

**Planning Commission
Meeting Minutes
December 2, 2010
7:00 pm**

Public Hearing for 19731 Sumpter – Special Exception for Gas Pumps

Meeting called to order at 7:03 pm.
Pledge of Allegiance followed.

Roll call: Present – Walker, Clark, Kennedy, Cichewicz, Stalmack, Swinson, Oddy, Komora
And Township Attorney – Robert Young
Absent: Borden, Boelter (excused).
Also present: John Enos-Township Planner, Keith Uutinm-Township
Engineer, Deputy Supervisor-Craig Moody and approximately 40 residents .

Motion by Kennedy supported by Oddy, to approve the minutes of October 28, 2010.
Motion carried unanimously.

Commission Member –Kennedy asked Commissioner Stalmack to add to the agenda, item;
B. Discussion with Planning Commission to review the minutes of this meeting.
Commissioner Stalmack agreed to add this to the agenda.

Motion by Kennedy, supported by Swinson, to open the Public Hearing at 7:16 pm. Motion
carried unanimously.

Public Hearing started with the Township Planner John Enos of Carlisle/Wortman Associates, Inc. stating that this meeting is for a Special Exception Use for a service station (gas pumps) to be added to the development of 19731 Sumpter Rd construction. Also, to bring forth issues of the re-zoning from R-2 to C2 for parcel 81-038-01-0003-000. He informed the public regarding details on the site plans as for the parking lot area, sidewalks in the future, a buffering wall to the east which is zoned residential, and the lighting that will be a down light. This style will not to be a nuisance to the residential neighbors. He stated that he supports the Special Exception Use and believes that this type of development fits in with the Township Master Plan and could possibly be a start towards others to bring future development.
He stated that the Township Engineers are also reviewing the site plans.

Commission Member – Oddy stated that the Planning Commission did not recommend any approval of the initial site plan.

Township Attorney Robert Young stated to the public that as Mr. Enos explained this is a public hearing meeting for a Special Exception Use for gas pumps. He commented that accordingly to the contract between Nasser and the Township it states that Mr. Nasser must submit plans to the Planning Commission. The meeting that was held in May of this year was a courtesy meeting to inform the Commission of Nasser's intents.

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- Resident, Jean Chudzinski of 48654 Willis commented that years ago there use to be quite a few gas stations in Sumpter. She approves of the gas pumps.
- Resident Robert Todd of 44291 Bemis stated that he use to own a store on Willis Rd. He went on to say that it would cost Nasser a lot of money for pumps. He opposes the gas pumps.
- Resident Tim Bowman of 23231 Karr, whom is also the owner of the commercial lot across the street from proposed site located at 19559 Sumpter Rd supports the gas pumps.
- Dean Welt -Owner of Welts Station– 45405 Willis Rd, commented that he has no downside to the gas pumps, he supports the gas pump proposal.
- Resident Bob Welt, 45--- Willis Rd stated that he lives next door to this site. He believes that this development will be a showcase, he supports the development and gas pumps. He also stated that in regards to the buffer wall he prefers a decorative wall that does not have visual blockage.
- Resident – Kathy McQuaid of Sumpter Rd stated that she remembers when Sumpter offered many commercial uses and was disappointed when this use diminished. She supports the gas pumps and development.
- Resident – Emery Allen of Sumpter Rd supports this development.
- Jane Kovach of 43661 Burtrig Rd Van Buren Township spoke in favor of the construction and the proposed gas pumps. She approves of the gas pumps.
- Resident, Mary Ban of 18001 Lohr Rd asked the Commission Members why they did not seek more information from Mr. Nasser. She wanted to know where the failure was. She also asked why the Building Department approved building permits for this site.

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Commission Member, Kennedy replied to Mrs. Ban that a chain of events occurred whereas during the meeting in May of this year Mr. Nasser was informed to return with site plans to the Planning Commission on which he misunderstood, then there was a typo error on the minutes.

Commission Member, Clark stated that the Planning Commission only meets quarterly. The Commission was waiting for another meeting with Mr. Nasser. The Commission was not aware of any approval.

- Resident Bill Hamm of 21441 Karr Rd stated that the area of proposed site is the heart of the Township. It is wonderful that there will be a grocery store and pharmacy to take place however Mr. Nasser is now proposing gas pumps which makes him skeptical of the situation. He does approve the lighting plans. He also stated that the commission should keep in mind that the parcel(s) were sold for \$40,000 , just keep that in mind.

Planner John Enos stated to the commission and public that this area is planned for commercial use that is reasonable for this corner. This construction will be a model subject for future construction. He reminded the public that this meeting is for gas pumps to be installed.

- Sam Nasseur- Owner of the Bemis/Sumpter Rd Gas Station of 17441 Sumpter Rd stated that he has concerns regarding parking for proposed site. He also commented on the amount that the Township spent to clean up this site. Sam opposes the gas pumps.

Township Engineer Keith Uutinm of METCO Engineers replied that the required parking spaces is 35, Mr. Nasser has 37 spaces. Parking should not be a problem.

- Harry Clement – long time resident of the area commented that Mr. Nasser has already spent more money than what the township has on clean up. He supports the gas pumps.
- Resident - Russell Zaccaria of 48885 Bemis commented that the building that Joe Nasser is building is very beautiful and he feels it is wonderful for Sumpter Township. He supports the gas pumps.
- Resident - Marty Kalasz of 21467 Elwell stated that he believes that Joe Nasser has violated Township Ordinances. He was concerned if the State of Michigan gave the Township clearance for the contamination that previously existed. Mr. Kalasz opposes the gas pumps.

