

PLANNING COMMISSION MINUTES

Regular Meeting

June 2, 2020

CALL TO ORDER: The June 2, 2020, Planning Commission meeting was called to order by Chairman Brummette at 7:05 P.M. via teleconference call.

PRESENT: Chairman Brummette, Commissioners Pennington, Snyder, Clarke and McRae.

ABSENT: Commissioners Bly, Hoy and Council member Armitage.

ALSO PRESENT ON THE CALL: City Clerk Terpstra, Community Development Director Myrkle and City Manager Guetschow.

APPROVAL OF MINUTES:

Motion by Commissioner Clarke, second by Snyder to approve the minutes of February 4, 2020 as presented. Carried. 5 Yes. 0 No. Please note that Commissioner McRae would like it known that he was not present at this meeting.

Motion by Commissioner Snyder, second McRae to approve the minutes of Special meeting May 27, 2020 as presented. Carried. 5 Yes. 0 No.

APPROVAL OF AGENDA:

Motion by Commissioner Clarke, second by Snyder to approve the agenda as presented. Carried. 5 Yes. 0 No. Chairman Brummette noted that City Manager Guetschow explained the procedures for the teleconference after roll call.

EARLY PUBLIC COMMENT: None.

NEW BUSINESS:

**A. PUBLIC HEARING – CONDITIONAL USE
FIREWORKS – MEIJER -1167 E. CLINTON TRAIL:**

Public Hearing Opened: 7:16 P.M.

Chuck Friese, TNT Fireworks, stated that they were seeking approval to sell fireworks in the Meijer parking lot, 1167 E. Clinton Trail, at same location as in past years. This is a fund raiser for the New Hope Community Church. The dates of the event will be June 22 – July 5, 2020. The required state permits and insurance required have been obtained.

Commissioner Snyder asked if there were any changes for this years event from past years.

Chuck Friese, TNT Fireworks, stated that workers will be prepared and trained for social distancing, disinfecting and cleaning of tablets more frequently due to the pandemic.

Public Hearing Closed: 7:20 P.M.

B. ACTION CONDITIONAL USE – MEIJER -1167 E. CLINTON TRAIL:

**PLANNING COMMISSION RESOLUTION NO. 2020-04
A RESOLUTION TO APPROVE A TEMPORARY USE PERMIT
FOR THE SALE OF FIREWORKS AT MEIJER, 1167 EAST
CLINTON TRAIL
IN THE CITY OF CHARLOTTE**

WHEREAS, the City of Charlotte has received an application for a Temporary Use Permit for the sale of fireworks at Meijer, located at 1167 East Clinton Trail; and

WHEREAS, the City of Charlotte Planning Commission hereby makes the following findings in regard to this request:

1. The principal use has previously been granted site plan approval.

2. The principal use is in compliance with city zoning regulations.
3. The temporary use does not create a public safety problem as determined by the Police Department.
4. The temporary use does not exceed 30 days.
5. Any lawn areas affected by the temporary use will be restored.
6. Adequate parking will remain available for the principal use.
7. A zoning officer has determined the application would not impair the health, safety and welfare of the general public.
8. The principal use is located in a B-3 District.
9. The temporary use bears a reasonable relationship to the principal use, that use being retail sales of fireworks.

And;

WHEREAS, additional guidelines upon the sale of fireworks have been imposed by the State Fire Marshal in a memo on May 26, 2020 requiring the vendor to have a written exposure control plan and employee best practices guidance to protect workers from exposure to COVID-19; and

WHEREAS, the vendor, TNT Fireworks of Three Rivers, Michigan, represented by Charles Friese, will provide the City of Charlotte zoning officer a copy of these plans prior to erecting the fireworks sales tent.

THEREFORE, BE IT RESOLVED, that the City of Charlotte Planning Commission hereby approves the Temporary Use Permit for the sale of fireworks by TNT Fireworks at Meijer, located at 1167 East Clinton Trail for the period June 22, 2020 to July 6, 2020.

