

# FARMINGTON PLANNING COMMISSION PROCEEDINGS

Monday, May 12, 2008

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

## **ROLL CALL**

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

Absent: None.

A quorum of the Commission was present.

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

## **APPROVAL OF AGENDA:**

MOTION by Sutton, seconded by Bennett, to approve the agenda. Motion carried, all ayes.

## **APPROVAL OF ITEMS ON CONSENT AGENDA**

MOTION by Christiansen, seconded by Ingalls, to approve the following items on the consent agenda:

- A. Approve Regular Meeting Minutes of April 14, 2008.
- B. Acceptance of Farmington Building Department 3<sup>rd</sup> Quarter Report – January 1, 2008 through March 31, 2008.

Motion carried, all ayes.

## **BROWN ACADEMY – MONTESSORI SCHOOL, 23335 ORCHARD LAKE ROAD**

- A. Public Hearing – Special Land Use
- B. Consideration to approve Special Land Use and Site Plan

City Manager Pastue noted a change on the Site Plan pertaining to the shopping center location on Orchard Lake, north of Shiawassee, that addressed safety concerns regarding the children going to the play area.

Carol Maise, LSL, Planning, Inc., stated the proponent meets all of the general criteria in regards to the Special Land Use. She noted issues with some items on the Site Plan which included landscaping, any proposed wall signs must be submitted to the City for administrative approval, and the applicant shall provide copies of any required licenses

and permits from the State or County that apply to this use; any conditions imposed by these agencies will also become a condition of City approval.

**Public Hearing:**

MOTION by Ingalls, seconded by Kuiken, to open the Public Hearing. Motion carried, all ayes.

Dan Blugerman, Thomas Duke Company, agent for the landlord, addressed the landscaping issue and requested the Commission limit any decrease in visibility that would result from landscaping. He stated planting bushes and trees to hide the building is counterproductive trying to operate a retail business in that location.

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

Mark McPherson, of Merritt, McPherson, Cieslak, PC, architect for the proponent, passed out reduced sized plans, which noted striping and painting at the driveway with the word slow, signs showing "Children at Play", add stop signs, add single post, swing gate that will be latched and locked in place, and stated the children will be in the play area 1 hour per day, and noted the placing of teachers at each gate and the fenced play area.

Commissioner Scott voiced concern regarding the placement of staff that would be away from the children and asked if the gate to the north on the north side would be better located on the back of the building. McPherson discussed using a wider gate.

Commissioner Ingalls verified that vehicles that used the drive were mainly for deliveries. Discussion followed regarding parking and the use of the driveway and that parking in the rear by employees was not required.

In response to a question by Gronbach, McPherson stated the applicant is working with the State in regards to acceptance and they will meet all State requirements.

Commissioner Sutton verified there will be 3 teachers on site and felt the teachers with stop signs were acceptable, but a teacher was needed on either side of the children.

Sutton stated she did not feel additional landscaping was necessary.

Commissioner Kuiken felt there should be some physical barricade for cars to see in the parking area while the children were playing.

Commissioner Christiansen concurred with Sutton regarding landscaping and he suggested moving the setup on the Site Plan to provide a barrier for safety reasons. Ingalls concurred with Christiansen.

Ms. Maise noted there are a lot of high school kids in the area of the Montessori School and asked what kind of fence would be installed in the play area. McPherson stated a privacy fence and it would be approximately 4 feet, in accordance with State guidelines.

MOTION by Sutton, seconded by Scott, to approve the Special Land Use and approve the Site Plan with a change of moving the monitoring arm or gate towards the back of the building where indicated on the west side of the building, closer to the children's' crosswalk and with the addition there will be a privacy fence placed around the playground. Motion carried, all ayes.

### **FUN CITY – 31506 GRAND RIVER**

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

City Manager Pastue noted there were two issues to be resolved from the proponent: (1) square footage that would be occupied and (2) calculation of number of parking spaces.

Ms. Maise noted the applicant must provide the final square footage of both tenants in the building, including any storage or warehouse space that may be excluded from the parking requirement, so the figures discussed in LSL's report can be verified; the site plan must be revised to reflect the revised parking layout to consider pedestrian access to the southern entrance; any proposed wall signs must be submitted to the City for administrative approval. She further noted the dead trees on Mooney, parking not striped; proposals for new lighting must be accompanied by a photometric plan and fixture details; and that pallets were strictly for indoor use.

