

DAVISON TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING
NOVEMBER 13, 2024

MEMBERS PRESENT: JOHN ALLEN, BRUCE CALHOUN, CAROL DOWSETT, ROB HOLLENBACK,
LORRIE PASCOE, PAUL SNYDER, ANNETTA WILBON

BUILDING MATT PLACE
ATTORNEY BILL DELZER
RECORDING SECRETARY JAMI VERT

MEMBERS ABSENT: TIM GREEN, PAUL JAMES

OTHERS PRESENT: RICHARD RASSEL, LAITH JONNA, HAILEY JONNA, ERIC WILLIAMS, JULIE
KROLL, TOM WRIGHT

CALL TO ORDER

The regular meeting of the Davison Township Planning Commission was called to order at 6:00 P.M. at the Davison Township Municipal Building, 1280 N Irish Rd, Davison MI 48423 and the pledge of allegiance was recited.

ADOPT THE AGENDA

MOTION BY SNYDER, SECOND BY ALLEN to adopt the November 13, 2024, regular meeting agenda as presented. Motion carried unanimously.

PREVIOUS MINUTES

MOTION BY SNYDER, SECOND BY ALLEN to approve the June 12, 2024, regular board meeting minutes as presented. Motion carried unanimously.

UNFINISHED BUSINESS

None

NEW BUSINESS

CASE #16-SP-2024-3 LAITH JONNA BIG BOX RETAIL STORE

Richard Rassel – Legal Counsel for Jonna – This office serves as legal counsel to Davison Plaza, LLC (“Petitioner”), the owner of the Property. Petitioner proposes to redevelop the Property to: (i) add an improvement to an existing shopping center to be occupied by a National Discount Retailer (“NDR”); (ii) add an additional retail location; (iii) maintain an existing restaurant; (iv) and maintain an existing retail location; The Property is situated in the GC Zoning District (General Commercial), per the zoning map provided on the Township of Davison’s website ([Davison Township Zoning Map](#)). The undersigned respectfully submits this letter in support of Petitioner’s request for approval of a modification or waiver to the minimum number of parking spaces required by the Davison Township Zoning Ordinance (the “Zoning Ordinance”) for the planned improved Property, as summarized below: Required is 914 spaces; proposed is 695 spaces; amount of modification is 219, as justified by attached parking study presented; **Background:** Petitioner owns the Property, located at the corner of Irish and Lapeer Roads in Davison Township. Petitioner proposes to (i) add an improvement to an existing shopping center

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to be occupied by a National Discount Retailer (“NDR”); (ii) add an additional retail location; (iii) maintain an existing restaurant; (iv) and maintain an existing retail location; The existing development was built in two phases. In Phase I, Developer built a retail Shopping Center consisting of 8,850 square feet. The total parking required per the Township ordinance at the time was 118 spaces. The developer provided 65 parking spaces, land banking an additional 53 spaces. To date, additional parking has not been required for the shopping center. In Phase II, Developer built the existing dine-in stand-alone restaurant, consisting of approximately 6,375 square feet. Phase I and Phase II collectively required 248 parking spaces for the original design. It was built with 203 parking spaces, with an additional land bank of 36 parking spaces, but to date there has not been a need for additional parking at the site; The NDR, classified as a shopping center, will consist of 125,450 square feet, and, under current Zoning Ordinance requirements, would require 627 parking spaces. The proposed additional retail location appended to the existing stand-alone restaurant would add 9,750 square feet would require 39 spaces, as provided in the plan; As site plans were drawn, Petitioner realized that the number of spaces required by the Zoning Ordinance would be substantially in excess of the number of spaces actually needed to support patronage at the improved development. Petitioner requires a certain building size in order to satisfy the needs of the NDR. The Township’s parking requirements are the only Zoning Ordinance impediment for Petitioner to build such the proposed structure; Accordingly, Petitioner commissioned a Shared Parking Study from certified engineers Fleis and VandenBrink to determine whether similar NDRs in Davison (Meijer and Menards) were at, under, or over parking capacity. **(See attached)**. The Shared Parking Study confirmed that the required minimum parking would waste valuable real estate on unnecessary parking that would sit unused, and that the shared parking plan proposed on the plans submitted by Petitioner, between the four proposed structures, would be more than adequate to meet projected parking needs based on known patronage usage. The Shared Parking Study shows that the existing parking lots for Meijer and Menards that meet Zoning Ordinance requirements are less than 50% occupied during the peak shopping periods, resulting in significantly overparked facilities and a “sea” of unused impervious parking surface. The Shared Parking Study also calculated that at the utmost peak parking hours, only a maximum of 497 total spaces would be occupied on the Property; The NDR has closely surveyed the Township and surrounding areas for a property that meets its needs, and in doing so, the NDR has considered the parking required to serve its patronage at peak shopping hours during the busiest shopping seasons based on its decades of local, regional and national operating experience. Based on studies of similar stores around the country, the maximum amount of parking required by this NDR at this location is approximately 318 spaces, which is approximately 300 spaces less than strictly required by the Zoning Ordinance. Notably, the NDR is expending significant resources to ensure that this store is a long-term success in the community, and if parking was even a mild concern, it would not have selected this location for its store; Petitioner proposes to provide 695 total parking spaces, **which**

