

FARMINGTON PLANNING COMMISSION PROCEEDINGS
City Council Chambers, 23600 Liberty Street
Farmington, Michigan
March 9, 2015

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

ROLL CALL

Present: Babcock, Bowman, Buyers, Crutcher, Gronbach

Absent: Chiara, Majoros

A quorum of the Commission was present.

OTHER OFFICIALS PRESENT: Director Christiansen, Building Inspector Koncsol

Caitlyn Malloy-Marcon, LSL Planning

APPROVAL OF AGENDA

MOTION by Crutcher, seconded by Buyers, to approve the agenda as submitted.

Motion carried, all ayes.

APPROVAL OF ITEMS ON CONSENT AGENDA

A. February 9, 2015 Minutes

B. February 25, 2015 Special Meeting Minutes

Motion by Buyers, seconded by Crutcher, to approve the items on the Consent Agenda.

Motion carried, all ayes.

SPECIAL LAND USE AND SITE PLAN REVIEW – DUNKIN DONUTS - 20788 FARMINGTON ROAD

Chairperson Bowman introduced this agenda item and indicated that there will be a Public Hearing on this as well as site plan review this evening. She also stated that Commissioner Buyers is representing the seller of the property and after speaking with the City Attorney it was advised that he recuse himself from this agenda item.

MOTION by Gronbach, seconded by Crutcher, to recuse Buyers from this agenda item.

Motion carried, all ayes.

(Commissioner Buyers recused himself at 7:03 p.m.)

Director Christiansen indicated that this is a Special Land Use and Site Plan Review for Dunkin Donuts, 20788 Farmington Road, which is the site of the former Big Boy Restaurant. He stated that the new owner has submitted plans for a new Dunkin

Donuts to be put on this site with a drive-thru which is zoned C-3, General Commercial, and restaurants with a drive-thru are classified as Special Land Use in the C-3 District and require a Public Hearing and Site Plan Review.

He stated Vijay Patel, on behalf of Dunkin Donuts, has submitted a site plan for the redevelopment of the former Big Boy Restaurant site, which includes a final site plan, a proposed floor plan, proposed building elevations and color renderings. There is also an aerial photo of the site, as well as a site plan review letter from LSL Planning dated 3-6-15 and a site plan review memorandum from OHM dated 3-5-15. He indicated the Applicant is present for questions by the Commission and the requested action of the Planning Commission on this item is to hold the required Public Hearing and to review the submitted Special Land Use Application and Site Plan Review for Dunkin Donuts.

Caitlyn Malloy-Marcon, LSL Planning, came to the podium and explained the General Requirements for the Special Land Use, citing the six standards and indicated that it did meet all six of the requirements for the General Requirement Section. As far as the Special Land Use Drive-Thru Requirements, six were cited, and she stated the first is sufficient stacking capacity, Article XIV requiring ten stacking spaces from the area where you give your order and the site plan shows only three from order placing, seven altogether, creating a deficiency in the requirements. The second requirement is a bypass lane which she indicated the site plan does depict same. Parking space requirements for a restaurant drive-thru service, three are required for cars in waiting, and the site plan does so indicate. Four, vehicular access connections on adjacent commercial developments shall be provided where feasible as determined by the Planning Commission, she indicated there are none shown or proposed, but since the existing building is being kept where it stands that requiring such would present deficient parking and therefore none is required. Proposed clearance of canopy is not an issue as it is lower than the principle building. Outdoor speaker details were not provided and she asked for same.

Regular site plan review did find that the building footprint is remaining the same, with the only changes being to the exterior appearance. The building material will be predominantly brick and glass and some metal accents. The only issue with these elements was the accent color, where the ordinance asks for natural earth tones and the Applicant presented with an orange color. She stated the proposed exterior building looks better than what it is in its current state and all materials suggested are good choices. Traffic patterns would be similar to those created from previous use and does not negatively impact the area. Parking requirements of eight spaces plus ten stacking spaces are lacking in the stacking area for the drive-thru and second tenant space requirements are thirty-one where thirty-two are provided. She also addressed the outdoor table and parking requirements. The handicapped accessible spaces were also requested to be moved as well as the ramp. She addressed the access points and the feasibility of having one access point as opposed to two.

She discussed the landscaping issues and indicated what is proposed will be a great improvement over existing. Circulation was also discussed and exterior lighting details were not provided and she asked for same.

Sign location and pictures of the wall sign were provided but not detailed as to size and materials and she asked that be provided as well.

Waste receptacles were shown to have two on the east property line and details of enclosure were not provided and she asked for same.

