

CITY OF MILAN
PLANNING COMMISSION MEETING MINUTES
JANUARY 19, 2010

Minutes of the Planning Commission meeting held January 19, 2010 at 7:33 p.m. at City Hall, 147 Wabash Street, Milan, Michigan.

Members Present: Chairman Latham, Vice-Chairman Conger, Secretary Pulsipher, Churchill, Ludwig, Nutt, Ryan, Wollman

Members Absent: Hall (exc.)

Others Present: Eric Peacock, Bob Berrick, Adam Crane, Matt Pisko, Tom Frauk, Stephan Webstar, David Sweet, Rui, Kritcsh, Chuck Gallup, Shawn Mirzu, John Schauer, John Metzelaar, Von Thompson, Daniel Fromm, Brenda Wallet, John Enos, Robert Grostick, Kimberly Voyles.

Approval of Agenda: January 19, 2010

Motion by Conger, seconded by Pulsipher, to approve the January 19, 2010 agenda. Motion carried.

Approval of Minutes: August 18, 2009

Motion by Pulsipher, seconded by Wollman, to approve the August 18, 2009 meeting minutes. Motion carried.

Receive and File: None

New Business:

- A. Hold Public Hearing and Consider Preliminary and Final Site Plan Review for an accessory gas station structure at 531 W. Main St.

Motion by Churchill, seconded by Pulsipher, to open the public hearing at 7:33 p.m. Motion carried.

The City Planner, John Enos, briefed the members on the proposed accessory gas station. He said the site plan was well done and recommends approval.

Tom Frank, the real estate manager of the project, informed the members the grocery market has moved into the fuel distribution to reward loyal customers. Kroger customers will receive a 3 cent discount on their gas and additional discounts depending on how much they spend on their groceries. A Kroger gas station has just opened in Dundee that is comparable to the one that will be placed in Milan.

Matt Pisko, JDG Associates, informed the members that no restroom is required per the state regulations. A call button would be located in the kiosk to allow the attendant to contact the store. The cash register will be directly tied to the store. The handicap parking space would be moved.

The main dumpster for the Kroger store would be used to dispose of the trash from the gas station. They plan on restoring the landscaping in the area. The sign would be refaced with the new gas station information but the size and location of the sign would not change. The lighting meets the City's ordinance. He passed out a color sample for the building. Per the fire marshals request, they will address the hydrant issues and install another hydrant.

Member Latham questioned if there would be a live attendant at the station and what the hours for the station would be.

Mr. Pisko informed him there would be a person located at the station and the hours would be 6 am to 10 pm. The longest hours they have had at a station were 6 am to midnight. The gas station being directly tied to the store will not exceed the store hours.

Eric Peacock, 305 Ideal, works for the dental office in front of the Kroger store. He requested the entrance on the North East corner of the parking lot be closed for the public's safety.

Building/Zoning Official, Robert Grostick, informed Mr. Peacock that the issue would be addressed with In Land S.A.U., the property owners. Member Churchill agreed this issue needed to be addressed.

Chuck Gallup, owner of 1200 Dexter, called his attorney and was wondering why this was an accessory structure and not a conditional use. He also stated there are six gas stations in Milan when there should only be four. The current gas stations have no resources to fight back when the grocery store lowers their price on gas. Approving this gas station will just hurt the current gas stations in town.

John Enos stated under a conditional use, automobile service stations were allowed and this was not an automobile service station just a gas station so it would fall under the accessory use.

Chuck Gallup informed the members they could not sell alcohol at their stores. He will want his property taxes cut in half. He said the new gas station will reduce their volume by 40%.

John Enos stated after the meeting the Zoning Board of Appeals could be asked for the interpretation of the differences between a conditional use and an accessory use to dispute the issue.

Mr. Grostick informed the members a conditional use stays with the property and that an accessory use stays with the business. Granting an accessory use means if Kroger leaves the gas station has to leave. With a conditional use if Kroger wanted to sell the gas station to someone else they could.

Bob Berrick, owner of 501 W Main St., stated that the members should use common sense that another gas station is not needed in the City and they should vote for what is morally right. He also turned in a petition of signatures from people that are against the Kroger Gas station.

