

FARMINGTON PLANNING COMMISSION PROCEEDINGS
City Council Chambers, 23600 Liberty Street
Farmington, Michigan
October 8, 2018

Chairperson Crutcher called the Meeting to order at 7:00 p.m. at City Council Chambers, 23600 Liberty Street, Farmington, Michigan, on Monday, October 8, 2018

ROLL CALL

Present: Chiara, Crutcher, Gronbach, Kmetzo, Majoros, Perrot, Waun
Absent: None

A quorum of the Commission was present.

OTHER OFFICIALS PRESENT: Director Christiansen, Recording Secretary Murphy

APPROVAL OF AGENDA

MOTION by Chiara, seconded by Perrot, to approve the Agenda.
Motion carried, all ayes.

Kmetzo made a motion to move Item #5, Site Plan Review – Flagstar Bank, to be heard as Item #4, and Item #4, Public Hearing and Consideration of a Special Land Use and Site Plan Review for Proposed Outlot Building with Drive-Thru – World Wide Center, to be heard as Item #5, with second by Waun.

MOTION by Gronbach, seconded by Majoros, to approve the revised Agenda.
Motion carried, all ayes.

APPROVAL OF ITEMS ON CONSENT AGENDA

A. September 10, 2018 Minutes

MOTION by Majoros, seconded by Gronbach, to approve the items on the Consent Agenda.
Motion carried, all ayes.

SITE PLAN REVIEW – FLAGSTAR BANK, 31230 GRAND RIVER AVENUE

Chairperson Crutcher introduced this item and turned it over to staff.

Director Christiansen stated this item is a site plan review for the installation and use of exterior building façade lighting at Flagstar Bank, located at 31230 Grand River Avenue. The Applicant has submitted a site plan application and support materials in order to

install an illuminated LED lightband accent lighting around the exterior perimeter of the existing Bank building.

The existing commercial site is zoned C-2, Community Commercial. Exterior lighting for nonresidential uses is subject to the review and approval of the Planning Commission in accordance with the requirements of Section 35-48 of the Zoning Ordinance. A copy of that section of the Ordinance is attached with the staff report.

The Applicant, Dave Deering, of Flagstar Bank, indicated he would be here at this evening's meeting to present this request to the Commission.

Chairperson Crutcher asked if the Applicant was in attendance.

Roger Briddick, from Archer Sign, stated he was present to represent Flagstar for this item.

Chairperson Crutcher asked him to come to the podium.

Roger Briddick, representing Flagstar Bank, came to the podium.

Director Christiansen indicated there was a lot of information included with the staff report and packet. He asked the Petitioner if he wanted to present that information and the background.

Briddick stated they're proposing an accent band around the building and they are looking just to beautify the building, adding a little bit of light around the building. It is not an exposed light, it is not an exposed neon, it is well enclosed in a cabinet and he provided a sample of the face material to the Commission and pictures of some previously installed units that have been installed around the Metro Detroit area. He provided a colored rendering as well. He stated it will wrap around almost the entire building and stop before the drive-thru lane. He stated they are proposing an accent band around almost the entire building, and he doesn't believe there is a band around the drive-thru area.

He addressed the photo on the screen depicting the proposed lighting, and indicated it is a red band that is fourteen inches tall and presented the style material to the Commission they use for the cabinet which holds the light in quite well. There is no exposed light that reaches the outside, so it's well subdued, less light than most signs you'll see on businesses around the community.

He presented pictures of some that were installed to show the illumination in the evening as well as pictures of daytime views. He stated they feel it is subdued lighting, adds class

to the building and gives a good accent band around the building using enclosed, lower voltage LED lights.

Chiara asked if the lights will be on when the bank is closed and Briddick responded they are on during the evening but off during the day, so they would be on during evening hours starting from nighttime through the morning.

Gronbach stated he didn't see a site plan included in the packet and questioned the Petitioner if there are residential properties that abut the property and Briddick responded that the pictures show the building and he is not certain if there are residential properties beyond that.

Perrot stated there are two houses across and behind.

Director Christiansen put an aerial photo on the screen and stated it is part of the Petitioner's package showing the subject property. This is a site that has three street frontages, Orchard Lake and Grand River, two major thoroughfares, as well as the subdivision street which Perrot mentioned which is Violet Street in the Floral Park Subdivision that's adjacent to the east. He stated it's actually not directly adjacent, there's a green space that's right in between that's actually a separate parcel, you'll see a driveway access that does come off of that a little bit and then to the north, so there is that access out of that point. But it is a commercially zoned piece of property, the intersection primarily on the northeast corner of Orchard Lake and Grand River.

Gronbach followed up by asking the Petitioner if the other locations where they have installed these, were they done completely around the building, or would it not extend in the back if it abutted a residential property.

Briddick responded that they have installed these in several cities across Southeast Michigan and whether they wrap around the building or not depends mainly on the construction of the building and the architecture, whether the building lends itself to wrap all the way around it. They also look at whether customers are going to be driving around the back for continuing it, so they see this lightband fully.

Director Christiansen put on the screen the first graphic the Petitioner had in their packet of information, it does show a location then numerically portions of the band as proposed and it is intended around the complete perimeter, the exterior of the building which is shown on the screen. He stated the dashed line is the drive-thru portion so it is intended around the entire perimeter of the building.

Gronbach asked if the photos are of the actual building with the mockup of the red and the Petitioner responded yes, it is the actual building and the red is the rendering, those are not existing, he said primarily there is a brown or tan façade around the building now.

Chairperson Crutcher asked if this is part of the branding of Flagstar Bank and Briddick responded yes, that Flagstar wants to accentuate and beautify their buildings, that this type of accent bands are starting to become popular on businesses, to give a little bit of accent to the building and that's what they're trying to do to some of their buildings. Whether or not the building will accept it or not depends on the architecture but a lot of their buildings are very similar by the same architect. He stated in the photos that he passed around there are three or four locations that you see that they installed in Troy, in Ann Arbor, in Shelby and in Sterling Heights.