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is almost two hundred spaces more than the Shared Parking Study projects would be used at even the utmost peak shopping and dining hours. To require Petitioner to build over two hundred **additional** spaces (i.e. four hundred unoccupied spaces even at utmost peak hours) would be unnecessarily wasteful, aesthetically displeasing (creating a new “sea” of unused impervious parking surface) and would hinder Petitioner’s ability to construct a structure large enough to meet the needs of the NDR; **Standards:** Under Section 1706 of the Zoning Ordinance, the number of parking spaces is determined by a formula based on the proposed land use:

Under Section 1706(12)(a)(3)(e), the minimum number of off-street parking spaces for shopping centers over 25,000 square feet is calculated as follows: “5 spaces/1,000 square feet of gross of leasable area.

Under Section 1706(12)(a)(3)(d), the minimum number of off-street parking spaces for retail stores is One (1) space per one hundred fifty (150) square feet of usable floor area, with a minimum of five (5) spaces.

The Zoning Ordinance at Section 1706(6) permits shared parking between two or more buildings or uses, which may collectively provide the required off-street parking, however, the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately; Under Section 1706(16) of the Zoning Ordinance, the Planning Commission may modify or waive an off-street parking standard for a particular land use as presented in Section 1706(12) under any of the following circumstances¹:

- a. A determination that existing off-street parking spaces on or adjacent to the lot can effectively accommodate the parking needs of the proposed use without negatively impacting traffic safety or adjacent uses.
- b. Sufficient evidence has been provided by the applicant to demonstrate that an alternative parking standard would be more appropriate for the type, scale, or intensity of the proposed use and should be applied under the authority of Section 1706, 9.

The petitioner respectfully requests that the Planning Commission modify or waive the required minimum number of parking spaces to accommodate the proposed redevelopment of the Property as the circumstances set forth in the Zoning Ordinance are clearly present here:

- (a) A determination that existing off-street parking spaces on or adjacent to the lot can

¹ Although the Zoning Board of Appeals is also vested with the authority to grant variances related to parking requirements, the Zoning Board of Appeals, in August 2024, deferred to the Planning Commission the issue of whether to modify or waive the off-street parking standards per Section 1706(16) of the Zoning Ordinance.

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effectively accommodate the parking needs of the proposed use without negatively impacting traffic safety or adjacent uses.

The proposed redevelopment does not require the number of parking spaces as set forth in the Zoning Ordinance. As is clearly stated in the attached Shared Parking Study, as supplemented by the NDR parking data, the required minimum parking would waste valuable real estate on unnecessary parking and impervious parking surface that would sit unused, and that the shared parking between the four proposed structures would be more than adequate to meet projected parking needs. The Shared Parking Study evaluation shows that the existing parking lots for similar NDRs in Davison Township, that meet Zoning Ordinance requirements, are less than 50% occupied during the peak shopping periods, resulting in significantly overparked facilities; The Shared Parking Study calculated that at the utmost peak parking hours, only a maximum of 497 spaces within the shared parking area would be occupied on the Property. The Petitioner proposes to provide 695 spaces, almost two hundred spaces more than the Shared Parking Study projects would be used at even the utmost peak shopping and dining hours; No traffic safety issues are identified in the Shared Parking Study, nor would there be any interference with adjacent uses.