Sutton asked for clarification of the square footage of both tenants when there is to be only one. Gronbach stated that issue needed to be discussed after the Public Hearing during the Commission's review.

MOTION by Buck, seconded by Bowman, to open the Public Hearing for Fun City, located at 31506 Grand River. Motion carried, all ayes.

There were no public comments.

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

Gaz Ismail, proponent, stated the building was going to be leased by Fun City and Recreation Leisure, but Recreation Leisure received a 2<sup>nd</sup> foreclosure and Mr. Ismail would make sure their pallets would be removed. He stated the building is 46,000 square feet with approximately 81 parking spaces. He will stripe the parking spaces.

Mr. Ismail further noted Fun City would like to occupy approximately 30,000 sq. ft. with party rooms, indoor electric go-karts, miniature golf, bumper cars and laser tag.

In response to a question by Chairperson Gronbach, Ms. Maise stated they rely on the applicant to provide amount of parking spaces needed since parents drop off most of the business patrons.

Sutton asked how many employees there would be on site on Saturdays and Ismail replied there would 5 employees plus a manager. Ismail noted Wendy's owns the building and if they were busy Wendy's parking lot could be used and also there is parking on the Grand River side.

In response to a question by Gronbach, Mr. Ismail replied their investment team would be buying the building and he hoped to lease a portion of the building to a pizzeria or karate class. He stated they would use a portion of the building for storage until it is leased to another tenant.

Gronbach inquired if 81 parking spaces were adequate.

Sutton stated she did not feel a municipal recreation area was a valid comparison that was used by LSL Planning.

Commissioner Kuiken noted there would be close to 120 occupants on the site for a regular business day.

Sutton felt a more valid comparison of a requirement to be used by LSL Planning would be to use a day care center rather than a recreation area.

Mr. Ismail noted adults and teenagers use the business after the parties are over and the younger children are gone.

In response to a question by Sutton, Mr. Ismail stated they operated the Fun City business for 10 years.

Sutton stated she was comfortable with the parking, but preferred to find a different use to compare it to so as it doesn't look like the Commission is waiving a huge parking area requirement. Ms. Maise discussed different examples used for parking requirements. She stated she was comfortable with the 81 parking spaces.

Sutton suggested that Mr. Ismail look at the parking lot and count the cars on his busiest days.

In response to a question by Pogue, Mr. Ismail stated 6 year olds could play laser tag.

Sutton noted one of the islands does not have landscaping only white stone.

Gronbach stated any deficiencies involving the exterior be a condition regarding approval from the Commission. Mr. Koncsol noted the trees on Mooney and stated he would work with Mr. Ismail on the details.

Gronbach asked if Mr. Ismail could modify the plan to avoid cars parking right up to the front door. Ismail stated that currently there is no parking in front of the bay door.

Scott stated he was uncomfortable with the plan since it had not been updated and there were many issues that need to be addressed. Ismail replied the only issue regarding the site is parking and that decision is up to the Commission and he noted he felt he would keep the entry door where it is.

Gronbach suggested Mr. Ismail work with administration regarding the details in order to be in compliance. Gronbach also informed Mr. Ismail there are incorrect overall dimensions on the site plan that need to be updated.

Scott voiced concern regarding the parking and noted if a pizzeria were to be a tenant parking would be a factor. Ms. Maise noted the Commission could put conditions in order to make sure all factors are addressed.

Sutton did not like to use the term "required parking" when the Commission does not know what the required parking is. She suggested the planners revise their recommendation and look for a different comparison to use besides "municipal recreation". Discussion followed regarding methods of figuring the amount of parking spaces required.

Pastue concurred with Scott to use the formula of 5 parking spots per 1000, as required in the Code, that 1-200 is a standard ratio and then discount it 85% for unusable floor area.

Gronbach noted stipulations could be made regarding the motion.

MOTION by Scott, seconded by Ingalls, to table the Site Plan approval for Fun City, located at 31506 Grand River, until the owner can provide updated accurate information on his Site Plan, regarding the conditions on the site and improvements he is going to propose.

Pogue asked the proponent if these conditions would detain him. Mr. Ismail did not know if he would be detained and stated the parking and the entrance would be taken care of. Pogue stated he was not concerned with the parking issue.