Gronbach asked if the proposal is to put the lighting underneath the overhang of the drive-thru area and Briddick responded yes, there is no lighting on the drive-thru area, it goes underneath of the drive-thru area.

Chairperson Crutcher confirmed that this proposal is being submitted as a lighting petition and not signage and the Petitioner responded yes, it doesn't have any branding with Flagstar Bank on it, it's just a simple accent band around the building that you can see across the nation on any building.

Director Christiansen stated what might be helpful to the Commission is to bring up on the screen the section of the ordinance that the Planning Commission is being asked to consider this evening. As indicated in the staff review, exterior lighting for nonresidential uses is subject to review and approval of the Planning Commission in accordance with the requirements of Section 35-48 of the Zoning Ordinance. So in looking at that section of that zoning ordinance, Chapter 35, Section 35-48 Exterior Lighting, and what it states is that all exterior lighting including freestanding poles and building mounted lights shall be fully shielded, directed downward to prevent offsite glare on streets and adjacent properties. Lighting shall be as such that lighting does not produce any glare which is a nuisance or annoyance to residents or occupants of adjoining premises or to the traveling public on public highways. There's some specifics in terms of the intensity and types of fixtures, some requirements and some maximums in terms of intensity, number of foot candles, also to the type of fixtures for lighting as well. If you go to Subsection F of Section 35-48, it speaks to Luminous Tube (neon), and Exposed Bulb Lighting (for Non - Single Family Residential Uses), Luminous Tube (neon) and Exposed Bulb Fluorescent Lighting is prohibited as an architectural detail on all buildings, (e.g. along the roof line and eaves, around windows, etc.) The Planning Commission may approve internally illuminated architectural bands when such bands will enhance the appearance of the building. Luminous Tube (neon) and Exposed Bulb Fluorescent Lighting is permitted as

a part of a sign meeting the requirements of Chapter 25, Signs. This is the section of the ordinance which gives the Planning Commission the latitude to consider, with a site plan being submitted as has been done, and an application as required also provided, consideration of an application and the plan as proposed in accordance with what the Petitioner is proposing. So it's a responsibility as requested by the ordinance and the Planning Commission to consider.

Majoros inquired from the Petitioner and Director Christiansen as well, when talking about foot candles and things like that, it sounds like brightness, and how do they know the intensity because this is a big 14-inch red band and Christiansen replied there will be a limitation and this limitation which goes back to the page 21-62 which is the first page I showed you, when they applied for their permit for construction if this were to be approved, that standard will be reviewed as part of any permit process.

Gronbach asked the Petitioner if this proposal meets the requirements of 0.5 footcandles as permitted, maximum of 0.5 footcandles permitted on the property line, one (1) footcandle at any property line, ten (10) footcandles, at the site and Briddick replied that it would meet the requirements. He went on to state these lightbands are subdued lighting rather than regular signage. Regular signage has a polycarbonate phase that is more luminated than a red vinyl that we are covering these with. We don't want to overview the signage, it's simply an accent band rather than drawing attention to a name, so we do meet the requirements and we will follow through once we get through your committee to put in a sign application as well.

MOTION by Majoros, seconded by Perrot, to move to approve the Petitioner's recommendation for installation of exterior building façade lighting at the Flagstar Bank located at 31230 Grand River Avenue, that the site plan be in full compliance with the City's Zoning Board Code as referenced, to ensure compliance with the footcandle lighting as outlined the Zoning Board Requirements.

Director Christiansen offered a Friendly Amendment to the motion by Majoros, seconded by Perrot, to include the application and plan set submitted by the Petitioner with the initial date of 12-8-17 and a second revision date of 6-13-18.

Majoros accepted the Friendly Amendment.

Motion by Majoros, seconded by Perrot, to move to approve the Petitioner's Application for installation of exterior building façade lighting at the Flagstar Bank, located at 31230 Grand River Avenue, that the site plan submitted by the Petitioner with the initial date of 12-8-17 and a second revision date of 6-13-18, be in full compliance with the City's Zoning

Board Code, as referenced, and to ensure compliance with the footcandle lighting as outlined in the Zoning Board Requirements.

A roll call vote was taken on the foregoing resolution with the following result:

AYES: Chiara, Crutcher, Gronbach, Kmetzo, Majoros, Perrot

NAYS: Waun

Chairperson Crutcher declared the resolution adopted.

PUBLIC HEARING AND CONSIDERATION OF A SPECIAL LAND USE AND SITE PLAN REVIEW FOR PROPOSED OUTLOT BUILDING WITH DRIVE-THRU – WORLD WIDE CENTER, LLC, 34701 – 34801 GRAND RIVER AVENUE

Chairperson Crutcher introduced this agenda item and turned it over to staff.

Director Christiansen stated this item is a Public Hearing and consideration of a Special Land Use and Site Plan Review for a proposed outlot building with a drive-thru for the World Wide Center, located at 34701-34801 Grand River Avenue.

The Applicant has submitted plans for a 1,700 square foot, one-story outlot building with a drive-thru to be constructed on the east end of the existing parking lot of the existing shopping center. The existing commercial site is zoned C-2, Community Commercial. Drive-thru establishments are a Special Land Use in the C-2, Community Commercial District and require a Public Hearing and Site Plan Review. The Planning Commission scheduled the required Public Hearing and Site Plan Review for this evening.

The Applicant had requested and appeared before the Planning Commission as you may recall previously at the June 11th, 2018 meeting for consideration and review of their preliminary site plan for the proposed outlot building with drive-thru and other improvements to the existing shopping center building and site. Minutes from that June 11th meeting are attached with your staff packet. No action was requested or taken by the Planning Commission at that meeting.

As proposed, the 1,700 square foot outlot building with a drive-thru will result in reduction of the center's existing parking by 37 spaces. The Applicant is also proposing a reduction in the number of required stacking spaces for the drive-thru from ten (10) as required, to seven (7) stacking spaces. Both of these reductions or variances were requested and approved by the Zoning Board of Appeals at their July 11th, 2018 meeting and a copy of the minutes from that meeting are attached with your staff packet.