She summarized her report by saying there are six items that require further action on and detailed those to the Commission.

The floor was opened up for questions from the Commissioners. Hearing none, the proponent came forward. Dan Merritt, 9030 General Drive, Plymouth, Michigan, addressed the Commission on behalf of his client, Vijay Patel, seeking Special Land Use Approval for the drive-thru. He addressed the issue of stacking and asked what was required for variance on same.

Christiansen responded and stated that they felt comfortable that what was proposed was sufficient.

Merritt also addressed the drive proposed on the north side of the site to Chesley and Christiansen responded that that drive was part of the original site plan and it does serve the site well and presents no negative impact and further discussion was held.

Crutcher asked about the clearance between the parking at the east side of the building in the back and the drive-thru being 15 feet and the Petitioner responded they will know more when the survey is done and further discussion was held.

Crutcher inquired about dumpsters and it being two separate businesses requiring two separate dumpsters and if they have to be remote and Christiansen responded access would be better served with two separate locations.

Babcock expressed concern with the number of handicapped spaces and the ramp being amenable to the second tenant and further discussion was held regarding Code requirements as it relates to handicapped spaces.

Babcock inquired where the two space requirement was dictated and Christiansen responded it is a code requirement and further discussion was held.

Bowman brought up the building color and the Petitioner responded that it was the orange color that is typically seen at their Dunkin Donut locations.

MOTION by Crutcher, supported by Gronbach, to open the Public Hearing.
Motion carried, all ayes.

PUBLIC HEARING

(Public Hearing opened at 7:32 p.m.)

Chairperson Bowman invited any public present to come forward.

No public comments heard.

MOTION by Gronbach, supported by Crutcher, to close the Public Hearing.
Motion carried, all ayes.

(Public Hearing closed at 7:32 p.m.)

Director Christiansen noted for the record that in the Commissioner's packets there was included a copy of the Notice and the date when mailed to property owners within 300 feet of the property as well as the Affidavit of Publication from the Observer and that neither elicited any responses.

MOTION by Gronbach, supported by Crutcher, to approve the Special Land Use and Site Plan Review for the Dunkin Donuts at 20788 Farmington Road, with the provision that it be in compliance with the recommendations from LSL Planning to relocate handicapped parking spaces as discussed and that signage details be provided as well as the details for lighting and dumpster enclosures; and if the applicant wants outdoor seating, a specific plan will have to be provided for that and they will have to come back before the Planning Commission for approval; and lastly, incorporating the recommendations as outlined in the letter from OHM and resolving those issues.
Motion carried, all ayes.

(Buyers returned to Chambers at 7:37 p.m.)

SITE PLAN REVIEW – SMOKERS WONDERLAND, 34785 GRAND RIVER AVENUE

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

Director Christiansen stated this agenda item is a site plan review for Smokers Wonderland in the World Wide Shopping Center, 34685 Grand River Avenue, to maintain existing interior lighting. The site is on C-2, Community Commercial. Interior window lighting is subject to review and approval of the Planning Commission in accordance with the requirements of Section 35.40 of the Zoning Ordinance.

He stated the applicant, Bill Mehanna, on behalf of Smokers Wonderland, is present at the meeting in order to present his request to the Commission.

He presented pictures depicting the lighting on the screen. Copies of the regulations regarding exterior lighting were included in the packets which also refers to interior lighting. He pointed out the requirements that were set forth and stated the Planning

Commission may approve Interior window lighting for non-residential uses subject to review and in accordance with the requirements of Sections 35-48 of the Zoning Ordinance.

Christiansen explained that the neon lighting that exists in the community today is grandfathered in before this requirement became part of the ordinance. He described the lighting that exists at the store now is LED.

Gronbach inquired if the neon lighting at Tweeny's, in the same center, was grandfathered in and Christiansen responded in the affirmative. Gronbach then asked if there is an expiration to that and Christiansen stated that it runs concurrent with the business.

Koncsol explained the interior window lighting at Smokers Wonderland was the impetus for issuing a Code Enforcement warning and ticket and if LED would be considered one and the same as neon and that there is a citation pending in the 47th District Court regarding same but if the Planning Commission allows LED and finds its use appropriate, he will make the court citation go away and if not and it is not removed, he will ask the Court to proceed accordingly to have it removed. Further discussion was held.

Chairperson Bowman invited the applicant to come forward.

Bill Mehanna, 34785 Grand River, came forward and described the reasoning behind his placing LED lights in the windows of Smokers Wonderland. He described that customers were complaining about their safety because of it being dark walking from the parking lot to the store and that the LED lighting provides a brighter light but still being energy efficient at the same time.

