

Niles Charter Township Planning Commission  
March 21, 2017

Special Meeting Minutes

Chairman Smothermon called the meeting to order at 7:02 p.m. at the Township Hall, 320 Bell Road, Niles, Michigan.

**Pledge of Allegiance:** The Pledge was recited.

**Roll Call:**

- Present: Cooper, Spurlock McNelis, Strefling, Smothermon
- Absent: Durm & Conover
- Others Present: ZA Hartman
- Guests: Nathan Mehmed, Williams & Works

**Approval of Agenda:** Spurlock motioned to approve the March 21, 2017 Niles Charter Township Planning Commission meeting Agenda as written, Strefling seconded the motion.

All voting in favor.

**MOTION CARRIED.**

**Approval of Minutes:** Strefling motioned to approve of the Niles Charter Township Planning Commission March 14, 2017 meeting minutes, McNelis seconded the motion.

All voting in favor.

**MOTION CARRIED.**

**New Business:**

**Site Plan Review for property located at 3134 S. 11<sup>th</sup> Street and the northern 52 feet of 3158 S. 11<sup>th</sup> Street.**

Prior to the start of the applicant's presentation, Mr. Dale Strefling informed the Commission that he owns the property north of the proposed site plan. Mr. Strefling is selling the property via land contract, but is still the owner and if the land contract is not satisfied, would retain the property. He feels he can be objective in reviewing the plan, participating in deliberations and rendering a decision and that this would not be a conflict of interest. Mr. McNelis confirmed with Mr. Strefling that he is not selling the property to the applicant. After a short discussion, Mr. Smothermon asked for a motion regarding the potential conflict of interest. Mr. McNelis motioned that Mr. Strefling be allowed to remain and participate in the site plan review process as he has no conflict and can be objective through the process, Spurlock supported. A roll call vote was taken.

All voting in favor.

**MOTION CARRIED.**

Mr. Richard Blasey, Bergmann Associates, 7050 W Saginaw Hwy, Ste 200, Lansing MI 48917 presented the site plan for his client, Pacifica Companies of San Diego. They plan to build a Dollar Tree Store at 3134 S. 11<sup>th</sup> Street and the northern 52 feet of 3158 S. 11<sup>th</sup> Street. They have been granted variances for front setbacks, loading dock placement and setback and parking space size reduction. Applicant is working with MDOT and the Berrien County Drain Commission as well as Berrien County Road Commission for plan approval.

Zoning Administrator referred to her staff report dated March 17, 2017. The property fronts on both 11<sup>th</sup> Street and Woodlawn Avenue and applicant has received variances for the front setbacks as well as for the loading dock setback and parking space size reductions. Hartman mentioned that both Lowe's and Walmart have received variances for parking space size reductions and also referenced Section 23.08 of the Ordinance regarding site plan review standards. Hartman requested that upon review and approval by MDOT, Berrien County Road Commission, and Berrien County Drain Commission, updated site plans be submitted if any changes to current site plan are made. No comments currently received from the Fire Chief; ZA recommended his review/approval as a condition of approval. No lighting plan has been received; recommendation was also made to have applicant supply that information.



Overlay standards currently require a 20-foot parking lot setback and interior landscaping of the parking lot. As a public hearing has been scheduled to rescind the 11<sup>th</sup> Street Overlay Regulations, ZA requested that the Planning Commission take the possibility of rescinding the overlay into consideration when rendering a decision.

Mr. Mehmed, of Williams and Works, planner of record, stated that the current standards make the properties unbuildable. In circumstances where the overlay standards may be rescinded, if the Planning Commission feels it is reasonable to assume the overlay regulations will be rescinded, it is not unusual for the Planning Commission to move forward as long as the standards are applied fairly to all applicants.

McNelis inquired of applicant regarding lighting. Applicant indicated their lighting plan is being finalized and will meet all standards of the Ordinance. McNelis also inquired about the interior landscaping requirement; the Township Planner confirmed that it would be impossible for the applicant to meet that standard, as well as the parking setback standard due to the shallowness of the lot.

Spurlock inquired about evergreen screening on the south end of the property and applicant stated that there would not be a problem meeting that standard.

Strefling inquired about the loading dock gate; applicant confirmed it would be opaque and lockable.

McNelis motioned that the site plan from Pacifica Company, by Bergmann Associates, at 3134 S. 11<sup>th</sup> St and the northern portion of the property at 3158 S 11<sup>th</sup> street be approved with the following conditions:

- Approval by the Fire Chief;
- Updated lighting plan showing locations;
- Landscaping on the exterior part of the property;
- Approval by Michigan Department of Transportation (MDOT);
- Approval by the Berrien County Drain Commission;
- Approval by the Berrien County Road Commission; and
- that the gate for the dumpster be lockable and opaque.

Mr. Cooper asked that approval also be based on the information presented at tonight's meeting; McNelis amended his motion to include the information submitted at tonight's meeting both orally and in writing as a condition of approval.

Mr. Spurlock supported the motion.

All voting in favor.

**MOTION CARRIED.**

### **Other Business:**

Nathan Mehmed updated the Commission members regarding the latest draft of the updated master plan. Most updates were to maps, census survey updates, and adding a conservation area along the waterways, especially the St. Joseph River. Different cover, different logo from last time, to update the identity of the Township as mentioned in the survey results. Charts have been updated in Chapters 1 and 2, demographic information is updated, and census-related data also updated. Updates were also made to the traffic network map and new traffic counts included. McNelis mentioned that Berrien Center Road should be designated as M-140. The goals and objectives were also updated based upon discussions and survey results.

Mehmed indicated that the buffer zone around industrial development areas may require changes to the zoning ordinance. References to the 11<sup>th</sup> Street Corridor were also updated as the corridor planning project is now complete. The Commission members asked that different colors be used on the future land use map to better differentiate between the districts. Mehmed reminded the Commission that the Master Plan is policy; zoning ordinance is the law.



The next step is to recommend to the Board that they distribute the plan so the 42-day comment period can commence. A public hearing will be scheduled after this review period. Then the Master Plan goes to the Board for final approval. Strefling motioned to submit the draft to the Board for distribution after suggestions from tonight's discussion are incorporated ; Spurlock supported.

All voting in favor.

**MOTION CARRIED.**

ZA Hartman reported the next meeting is scheduled for April 4: it is the public hearing for rescinding the 11<sup>th</sup> Street overlay. There is no meeting on April 11 but the Commission will meet on April 18; the only agenda item is for the expansion of special land use for the Kachur property on Fulkerson.

Mr. Cooper reported that DPW director Gary Schrader is retiring.

Mr. McNelis asked that staff reports also include that information reported orally and provided as written documentation during the meeting be part of the conditions.

**Comments from the Public:** None

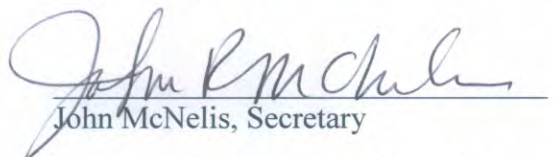
**Adjournment**

McNelis motioned to adjourn the meeting at 8:04 pm; Spurlock seconded the motion.

All voting in favor.

**MOTION CARRIED.**

Prepared by ZA, Peg Hartman

  
John McNelis, Secretary

Approval Date: 4-18-17