OHM Advisors, the City's Planning and Engineering Consultant, has reviewed the Applicant's submitted plans and has provided both Planning and Engineering review letters and those letters are attached with the staff packet as well.

The Applicant is in attendance this evening at the meeting to present the Special Land Use request and Proposed Site Plan to the Planning Commission. The requested action of the Planning Commission is to review the submitted Special Land Use and Site Plan for the Proposed Outlot Building with drive-thru at World Wide Center.

Chairperson Crutcher thanked Christiansen for the introduction and called Matt Parks, OHM Advisors, to the podium.

Matt Parks, OHM Advisors, came to the podium. He stated that both the Engineering and Planning Review letters should be in the Commissioners' packets.

He started with the Engineering Review which he stated in general they had five site plan comments and offered up some preliminary detailed engineering comments. The plan set did not have a lot of details as far as utilities and infrastructure improvements, but it did do a good job of laying out the site. They had some comments they feel should be addressed, but none of them should be considered as major show stoppers. The existing sidewalk and sidewalk ramps stretching along Grand River Avenue, you can recall there's three curb cuts along Grand River, one on Whittaker, the sidewalk cuts across the Grand River frontage, that they are recommending that sidewalk ramps and sidewalks that are along frontage of developments that are being improved, be brought up to ADA compliance in making sure no trip hazards or anything that would put that sidewalk out of ADA compliance be addressed.

There is a representation of a dumpster on site and some curb details, they feel the Applicant should include a turning template just showing how a garbage truck could navigate and pull up and collect garbage and then exit the site. They feel there is adequate room but they would want the Applicant to demonstrate that a little bit better on the plans.

Overall, they feel with the addition of a building and the parking lot as an outlot, they did a good job of allowing for proper circulation around that outlot, even with the drive-thru, and they have eliminated one of the dead end rows of parking. If you can recall, the current striping of the parking comes from the drive aisle in front of the existing building right to the back of the curb that is close to Grand River, allowing for some dead ends. So in the area where the building is is actually going to allow better circulation, they eliminated one of those dead ends to allow ingress and egress out.

Overall, even though they are losing a couple parking spaces, they support the fact that the parking might not be to Code but based on the existing usage now, based on existing parking, that this site sees, we feel like the circulation actually would increase the ability to get to some of those hard to get to spots and actually increase overall usage of the site.

They did recommend that there's some signage added to make sure that visitors or people navigating the parking lot aren't going the wrong way through the drive-thru just to avoid any unnecessary accidents.

There is an existing bollard in close to the building near the Whittaker Drive entrance where they feel is impeding some of the ingress/egress out of that drive and they think that should be dealt with as part of this.

Preliminary engineering comment details he won't go into them unless the Commission wants additional information, but they feel the primary thing that needs to be looked at as this moves forward, is utilities, the site, the whole building that is being proposed is on top of the existing stormwater infrastructure, so there's going to have to be some utility relocations in there and the Applicant is going to have to better depict on those final construction drawings how the drainage is actually going to work.

In general, there is an existing stormwater management on site, but this plan lacked a lot of the details but it's not impossible for them to get something that would be per their engineering standard.

Overall, after we list those, we have necessary permits and approvals that they've got to obtain including a permit with the City Building Department.

Definitely there are some things that need to be cleaned up and addressed, but as far as how the building sits on the site, the layout, and the overall approach to dealing with some of the items included in the Planning Review, from an Engineering standpoint they feel this site could move forward, again, contingent on those items being addressed.

As far as the Planning Review, they do feel it meets the Land Use Requirements and Special Land Use Requirements that Mr. Christiansen brought up in the summary and the ones that were approved by the ZBA. There are quite a few items that needed to be addressed and maybe the Applicant can shed some light on some of these. In their opinion there are quite a few things that need to be added detail to, it's just a matter of understanding how they want to approach it, and again, they don't feel any of the things are insurmountable, just additional details needed.

On the second page of their Plan Review Report they have the existing site, it shows the 3.18 acres, zoned C-2, an outline of surrounding properties and how it fits within that site. There is an overall matrix, a land use matrix, showing how it meets or agrees with the existing zoning ordinance and the Farmington Master Plan.

At the bottom of page 2, they get into the zoning and that really hits on the drive-thru. In order for them to meet that Special Land Use, there's certain elements that the site has to meet and they were outlined in Items A through F on page 3. Those things are sufficient stacking, which has already been presented and discussed by the ZBA, but that would be ten spots versus seven stacking spots for the drive-thru. A by-pass lane has to be provided around the drive-thru window. Additional parking space requirements for a restaurant in Farmington, at least three parking spaces shall be provided in close proximity, and that's typical of drive-thru types of restaurants, for pull ahead orders or to speed up the line. Direct vehicular access connections with adjacent commercial developments shall be provided. Proposed clearance of the canopy and then also outdoor speakers for drive-thru shall be located in a way that minimizes the sound transmission.

The letter outlines the fact that the variance was granted at the ZBA for the stacking spaces and the proposed shows seven instead of the ten, and they do ask for clarification on how the proposed design addresses the inclusion of the three additional parking spaces, there are additional parking spaces out front that can be utilized, they are just looking for additional clarification from the Applicant on that.

They also recommend that future submittals clearly outline any canopy clearance issues and give a little bit more detail on the outdoor speaker location, there's a depiction of what appears to be a speaker but not clearly labeled, so more detail there is needed.

Landscaping is probably the thing that needs the most work, time was spent at City Hall with Mr. Christiansen and they looked at the existing site plan and they spent time looking at the existing ordinance and the original site plan that was approved and comparing what's their today to that. In their review they broke it up into frontage landscaping along Grand River and Whittaker and also internal parking lot landscaping. What was submitted on both accounts falls very much short of what is required. The Applicant is actually proposing to take down several or most of, fifteen out of the sixteen existing trees along Grand River, they have no problem with that but they feel that replacement trees and additional landscaping needs to be added for screening purposes and to be in compliance with the ordinance. They did outline that if visibility for the shopping plaza is important and that's why the Applicant doesn't want to have the trees, that ornamental trees can be substituted at a two to one ratio. And they also indicate that alternatives such as a brick street wall or hedgerow or a landscape terrace of some sort be put in. So we really feel

that's an important aspect to the site. And not only along Grand River, but also along Whittaker, to help screen the new building as well as the existing.