Sutton stated landscaping could be worked out with administration and the square footage on the Site Plan can be corrected, but does not need to come back before the Commission. She noted these factors do not change the Commission's decision as far as the land use or the amount of parking. She further noted the location of the entrance

way as it relates to which bay door would be used, and if there is a bay door not to be used, there is parking available in front of that door. She stated she was comfortable with administrative review. Scott voiced concern with the Site Plan itself. Sutton stated the Commission could put a condition on the site that the proponent come back to the Commission when he leases to a new tenant. Pogue concurred and stated he felt an undue burden was being placed on the proponent. Gronbach suggested Mr. Ismail work with administration regarding answers to the issues that are unresolved before returning before the Commission on June 9<sup>th</sup>.

Discussion followed regarding the Site Plan issues. Pastue stated administration, Mr. Koncsol and LSL Planning would work with the proponent and review the parking issues. He commented he would prefer that the Site Plan and Special Land Use approval be done simultaneously. The proponent stated he would attend the June 9<sup>th</sup> meeting.

MOTION by Scott, seconded by Ingalls, to withdraw the motion. Motion carried, all ayes.

MOTION by Scott, seconded by Kuiken, to table the Special Land Use and Site Plan for Fun City, located at 31506 Grand River, until the June 9<sup>th</sup> Planning Commission meeting. Motion carried, all ayes.

#### **REVIEW OF SITE PLAN AND CONSIDERATION TO SCHEDULE SPECIAL LAND USE PUBLIC HEARING – JET'S PIZZA, 30790 GRAND RIVER**

Abe Schuchman, proponent for Jet's Pizza stated they plan on purchasing the 9 Grand Party Store located at the corner of Grand River and Orchard Lake. He noted Jet's Pizza is planning on relocating and expanding their business and would be leasing the building. He commented they had received the review from LSL Planning and they met with Building Inspector Koncsol and their architect regarding changes.

Gronbach verified there would be two separate owners and discussed cross access to get in and out of the site.

Mr. Schuchman noted they are going to redo the building and put in landscaping. Ms. Maise commented that in order to have parking in the front yard the proponent is required to put in a 10 ft. greenbelt. The proponent replied a greenbelt would eliminate parking on the western side of the building. Ms. Maise stated they would discuss this in their second review.

Christiansen voiced concern about retrofitting a building that was built in the 50's and also the structural integrity of an addition built somewhat later. He noted 2 demolitions on the April 15<sup>th</sup> plan; one that was an addition in the rear and the front portion of the existing building and asked why they did that. Mr. Schuchman stated 1200 sq. ft. was not enough square footage for them.

Christiansen noted the landscaping on the April 15<sup>th</sup> plan as an enhancement to the corner. Due to the building expansion he voiced concern regarding egress and ingress due to the high volume of traffic on Nine Mile and Grand River. Mr. Schuchman replied if the curb cuts were removed there would be an access issue, which would make the building unusable. Responding to a question by Christiansen, Schuchman stated it would not be financially feasible to tear the building down and build a new one. Christiansen stated they want to make sure the site is the best functional site possible. Christiansen reiterated his concern regarding the egress situation with the high volume of traffic.

Ms. Maise stated LSL Planning looked at having one way in and using the alley out, have a two-way circulation and noted there is over-parking. Mr. Schuchman stated he did not want to lose parking spaces and it is a very tight site.

Christiansen noted it would be an improvement to the site, but was concerned about the egress and ingress. He stated he would rather the building be reoriented to the middle of the site.

Gronbach stated if the first site plan was used the common access would be brought back and there would be better treatment to the corner. He noted he would rather see the building further back on the site. Mr. Schuchman replied on a square footage perspective, it makes more sense for them to maintain the square footage.

Discussion followed regarding parking lot wars.

Gronbach noted the design looks busy.

Scott noted his concern about the curb cuts and the drive close to the corner and asked if MDOT permits had been obtained. Mr. Schuchman stated he would confirm with engineers if there would be curb cuts.

MOTION by Christiansen, seconded by Buck, to schedule a Special Land Use Public Hearing and review of Site Plan for Jet's Pizza, 30790 Grand River, for June 9<sup>th</sup>. Motion carried, all ayes.

**CONSIDERATION TO APPROVE OUTDOOR SEATING REQUEST FOR GALA RESTAURANT, 33316 GRAND RIVER**

Buck asked to recuse himself from the discussion since he is the landlord for the property.

Gronbach noted the request for outdoor seating is a permitted use in the Central Business District and also there needs to be City Council approval since it would be located on a public parking lot. He stated the Commission would review the request and refer their decision to Council for final action.

