

**CHARTER TOWNSHIP OF NORTHVILLE
PLANNING COMMISSION
December 8, 2020**

DATE: December 8, 2020 **APPROVED:** January 26, 2020
TIME: 7:00 PM
PLACE: Meeting held remotely via video/teleconference

CALL TO ORDER: The meeting was called to order by Chair Zawodny at 7:03 p.m. via Zoom video conference meeting, in compliance with the Open Meetings Act, MCL 15.261, *ET SEQ.*, AS AMENDED. Members of the public body and members of the public participating electronically were considered present at the meeting and could participate as if physically present. Planning Commission members identified their location during roll call, as required.

ROLL CALL:

Present: Timothy Guerriero, Bonita Springs, Lee County, FL
Eric Lark, Northville Township, Wayne County, MI
George McCarthy, Northville Township, Wayne County, MI
Jayne Watson, Northville Township, Wayne County, MI
Tim Zawodny, Northville Township, Wayne County, MI

Excused: None
Two vacancies

Staff: Jennifer Frey, Township Planner
Robert Belair, Director of Public Services
Pete LaMourie, Traffic Consultant

Approval of Minutes:

Planning Commission – August 25, 2020

MOTION by Guerriero, support by McCarthy, to approve the August 25, 2020 Planning Commission meeting minutes as presented.

Roll call vote: Ayes: Guerriero, Lark, McCarthy, Watson, Zawodny

Nays: None

Motion approved 5-0

Correspondence:

Correspondence received regarding tonight's public hearing included:

- Donna Pupa, 39769 Rockcrest Circle, opposed this request.

- Yong Chen, PSC Realty LLC, 39615, 39434, and 39450 Springwater Drive, opposed this request.

Brief Public Comments:

Ashley Peper, 19450 Smock, asked if traffic mitigation plans had been part of the approval for the new Chick-fil-A on Haggerty Road.

Township Planner Frey explained that even though it was not required, a traffic study had been part of the submitted documents during site plan approval. Traffic mitigation included a new traffic signal on Haggerty Road, and on-site northbound exit lanes had been increased in order to allow left turns to be separated from right turns. Level of service would improve over what existed today at that intersection.

Ms. Peper asked if traffic ended up being blocked at the main entrance, would Chick-fil-A be required to provide additional mitigation?

Traffic Engineer LaMourie said that Chick-fil-A had been required to widen the driveway at the traffic signal to provide a left turn lane to help with the queuing. Drivers would have the option to use the signal at the Meijer entrance as well. One mitigation measure that might be possible post-development is to adjust the signal timing of the new signal, to give longer times to people using the Kohl's and Chick-fil-A driveway.

Chair Zawodny noted that Chick-fil-A's layout specifically addressed a longer queue for the drive-thru. Township Planner Frey further commented that there were dual drive-thru lanes, exceeding the Township's stacking requirement. People who had to wait for their orders would have the ability to pull over and park. However, she noted, at the beginning the site is bound to have a lot of traffic, further impacted by the fact that due to the Covid-19 Pandemic, currently there was no in-store dining. There is a large parking lot beyond this site where cars could potentially stack.

Director of Public Services Belair said the owner had been in contact with the Township, and was coordinating their grand opening traffic flow with the Police Department.

**New Business:
Public Hearing**

- | | | |
|----|-----------------|---|
| 1. | PPUDAM20-0002 | Art & Jakes' Springwater Park HPUD Amendment #3 |
| | Representative: | Victor Trpcevski |
| | Owner: | V & R Building Co., LLC |
| | Location: | 39715 Six Mile Road |
| | Request: | To allow a 31' – 48' parking lot setback from the south property line |
| | Action: | Recommend to BOT |

Referencing her November 23, 2020 letter, Township Planner Frey gave her review for this request to amend the Springwater Park HPUD to allow a reduced parking lot setback from the south property line abutting Springwater Park Condominiums, for the

construction of a new larger restaurant and its associated improvements on the former Brann's Steakhouse parcel. The proposed amendment is to enlarge the restaurant footprint and expand parking into the setback on the south side of the site. The current parking lot setback is approximately 120 feet; a 31.9–48 foot parking setback is proposed. A minimum 50 foot parking setback is required between commercial and residential land uses.

Township Planner Frey reviewed process. Tonight the Planning Commission is holding a public hearing in order to make a recommendation to the Township Board. If approved by the Township Board, a full site plan submittal to and approval by the Planning Commission will be required.

