

# FARMINGTON PLANNING COMMISSION PROCEEDINGS

Monday, June 9, 2008

Chairperson Gronbach called the meeting to order at 7:00 p.m. in the Farmington City Council Chambers, 23600 Liberty Street, Farmington, Michigan.

## **ROLL CALL**

Present: Bowman, Buck, Christiansen, Gronbach, Ingalls, Kuiken, Pogue.

Absent: Scott, Sutton.

A quorum of the Commission was present.

**OTHER OFFICIALS PRESENT:** Building Inspector Koncsol, Recording Secretary Schmidt.

## **APPROVAL OF AGENDA**

MOTION by Pogue, seconded by Buck, to approve the agenda. Motion carried, all ayes.

## **APPROVAL OF ITEMS ON CONSENT AGENT**

MOTION by Kuiken, seconded by Bowman, to approve the following item on the consent agent:

- A. Approve Regular Meeting Minutes of May 12, 2008.

Motion carried, all ayes.

## **CONSIDERATION TO AMEND SITE PLAN, DIRECTBUY, 33800 NINE MILE ROAD**

Gary Demora, owner of DirectBuy, was present to voice his concern about shrinking the driveway 22 feet and the depth of parking spaces from 20 to 18 feet to leave room for a sidewalk and some green space. He felt the 22 feet was too narrow and proposed a 24-foot driveway, 20-foot parking spaces and the rest of the area would be green space. He stated he would rather have a driveway than a sidewalk.

Chairperson Gronbach noted the revised site plan did not reflect the change. Mr. Demora responded that his project manager, Denise, did not revise the one side and label it. He replied that basically, it does say 24 feet for the driveway and 22 feet for the stalls. Mr. Demora commented the change was due to a safety concern of his.

Building Inspector Koncsol reviewed City Manager Pastue's report wherein the sidewalk was more or less a preference than specifically required and he also addressed the landscaping.

Commissioner Ingalls verified the parking spaces would be 20 feet and felt it would be better to have 18 feet so the cars would not go into the plantings. Mr. Demora replied the sidewalk would be eliminated and they preferred 12 foot drive lanes instead of 11 foot lanes since a portion of their customers involve do-it-yourself residents who rent U-haul trucks to pick-up merchandise and who are not the most experienced drivers.

Commissioner Kuiken stated she understood Mr. Demora's concern to have 12 foot drive lanes and felt the overhang of cars into plantings was his issue and not a pedestrian issue.

Gronbach asked Mr. Demora if he would be installing a concrete curb line since he was eliminating the sidewalk. Mr. Demora replied it might be asphalt since concrete is more expensive. Sherrin Hood, LSL Planning Inc., stated it would have to meet City Code standards. Commissioner Christiansen noted the plans show a concrete curb in the area adjacent to the landscaping. Mr. Demora stated the drive was a priority over the planter boxes and sidewalk. Christiansen verified there would be a 24 ft. wide drive, 20 ft. parking space, a curb and the rest would be landscaping.

Responding to a question by Commissioner Buck, Gronbach stated the plan would have to be revised, approved by City Administration and a part of the motion.

MOTION by Christiansen, seconded by Bowman, to approve the Site Plan as amended, for DirectBuy, at 33800 Nine Mile Road, with a change that the petitioner would eliminate the sidewalk on the east side of the building, they will now have a 24 ft. wide drive, a 20 ft. deep parking space, curb will be installed at the end of that parking space configuration and the remaining area will be landscaping; any plantings can be reviewed and determined to be acceptable by staff and the petitioner has to submit a plan to show these changes. Motion carried, all ayes.

#### **JET'S PIZZA – 30790 GRAND RIVER**

- A. Public hearing – Special Land Use
- B. Consideration to Approve Special Land Use and Site Plan

#### **Public Hearing:**

MOTION by Pogue, seconded by Buck, to open the Public Hearing for the Special Land Use and Site Plan review #2 for 30790 Grand River. Motion carried, all ayes.

Gabe Schuchman, proponent for Jet's Pizza stated Jet's Pizza wanted to relocate and expand their business by renovating the 9 Grand Party Store at the northeast corner of Grand River and Floral Avenue.

MOTION by Pogue, seconded by Buck, to close the Public Hearing. Motion carried, all ayes.

### **Consideration to Approve Special Land Use and Site Plan:**

Mr. Schuchman updated the Commission on revisions to the plan, which included problems with access and circulation around the building. He stated they had a meeting with MDOT and they proposed that the applicant close down the western curb cut. He stated MDOT's proposal would not work for Jet's Pizza since there is not enough square footage to close one of the curb cuts and reduce the size of the building. He proposed they keep the existing structure, remove the western end of the building, and not do any work in the MDOT right-of-way. He commented it would not be feasible to close the curb cut. Mr. Schuchman noted they have maintained all of the landscape improvements around Floral Avenue and throughout other portions of the site; maintained the improvements to the elevations to the façade of the building; added a new dumpster; general improvements to the parking lot; but avoided doing any work in the MDOT right-of-way.

