

**CHARTER TOWNSHIP OF CANTON
PLANNING COMMISSION PROCEEDINGS
April 1, 2019**

A Regular meeting of the Planning Commission of the Charter Township of Canton was held at 1150 South Canton Center Road on Monday, April 9, 2019 Chairman Greene called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance to the Flag.

ROLL CALL:

Members Present: Acharya, Bennett, Engel, Graham-Hudak, Greene, and Zuber

Absent: Eggenberger, Okon, Perkins,

STAFF PRESENT: Goulet

APPROVAL OF THE MINUTES OF MARCH 4, 2019

Motion by Zuber, supported by Bennett, to accept the Minutes of March 4, 2019, as presented. Ayes all present on a voice vote.

ACCEPTANCE OF AGENDA:

Motion by Zuber, supported by Bennett, to accept the Agenda as presented. Ayes all present on a voice vote.

PUBLIC HEARINGS

1. 049-SLU-5246 **HAYDEN'S MULTI-TENANT SLU** – Consider special land use approval for parcel no.049 99 0001 704. Property is located south of Ford Road and east of Lotz Road.

Mr. Goulet stated that the applicant proposes to renovate and divide the existing 7,700 square foot restaurant building into a multi-tenant commercial building. Mr. Goulet stated that the building was occupied by Hayden's Restaurant and previously to that a Don Pablo's restaurant. Mr. Goulet explained that the Corporate Park Overlay District has certain restrictions on uses and requires the uses listed in Section 6.08 to be approved by Special Land Use Approval. Mr. Goulet indicated that the applicant is proposing to include the following as potential uses within the building once it is renovated: general office, medical and dental clinics, training and education centers, standards restaurant/bar with an accessory drive-through window, specialty retail, business and personal service establishments, and general retail uses. Mr. Goulet explained that the existing site would be modified by removing some parking in the rear, which would enlarge the green space behind the building to screen the trash enclosure and loading area. Mr. Goulet stated that the trash enclosure would be moved from directly behind the building to the southeast corner of the site, a pick-up window lane would be added to the east side of the building. Mr. Goulet indicated that the plan submitted as part of the Special Land Use request is conceptual and that a final site plan would be reviewed at a later date.

Mr. Goulet explained that the request meets a general criteria for a special land use approval in the Corporate Park Overlay District and that the building and site can accommodate the proposed uses and renovation of the building and updates to the site will bring the parcel into closer conformance within the design guidelines of the district.

Motion by Zuber, supported by Engel, to open the public hearing at 7:05 p.m. Ayes all present on a voice vote.

Mr. Bryan Amann, stated that they plan to subdivide the building with different users which will help insulate the building from becoming vacant. Mr. Amann explained that due to the site being within the Corporate Park Overlay District the uses must be included as part of a special land use. Mr. Amann stated that the uses could include a restaurant with a drive-through which mirrors the logic that was applied to the Starbucks located at the northwest corner of Ford and Lotz Road. Mr. Amann stated that the drive through request is an ancillary use of the site and is calculated by the percentage of the usage of the establishment. Mr. Amann stated that the site plan when it is submitted, will have more detailed information relative to parking, buffering, landscaping and driveway access.

Chairman Greene asked for comments from the audience.

Robert McCausland, 1981 Lotz Road, inquired if there were any detriments of having a drive-through on the site. Mr. Goulet explained that there is ample room on the side of the building for a pickup window and stacking lane as some of the parking on the site will be modified. Mr. Goulet stated that the request is not for a drive-through lane for a fast food restaurant but for a pickup window that is accessory to a standard bar or restaurant. Mr. McCausland stated that the area has been undeveloped due to the constraints of the Corporate Overlay District and a special land use request is not necessary.

Motion by Zuber, supported by Bennett, to close the public hearing at p.m. Ayes all present on a voice vote.

Mr. Goulet explained that regardless of the Overlay District, a fast food or drive through restaurant would require a special land use in any other commercial district and that under the Corporate Overlay District guideline a fast food or drive through restaurant cannot be considered. Mr. Goulet explained that since the building may have multiple uses the owner must request for all the uses that potentially may go into the building. Mr. Goulet stated that the applicant is requesting consideration based on the conceptual plan for a convenience pickup window for a restaurant. Mr. Goulet stated that the applicant is not applying for a fast-food restaurant with a drive-through but for an ancillary pickup window.

Commissioner Graham-Hudak inquired if the pickup window is similar to what is at the Outback Steakhouse Restaurant where one drives up and picks up food at the door. Mr. Goulet indicated that some establishments have placed a door or convenience window for online orders. Commissioner Graham-Hudak inquired of additional landscaping on the site. Mr. Goulet stated that there will be additional greenspace and landscaping to the site and that parking spaces will be removed. Commissioner Graham-Hudak inquired as to the amount of parking spaces.

Mr. Goulet indicated that there are currently 150 parking spaces on the site, however, only 50 parking spaces are needed for the proposed project. Commissioner Engel inquired as to how much of the existing building will be utilized. Mr. Amann explained that they will be retrofitting the building and want to keep as much of the building as possible, however a rear wall will be removed.