Some of the submitted documents refer to the submittal as a site plan. This is inaccurate, as this project requires an HPUD amendment before a site plan can be submitted.

Project overview.

The proposal includes demolishing the approximately 6,700 square foot former Brann's building, replacing it with a 10,577 square foot restaurant, with additional parking, landscaping, etc.

Background Information

The HPUD was approved in 2000 and included three components: the commercial component, Springwater Park Condominiums, and the single family homes south of the townhomes, which are accessible from Brookstone Village. The original conceptual plan for the commercial component contemplated two restaurants.

The HPUD was amended in 2001 to allow the option of two restaurants as provided with the original HPUD concept plan or a drive-thru bank and a restaurant for the commercial component. The amendment was a text amendment only; it did not include a conceptual plan or specify a minimum setback from the adjacent residential use to the south.

The site plans for the bank and Brann's were subsequently approved. During site plan approval for Brann's, an approximately 120 foot setback and a large berm were approved between the townhomes and restaurant site. The larger setback was provided to mitigate impacts of noise, headlights, etc. to the adjacent townhomes.

Per the HPUD agreement, the proposed amendment must be approved by the Township, the Brookstone Village Subdivision #2 Association, the Springwater Park Condominium Association and the Haggerty Road Development Association.

Review Comments General

1. If the HPUD agreement is amended to expand the existing development envelope, a concept plan will become an exhibit to the amendment.
2. All signatories on the original document must approve this proposed amendment: Brookstone Village Subdivision #2 Association, the Springwater Park Condominium

Association and the Haggerty Road Development Association are required and must be provided in writing.

3. Following approval of an HPUD amendment, a full site plan submittal that includes all of the items contained on the site plan review checklist must be approved by the Planning Commission.
4. The amount of open space provided with the proposed layout is significantly less than the approved site plan; it also appears to be less than the original HPUD concept plan. The current open space provides a significant berm that blocks visibility of the parking lot and headlights into the townhomes.
5. Approval of a larger restaurant will be subject to additional water and sewer fees.

Dimensional Standards.

The original HPUD did not specify any dimensional exemptions from the zoning ordinance. As a result, all zoning ordinance standards apply. The proposed request is to allow a reduced parking setback of 31.9 feet where 50 feet is required by the ordinance. The approved site plan for Brann's provided an approximately 120 foot parking lot setback, in order to provide a buffer to the townhomes and mitigate impact on the adjacent properties in terms of noise, headlights, glare, etc.

Under traditional zoning:

1. The commercial use requires plant material and a 4.5 feet to 6 feet tall wall or berm as a buffer to adjacent residential. The graphic on the landscape detail sheet indicates a minimum 4.5 foot retaining wall will be provided between the parking lot and the south property line.
2. A minimum 8 foot wide planting area is required around the foundation of the building; 5 feet are provided on the east side of the building and portions of the north side. A dimensional waiver via the HPUD amendment process is required to permit 5 feet.
3. 24 foot wide drive aisles are required; 28.5 feet are provided in the proposed parking lot. The drive aisle may be reduced to pick up additional setback from the south property line.

Landscape.

A full landscape review will be provided during the site plan submittal.

1. As part of the HPUD amendment review, the Planning Commission can require additional plant material to help mitigate impacts from the proposed development on adjacent properties. Additional landscaping should be required along the south and southeast property lines to offset impacts of a larger parking lot and reduced parking lot setback abutting the Springwater Park Condominiums.
2. Much of the plant material on site is old and has not been maintained. At a minimum, new plant material meeting the requirements of Article 24 will be required with the new site plan.

Building elevations.

Conceptual building elevations are provided. The Commission can include conceptual elevations as an exhibit to the HPUD or defer full elevations to the site plan submission.

Article 33.6 regulates building design requirements. Significant departures include deviations from the following ordinance requirements:

1. The primary building material shall be full dimensional brick; a minimum 80% on each elevation, excluding roof and windows.
2. Accent materials shall be natural stone. The Planning Commission may approve cement board siding. EIFS is not permitted.
3. One building sign is permitted, the Planning Commission may approve a second sign provided it meets the sign ordinance requirements for a second sign.
4. Additional architectural detail(s) shall be provided on the east elevation so it looks less like the back of the building since it is visible from 6 Mile and the adjacent property to the east.