Bowman opened the floor for questions from the Commission.

Buyers inquired if consumer and pedestrian safety were the primary concern for the Applicant putting up the lights and Mehanna responded yes, along with the energy efficiency of the LED. Buyers then pointed out some overhead lights above the sidewalk itself in the pictures provided and asked if they were utilized in the complex during evening hours as they are not depicted as being on and the Applicant responded they were installed when the LED interior lights were put in but they have to be approved by the landlord before they can be utilized. Buyers then asked if permission were granted for the use of those if they would provide enough light to improve the safety of his customers and the Applicant responded yes.

Gronbach talked about the renovations intended for the World Wide Center which should begin this spring and inquired if exterior lighting was included in the plans and Christiansen stated he did have that conversation but they have not received the details for same.

Crutcher stated that he is not convinced that the window lighting adds illumination and doesn't see a huge difference in the two pictures, one with lights on and one with lights off.

The Applicant reiterated his comments on customer complaints about it being too dark walking from the parking lot to the store.

Buyers echoed Crutcher's thoughts on the lighting and stated in looking at the lighting from a direct standpoint the LEDs are less apparent than when on a periphery and Stated that is problematic in light of 35-48 (e) which says lighting must be shielded to prevent glare at the property line.

Crutcher cited the prohibition of lighting in the ordinance language.

Bowman summarized the discussion so far and Gronbach stated that any lighting in the window would fall under the ordinance, whether it be neon or fluorescent or now LED.

Bowman asked of staff if the Planning Commission denied his request, could he seek relief from the Zoning Board of Appeals and Christiansen explained that the opportunity for modification for approval rests with the Planning Commission.

Gronbach emphasized the need to follow-up with the landlord of World Wide Center and where they are on the plans for the renovations and verify that there is adequate exterior lighting being provided as part of the renovation and that any nonfunctional lighting at the Center be made operable and also suggested perhaps encouraging Tweeny's to get rid of their neon lighting.

Christiansen responded that the comments are well taken and that we welcome new business and want to help facilitate business but things were done without consulting staff in this instance whether they could have provided guidance and that everything will be done in an effort to work with the Applicant and confer with the owner of World Wide to ensure safe egress and ingress into the stores at the Center at night.

MOTION by Buyers, supported by Crutcher, to move to deny the Site Plan Review for Smokers Wonderland, 34785 Grand River Avenue for the interior LED lighting for the reason that the interior lighting as depicted in the photograph and observed by the motion maker at the scene, do appear to run afoul of Section 35-48 (e) and (f), specifically that illumination is apparent at the property line as well as prohibited under Section F, and that the LED interior lighting would not enhance the appearance of the building.

Motion carried, all ayes.

Bowman apologized to the Applicant but explained the lighting is not in compliance with the City ordinance but that the City is working with the Center's owner and there are renovations intended which include additional lighting.

The Applicant again stated he had citizens from the City of Farmington complaining it is too dark and they don't feel safe walking in the Plaza and wants the Commission to take that into consideration

Bowman stated the Center's plans have been approved and things should start moving along as soon as the weather breaks and that the lighting issue will be addressed.

Christiansen stated he appreciates the Applicant's concerns and will work with him to find alternatives.

Bowman thanked the Applicant and welcomed him to Farmington.

DISCUSSION – REVIEW OF SINGLE FAMILY RESIDENTIAL ZONING STANDARDS

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

Christiansen stated this item was initially discussed at the August 18th joint meeting of the City Council and Planning Commission held on August 18, 2014.

Caitlyn Malloy-Marcon from LSL Planning was present to go over their memorandum dated 3/6/15 and conduct a Power Point Presentation to discuss their findings with regard to reducing rear and front setbacks and allow for greater building height and include a process for site plan review by the Planning Commission.

Christiansen stated that the intent now in light of the additional discussion and alternatives that LSL identifies and proposes in their memorandum, that a draft zoning ordinance text amendment will be drafted and brought back before the Planning Commission.

PUBLIC COMMENT

None heard.

PLANNING COMMISSION COMMENTS

Chairperson Bowman announced that Annette Knowles, Assistant to the City Manager and Farmington DDA Executive Director, has indicated that the DDA has issued an RFP for development of the vacant parcel of land Orchard Phase II on Farmington Road and Slocum and have received one proposal in response and is looking to a member of the Planning Commission to participate in an ad hoc committee to study same.

Crutcher volunteered to serve on the committee.

ADJOURNMENT

MOTION by Buyers, seconded by Crutcher, to adjourn the meeting.
Motion carried, all ayes.

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Secretary