He stated that they understand and agree that additional landscaping could be put on the interior site, but that would probably come as a sacrifice to additional parking spots lost, there are several existing islands along the ends of the parking rows on site, we feel that those can be enhanced as well as foundation plantings or landscaping in and around the building, there are not a lot of details shown on exactly what's proposed there. But we feel there's adequate space to enhance that area and help screen the building from both Whittaker and Grand River.

Overall, the space exists to enhance those, I think the landscaping plans need quite a bit of love on this site.

For parking, we basically indicate what Mr. Christiansen stated, that they are 37 spots short, but they do agree that some of the reduction of spaces was to improve vehicular circulation and by increasing the vehicular circulation, I mentioned it before in the Engineering Report, we feel that access to some of those sites, some of those parking spots that might not be directly in front of the stores people are visiting, will be more accessible and allow for easier parking and better overall navigation of the site.

Signage, signage requirements were outlined in the area of 40 square feet per sign, a total of 80 square feet, they believe what the Applicant submitted was in excess of that and as well as what's proposed is higher than what's allowed and they feel that needs to be addressed.

The overall building design in general is as it currently stands, they feel a little more attention and detail should be given to the Whittaker fronting side and then additional information as outlined in the three bullet points on page 4 of 4, plans for adequate screening of mechanical equipment. A little bit of clarification is needed on the intended use of patio space, that the Applicant should better document that on the plans as to what their intentions are there. And also a schedule of materials and some additional façade samples are encouraged for future submittals.

He went on to state just so we have a good understanding of lighting impact, they would recommend and require a photometric plan be submitted with future submittals.

Again, quite a bit of rough outlines that they feel the Applicant should address, but none of these items, in their opinion, are necessarily showstoppers. These are items that are typical of preliminary planning and engineering review, but that they would like to see these things addressed as the plan moves forward.

Scott Monchnik, architect for the project, came to the podium. He stated that Mr. Christiansen has laid out precisely what they are looking to do and they have been before the Commission for preliminary approval.

He stated he'd like to go through some of the items from the OHM review and try and shed some light on how they plan to address those items.

Starting with the plan review portion of it, starting with the by-pass lane, there's enough room to by-pass here because the pick-up window is far enough back that cars will be able to alternate through and nobody will get stuck if they choose the by-pass.

One of the other additional items was the three parking spaces for the waiting to go orders, we feel that the additional spaces over here that they can come through here, and someone from the store can come out and give them their food.

He continued that the by-pass lanes, there's enough width to allow cars to go by and the take-out window is far enough back that cars will be able to alternate through.

In terms of the waiting spaces, they feel that these spaces over here, that the drive-thru person can come out and hand them their product and then they can leave out anywhere else on the site.

The proposed clearances on the canopies, that will be clarified on the building permit, those plans. And even on the preliminary plans it shows the canopies that are up above the pitch but not above the top of the building.

The outdoor speaker, so is where you will do the ordering, any sound then would be going in a directional path into the building so there should this outdoor speaker, any sound then will be going directional into the building so there will be nothing going in the adjacent neighborhood.

Going into the landscaping items, we in the past proposed the removal of the trees and we have suggested some low shrubbery and shrubbery here for screening, and shrubbery to screen the drive-thru and we will be providing a full landscape plan and at that time we can work through any landscaping issues.

The same thing with the signage, I understand will be delivered as a separate package to the City for a building permit and the signage will meet the requirements or come in as a separate variance that they will address as a separate item.

The additional items were the screening of the mechanical equipment and that will be addressed on the building permit and meet the screening requirements.

A clarification for the patio, that will also be clarified with what materials and how it's intended to be used.

And then the schedule of materials on the outlot, designations of what the materials are stone, and E-F-S and on the building façade there are indications of what materials they are but we will be providing percentages and samples as requested.

The site lighting, we will provide a photometric plan to indicate all the lighting levels and showing that they meet the requirements of the footcandle.

Moving onto the engineering portion that the gentleman from OHM was discussing, this is the dumpster enclosure and we intend it to be that the dumpster truck could come in and turn around to get it and then leave or come in and go around to get it and back up and leave, so there's a number of ways for him to come in and pick up the trash and then leave without causing any kind of havoc on the site itself.

We went through a lot of discussions with the parking rows. This is our current layout, so we did not change them, this is what the gentleman from OHM was discussing, is that we increase the circulation through here. Because of the amount of parking we needed for a variance and was granted for a variance, we strongly suggest that we leave the parking spaces the way they are, and if in fact, the mall is not filled up these will be able to be circulated.

One of the other comments was about the wrong way signage clarifying how you get in and out of the drive-thru and we'll provide the striping, arrows, signage that's required to make it very clear how to circulate through the property.

And then the existing bollard is around this area and we have no problem taking that off.

The rest of the items from OHM were really discussing water management engineering and we will have civil drawings addressing calculations of water that's circulating on the site, management of that water and we intend to make it no worse and if possible, make it better. That should cover all of the items.

Chairperson Crutcher opened the floor up for questions from the Commissioners.

Gronbach asked for an update on the items that were brought up in the June meeting, comments about the parking lot improvements, concrete curbs around the islands, the correct landscaping for those areas, a better job of repairing and redoing the parking lot as needed; does the new site plan reflect all of those changes, all of the things that were discussed?

Monchnik replied that yes, it states here that it talks about the asphalt being patched or repaired, regraded where needed. The curbs are all going to be repaired or replaced. Additional landscaping is going to be added on all of the existing islands.

Gronbach asked if the curbs are going to be concrete and Monchnik replied if that's a mandate they will do concrete but right now they're asphalt and we will patch or repair them or concrete if that's a mandate.