Township Planner Frey concluded her review, and summarized consultant reviews included in the Commissioners' packets:

- November 9, 2020 letter from Engineer George Tsakoff, OHM Advisors, recommended approval, with comments regarding evaluation and verification that existing stormwater system design meets the needs of the potential redevelopment, comments regarding grading and paving, and corrections that needed to be made on the engineering plans. Full lighting and engineering review will be provided at site plan review.
- November 4, 2020 memorandum from Township Attorney Graber provided comments on the draft amendment, including those things that will need to be addressed prior to any recommendation to the Board of Trustees.
- November 16, 2020 letter from Pete LaMourie, Progressive AE, provided comments related to parking, circulation and trip generation of the proposed larger building.

Mr. LaMourie explained that this project did not appear to have "fatal flaws" from a traffic standpoint. Access to/from the site would essentially stay the same, and would retain the existing service drive alignment and provide expanded parking between the service drive and Springwater Drive.

From a traffic and circulation standpoint there were no significant issues with the proposed layout. Based on the current Institute of Transportation Engineers (ITE) manual Trip Generation, the proposed restaurant will generate approximately 91 trips (56 inbound, 35 outbound) during the afternoon/evening peak hour. A restaurant of the smaller existing size would generate approximately 65 trips during that same peak hour, for a difference of approximately 26 trips. Assuming a rough 50/50 split in how those trips arrive/depart on Springwater Drive, it would amount to about one additional vehicle every four minutes on average on any section of Springwater Drive during the peak hour. From an empirical standpoint that would not result in any perceivable impact in traffic on Springwater Drive.

In response to Commission questions, Township Planner Frey explained:

- The larger footprint referenced in the applicant's letter most likely included the landscape around the building.
- The proposed additional parking is 1) what the applicants felt they needed, and 2) what the ordinance required for the larger building and the use.

Chair Zawodny invited the applicants to make their presentation.

Rich Hodsdon, Community Engineering & Surveying, 5805 24 Mile Road, Suite B, Shelby Township, was present on behalf of this application. Victor Trpcevski, Art & Jakes CEO, 65859 Van Dyke, Washington Township, and Tom Elkins, 8130 High Point Trail, White Lake MI, were also present.

Mr. Hodsdon said that Art & Jakes was a family-owned business with several locations, and offered a sports bar experience with fine dining flavor. They would like to construct a new, larger building at this location, and were asking for a reduced parking lot setback from the south property line in order to accomplish this. The main door will be on the left side of the building, leaving the east side only 5 feet from the curb line. While they would not meet the 8 foot landscaping requirement on the east side, they were offering 5000 square feet of landscaping overall, when only 3500 square feet were required.

Regarding the parking, there were 122 existing spaces. They were proposing to add 53 spaces, for a total of 175 spaces, which is what the ordinance required. The new spaces would be to the south of the restaurant, south of the shared driveway and east of the existing paved circular area. They would add a retaining wall at the top of the berm, at the south side of the new parking, thereby screening the cars and headlights from Springwater Drive. Sheet 3 showed a graphic of how a car would park, facing Springwater Drive but being completely shielded from it, utilizing the existing berm, new retaining wall, and added evergreens.

Mr. Hodsdon continued that the PUD documentation from 2000 and the title work included some concept sketches that look nothing like the site is today, because they were prior to what was approved for Brann's and the bank. The concept sketches provided some precedence for the proposed configuration, and those sketches were part of the original PUD approval. Therefore he thought that what was purchased (existing) was different than what was allowed (the original sketch).

Township Planner Frey said this situation had been thoroughly discussed with the applicants. The 2000 HPUD approval did include a concept sketch, which had never received formal approval as a site plan. The 2001 HPUD amendment approved what exists today, and that superseded the earlier document. The 2001 amendment was a text amendment only, and the existing configuration on the site was approved via the formal site plan review process.

Mr. Trpcevski asked about the requirement for including additional architectural details on the east elevation, which was where the kitchen would be. Township Planner Frey explained that the ordinance required the additional detail since the east elevation was visible from 6 Mile and the adjacent property to the east (McDonald's). The detail did not have to include windows, but could include brick or stone design work, etc.

Mr. Trpcevski gave a little more background regarding the restaurant, which would have a chef on site, and which would serve 73% food and 27% alcohol. The restaurant was family friendly and would not have live entertainment.