Comissioner Clarke moved, supported by Snyder to approve the conditional use to permit the sale of fireworks at Meijer, 1167 E. Clinton Trail, from June 22, 2020 to July 5, 2020 per Resolution No. PC2020-04 as presneted. Carried. 5 Yes. 0 No.

C. PUBLIC HEARING – CONDITIONAL USE FIREWORKS – WAL-MART -1680 PACKARD HWY.:

Public Hearing Opened: 7:21 P.M.

Chuck Friese, TNT Fireworks, stated that they were seeking approval to sell fireworks at Wal-Mart parking lot, 1680 Packard Hwy., same location as in past years. This is also a fund raiser for the New Hope Community Church. The dates of the event will be June 22 – July 5, 2020. They have obtained the required state permits and insurance required. He stated that workers will be prepared and trained for social distancing, disinfecting and cleaning of tablets more frequently due to the pandemic.

Public Hearing Closed: 7:23 P.M.

D. ACTION- CONDITIONAL USE – WAL-MART -1680 PACKARD HWY:

PLANNING COMMISSION RESOLUTION NO. 2020–03

A RESOLUTION TO APPROVE A TEMPORARY USE PERMIT FOR THE SALE OF FIREWORKS AT WALMART, 1680 PACKARD HIGHWAY

IN THE CITY OF CHARLOTTE

WHEREAS, the City of Charlotte has received an application for a Temporary Use Permit for the sale of fireworks at Walmart, located at 1680 Packard Highway; and

WHEREAS, the City of Charlotte Planning Commission hereby makes the following findings in regard to this request:

1. The principal use has previously been granted site plan approval.
2. The principal use is in compliance with city zoning regulations.
3. The temporary use does not create a public safety problem as determined by the Police Department.
4. The temporary use does not exceed 30 days.
5. Any lawn areas affected by the temporary use will be restored.
6. Adequate parking will remain available for the principal use.

7. A zoning officer has determined the application would not impair the health, safety and welfare of the general public.
8. The principal use is located in a B-3 District.
9. The temporary use bears a reasonable relationship to the principal use, that use being retail sales of fireworks.

And;

WHEREAS, additional guidelines upon the sale of fireworks have been imposed by the State Fire Marshal in a memo on May 26, 2020 requiring the vendor to have a written exposure control plan and employee best practices guidance to protect workers from exposure to COVID-19; and

WHEREAS, the vendor, TNT Fireworks of Three Rivers, Michigan, represented by Charles Friese, will provide the City of Charlotte zoning officer a copy of these plans prior to erecting the fireworks sales tent.

THEREFORE, BE IT RESOLVED, that the City of Charlotte Planning Commission hereby approves the Temporary Use Permit for the sale of fireworks by TNT Fireworks at Walmart, located at 1680 Packard Highway for the period June 22, 2020 to July 6, 2020.

Commissioner Clarke moved, supported by McRae to approve the conditional use to permit the sale of fireworks at Wal-Mart, 1680 Packard Hwy., from June 22, 2020 to July 5, 2020 per Resolution No. PC2020-03 as presented. Carried. 5 Yes. 0 No.

E. PUBLIC HEARING LOT SPLIT -621/627/629 W. SEMINARY:
Public Hearing opened: 7:24 P.M.

Community Development Director Myrkle thanked Mr. Little, owner of Charlotte Cabinets, for being patient with getting this request before the commission due to the delay from the pandemic. This request is for a lot split on three parcels that Mr. Little owns. This entire block is zoned industrial.

Mr. Myrkle stated that one call was received from a neighbor concerned about the property condition at the rear of Charlotte Cabinets.

Matt Fletcher and John Little, representing Charlotte Cabinets, were both present on the call.

Commissioner McRae asked what impact the owners think the expansion would have on traffic.