Steve Schneemann, S3 Architecture, was present on behalf of Gala Restaurant, and reviewed their request for type of furniture and materials to be used for outside seating. He noted the location for the seating would be behind the east half of the Cook Building on the north side of Grand River between the bank building and the Civic Theatre. He noted Gala Restaurant is located in the basement level and there is difficulty obtaining visibility out at the street level. Mr. Schneemann stated the owner, Jeff Condit, thought outdoor seating between April 15<sup>th</sup> and October 31<sup>st</sup>, would give them a greater outdoor presence and attract greater numbers to the restaurant.

Mr. Schneemann reviewed the parking lines and discussed the buffer to be used. He noted they would be in compliance with City Code by maintaining a minimum pathway width of 5 ft. along the sidewalk so as not to interfere with pedestrian traffic.

He discussed the amount of tables to be used, umbrellas, and to enclose the seating area with a decorative wood fence approximately 4 ft. high. He reviewed the ambience that would be created by using potted plants and window boxes. He noted the materials for the furniture would be made of hard work and ceramic containers for plants.

Ingalls voiced concern regarding the loss of parking and the door that swings out would cause a hazard to pedestrians walking by.

Gronbach replied since the parking area is a municipal lot City Council would deal with that issue.

Kuiken inquired if the proponent had reviewed safety issues regarding vehicular and pedestrian traffic. Schneemann replied the barrier would be a buffer.

Christiansen asked if the proponent had thought of other alternatives such as using the main street on the front of the Cook Building. Schneemann replied they had reviewed using the front of the building, but space was limited and felt it was not conducive for a comfortable dining atmosphere. He noted the owner hoped the proposed streetscape improvements that have been proposed would be put into place and the improvements would allow for a wider area in the front so that seating could be put on the Grand River side.

Christiansen noted another alternative would be to put the seating on the western most parking spaces. Mr. Schneemann replied there would be great separation and the servers would have to go farther and there also could be an issue with the Liquor Control Commission by having a satellite location. He felt the connection was important to have the seating area right outside the door to Gala and the other tenants might have an issue.

Pogue asked if Gala Restaurant paid the City for the use of the three parking spaces and Gronbach replied City Council would have to address that issue. Pastue stated they needed to manage the risk associated with the outdoor seating. He wanted to



encourage businesses to use the outdoor seating area once the streetscape is in place and he had not considered compensation for the space.

Christiansen verified the outdoor seating would be seasonal and the spaces would be returned to parking spaces at the end of the season.

Ingalls asked if the location would be barrier free. Schneemann replied they had considered installing a ramp, which would be a new feature for the restaurant. He noted the restaurant is currently accessible by two flights of stairs and not in conformance with the ADA. He noted that since the restaurant is currently not ADA they would not conform to the outdoor seating.

John Koncsol stated there is a curb cut at the insurance company and concurred with Schneemann that there was a waiver to provide handicap access per Michigan rules for the lower level when it was renovated and the ADA was not established at that time.

Gronbach asked if it would be feasible to put a gate at one of the far corners to make it handicap accessible. Schneemann replied they could put in a gate to make it accessible from the parking lot. Gronbach noted a gate could also provide another access in order to meet Fire Codes.

Ingalls voiced concern that retail businesses would also want to conduct outdoor sales.

Mr. Schneemann questioned if they would have to renew the outside seating on an annual basis and Pastue replied the Building Inspector would have the authority to renew each year upon the initial approval by the Planning Commission. He noted they would structure the agreement for the use of those spaces for a one-year period if there were no problems. Schneemann verified City Council would also have to approve on an annual basis.

MOTION by Christiansen, seconded by Kuiken, to approve the outdoor seating request for Gala Restaurant, 33316 Grand River, in accordance with the submitted plans, subject to any required or necessary approvals from City Council. Motion carried, 8 ayes, 1 recused (Buck).

**CONSIDERATION TO APPROVE SITE PLAN AMENDMENT FOR DIRECTBUY, 33800 NINE MILE ROAD – (originally approved September 20, 2007)**

Gary Demora, owner of Direct Buy, and his architect were present to review the proposed amendment to their Site Plan. Mr. Demora noted they had site engineering done on the property regarding the detention pond. He noted they will be extending the detention pond per the requirements and requested additional turning spots.