Mr. Trpcevski said that his original intent was to remodel the existing building, but after further research felt that the building would not accommodate their growing company. Although he had multiple offers for a quick resale, he would like to keep this location and serve the Northville community. He pointed out that a restaurant in the existing building would employ 50-60 staff; the proposed larger facility would employ 120-125 staff.

Mr. Elkins said that the title work presented the HPUD as filed with a 2nd amendment, but did not show a 1st amendment. The title work showed a 6 acre parcel, with two identical side by side buildings for restaurants that collectively created the parking area. In that original sketch, the berm was almost nonexistent. The applicants still did not have the 1st amendment or anything that shows the actual site plan for what exists today.

Art & Jakes was proposing a single larger restaurant instead of two separate restaurants as shown on the original HPUD. The parking was not significantly different in terms of total parking counts from what was in the original PUD plan. They felt they were offering something better in terms of traffic, congestion, and parking than what was approved originally. One of the reasons they needed the additional parking was to keep parked cars off the side road during peak hours, and to provide parking for staff during that same time frame. Employee parking would be located closest to the modified berm.

Commissioner Lark asked if the applicants had verified via a site visit what existed on the property now, as opposed to what was shown on a document they received from the title company.

Mr. Elkins explained that they did know what existed on the site currently. However, one reason they were pursuing this construction of a larger building was what they were proposing was not very different than the original PUD approval, especially because there was no 1st amendment of record.

Commissioner Lark asked what was driving the request for a larger building. How large were Art & Jakes current establishments?

Mr. Trpcevski said that their current establishments were approximately 9,000 - 12,000 square feet, with one rented facility being about 7,800 square feet.

Township Planner Frey said that the 1st amendment was a text amendment only, that allowed for flexibility of uses within the PUD, specifically a bank and a restaurant instead of two restaurants. The 2nd amendment in 2009 was to add a second wall sign. As discussed with the Township's attorney, any time there was a 2nd amendment there had to be a 1st amendment. While this may not have shown up on the title work, it had been specifically discussed when staff met with the applicants. Again, the 1st amendment was a text amendment only, with no drawings. Drawings were done for site plan approval,

which would not be recorded in the PUD documents, but which were approved in concert with the text amendment just described.

Mr. Trpcevski said that since no one could show them what the 1st amendment actually looked like, they had relied on the sketch in the original approval.

Chair Zawodny commented that the conceptual site plan that was shown as part of the original PUD approval was basically a placeholder, and did not represent a formal approval of a site plan.

Mr. Elkins said they understood what existed on the site at the time of purchase and they had a survey that Brann's had provided. However, when it became apparent that the Art & Jakes brand needed a larger facility at this location, they only thing they had to rely on was the information provided in the title work, which was the sketch from the original PUD approval. What the applicants were proposing this evening was less burdensome and less dense than the originally approved plan. Additionally, they were not adding much more density than what was originally approved in terms of parking spaces. They wanted to get as close as they could to the original plan and still get the parking they needed, and provide efficient traffic management.

Mr. Trpcevski gave further information regarding the operation and parking at Art & Jakes' other locations. He reiterated that they wanted to provide a plan similar to the originally approved plan, and asked for Commission approval.

Chair Zawodny asked about the requirement listed in the Township Planner's letter that:
Approvals from the Brookstone Village Subdivision #2 Association, the Springwater Park Condominium Association and the Haggerty Road Development Association are required and must be provided in writing.

Had this been done?

Mr. Trpcevski thought that approvals had been received from Whitehall Management, who managed Springwater Park II Condominium Association, TCF Bank, and Haggerty Road Development Association (HRDA).

Township Planner Frey said she had not received anything in writing. She also wondered if the Management group was authorized to speak or approve something like this on behalf of the residents. Typically the residents themselves would respond via an executive board or something similar. In any event, the entities listed in the original PUD had to agree to this proposal.

Commissioner Watson asked for further clarification regarding what was actually defined in the PUD Agreement. One thing that was shown consistently in the original PUD sketch and the final site plan is the circular, park-like area on the south side of the berm abutting Springwater Drive.

Township Planner Frey explained that this development represented one of the Township's first HPUD agreements. As such, it had offered a conceptual plan, and then had an actual site plan formalized through the site plan review process.

Chair Zawodny opened the public hearing at 8:18 pm.