- (b) Sufficient evidence has been provided by the applicant to demonstrate that an alternative parking standard would be more appropriate for the type, scale, or intensity of the proposed use and should be applied under the authority of Section 1706, 9.

The Shared Parking Study, supplemented by the NDR parking data, confirms, through professional opinion and empirical data evidence, that the required minimum parking would waste valuable real estate on unnecessary parking that would sit unused, and that the shared parking plan proposed on the plans submitted by Petitioner, between the four proposed structures, would be more than adequate to meet projected parking needs based on known patronage usage. The Shared Parking Study shows that the existing parking lots for Meijer and Menards that meet Zoning Ordinance requirements are less than 50% occupied during the peak shopping periods, resulting in significantly overparked facilities and an aesthetically displeasing “sea” of unused impervious parking surface. The Shared Parking Study also calculated that at the utmost peak parking hours, only a maximum of 497 spaces would be occupied on the Property; **Conclusion:** Petitioner respectfully requests that the Planning Commission modify or waive the off-street parking requirements for this development from 914 spaces to 695 spaces. This would allow Petitioner to redevelop, complete and improve the proposed structures and improvements on the Property and prevent unnecessary and wasteful over-parking on the Property; If you have any further questions or comments about the above, please do not hesitate to contact this office at your earliest convenience. We look forward to addressing this matter at the public hearing.

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Julie Kroll – Associate of Fleis & Vanderbrink – traffic group – been doing traffic and parking last 20-years; summary of property; looked at in 3-phases; higher parking day on St. Patrick's Day; mixed of retail and restaurants; calculated shared data; look at existing parking; looked at Meijer and Menard; less than 50% parking being used on busy days.

Snyder – is that a fair traffic study for our Christmas and Black Friday season?

Julie Kroll – we look at peak demand then scale it up.

Calhoun – Meijer does over park at peak times; don't have a problem with downsizing parking spots; problem I do have is Hamlin Pub does not have adequate parking in front of the building; that problem needs to be addressed with the parking.

Allen – what big box store are you putting in there?

Julie Kroll – can't disclose the store name; we did what the county and Matt asked us to do; we will extend turn lanes; widen turn lanes; adding an additional turn lane; put up flexible bollards in the pork chop; update timing and turn lanes.

Calhoun – before we approve, we will want to know what is going in that spot.

Snyder – when was the formula done for parking in the township?

Place – about 15-years; it has not been changed.

Calhoun – ZB kicked it back for parking use.

Wilbon – did you accommodate for seasonal fluxes?

Julie Kroll - we had a lot of surplus parking.

Wilbon – it is shared.

Julie Kroll – was not concerned about the parking.

Calhoun – nobody will walk that far to go eat; problematic.

Hailey Jonna – we are under a NDA; we cannot disclose the big box store coming in.

Calhoun – this board will not approve this prior to knowing what is coming in.

Richard Rassel – administration of the township made aware; if any concern it gets sent back; we want to be fully transparent.

Snyder - is this big box store coast to coast?

Allen – what are your thoughts Matt?; are we going to overflow?

Place – Wade Trim is good with this.

Eric Williams – comfortable with the parking; 26 parking spots close to Hamlin.

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Hailey Jonna – shared parking; will not be a problem.

Eric Williams – truck operation; fire access; they will use that as well.

Calhoun – it will be a major issue.

Hailey Jonna – more parking for restaurant; it could go into an easement; don't want to hurt our current tenants.

Hollenback – bollards are horrible looking; put a curb in.

Calhoun – take out concrete and put grass in that spot.

Bill Delzer – that is the county right-of-way.

Calhoun – they owner will have to maintain it.

Allen – the building needs to be less plain.

Calhoun – Matt and I can look the draft over and bring back to the board.

Hailey Jonna – they are more than happy to redesign.

Calhoun – landscaping a lot by pond; sign shown; no landscaping blocking existing businesses; visible signs; drainage issue fixed.

Eric Williams – we will remove and redesign the detention basin if needed.

Calhoun – adequate size to handle runoff; grade off site; 50-foot past property line; no drainage issue; west still might have issues; can't be blocked; perfect opportunity to put in an access drive from Williams; this will help with going out of a parking lot and coming in another one; did they meet the lighting?

Place – yes.

Calhoun – will the detention pond have standing water?