Matt Fletcher stated that this was for an addition to the back of the building for the purpose of more space for operating and growing the business and would not have an impact on traffic to the business.

Public Hearing Closed: 7:33 P.M.

F. ACTION- LOT SPLIT -621/627/629 W. SEMINARY:

Chairman Brummette stated for the record that he has had business dealings with Mr. Little in the past but for no financial gain. He asked City Manager Guetschow to clarify if he was able to vote on the motion and City Manager Guetschow stated that it would not be a conflict of interest if he felt that he could give an unbiased vote.

Chairman Brummette stated that he felt that he could give an unbiased opinion.

Commissioner Snyder moved, supported by Clarke to approve the lot split for 621/627/629 W. Seminary as requested. Carried. 5 Yes. 0 No.

G. PUBLIC HEARING SITE PLAN – 629 W. SEMINARY:
Public Hearing opened: 7:37 P.M.

Community Development Director Myrkle, stated that this is a straight forward site plan. He stated that the resolution notes concern from the Director of Public Works regarding drainage. He stated that the drainage issue has been worked out. He noted there are some green space area in the landscaping. There will be no change in the appearance to the front of the

building, only an addition to the back.

Matt Fletcher, Charlotte Cabinets, noted that there was some green space, the addition is not very large and there would be no change from the road.

Commissioner Snyder questioned if the back yard and drainage issue needed to be addressed.

Community Development Director Myrkle stated that the drainage issue is addressed in the resolution and that the junk would be a different issue.

Commissioner McRae questioned the possibility of any kind of boundary between the rental units and the business , perhaps a fence.

Community Development Myrkle stated that a privacy fence would be nice, however, this is zoned industrial and a fence is not required.

Chairman Brummette noted that he has had business with Mr. Little in the past, however that does not change his vote.

Chaiman Brummette stated that he feels that since all three properties are owned by Mr. Little that the choice of a fence perhaps would fall with the ownership. He does agree with Mr. Myrkle that it would make it more presentable.

Public Hearing Closed: 7:45 P.M.

H. ACTION – SITE PLAN -629 W. SEMINARY:
PLANNING COMMISSION RESOLUTION NO. PC 2020-02
A RESOLUTION TO APPROVE A SITE PLAN FOR
CHARLOTTE CABINETS, 629 WEST SEMINARY STREET

WHEREAS, Charlotte Cabinets has submitted a site plan for review and approval; and

WHEREAS, the City of Charlotte Planning Commission is required to use

the following checklist, and has made the following findings regarding this site plan:

- The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and including acceleration and deceleration lane needs is adequate and in compliance with the city’s zoning regulations.
- There is no need for additional service drives or marginal access roads as a result of this expansion.
- The parking lot layout, including ingress, egress and driveway widths conform to the requirements of the city’s zoning regulations.
- Loading and unloading areas and building service areas are adequate and in compliance with the city’s zoning regulations.
- Location and requirements for fences, walls and greenbelts are adequate and in compliance with the city’s zoning regulations.
- There are no special site features such as play areas or pools included in this site plan.

WHEREAS, lighting and landscaping details shall be submitted to the City of Charlotte Planning and Zoning department for review and approval prior to installation; and

WHEREAS, any comments, requirements or conditions imposed by the City of Charlotte Department of Public Works must be incorporated into the plan, and adhered to during development.

THEREFORE, BE IT RESOLVED that the City of Charlotte Planning Commission hereby approves the site plan as presented.

Commissioner Snyder moved, supported by Clarke to approve the site plan for 629 W. Seminary per Resolution No. PC2020-02 as presented. Carried. 5 Yes. 0 No.

Public Hearing Closed: 8:01 P.M.

I. PUBLIC HEARING – LOT SPLIT-601 E. SHEPHERD ST.:

Public Hearing opened: 7:47 P.M.