Commissioner Bennett indicated that Article 6.08 in the zoning code does not specifically allow any drive-through restaurant. Mr. Amann explained that a pickup window is permitted as a special land use and is the reason for the basis of the request.

Mr. Goulet explained that a pickup window must be ancillary to the restaurant use and cannot be by definition a fast food restaurant or drive-through restaurant. Mr. Amann explained that the request was made to equip the site for categories broad enough so that whatever happens in the future they will have the ability to attract tenants which may require special land use.

Chairman Greene inquired if there was a specific client that has this type of need. Mr. Amann explained that due to the proximity of I-275 and the interchange there may be a fit for a business with a pick-up window. Mr. Amann stated that the tendency is for people not to get out of their car and will not access the business if there is not a drive-through window available. Mr. Amann stated that marketing will be better if a prospective tenants know this type of special land use is in place and can be supported. Chairman Greene verified that it is a general request so that it will fit a number of potential users. Mr. Amann explained that the goal is to equip the site so that potential tenant's needs are addressed and will also give flexibility. Commissioner Bennett stated that she was concerned with setting a precedence and that the Zoning Ordinance should be followed.

Commissioner Acharya inquired if the request is similar to the Starbucks at Ford and Lotz Roads. Mr. Goulet explained that the Starbucks business has 40% drive-through patrons and 60% walk-in and carry out service. Mr. Goulet explained that the multiple tenants come and go and the owner would like the broadest ability to have all the uses available that may go into the space.

Commissioner Graham-Hudak inquired if there was any concern to stacking issues relative to the drive-through portion. Mr. Goulet stated they do not anticipate any issues as there is no parking allowed to that side of the building and there will be an entire lane around the back of the building. Mr. Goulet indicated that there is no parking available on the south or east side of the building. Mr. Goulet indicated that the site also has circulation via the Home Depot site along with access onto Lotz and Ford Road for people to come and go off the site.

Motion by Zuber, supported by Engel, to move to recommend approval of the request for special land use for a multi-tenant building which could include general office (6.08.D.1), medical and dental clinics (6.08.D.2), training and education centers (6.08.D.11), standard bar/restaurant with accessory pick-up window (6.08.D.17), specialty retail, business services and personal service establishments (6.08.D.19) and general retail uses (6.08.D.20) on parcel no. 049-99-0001-704. The request meets a general criteria for a special land use approval in the Corporate Park Overlay District. The building and site can accommodate the proposed uses and renovation of the building and updates to the site will bring the parcel into closer conformance within the design guidelines of the district.

Ayes: Acharya, Bennett, Engel, Graham-Hudak, Greene, and Zuber
 Absent: Eggenberger, Okon, Perkins

SITE PLANS

- 2. 039-ZCSS-5349 **MICHIGAN FIREWORKS COMPANY II** - Consider seasonal sales permit for parcel no. 039 99 0025 001. Property is located north of Ford Road between Canton Center and Sheldon Roads.

Mr. Goulet explained that Michigan Fireworks Company has applied for one 30-day seasonal sales permit for a fireworks tent sale in the parking lot at Canton Landing near O'Reilly's Auto Parts, located on the north side of Ford Road between Canton Center and Sheldon Roads. Mr. Goulet stated that the requested permit period is from June 20, 2019 through July 7, 2018. Mr. Goulet stated that an analysis of the requirements has resulted in the following findings:

- 1. Permits will be required from the Building Services Division prior to placement of the tent. Any proposed signs on the tent shall also be submitted to Building. No temporary signs can be placed in the landscaped berm on Ford Road.
- 2. The 30 day period commences on the day the tent is erected. These items shall be removed at the end of the permit period.

Motion by Zuber, supported by Bennett, to move to approve one 30-day seasonal sales permit for the Michigan Fireworks Company, (parcel no. 039-99-0025-001) commencing on June 20, 2019, subject to obtaining appropriate permits from Building for erection of the tent and, compliance with all sign regulations.

Mr. Eric Konopka stated that his business was located at this site last year and was very successful and the request is the same this year. Mr. Konopka stated that the request is for 2 weeks and not for the entire 30 day period requested. Mr. Konopka indicated that he was able to meet with the landlord for upgrading the landscaping and was successful.

Ayes: Acharya, Bennett, Engel, Graham-Hudak, Greene, and Zuber
 Absent: Eggenberger, Okon, Perkins

- 3. 049-ZCSS-5368 **HOME DEPOT – FORD ROAD** - Consider seasonal sales permit for parcel no. 049 99 0001 718. Property is located south of Ford Road and east of Lotz Road.

Mr. Goulet stated that Home Depot has applied for two 30-day seasonal sales permits for garden supply sales in front of the existing garden center enclosure at the Home Depot located at the southeast corner of Ford and Lotz Roads. Mr. Goulet indicated that requested permit period is from May 1, 2019 through June 29, 2019 and that an analysis of the requirements has resulted in the following findings:

- 1. The existing site has a special land use approval for the outdoor garden center that permits outdoor display and seasonal sales of goods within an enclosed area as constructed.