Sherrin S. Hood, AICP, Senior Planner, LSL Planning, Inc., stated they reviewed the site plan standards and the applicant meets the standard land use for approval to permit the redevelopment of 30790 Grand River for Jet's Pizza provided the following are addressed:

1. Since the late hours of operation are discouraged for sites adjacent to Residential, the Planning Commission should verify with the applicant what the intended hours will be and then determine if the closing time is appropriate.
2. The City's Public Works Department should be consulted to ensure no permit fees, additional connections or upgrades are needed.
3. The western driveway from Grand River Avenue should be removed, and if so, the appropriate sidewalk connections be made along Grand River Avenue.
4. Given its close proximity to Floral Avenue, LSL recommended the eastern driveway be restricted to right-turns into the site only.
5. A hedge row or brick wall must be installed along Floral to screen the front yard parking.
6. All lighting that is not down-shielded must be corrected, and details of All-proposed new lighting must be provided in accordance with Section 35-48.

Gronbach asked if there was enough room to install a brick wall or hedgerow along Floral and still maintain the driveway width. Ms. Hood replied the applicant had some room to narrow up the driveway and she did not foresee more than 1 ½ ft. to pour a footing for a brick wall.

Ingalls commented parking bumpers were difficult to maintain. Bowman asked if a hedge was out of the question and Ms. Hood replied it could be either a hedge or brick wall. Mr. Schuchman commented hedges would need to be replaced due to salt.

Kuiken verified that the hours of operation would remain the same.

Gronbach asked Hood if she had any suggestions regarding the right-of-way. She noted that if the applicant decided to remove the driveway it would allow removal of asphalt that would not be used and replaced with lawn. Mr. Schuchman voiced concern regarding routing the traffic onto Floral by using the alley and noted it would be more dangerous. Kuiken noted the tight alley is a concern and that the Commission consider making the western driveway accessible from both left and right hand directions. Discussion followed regarding the traffic flow.

Buck asked if it was feasible to change the location of the curb cut on the northwest corner of the property. Hood replied there would have to be cooperation from the City since it is a public alley and they would have to dedicate that area so that the City could maintain the alleyway.

Christiansen stated they would need to grant an easement for the City to encroach with a driveway widening and then indemnify the owner due to liability issues since it is a public alley.

Responding to a question from Gronbach, Hood stated anything done in the right-of-way would have to be permitted by the City and MDOT.

Responding to a question from Christiansen, Koncsol stated the drainage went out onto Grand River and the alley.

Christiansen stated any improvement is an improvement to the site and noted that the issue is a tough one the Commission has to deal with. He noted the conflict of egress and ingress and noted the businesses to the east also use the alley. He commented the western driveway is an issue and verified that MDOT wanted the western driveway closed. Christiansen verified if nothing was done with the right-of-way it would be MDOT's responsibility to maintain as they see fit. Discussion followed regarding maintenance of the right-of-way. Christiansen stated he would rather have more access points than less. Christiansen noted if the applicant did nothing to the site the only issue to be addressed would be special land use.

In response to a question from Kuiken the owner of Jet's Pizza noted the challenges they have regarding the flow of traffic and economics. He stated anything that is done to the site would be a benefit to the City and they want to have a showplace store that would be cost effective. Mr. Schuchman noted access and circulation are important issues for the business. Mr. Schuchman commented it is important for them to maintain the property, sealcoat the asphalt and to make the property safe for their customers.

Christiansen asked the applicant if there had been any issues regarding exiting through the alley onto a side street. The applicant responded they are the only tenants at that location and they have not had a problem.

Christiansen noted the best solution would be to close the western driveway, to have landscaping in the right-of-way, and to have a sidewalk.

Ms. Hood questioned no improvements to the right-of-way. Mr. Schuchman discussed type of landscaping.

Christiansen asked what the color the building would be and Mr. Schuchman responded they had not decided as yet. Gronbach advised Mr. Schuchman that was an issue that needed to be provided according to the ordinance.

Gronbach informed the applicant that all signage needed to be reviewed and approved by administration.

Kuiken noted the Commission had no visuals for the site.

Discussion followed regarding materials to be used.

Gronbach informed the applicant that all materials and colors needed to be provided in order to be approved by the Commission or Administration.

Responding to a question by Gronbach, Koncsol asked, "is something better than nothing" and stated Administration would like to see the curb cut eliminated.