Eric Williams – yes, we are looking into this.

MOTION BY HOLLENBACK, SECOND BY withdrawn

Place – Laith Jonna; Case #16-2024-3; parcel id 05-18-200-021; 9.65 acres; current zoning is GC; current land use is GC; future land use is GC; lot vacant; Laith Jonna of Jonna Properties would like to construct a 125450 sq ft retail store on the last lot of The Shops of Irish at the intersection of Lapeer and Irish road; **Zoning Requirements:** GC (general Commercial); **Access and Circulation:** Access to the site will come off the service drives that serves the site off of Lapeer Road and the entrance off of South Irish Road. Throughout the site there will be 24-foot-wide drive lanes with a ring road for fire department access; **Parking:** 694 spaces are provided

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for this shared parking site with 32 Barrier free spaces. An engineered parking study was completed by Fleis & Vanderbrink and verified by Wade Trim, the township planning consultants. Section 1706.16 allows the planning commission to waive the or modify the parking requirement of section 1706.12 if an alternate parking standard would be more appropriate; **Sidewalks:** 5-foot-wide sidewalks will be provided along the front of the property and 7-foot-wide sidewalks around the building. Also, a 9-foot-wide sidewalk will be in the center of the parking lot; **Landscaping:** The developer is asking for an 8 percent reduction in the green space requirement per section 1601.W of the zoning ordinance. (The Planning Commission may reduce the requirement to not less than 10 percent when providing compensating community benefit through alternative means such as exceeding the requirements of plant materials or a public amenity); **Signs:** The signs shown in the drawings are acceptable, however separate applications and approval will be required; **Site Lighting:** The site lighting meets the requirements of the ordinance; **Design:** The Planning Department has asked for better design elements per section 1303.5a.2 to address the plainness of the building. None were provided; **Fire Department:** The Fire Chief has looked at these plans and the changes he needs are incorporated into the plans; **Traffic Study:** An updated traffic study has been provided that recommended the developer provide some updates to the site. The developer will provide the Genesee County Road Commission with a copy of the study which recommended the following and have been incorporated into the drawings.

1. Add southbound right turn lane along Irish road at the entrance.
2. Modify the right in right out approach on Irish road to provide better channelization and install flexible bollards along the channelization.
3. Optimize the signal timing to increase the green light time allocated for east and west bound approaches.
4. Install left turn extension guidelines through the intersection to provide better delineation for the southbound left turn lanes.
5. Provide a westbound right turn lane along Lapeer Road to the Lapeer Road entrance to the site.
6. Extend the left turn lane on Lapeer Road 75 ft to the west for storage length.
7. Widen the southbound site drive approach to provide exclusive left and right turn lanes.

Recommended Actions:

The Building/Planning Department would support a recommendation of approval of this Conceptual Site Plan based on the following reasons and conditions:

1. The Planning Department agrees with the parking assessment that was provided by Fleis & Vanderbrink and reviewed by the township's planners (Wade Trim).
2. There needs to be some architectural character added to the building design.
3. Approval of this conceptual site plan gives direction to the applicant to produce the drawings necessary for all Genesee County Agencies.

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MOTION BY ALLEN, SECOND BY DOWSETT to approve a conditional approval of CASE #16-SP-2024-3 with the following: re-locate the trees on the west property line so Williams Gun Sight sign is not blocked; show drain line for Williams Gun Site detention pond; show grades 50' off west property line to prove property drains; enhance building elevations for better design and HVAC screening; change pork chop entrance off of Irish Road to grass median; show phase 3 parking for Hamlin Pub and 300 off building to shared parking areas; provide study to prove enough parking for Hamlin Pub. Motion carried unanimously.

PUBLIC COMMENT

Public comment period was opened at 7:05 p.m.

Tom Wright – owner of Williams Gun Site had stated that they start to shoot at 10am and go until dusk, everyday; make sure you count your employees for the parking spaces being used; don't have a problem with the shared drive, just remember that I have 20-acres behind my building that is being used as well.

Public comment period closed at 7:06 p.m.

INFORMATIONAL ITEMS

None

ADJOURNMENT

MOTION BY ALLEN, SECOND BY SNYDER to adjourn at 7:49 p.m. Motion carried unanimously.

Rob Hollenback, Secretary