Chuck Brand, owner 601 E. Shepherd St., stated that the reason for the lot split is to be able to fence in his business. He noted that his business has been vandalized and that he would like to rezone the property to be in line with the City’s Master Plan. He is looking to protect his property and clean up the lot in general.

Community Development Director Myrkle started that the lot split is up to the commission and the rezone would be a recommendation to the City Council. He stated that no letters or communications were received on this.

Public Hearing Closed: 7:56 P.M.

J. ACTION- LOT SPLIT-601 E. SHEPHERD ST.:

Commissioner Clarke moved, supported by Snyder to approve the lot split for 601 E. Shepherd as requested. Carried. 5 Yes. 0 No.

K. PUBLIC HEARING- REZONE-601 E. SHEPHERD ST.:

Public Hearing opened: 7:58 P.M.

Community Development Director Myrkle, stated that the rezone would be in line with the Master Plan for the City. This would be a recommendation to the City Council. He stated that the entire block is for commercial zoning. Best practice would be to conform with the Master Plan. He stated that no letters or communications were received on this request.

Chuck Brand, owner 601 E. Shepherd, stated that he has been in contact with the neighbor to the north. This owner has had his property surveyed previously and Mr. Brand has informed the owner that he can pick the fence color that he would like.

Mr. Myrkle extended a thank you to Mr. Brand for also being patient in bringing this before the commission because of the delay caused by the pandemic.

L. ACTION – REZONE-601 E. SHEPHERD ST.:

RESOLUTION NO. 2020-05

A RESOLUTION TO APPROVE A REQUEST FOR THE REZONING OF PROPERTY ON EAST SHEPHERD STREET FROM R-1 ONE FAMILY RESIDENTIAL DISTRICT TO B-3 GENERAL BUSINESS DISTRICT

WHEREAS, the City of Charlotte has received a request from the owner of 601 East Shepherd Street, Chuck Brand Builders, Inc., to rezone the east half of that property from R-1 One Family Residential to B-3 General Business District; and

WHEREAS, the owner of the parcel has also requested the Planning Commission approve a land division that detaches this eastern half of 601 East Shepherd Street, and attaches it to 615 East Shepherd Street; and

WHEREAS, 615 East Shepherd Street is also owned by Chuck Brand Builders, Inc., and is currently zoned B-3 General Business District; and

WHEREAS, the purpose of this change would be to allow for the growth and expansion of the business Home Town Rentals of Charlotte; and

WHEREAS, the City of Charlotte Master Plan for Development and its Future Land Use Map specifically call for this parcel to be zoned for commercial development; and

WHEREAS, the City of Charlotte Planning Commission has conducted the necessary public hearing; and

WHEREAS, the City of Charlotte Planning Commission has approved the request for land division; and

WHEREAS, the City of Charlotte Planning Commission has voted to _____ recommend _____ not recommend this rezoning action to the City Council.

THEREFORE, BE IT RESOLVED that the City Council of the City of

Charlotte does hereby approve the rezoning of this from R-1 One Family Residential to B-1 Community Business District.

Commissioner Clarke moved, supported by Snyder to recommend to city council for approval of rezone per Resolution No. PC2020-05 from R-1 One Family Residential to B-3 General Business as requested. Carried. 5 Yes. 0 No.

REPORTS, COMMENTS, CORRESPONDENCE:

STAFF REPORT:

Community Development Director Myrkle advised the commissioners that the request from 600 S. Cochran has been withdrawn due to the building being sold to someone that will no longer need rezoning.

He advised that Wal-Mart will be coming before the commission possibly in July to request a site plan review for some changes in relation to their parking lot layout for pickup and delivery purposes. That is the only request for a July meeting at this time.

Chairman Brummette appreciates everyone for participating today and helping the meeting to run smoothly.

LATE PUBLIC COMMENT: None.

There being no further business, Commissioner Snyder, supported by McRae moved to adjourn at 8:07 p.m.

Ginger Terpstra, City Clerk, CMMC