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Joe Nasser – Applicant of proposed site spoke to the commission and to the public regarding the reason(s) he wants to install gas pumps at this site. He stated that he did not have intentions at first but recently he has been approached by several residents of Sumpter suggesting for him to install gas pumps. He also stated that by having gas pumps available at this location it would draw more attention and bring in more customers. He also stated that he has received approval from the Wayne County Road Commission and there is no need for an extra turn lane. He has also approached Mr. Bob Welt whom is the direct neighbor to the east of this location several times regarding the buffer wall that will need to be installed. He is willing to adhere to the neighbors' concerns and follow the Planning Commission recommendations. He went on to say that there would be a community sign (L.E.D) that he has donated to the township, which will be great for event advertisement.

Commission Member Cichewicz asked Joe how many employees will he have and how large is the building?

Joe's response was approximately 4-5 employees. The building is 5,100 gross floor area sq ft, 5600 sq ft parameter.

Commissioner – Jim Clark stated that Sumpter has a high water table and asked how the ground water overflow will be handled.

Township Engineer- Keith Utinum explained that a 36' pipe will be installed to accommodate the water overflow into the county ditch.

Commission Member- Oddy asked if Wayne County has taken account for petroleum overflow if there is a spill.

Dave Cassicoko contractor that will be installing the pumps and tanks for Nasser explained that these tanks have a hydro carbon fail safe device that is monitored continuously and they also have an alarm system. The system will alarm if there were a rise in petroleum. The tanks have 30" sheet double wall for protection.

Joe Nasser explained that the angle of the pumps will be different than what displayed drawing is showing. He went on to say that the State of Michigan governs the gas pumps. He will not need to obtain an easement for future sidewalks due to the existing easement in place. He explained that the whole concept is to provide a market with a deli and a health mart/pharmacy with future plans to have free delivery for seniors.

Commission Member – Oddy asked if the State of Michigan has given to Township clearance on this site.

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Commission Member – Kennedy stated that the Township does not have clearance from the State. She stated that the engineers need to provide the township with an update regarding the contamination clearance and the strategy to proceed.

- Resident Mary Ban asked about the Wayne County Traffic Study for that area. She asked if there will be a turn lane.

Deputy Supervisor, Craig Moody remarked that Wayne County Road Commission has already evaluated traffic studies and gave approval without the need for a turn lane. The Township has to follow Wayne County guidelines.

Commission Member – Oddy stated that the ordinance requires a traffic study to be provided. He asked if a copy could be provided if available.

Motion by Cichewicz, supported by Walker to close the public hearing. Motion carried unanimously.

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Township Attorney – Robert Young suggested to the Commission not to combine the parcels until approval of the rezoning.

Commission Member – Oddy asked Mr. Young if the Township is bound to Ordinance 1910.

Attorney- Young stated he would have to review the ordinance, he explained that a contingency could be implemented. He concluded that what Mr. Enos has presented was that he would like to see contingencies and/or requirements and conditions, if will. It should not stop the Commission from imposing additional conditions and requirements. It can be added to be reviewed to the satisfaction of the Engineering Department.

Commission Member – Oddy stated that he would like to see it implemented.

Attorney – Young stated that it is a regulatory issue that pertains to the removal of soil due to contamination. If the Commission or Board grants the Special Exception Use it means that this provision can still be required. He indicated there would not be a waiver of the ordinance. If the Commission requires this to be a condition for review he would ensure that it would be implemented. He stated the Mr. Nassser should be informed of these conditions.

Motion by Kennedy, supported by Cichewicz to approve the rezoning of parcel 81-038-01-0003-000 from R2 (Single Family) to C2. Motion carried unanimously.

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Commission Member Kennedy remarked that she would like it to go on record that she is very happy with the construction of the Market/Pharmacy, however, she is not happy with the gas station due to the fact that the Township has already spent a large amount of money on contamination clean up for this site she does not want to take the risk of another contamination happening again.

Commission Member – Oddy asked what the requirements are for a buffer on the residential side.

Planner Mr. Enos stated that it is a 6' feet Masonry wall. He informed the Commission that if they require conditions to be followed on which they are not adhered to by Nasser, the Township Building Department may decline a Certificate of Occupancy.

Motion by Oddy, supported by Clark to approve the Special Exception Use with recommendation for the Township Board to implement conditions of the Masonry Wall Ordinance and conditions of Ordinance 1910.

Motion carried with a total of

6 (six) approve

1 (one) oppose

Attorney – Young assumes that since the Planning Commission approved the Special Exception Use this would be an acceptance of previous construction conditions of this corner site whereas, procedure was not followed. The Commission will accept this.

Commissioner – Stalmack asked if the members of this, all agreed to accept.

Commission Member – Kennedy stated Agenda item B. regarding the meeting minutes is to let the Commission Members know that the Township Board passed a motion for the minutes of the Planning Commission Meeting be complete and distributed to the Commission Members within 3 (three) business days, in return the Commission Members have 7 (seven) days to respond to the Township Board of changes (if any) that need to be implemented before Township Board approval.

Motion by Swinson, supported by Clark to adjourn the Planning Commission Meeting at 8:50 pm. Motion carried unanimously.

Respectfully submitted
Denise Komora- Supervisors Office
C/O Esther Hurst, Deputy Clerk