Gronbach stated he believes the Code calls for concrete curbing and those old asphalt curbs have gotten beaten up continuously over the years. Monchnik then stated they will provide concrete curbing.

Monchnik pointed out the additional new lighting areas, there is an existing one and the rest will be new. There's site lighting at Grand River now on those poles that shine way beyond the property and all of those will be coming out and replaced with new lighting, so that lighting issue should go away. And the parking lot will be cleaned up, the curbs will be cleaned up, the site lighting will be better and that's pretty much it.

Crutcher stated he has a question on the building itself, the outlot building, the exterior cooler, is that going to be an outside cooler and Monchnik replied it is entered through the building but it will have an exterior wall on it. Crutcher then asked if the walls would match the building and Monchnik replied that the finished materials will match.

Chiara stated that it says that new roofing will be provided for the building and Monchnik replied the entire building is going to be re-roofed.

Waun asked if any consideration had been given to the level of signage in each individual window of each business since they are substantially upgrading the building to a much better look than it is now and yet each individual business the majority of their windows is layered with posters and asked if there had been any consideration given to limiting each business and the amount of signage they can put in their windows.

Monchnik answered that he doesn't have a good answer for the signage in the windows but the signage that is on the canopies right now, that will come off and be replaced in time and meet all of the signage requirements from the City. As far as the actual window

signs, he doesn't know the sign ordinance verbatim but they will meet what is required. So if it is required that the landlord limit what they're allowed to do, if it's per the ordinance, they will abide by the ordinance.

MOTION by Chiara, seconded by Majoros, to open the Public Hearing.
Motion carried, all ayes.

(Public Hearing opened at 8:47 p.m.)

PUBLIC HEARING

Chairperson Crutcher stated the Public Hearing is now open and anyone wishing to comment on this agenda item, there is a form to fill out and they will be called up.

Robert Kull, 23917 Whittaker Drive, came to the podium and stated he lives three houses down from World Wide Center. He stated there is some concern about the plan, surprisingly from somebody like himself who's three houses down and come through the neighborhood. This is a neighborhood zoned R-1-C which is Residential Country Estates, so we have nice big lawns with patios so we can go out and enjoy it in the evening. Currently, and I understand the plan is supposed to be addressing this, but the lighting is coming in over the building and shining in our backyard. I understand this is going to be resolved so that's great. These lights have been up there for five years or more and they're not to Code, it's been pointed out numerous times and it's never been resolved. That just leads me to not have a lot of confidence in some of the things being followed through with unless they're actually nailed down here at the Planning stage and that's why I'm here today, just to make everyone aware of some of these issues.

One of them is the drive-thru because that's what I'm here today for, a Special Land Use Permit for a drive-thru. This property is zoned C-2, Community Commercial, and that zoning requires that there be a harmonious use, it's harmonious with the surrounding uses including the back neighborhood. So what I'm concerned about is the drive-thru speaker, the noise from the speaker. I'm not a sound engineer, I'm not a photometric engineer either, so I don't know what the latest standards are but I know the light shines in my backyard. I don't know what the standards are for the sound, I don't know that anybody here really does but what I'd like to see is there be some sort of requirement that the sound doesn't carry back into the neighborhood. Sound can do that. Light I can understand it travels at a straight line so you can kind of see where it's going to go. The sound could bounce off other buildings and make its way back. So I don't know if there's some sort of diverter, like there is for the lights that could make sure that the sound stays within the commercial area there.

Also, with the Special Land Use Permit there is an allowance for or a requirement so to speak of not having early morning or late evening hours of operations, that's part of the Special Land Use Permit to allow a drive-thru in the C-2 District, and I haven't heard any discussion of anything in the plans about hours of operation. And maybe it's not an issue but this is currently proposed a Tropical Smoothie Café, it doesn't always have to stay that way. Once you build a building and install these things, they can be used for another purpose and maybe the noise will be there and the hours of operation I think become important.

Also, with the traffic, I've raised this issue before, and I don't see that we've had a traffic study. I know OHM did a report but I didn't see anyone counting cars and I was out there on Friday, went to grab a lunch at Panera, there were no spots at Panera, people were parking – I know folks over at World Wide might not like this – but they were parking in the World Wide Center and then walking across the street to go to Panera, plus there were four cars parked on Whittaker and there was a semi-truck that was trying to get in and out to do a delivery at the front there of the World Wide Center. There is a lot of traffic there, you're going to reduce the parking by 37 but with the additional building it's really 45, there's going to be less parking and there are times when that is full and presumably there's going to be good business at these establishments and it's going to be even more full.

So, I've got two concerns. One is parking on Whittaker because there will be overflow parking, it's just kind of defacto because you can't park on Grand River, the only place to park is going to be on Whittaker, on Whittaker Drive and Whittaker Court and I don't know what the City can do in order to alleviate that. You know, I wouldn't like to have people parking in front of my house at all hours. They do. I get people that park there, they go to Panera, I guess, and they park in front of my house. But I see this being a problem in the future and then also it's going to be a lot of traffic coming out onto Whittaker, onto Grand River, so this is going to greatly impact that area. As you know we just lost a lane, the land diminishes, it stops at Gill and so you get a solid line of cars going eastbound and they go from two lanes to one lane which what that does is it doubles the traffic in the lane so it makes it very difficult to pull out when you're trying to turn left, now you've got kind of double. It's the same volume of traffic, but the frequency of these cars has now doubled, it's a 45 mile an hour speed limit right there, it's a potential for a real traffic issue. I understand there's a development proposed across the street in the Exotic Plastics, that's Farmington Hills, I know, but it's still Grand River. If they have traffic coming in and out of there, there's going to be traffic here. I think a traffic study would be welcome.

The landscape plan I see here looks kind of like desolation, as I understand it that's going to be something that's going to be addressed. Having grown up there, I know some things that maybe you all don't which is the World Wide Center does not take care of the

sidewalk, that means they don't shovel it. And so in the winter when they don't shovel it turns to ice, people walk in the snow it turns to ice, there's a bus stop there for the high school kids, they get a lot of traffic. And I'm concerned if we get a bunch of boxwoods there, they're going to get destroyed and then they're not going to get replaced.