2. The purpose of the new seasonal sales permit is to allow a temporary point of sales display for those businesses that don't have permanent outdoor sales areas. It is not the intent to use this permit to store excess materials outside of the permitted enclosures.
3. The proposal to place three 6' X 10' tables and 2 racks for display and sale of live goods is outside of the existing garden center enclosure. They are also proposing to use 12 parking spaces on the west side of the garden center for pallets of mulch and topsoil.
4. A compliance permit may be required from the Building Services Division prior to placement of the tables or racks to ensure compliance with the terms and conditions of the seasonal sales approval.
5. The permit period commences on the date the tables and materials are placed. These items shall be removed at the end of the permit period.

Entered into the record letter from Dan McCausland, 2011 Lotz Road, Canton MI 48187 relative to discriminatory practices and ordinance violations.

Motion by Zuber, supported by Engel, to move to approve two 30-day seasonal sales permits for Home Depot on Ford Road (parcel no. 049-99-0001-718) commencing on May 1, 2019 and ending on June 29, 2019 for sale of live goods, mulch and topsoil as shown on the plan.

Ayes: Acharya, Bennett, Engel, Graham-Hudak, Greene, and Zuber
 Absent: Eggenberger, Okon, Perkins

4. 129-ZCSS-5388 **HOME DEPOT – MICHIGAN AVENUE** – Consider seasonal sales permit for parcel no. 129 99 0001 701. Property is located north of Michigan Avenue and west of Canton Center Road.

Mr. Goulet stated that Home Depot has applied for two 30-day seasonal sales permits for garden supply sales in front of the existing garden center enclosure at the Home Depot located on Ford Road west of Canton Center Road. Mr. Goulet indicated that the requested permit period is from April 24, 2019 through June 22, 2019 and that an analysis of the requirements has resulted in the following findings:

1. The existing site has a special land use approval for the outdoor garden center that permits outdoor display and seasonal sales of goods within an enclosed area as constructed.
2. The purpose of the seasonal sales permit is to allow a temporary point of sales display for those businesses that don't have permanent outdoor. It is not the intent to use this permit to store excess materials outside of the permitted enclosures.
3. The proposal to place three 6' X 10' tables, several racks for display and sale of live goods is outside of the existing garden center enclosure, 8 parking spaces on the west side of the garden center for pallets of mulch, topsoil and sod, and an A-

frame plant display at the front entrance. This is the same request approved by the Planning Commission last year.

4. A compliance permit may be required from the Building Services Division prior to placement of the tables or racks to ensure compliance with the terms and conditions of the seasonal sales approval.
5. The permit period commences on the date the tables and materials are placed. These items shall be removed at the end of the permit period.

Chairman Greene stated that he frequents the Michigan Avenue store and has not seen any issues but would like the stock behind the building be attended to in a timely fashion.

Mr. Chris Calendar, operations manager, stated that he is very strict on storage behind the building and assured the Planning Commission that stock issues will be addressed.

Commissioner Zuber requested that they be more diligent with trash removal and upkeep of the site as she has noticed some issues when she has frequented the business.

Motion by Engel, supported by Zuber , to move to approve two 30-day seasonal sales permit for Home Depot on Michigan Avenue (parcel no. 129-99-0001-701) commencing on April 24, 2019 and ending on June 22, 2019 for sale of live goods, bagged mulch and topsoil as shown on the plans.

Ayes: Acharya, Bennett, Engel, Graham-Hudak, Greene, and Zuber
 Absent: Eggenberger, Okon, Perkins

NEW BUSINESS REFER TO STAFF

5. 036-SP-5384 **GROUP 10 COMMERCIAL CENTER** – Refer review of site plan to staff for parcel nos. 036-01-0012-001, 036-01-0012-003, 036-01-0012-004 & 036-01-0013-301. Property is located north of Ford Road, between Canton Center Road and Beck Roads.

Motion by Zuber, supported by Engel, to refer the Item 5 site plan to staff. Ayes all present on a voice vote.

NEW BUSINESS – SET PUBLIC HEARING FOR MAY 6, 2019

6. 036-SLU-5382 **GROUP 10 COMMERCIAL CENTER** – Set public hearing for special land use for a fast food establishment and drive through restaurant for parcel nos. 036 01 0012 001, 036 01 0012 003, 036 01 0012 004 and 036 01 0013 301. Property is located north of Ford Road between Canton Center Road and Beck Road.

Motion by Zuber, supported by Engel, to set the Item 6 public hearing for May 6, 2019. Ayes all present on a voice vote.

REPORTS, DISCUSSION AND CORRESPONDENCE

ADJOURN.

Motion by Engel, supported by Zuber, to adjourn the meeting. Ayes all present on a voice vote.

Connie Wade
Recording Secretary