The architect noted the best entrance would be on the southeast side of the building, which would enable members to park along the front and side of the building. LSL

recommended that one-way signs for the west driveway be added at the northwest corner of the building.

Gronbach asked if the applicant would have a problem moving the parking to the rear at the north side of the detention pond. Mr. Demora replied the additional parking is not necessary only that it would be a convenience for his customers. He did not want customers to have to walk through an entire parking lot to enter into a front entrance.

Landscaping plans were reviewed which included Colorado Blue Spruce, fountain grasses, honey locust trees, Bradford pears which met the landscape requirements. Gronbach noted landscaping had been approved on the original site plan. It was noted the frontage landscaping needed to include: 1 canopy tree, and 6 shrubs per 30 ft. of road frontage. The architect noted the requirement was 7 trees and 42 shrubs. The parking lot landscaping was 1 canopy tree per 8 spaces, which included 6 trees. Gronbach verified that a revised landscape plan had been submitted along with the revised Site Plan.

Discussion followed regarding requirements regarding the landscape plans.

Gronbach noted if the Commission granted approval it would be subject to review of the updated landscape plan and changes would be subject to administration approval.

Ms. Maise stated LSL Planning noted wider sidewalks are required along the front and east sides of the building, where it abuts parking spaces.

The proponent reviewed materials and colors and Gronbach noted since this item had been previously approved only administrative review was needed.

Ms. Maise noted sign details must be submitted for review and stated they did not want a second sign at the back of the property close to the highway. Gronbach noted administration would review signs and a permit would need to be obtained.

Ms. Maise asked if there were any changes to the lighting plans and the proponent replied there were none.

Sutton asked if there was an alternate choice for the color scheme and alternative colors were discussed. Discussion followed regarding neutral colors that could be used.

Scott stated he thought there was going to be landscaping along the east sidewalk. The proponent replied there would be planter boxes. Scott noted the sidewalk could be removed.

Discussion followed regarding the 2 ft. overhang, landscaping which included the planter boxes, and parked cars extending over the walkway.

Ingalls verified conditions involving the detention pond.

Christiansen stated he would rather have a sidewalk for safety reasons instead of a planter box.

Discussion followed regarding the size of sidewalk, the planter box, and green space.

MOTION by Christiansen, seconded by Buck, to approve the Site Plan amendment for DirectBuy, 33800 Nine Mile Road, as amended, in accordance with the most recent submitted Site Plan, subject to conditions 1-7 listed in LSL's review letter, dated May 5, 2008, with the following modifications: condition 1 – the front parking spaces shown are allowed to remain, however, the notation for "future parking" be removed and the notation for "future building additions" be removed, also subject to modification; condition 4 – where we are going to reduce the maneuvering lane adjacent to the east parking spaces from 24 to 22, reduce the depth of the parking spaces from 20 to 18 and the sidewalk along the eastern portion of the building will be 7 ft., subject to modification, to maintain the green space along the east side of the building to be 3 ft. and the planter boxes can remain; also item 5 – where any building materials shown this evening that are different than the Commission has seen, be admitted to the staff for their administrative review and approval; and that the petitioner provide a landscape plan, adding additional landscaping around the front parking area on the east side of the site, as shown on the plan presented this evening for administrative review and approval, and that administration review the amount of 5 trees for possible modification due to future growth. Motion carried, all ayes.

### **PUBLIC COMMENT**

There were no public comments.

### **COMMISSION COMMENTS AND ANNOUNCEMENTS**

Sutton noted that the Commission approves landscaping and then properties such as Captain George's do not follow through and the area becomes filled with rocks. Pastue replied administration would follow through regarding this issue. Sutton asked what could be done to prevent the situation. Pastue stated the City could enforce what was outlined and approved on the Site Plan.

Sutton commented that Liquors R Us had been cited previously. She wanted enforcement of approved site plan landscaping.

Gronbach noted the property adjacent to Jet's Pizza has not completed their landscaping in the right-of-way and it gives a second-class look from the street. Pastue replied they could be cited for not maintaining their landscaping.

In response to a question by Kuiken, Koncsol stated the burned out house on Orchard Lake and Shiawassesee is scheduled to be demolished and rebuilt.

**ADJOURNMENT**

MOTION by Sutton, seconded by Ingalls, to adjourn the meeting. Motion carried, all ayes.

The meeting adjourned at 9:45 p.m.

Respectfully submitted,

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Secretary