Those are my concerns. There's an electrical box, I'm assuming it's not in the plans, but there's this electrical box with the wires hanging out of it, that there used to be a sign there. The sign got taken away but the electrical box and wires are still there. I'm assuming maybe this is the time where that box is going to be gone. Thank you.

Chairperson Crutcher stated there was one letter that was received from S. Bud Johnson and Ann Featherstone voicing their concerns about this project.

MOTION by Majoros, supported by Waun, to close the Public Hearing.
Motion carried, all ayes.

(Public Hearing closed at 8:57 p.m.)

Chairperson Crutcher stated they will now move on to the consideration for the Special Land Use and Site Plan and opened the floor for questions by the Commissioners.

Majoros stated through the Chair a question for Christiansen in regard to one of the comments from the public comment just heard, is there anything for parking down Whittaker, we know with the new Medilodge there's parking, it says no parking this side of sign, is there anything that exists currently or would be proposed for parking down Whittaker with a structure that will now chew up thirty some number of spots.

Christiansen replied there is nothing that has been asked by the community, there's nothing proposed that he's aware changing the existing parking restrictions or what is permitted on Whittaker currently that he's aware of. Anything that would change that would have to be proposed, a petition with the City, if you will, and a Traffic Control Order would have to be considered by City Council in order to change any existing conditions. I think you did hear that there's parking that currently takes place on Whittaker, so without having that specifically in front of me right now to look, I'm going to believe there's parking at least on one side of Whittaker and I would defer back to Mr. Kull if it was different. I think it is on one side.

Kull stated it is on both sides.

Christiansen said that's actually the same thing now on Gill Road adjacent as well, although there's some restriction up at the front. Again, if there's any interest in looking at those existing conditions or a proposal to change the existing conditions, either providing opportunity for parking or prohibiting parking, that will require a Traffic Control Order, and he is not aware of anything changing or proposing to change the existing conditions.

Majoros stated he doesn't think there's anything that would warrant such a thing at the moment but he wanted to make sure that that's something that is open for the future.

Christiansen stated there is a process and again if there's an interest in doing something like that, on a street, on Whittaker or any other street, the process is a Traffic Control Order, an amendment of the existing traffic order and again that is to be reviewed and approved by City Council.

Majoros stated another comment made in the public comment about hours of operation, do you assume that a business like this would have standard hours from 8:00 to something like that, but you can get Taco Bell at 2:00 in the morning, so how do we deal with what could be a subsequent tenant and to try to make sure there is appropriate control is in place for not necessarily who goes in but what the hours of operation are and asked Christiansen to enlighten them on that.

Christiansen said that that is a very important question and there were comments to that effect. The Planning Commission can require any conditions that it feels are necessary, reasonable conditions in considering, in this case a Special Land Use and a Site Plan for what is being proposed. And that can certainly include things like how a business operates, hours of operation included. So that's something they can consider and you can limit an operation to a time period for certain reasons, whether it's proximity of adjacent uses that might need to be considered, like residential uses directly behind a commercial shopping center, etc., etc. He stated the Planning Commission has that latitude to require conditions along those lines.

Majoros stated that the Petitioner has been talked to before about improvements to the overall structure, they spent a lot of their time talking about the out building and the issues associated, but is there anything that can be done from a conditional standpoint that the work to this plaza in its entirety is tied or I guess I would say conditions of approval of the out building are tied to the successful completion of the existing structure.

Christiansen stated that they've had the opportunity in the preliminary consideration of this item that was presented by the Petitioner previous and I mentioned that in the staff report, it was actually reviewed back at the June 11th meeting and at that meeting there

was discussion of the existing center and that discussion has been ongoing in this entire process. And in fact it was also a point of discussion when the Zoning Board of Appeals was considering the application and the request for variances in parking and in the stacking spaces. And if you've had a chance to review the minutes from the Zoning Board of Appeals and there is dialogue concerning that, and there might have been a comment earlier by the Applicant about the Planning Commission approving the preliminary plan, just to clarify for the record there wasn't any action taken at that time, that was a meeting requested for information and that's what happened. But there was dialogue about this existing center upgrade at that time and if you go to the Zoning Board of Appeals minutes from July 11th and if you look at the motion, you'll see in the motion which was to approve the variances that were requested that there were conditions in the motion that required certain elements of the existing property, the existing elements on the existing property, to be addressed as part of the approval of those variances by the Zoning Board of Appeals.

He put the page of the minutes on the screen that refers to those items and requires in the motion here as conditions in this motion for items in the existing center to be addressed that included a number of items, that Majoros mentioned the façade, but there were other elements as well on the site. So, that again has been an ongoing dialogue the City has had, administratively, from the onset when the owner of the property and the owners representatives engaged the City in discussion about their interest in the outlot with the drive-thru, again, that was also part of the Planning Commission's discussion on June 11th, it is here in the motion of the Zoning Board of Appeals that relates to the approval of the variances that were requested. And again, if you look in here, too, this is one of the findings that were made in the conclusions and conditions from the Zoning Board, Item No. 2, with A-G, then subsequent to that is the improvements to the existing building including new façade, new roof, shall be completed and Certificate of Occupancy for such improvements shall be issued for such existing building before any building permits for any new structure may be issued. So, again, the dialogue that's been ongoing has been all part of this and he's providing this information in response to you because it has been addressed administratively by the Planning Commission with the original presentation, by the Zoning Board, and I know that it's ongoing as part of where we're at right now, so it carries forward with everything that's been done to date and all of the discussions and then certainly here in the action by the Zoning Board of Appeals.

John Moran, on behalf of Worldwide, came to the podium. He stated a very important component in this, and they understand the issue there, with respect to sequencing as it was couched in the language right there, it's saying basically before a building permit could be issued, that that work be completed. What we really need is that work to be done concurrently so that we can deliver the building on time for our perspective tenant. So if we have after the other, it would push them past the time of delivery.