Planning Commission Minutes

January 19, 2010

Page 3 of 4

John Metzlar, 483 W Main St., informed the members he teaches class in the afternoon and has brought his class to learn about government. He wanted the members to look into sidewalks in the area to make it safer and easier for pedestrians.

Mr. Enos informed him the City was updating the Master plan and looking into issues like the sidewalks. He also stated this was not the time to be addressing the sidewalks.

Shawn Mirza, owner of 915 Dexter St, asked that the issue be tabled until the definition of an accessory use and a conditional use was better understood. He is against another gas station that would drive them out of business.

Brenda Wallet, 242 Wabash, is new to the town and on the beautification commission. She disapproves of the gas station and says there is no room in Milan for one more gas station. She talked about her concerns for the current gas stations and them losing business with a new gas station being built.

Member Nutt asked the public how many gas station owners were in the public. All six of them were. Then she asked how many of them lived in the City of Milan. Only one owner lived in the City of Milan.

Member Churchill welcomes business to the City of Milan as long as they are legal. She stated we could not discriminate what businesses come into the City and have to follow all the laws and regulations.

Member Conger stated they did a wonderful job with the site plan and the citizens of Milan should have the choice to spend their money where they want to.

Motion by Ludwig, seconded by Conger, to close the public hearing at 8:28 p.m.

Motion carried.

Member Nutt informed the public there are two sides to every story and people should not be acting off of emotions.

Member Ludwig does not care for the site location. He worked for Food Town before it became Kroger and knows it is a busy parking lot. He is opposed to the curb cut and thinks the gas station should be moved to the west end of the property. He will be voting no because of the site plan location. Member Pulsipher agreed it is hectic in that area.

Member Wollman informed the public if they had any more concerns they could address the City Council when this application is presented to them. Mr. Grostick informed him this issue would not go in front of City Council. The final decision is made by the Planning Commission.

Member Nutt was also concerned about the traffic and the location of the gas station. She wants to let the public make the decision on where they want to buy gas.

Planning Commission Minutes

January 19, 2010

Page 4 of 4

Member Churchill informed the members a letter was submitted by Edith Corle against the gas station. She also informed the members if there were traffic issues the Chief of Police would have addressed the issues in his review and he did not see any traffic issues. Her vote would be yes.

Motion by Conger, seconded by Churchill, to approve the Preliminary and Final Site Plan Review for an accessory gas station structure at 531 W. Main St., with the condition that they correct the seven items the city planner has listed in his review dated January 12, 2010.

Roll Call:	Conger	Yes	Nutt	No
	Pulsipher	No	Wollman	No
	Churchill	Yes	Latham	Yes
	Ludwig	No		

Motion failed; 3-4

Motion by Conger, seconded by Ludwig, to approve the Preliminary Site Plan Review for an accessory gas station structure at 531 W. Main St., with the condition that they look at placing the gas station at a different location on the property and do not make another curb cut and correct the seven items the city planner has listed in his review dated January 12, 2010.

Roll Call:	Conger	Yes	Nutt	Yes
	Pulsipher	Yes	Wollman	Yes
	Churchill	Yes	Latham	Yes
	Ludwig	Yes		

Motion approved; 7-0

Old Business: None

Citizen Comments: None

Payment Requests:

1. Carlisle/Wortman-Professional Planning Services Rendered Thru January 19, 2010

Motion by Ludwig, seconded by Nutt to approve payment to Carlisle/Wortman for services rendered through January 19, 2010. Invoice #29869 dated August 1, 2009 in the amount of \$400.00, invoice #29870 dated August 1, 2009 in the amount of \$400.00, invoice #29906 dated September 1, 2009 in the amount of \$362.50, invoice #29907 dated September 1, 2009 in the amount of \$400.00, invoice #291050 dated October 1, 2009 in the amount of \$400.00, invoice #2911-108 dated November 1, 2009 in the amount of \$400.00, invoice #291299 dated December 1, 2009. Motion Carried.

Adjournment:

Motion by Ludwig, seconded by Conger, to adjourn meeting at 8:48 p.m. Motion carried.

Kimberly Voyles
Recording Secretary

James Latham, Chairman