Jonathan H. Saffiedine, 39651 Springwater Drive, board member of Springwater Park I Association, said that Springwater Park I had made two attempts to communicate with the developer, but had never heard back. Springwater Park I had concerns regarding the encroachment into the 50 foot setback, and light and noise that could potentially come from the restaurant late at night. A retaining wall would not keep those things out. The 50 foot setback requirement was put in place to protect the residents, and they were concerned that a lesser setback would be granted and the protection lost.

Mr. Trpcevski said he had received email correspondence from Springwater Park I.

Charmaine Gibb, 39520 Rockcrest Lane, was also on the Board of Springwater Park I. She further explained that Springwater Park I had seen the plans, reviewed them, and had asked for more information via more direct communication that did not go through the Whitehall Management Group, which managed HRDA and Springwater II. They had talked with the co-owners in Springwater Park I, and there had been mixed reviews. They needed further information regarding traffic control, especially regarding traffic that would use their development to cut through from 6 Mile Road. There was concern about noise from outdoor seating. While they welcomed the business, their community had concerns that needed to be addressed.

Mike Quinkert, 39427 Springwater Drive, said that they were accustomed to having the property the way it is. He agreed that they welcomed the new business, but now that Art & Jakes was asking to expand, questions had arisen. He wondered if Art & Jakes had considered purchasing the now vacant TCF Bank property and expanding in that direction. The berm had been part of the residents' neighborhood for a long time, and had been used by them. Also, patrons and employees of the restaurant parked on Springwater Park Drive. He wondered why Art & Jakes had a business plan that would use the existing building, but now felt they needed to construct a much larger building in order to succeed.

Mr. Trpcevski said that they had reached out to TCF Bank, but that property had been sold as part of a package to another investment group, and in fact that group had approached him to purchase his property. He said that no employees would park on Springwater Park Drive.

Township Planner Frey said that she had spoken with an architect who represented someone who wanted to develop the TCF property. She hoped if both vacant properties were redeveloped, there could be a coordinated effort to develop them in a complementary way.

Chair Zawodny noted that the berm is part of the restaurant property, and all the improvements are proposed on that property.

Mr. Elkins emphasized that Art & Jakes catered to families and older people, and did not have a rowdy clientele.

Conner Kress, 39665 Springwater, Springwater Park II, said he had purchased his home in July, and was part of the newest part of this development. Given that his window height was around 35 feet, a berm wall will not be effective with a 30-40 foot setback. This would be like giving his townhome a box seat to the parking lot. How would noise and light be managed? He was very concerned about this change degrading his property value.

Commissioner Lark wondered if any approvals had come from the builder, the management association, or the homeowners themselves. An approval from a management association was different than from a homeowners' association.

Molly Roseland, 39627 Springwater Drive, said she was directly behind the existing berm. She emphasized that the berm had been a big factor in their purchase. The berm was used by the residents as community space. People already had difficulty selling their condominiums, and this proposal would give potential owners a parking lot to look at. She also was concerned with noise, lights, and people trying to find a back way into the restaurant. A retaining wall and a few trees would not provide a solution to these issues. She encouraged Art and Jakes to use their original business plan for this property.

Christine Metiva, Whitehall Community Management Agent for Springwater Part II Association and Haggerty Road Development Authority, explained that HRDA is the umbrella organization for Springwater Park I, Springwater Park II, TCF Bank, and the restaurant property. The successor developer for this property is also a member of the HRDA Board and Springwater Park II Board, something that was permitted because the developer still owned a number of properties there. As far as she knew, all the Boards were in favor of this proposal. She felt that Art & Jakes had been a good neighbor and done what they could to accommodate any association requests. Regarding neighborhood greenspace, there was significant protected wetlands with pedestrian amenities within the neighborhoods. The only association that had not yet approved the proposal was Springwater Park I.

Christian Windisch, 39655 Springwater Drive and directly opposite this development, shared concerns already stated, specifically having a view of a large gray parking area. Was it possible to put the extra parking elsewhere?

Lonnie Leeds, 39623 Springwater, appreciated the orientation of the building with the kitchen on the east side, and the additional landscaping on the berm. She pointed out that incoming traffic from Ward Church did not have a straight-thru lane at the traffic light there, only arrows to turn right or left.

Kelly Kevnick, 39684 Rockcrest Lane, board member for Springwater II, agreed with comments expressed by Christine Metiva. She was very happy that a new business

wanted to come to the area, and she fully endorsed it. For those people talking about green space, she felt that there were other parks in Northville that residents can visit. The berm was on the restaurant property. Regarding parking issues, the residents themselves caused some of those issues by not parking in their garages.