Bowman stated she supported the building without getting rid of the western driveway and that it would be a financial burden for the applicant to remove the western drive. She felt the applicant was making a big improvement to the building. Kuiken concurred with Bowman and stated it should be considered that a quality business would be located in that location.

Christiansen verified the hours of operation would be Monday through Thursday, 11:00 a.m. until 10:00 p.m.; Friday and Saturday, 11:00 a.m. until 11:00 p.m. and Sunday, 12:00 p.m. until 10:00 p.m.

MOTION by Christiansen, seconded by Bowman, to approve the Special Land Use for the new Jett's Pizza to be located at 30790 Grand River, as the petitioner has met the general requirements of the Special Land Use section that is outlined in the Planning Consultant's Staff Report, dated June 6, 2008. Motion carried, all ayes.

MOTION by Christiansen, seconded by Ingalls, to approve the Site Plan for the new Jett's Pizza to be located at 30790 Grand River, subject to the following conditions: the petitioner maintain the hours as indicated this evening, if he were to change those hours he must inform the City for their review, that the Public Works Department be contacted with any issues they have with existing infrastructure with their area of responsibility, that the petitioner add to the site plan a hedge row along the Floral Street parking area to screen that parking from Floral Avenue and to be reviewed by City staff, any lighting

that is provided on the site must be shielded down and details provided to the City for their review, in accordance with our Ordinance, that the petitioner provide City staff with a color scheme for their exterior façade and materials they are proposing on the elevation plan they submitted with their site plan drawings; which would include for the front of the building the brick to be maintained and those materials on the front for the exterior masonry to be painted, both the east, western, north elevations and also to the color of the pre-galvanized steel siding which is to be submitted to staff for their review and consideration and the City staff review and approve the signage according to the City ordinance. Motion carried, all ayes.

**CONSIDERATION TO APPROVE SPECIAL LAND USE AND SITE PLAN FOR FUN CITY (a.k.a. Zapzone) – 31506 GRAND RIVER**

Gaz Ismail and his brother, proponents, were present to update the Commission on changes to their Site Plan. He noted they would have a 20 ft. concrete entranceway, rubbish would be removed from the parking lot, bollards to be installed to make it safer, dropped retail space from 16,000 sq. ft. to 8,000 sq. ft. due to parking concerns. He noted they would have 4,000 sq. ft. retail facing west to Grand River and 4,000 sq. ft. of office space on Grand River.

Sherrin Hood, LSL Planning, Inc., noted she had met with Mr. Ismail since the last Planning Commission meeting. She noted the increase of Zapzone space and decrease in the future office and retail space.

She stated the Commission has quite a bit of flexibility in regards to parking on the site. Ms. Hood noted there could be a total of 238 patrons in the building at one time just to use the party room. She commented the usual amount of occupancy on a normal day would be approximately 50%. She noted there are 19 parking spaces on the north end of the building that are dedicated to Zapzone which increases the amount of parking spaces to 101. She stated LSL Planning, Inc., recommends that the Planning Commission approve the site plan with the understanding that any future tenants of the retail and office building come back for additional review. She also stated it must be made clear and evident to the Planning Commission, by the proponent, that Zapzone will not use a lot of parking. She informed Mr. Ismail to shy away from sit down restaurants when he is looking for a new tenant in the future and look for a tenant that would need a minimum of parking.

Ms. Hood stated they felt landscaping was adequate and noted one tree along Mooney Street needs to be replaced. She noted the existing down-shielded, shoebox lighting is acceptable and any new signage must be approved by the City prior to installation. She commented according to the revised plan the applicant showed a window area to provide a storefront façade.

Ms. Hood stated LSL Planning, Inc. recommends approval of the Special Land Use and Site Plan request to permit an indoor entertainment and amusement establishment to

be located at 31506 Grand River Avenue, provided the Planning Commission feels adequate parking is provided to serve the site. She noted the recommendation is conditioned upon the following:

1. Any proposed wall signs must be submitted to the City for administrative approval.
2. Any existing wall signs that do not relate to businesses on the site must be removed.
3. Future tenants must receive administrative review before occupying any of the proposed lease areas of the building, to ensure adequate parking will be provided. City staff has the discretion to send future tenants to the Planning Commission for additional review.

Bowman stated she did not see that parking is an issue and that it is a great opportunity to improve the building.

Christiansen concurred with Bowman and verified the amount of parking spaces, noting the easement at Wendy's.

Gronbach noted there are some dimensions that need to be corrected on the site plan that need to be done before approval. Ms. Hood stated the dimensions on Mooney are 259.85 ft. and dimensions on Grand River are 357.16 ft.

Mr. Ismail showed the Commission a rendering of the proposed look for his building.

