, Armatis, Bober, Chapman, Knappmann and Walters. Also present were Economic Development Manager DiSanto and LSL Planner Borden.

**ABSENT:** none

### **AGENDA APPROVAL:**

Motion by Chapman, supported by Bober, to approve the Planning Commission Agenda of January 14, 2013, shifting item #3 to #1. All present voting aye.

### **MINUTE APPROVAL:**

Motion by Allen, supported by Bober, to approve the Planning Commission Minutes of October 9, 2012, as submitted. Ayes: Zurawski, Allen, Bober, Chapman and Knappmann Abstain: Armatis, Walters. Motion carried.

### **Special Land Use to allow a Self-Service Gas Station in a B-2 zoning district at 20645 Gibraltar Road, Brownstown, Michigan, 48183**

Planner Borden reminded the commissioners that their responsibility is only to recommend to the Township Board whether the proposal should move forward to Site Plan Review or be denied. That decision should be based on whether the proposed use fits within the criteria of the Master Plan.

Zurawski invited those who signed in for Public Forum to speak.

The following people spoke in opposition of this development:

Curt Boller, 20280 Indiana

Pam Adkins, 21084 Briarwood St

Tammy Barnes, 20823 Busenbark Ln

Mark Lemerand, 20314 Gibraltar Road

Ron Charara, 20913 Gibraltar Rd (owner of Citgo)

Suzanne Harris, 20398 Gibraltar Rd (letter attached)

Jack Knowles, Spalding DeDecker Associates and Tom Frank, Kroger Real Estate, stated that the letter sent previously to the Commissioners explains why the propose use fits the criteria laid out in the current Master Plan and pointed out that many of the same points are addressed in Borden's review. They explained that the lighting and signage requirements are different in every community and Kroger always changes these in their plan to comply with the requirements of the community. The changes that were made in the latest plan were based on comments that the residents and others made during the October 9, 2012 meeting.

In response to the opposition from the community regarding the "competition", having a gas station is how Kroger stays competitive in their market. To the question of purchasing the

existing gas station, it does not meet what Kroger standards require. Kroger standards surpass those established by the state. Kroger is a tenant of Whispering Woods Commercial Development. As such, Kroger did not sell the portion of land that the gas station is built on. Kroger pays association fees to their landlord, who is responsible for paying the association dues. In response to the “no Semi Traffic” sign: that is posted to discourage semi-trucks from entering the residential development. The front portion of Helman Blvd is a private road of the Association and is shared by both the commercial and the residential association members.

Borden gave clarification regarding his review – the East West corridor is the only area that is zoned B-2. Since that is the area in question, that is the area that the review is based upon. It is a general commercial area and the proposed use is compatible with the established, lawful, Master Plan, approved in 2008.

Members were each given an opportunity to ask questions or make statements. Bober stated that he was not certain if the Planning Commission had the responsibility of protecting existing businesses or if they have any liabilities where the applicant is concerned.

~~Motion by Armatis, supported by Chapman, to recommend that the Township Board deny the proposal since it does not fit in the spirit of the Master Plan, due to the close proximity of the existing gas station. Roll Call Vote: Ayes: Allen, Armatis, Chapman, Walters, Zurawski. Abstain: Bober, Knappmann.~~

**Motion by Armatis, supported by Chapman, to recommend that the Township Board deny the proposal for the following reasons:**

- 1. The proposed use is not compatible with adjacent single-family land uses to the north.**
- 2. The additional lighting, noise, odor, traffic and vibration that would accompany the proposed development is not consistent with assuring that the general public health, safety, and welfare will not be infringed upon.**
- 3. The addition of another retail gas station in such close proximity to a redundant use is not consistent with assuring that the general public health, safety, and welfare will not be infringed upon.**

**Roll Call Vote: Ayes: Allen, Armatis, Chapman, Walters, Zurawski. Abstain: Bober, Knappmann.**

#### **Twin Bridges Enterprises, Inc, 21588 Dix Toledo – Continuation of Use Agreement**

DiSanto stated that the fuel tanks have been removed and they are working with DPW to extend sewer mains.

Motion by Bober, supported by Chapman to approve the Continuation of Use Agreement with Twin Bridges Enterprises, Inc, 21588 Dix-Toledo Road, Brownstown, MI 48183, as revised. All voting aye.

#### **Sibley Real Estate Holding – Temporary Special Use Agreement for parcel # 70-005-99-0001-000, 70-005-99-0002-000 and 70-005-01-0001-000.**

DiSanto explained that this is a 1 year agreement with two opportunities for a one year renewal. The first year begins when the first phase is completed.

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Motion of Chapman, supported by Allen to approve the Temporary Use Agreement for Sibley Real Estate Holding for the vacant parcels adjacent to 21964 W Sibley Ct. All present voting aye.

**Election of Officers**

Motion by Chapman, supported by Allen to retain Zurawski as Chairman. All present voting aye.

Motion of Knappmann, supported by Allen to retain Chapman as Vice-Chairman. All present voting aye.

Motion of Knappmann, supported by Chapman to appoint Allen as both Secretary and Liaison to the Zoning Board of Appeals. All present voting aye.

**Administrative Review:** None.

**Public Forum:**

**Adjournment:** Motion by Chapman, supported by Allen, to adjourn meeting at 8:35 P.M. All voting aye.

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David G. Zurawski Sr., Chairman

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