He went on to state to address your concern on the back end, our suggestion would be to make that as part of the scope of work that's issued for building permit concurrent for the new structure as well as existing. So, in the back end then the C of O's will be contingent upon the full scope of work rather than isolating one from the other. That would get us the ability to pull permits and do the work simultaneously without having to put them out of order. Based on the construction, the approval times and the things we're going to have to do for the civil work, finishing architectural and those plans, would extend the construction and development period considerably past where we need to be. So we understand the safeguard, they would just look for the accommodation that they could do it in both cases sooner than later.

Crutcher opens floor for a motion.

MOTION by Gronbach, supported by Chiara, to move to approve, with conditions, the Special Land Use application and final site plan of World Wide Center, LLC, to construct a 1,700 square foot outlot restaurant with drive-thru window at 34701-34801 Grand River avenue, located in the C-2, Community Commercial District. This motion adopts the findings of fact and recommended conditions as set forth in the two site plan review letters submitted by OHM Advisors dated October 3, 2018, and is more specifically based upon the following findings of fact and subject to the following conditions:

With respect to Zoning Ordinance Section 35-152, Standards of Approval of Special Land Uses, the proposed use or activity:

1. Is compatible with the goals, objectives and policies of the City of Farmington Master Plan:
 - a. The site plan promotes the renewal of a distressed property to ensure that it does not become a source of blight to the community, including the neighboring residential subdivision.
 - b. It promotes a diversity of services available to the nearby neighborhood.
 - c. The site plan orients the new drive-thru in a manner to minimize any negative impacts on the adjacent residential subdivision.
2. Will promote the intent of the zoning district in which the use is proposed:
 - a. The activity contributes to a mixture of businesses and services available within the C-2 zone and to the neighboring residential subdivision.

- b. The new drive-thru facility shares parking and access with the existing World Wide Center plaza.
 - c. The use is in harmony with adjacent uses, including the Panera Bread across Whittaker to the east.
 - d. The site plan is designed so as to minimize the impact of the development on existing site circulation and traffic patterns.
3. Will be constructed, operated and maintained so as to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed.
- a. The immediate surrounding area is developed as commercial, and a comparable fast-casual Panera Bread restaurant operates across Whittaker to the east of the site.
 - b. The site exists within a commercial area that acts as a buffer between the adjacent residential neighborhood and Grand River Avenue, and which provides services complimentary to the neighborhood.
4. Will be served adequately by public facilities and services, such as traffic operations along streets, police and fire protection, drainage structures, water and sewage facilities and primary and secondary schools.
- a. The site plan does not alter existing means of ingress and egress, internal site circulation patterns, or infrastructure that have proven to be adequate for the site, and which will not be significantly affected by the addition of the use proposed.
 - b. The SLU is contingent upon the applicant's submission of a storm water management plan acceptable to OHM Advisors and the City.
5. Will not involve uses, activities, processes, materials and equipment or conditions of operation that, in comparison to permitted uses in the district, will be detrimental to the natural environment, public health, safety or welfare by reason of excessive production of traffic, noise, smoke odors or other such nuisance.
- a. The proposal seeks to upgrade an existing facility so as not to become a nuisance, and the activities are designed to occur entirely within the site.

With respect to the specific special land use requirements for drive-thru facilities:

1. *Stacking*. Conditional on the Oakland County Circuit Court and/or any other court affirming the ZBA order of July 11, 2018 granting the applicant a variance from Zoning Ordinance Sec. 35-172, Off-Street Parking Requirements so as to allow 7 stacking spaces instead of the required 10, the stacking plan complies with Article 14.
 - a. The site plan provides that stacking will wrap around the proposed building within the World Wide Center site, and will not extend into or otherwise interfere with the public right-of-way.
2. *Bypass Lane*. The site plan provides a drive-thru bypass lane around the drive thru window.
3. *Waiting Spaces*. As a condition of this approval, the Applicant shall amend its site plan to provide for three (3) parking spaces, in close proximity to the exit of the drive-thru portion of the operation, to allow for customers waiting for delivery of their orders.
4. *Connections to Commercial Development*. The facility will be constructed as an outlet building within an existing commercial plaza, and the site plan provides for direct connections with the adjacent commercial development.
5. *Canopy*. The site plan does not provide for a canopy requiring review.
6. *Outdoor Speaker*. The outdoor speaker for the drive-thru facility is internal to the World Wide Plaza site, and is buffered from the adjacent residential neighborhood by the plaza's primary circulation route, the main World Wide Center building, and the alley separating the World Wide Center site from the neighborhood.
 - a. Use of the speaker is conditioned on compliance with all applicable City noise ordinances so as to protect the neighboring uses from excessive noise.

With respect to the standards for site plan review as required by the general special land use standards:

1. *Site Design Characteristics.*

- a. The proposed facility is scaled appropriately to fit within the existing site, and preserves existing parking lot aisles and means of pedestrian circulation within the site;
- b. The site plan does alter means of ingress and egress of pedestrian travel around the site, and therefore will not alter the traffic operation on adjacent streets.
- c. Both the drive-thru entrance and exit are oriented toward an existing curb-cut on Grand River Avenue so that drive-thru traffic is diverted away of the adjacent residential street.
- d. The development is an outlot of an existing shopping plaza and will not affect the development of its neighboring properties.

2. *Building Design.*

- a. The site plan provides for a modern building design that is compatible with and will enhance the surrounding neighborhood.
- b. The site plan provides for a comprehensive upgrade of the site that will represent a substantial upgrade to the esthetic experience of those utilizing or passing by the site, including those accessing the resident neighborhood accessed via Whittaker Street.

3. *Change of Use and Redevelopment.*

- a. The use is compatible with the existing C-2 Zoning and surrounding uses, including the Panera Bread across Whittaker to the east of the site.
- b. The location of the drive-thru restaurant and orientation of the drive-thru window and staking queue is designed to minimize the impact on the site as a whole and the surrounding property.
- c. Conditional on satisfying the items identified in the OHM Advisors site plan reviews dated October 3, 2018, the site will provide lighting and landscaping enhancements to enhance the esthetic appeal of the site and mitigate existing concerns about light infiltration to the neighborhood.