MOTION by Kuiken, seconded by Bowman, to approve the Special Land Use and Site Plan request to permit Zapzone to be located at 31506 Grand River Avenue, with the following conditions: that any proposed wall signs must be submitted to the City for administrative approval; any existing wall signs that do not relate to businesses on the site must be removed; and any future tenants must receive administrative review before occupying any of the proposed lease areas of the building, to ensure adequate parking will be provided and that the colors on the rendering be submitted for approval and to revise the Mooney Street property line dimensions on the Site Plan. Motion carried, all ayes.

Christiansen verified the 19 parking spaces are owned by the petitioner.

**CONSIDERATION TO APPROVE SITE PLAN, FARMINGTON HEALTH CARE CENTER, 34225 GRAND RIVER.**

Holly Kaiser, Architect, Studio 5 and Doug Haig, Director of Respiratory Therapy for Farmington Health Care Center, were present to give an overview of the horizontal placement of an oxygen tank and proposed drawings for the tank location. Ms. Kaiser noted they would have a minimum of landscape removal and felt they needed to concentrate more to the service area. She stated the tank would be placed horizontally

and therefore, rotated the trash compactor to pull away from the residents. She commented they would modify the parking and created a one-way traffic zone for the service truck and to maintain the existing ambulance route that now exists. Ms. Kaiser reviewed the stipulations from the Zoning Board, which included removal of a Mulberry tree; to remove and replace the fence with a residential 6 ft. high fence, add signage to aid in the direction of traffic along the building and parking areas. She noted they would be enlarging the curb cut on Gill and rotating one of the parking spots along side of the building so that it is parallel parking, modifying part of the concrete sidewalk and updating the bollards, restriping and maintaining the landscaping. Ms. Kaiser provided samples of the brick and fencing that they would like to use. She commented the tank would not be seen only the tubes.

Ms. Kaiser updated the Commission on new plantings and that they are in the process of obtaining all required permits. She noted the Fire Marshall stated the plan was not for their approval, but she noted they would still continue to keep them updated. She noted they would be in agreement regarding the timing of the delivery trucks.

Ms. Kaiser stated they are requesting a dimensional variance to allow 24.8 inches for the placement of the tank.

Ms. Hood commended the applicant for listening to the concerns of the neighbors and noted the Zoning Board's approval of the screening wall, the extension/relocation of the non-conforming use, and the variance that was requested. She stated the Zoning Board requested that they provide a new fence mounted at ground level. She felt confident the applicant had addressed all of the issues on the site plan that were presented by the Zoning Board of Appeals. She stated the rear setback approval is to be decided by the Planning Commission.

Christiansen noted the changes over time to the Health Care facility created a non-conforming use and noted the denial last fall was due to the placement of a vertical tank. He noted the circulation of traffic and the setbacks. Discussion followed regarding the flow of traffic.

Christiansen noted the Zoning Board made their findings and there were a series of conditions. He commented all of the conditions noted by LSL Planning, Inc. were incorporated into the motion he made at the Board of Zoning Appeals meeting and including subject to the Planning Commission's approval of the setback waiver and the site plan including consideration of all of the conditions as part of the motion. He noted the applicant worked with staff, City consultants, and the neighbors and he felt every issue was addressed.

Kuiken noted the oxygen tank use for their patients would help to limit the amount of ambulances on site.

Pogue verified the size of delivery trucks and Ms. Kaiser stated they would probably be smaller than a semi-truck.

Discussion followed regarding the break area.

Buck verified the oxygen tank would not be flammable and there would not be any unique hazards to the neighbors or patients.

Discussion followed regarding any noises created by filling the tank, the noise would be less than the noise created by the generator.

MOTION by Christiansen, seconded by Buck, to approve the Site Plan for the Farmington Health Care Center, to construct a bulk oxygen storage facility in their parking lot as shown on the submitted plans, subject to the inclusion of the motion from the Zoning Board of Appeals granting the variance with all of the conditions contained herein; including granting a waiver for the required rear yard setback adjacent to the residential use to the south. Motion carried, all ayes.

### **PUBLIC COMMENT**

There were no public comments.

### **COMMISSION COMMENTS AND ANNOUNCEMENTS**

Ingalls announced that it was the last night for Mr. Pogue to serve on the Planning Commission after serving 18 years.

Gronbach, on behalf of the Planning Commission, thanked Mr. Pogue for his many years of service and wished him well.

Bowman noted that four commissioners would not be able to attend the July meeting. Gronbach asked Recording Secretary Schmidt to inform City Manager Pastue to see if the meeting should be cancelled or rescheduled.

Gronbach noted administration requested that all plans be returned to the City Manager's office.

Kuiken questioned the status of the Bob Saks building. Gronbach noted Bob Saks had moved to Wixom.

### **ADJOURNMENT**

MOTION by Pogue, seconded by Buck, to adjourn the meeting. Motion carried, all ayes.

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

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Secretary