- d. The drive-thru project is a component of a comprehensive site upgrade to upgrade the building exterior.

4. *Preservation of Significant Natural Features.*

- a. This approval is conditional on the applicant submitting a revised landscaping plan to the satisfaction of OHM Advisors and the City.
- b. To the extent that existing trees or other landscaping are being removed, it is to eliminate features that are either nearing the end of their life cycle, interfering with utilities, and/or otherwise diminishing the esthetics of the site.

5. *Streets.*

- a. The site plan does not propose any modifications to streets, or any new curb cuts that would affect the adjacent streets.

6. *Access, Driveways and Circulation.*

- a. The site plan maintains the existing circulation plan that is designed so as to discourage through traffic, and maintains the existing ingress and egress points, which have promoted safe and efficient traffic operations within the site and at its access points.
- b. The site plan indicates that all driveways will meet the design and construction standards of the City, and this motion is conditioned on compliance with all applicable codes and ordinances pertaining to site construction.
- c. Access to the site is through pre-existing curb cuts, and therefore will not alter the existing traffic circulation around the site, including existing ingress and egress patterns in relation to the adjacent streets.

7. *Emergency Vehicle Access.*

- a. The proposed building does not interfere with the through aisle adjacent to and serving the primary World Wide Center building.
- b. The site plan provides for a bypass around the drive-thru stacking area and around the entire building.

8. *Sidewalks, Pedestrian and Bicycle Circulation*

- a. The site is fully integrated with the surrounding area and City's transportation system, and does not affect existing means of pedestrian and bicycle circulation.

9. *Parking.*

- a. The applicant has sought and received a variance from Zoning Ordinance Section 35-206 to expand the plaza's parking variance. The Board of Zoning Appeals decision is presently being appealed to the Oakland County Circuit Court. This SLU, and specifically the site plan review parking requirement, is conditioned on, and will be satisfied upon, a resolution of the Oakland County Circuit Court action, and any subsequent action, in favor of the City.

10. *Loading.*

- a. Loading and unload plans shall be provided by the applicant to the OHM Advisors and the City's satisfaction.

11. *Waste Receptacles.*

- a. This approval is conditioned on the Applicant providing details regarding how a garbage truck will access the proposed dumpster location to OHM Advisors and the City's satisfaction.

12. *Lighting.*

- a. This approval is conditioned on the applicant submitting a lighting plan that meets all applicable code requirements, the satisfaction of OHM Advisors and the City, and is designed to eliminate or minimize to the fullest extent possible light intrusion into the adjoining residential neighborhood.

13. *Mechanical Equipment and Utilities.*

- a. This approval is conditioned on the applicant submitting revised plans screening mechanical and utility equipment as identified by OHM Advisors.

14. *Landscaping*

- a. This approval is conditional on the applicant submitting a revised landscaping plan to the satisfaction of OHM Advisors and the City.

- b. To the extent that existing trees or other landscaping are being removed, it is to eliminate features that are either nearing the end of their life cycle, interfering with utilities, and/or otherwise diminishing the esthetics of the site.

15. *Utilities and Stormwater Management.*

- a. This SLU and site plan approval is conditioned on the applicant's submission of a stormwater management plan that demonstrates onsite drainage and best management practices, to the satisfaction of OHM Advisors and the City.

16. *Noise.*

- a. Operations at the site plan are conditioned on compliance with all applicable noise regulations.
- b. The proposed drive-thru speaker is positioned such that it is buffered by from the nearby residential neighborhood by the primary World Wide Center plaza building, in addition to the plaza's access aisle and an alley to the south of the plaza building.

17. *Other Agency Reviews:*

- a. This SLU and site plan approval is conditional on receiving any and all other agency reviews and approvals identified by the City, OHM Advisors, or as may become necessary during the course of construction.

This motion is conditioned on the following:

1. All court actions related to the required variance of Zoning Ordinance Sections 35-206 and 35-172(1) that were approved with conditions by the ZBA at its July 11, 2018 meeting must be resolved in a manner that allows those approvals to take effect, such as through a court order affirming the ZBA's decisions, or otherwise dismissing the appeal in favor of the City.
2. The applicant shall submit revised plans and/or other documentation to resolve all outstanding matters identified in the Planning and Engineering site plan reviews of OHM Advisors, dated October 3, 2018, to the satisfaction of OHM and the City.
3. The area identified as "proposed patio" shall not be converted to an outdoor dining area or used for food service, but may be used for limited seating for patrons who place and pick-up a carry-out order inside.

4. The improvements to the existing building (including the new façade and new roof shall be completed and a certificate of occupancy for such improvements shall be issued for such existing building, before any building permits for the new structure may be issued.
5. The landscaping improvements, lighting improvements, and sign improvements shall be installed and complete before any temporary or final certificate of occupancy for the new building are issued.
6. The City Administration may, at its sole discretion, accept performance guarantees in the form of cash or letter of credit in an amount sufficient to secure the completion of the improvements to the existing building if the applicant requests building permits of the new building before completing improvements to the existing building.

Kmetzo asked that a Friendly Amendment be made to the motion that the façade of each individual tenant be brought up to acceptable standards of the Code of the City of Farmington; and that the hours of operation shall be in harmony with all other existing businesses and surrounding area.

Gronbach accepted the Friendly Amendment.

A roll call vote was taken on the motion made by Gronbach and supported by Chiara, with the following result:

AYES: Chiara, Crutcher, Gronbach, Kmetzo, Majoros, Perrot and Waun

NAYS: None

Chairperson Crutcher declared the resolution adopted.

PUBLIC COMMENT

None heard.

PLANNING COMMISSION COMMENTS

Chiara asked if anyone knew what the hours of operation are of Tropical Smoothie and Waun responded 7:00 a.m. to 10:00 p.m.

ADJOURNMENT

MOTION by Majoros, supported by Chiara, to adjourn the meeting.
Motion carried, all ayes.

The meeting was adjourned at 8:27 p.m.

Respectfully submitted,

Secretary