Ralph Gunderson 39432 Springwater, said that while he also welcomed Art & Jakes, he had concerns regarding traffic. He asked if the second access to Springwater Drive could be removed, so that there was only one access close to 6 Mile Road, and if the parking could be configured differently to accommodate resident concerns.

Stacy Clough, 39625 Springwater, said that her condo would be directly impacted by the parking lot. She was excited about the new restaurant, but at the same time was concerned about its planned expansion. She had purchased her condo because of its proximity to green space and woods. She was concerned about walking her dog at night when the parking lot was so close, and she was also concerned as to how the expansion would affect her property value. She wondered how late the restaurant would operate. Would there be nighttime noise and light concerns, with people lingering in the parking lot?

Chair Zawodny asked the applicants to address hours of operation.

Mr. Trpcevski said they would be open 11 am to decline of business, which would be 1:00 am most nights. He emphasized that they would have no live entertainment.

Jason Hodges, 39448 Springwater Drive, also welcomed the restaurant, but he was concerned regarding traffic. He was a little perplexed on the emphasis put on Springwater II, which was not affected as much by this proposed change. He felt the parking was excessive.

Speaking again, Mr. Quinkert addressed comments that had been made regarding traffic and parking in Springwater I. Specifically, speeding traffic was traveling from 6 Mile Road to Haggerty to avoid the light, the greenspace offered in the wetlands was a different experience than the berm due to mosquitoes, etc., and cars being parked on residential streets from restaurant users remained a concern.

Ashley Peper, 19450 Smock, believed that enough parking could be provided without reducing the setback, which would negatively impact the quality of life in this area.

Seeing that no other public indicated they wanted to speak, Chair Zawodny closed the public hearing at 9:14 pm and brought the matter back to the Commission for discussion and/or a motion.

In response to questions from Commissioner Watson, Township Planner Frey said that if this parcel were developed under normal zoning standards, the parking lot setback to the south would be required to be a minimum of 50 feet. The PUD did not formally change this dimensional requirement.

Commissioner Watson said that while a PUD often required everyone to work together to come up with a mutually beneficial plan, which in this case did not appear to be happening, so technical aspects and facts at hand would inform her decision. The original concept plan did show something around the circle on the southern property line, indicating that that space was a designated, defined space on a site plan. The underlying zoning district requires a 50 foot setback between the commercial parking lot and residential component.

Commissioner Guerriero summarized the comments from the public hearing, which offered a wide variety of views ranging from support to opposition of the reduced setback. Residents were concerned that the reduced setback would interfere with quality of life and property values. Others believed the plans as presented are a positive for the neighborhood.

Commissioner Guerriero asked if the Commission could proceed without the required written approvals in hand, as listed in the HPUD Agreement. What role did the Haggerty Road Development Association play in those approvals?

Township Planner Frey said she would need to consult with the Township Attorney regarding the role of the HRDA before giving a definitive answer. Certainly the required written approvals would need to be submitted and verified by the Township Attorney before making a recommendation to the Board of Trustees. Also, it was unclear whether Springwater Park I and Springwater Park II were separate entities.

Commissioner Guerriero said that it was also unclear whether the Associations as presented this evening had authority to speak on behalf of their residents, and whether the residents had been effectively polled as to how they felt about this issue. All these questions needed to be resolved before the Commission acted.

Chair Zawodny shared Commissioner Guerriero's concerns. Without the project going through the sequence of steps as required by ordinance and by the HPUD agreement, the Commission was not in a position of being able to make a recommendation. There was confusion around several issues, including the intent of the development and the technical aspects of what was approved in the past vs. the original PUD concept. He suggested postponing action until there could be more dialogue between the developer, the Homeowners Associations, and the residents.

Commissioner Lark agreed. It was difficult to make a decision without the approvals being submitted. The Commission needed more clarity regarding the approvals and the different levels represented by the various Associations,

Chair Zawodny emphasized that the Commission supported a strong business moving in and revitalizing this location, and hoped that any new development might work with the TCF site developers. From the owner's perspective as presented this evening, the parcel was purchased with the intent of using the existing facility and current parking. Tonight the owner had presented an idea that there is perhaps an expected entitlement to develop the property per the original concept plan that was submitted but never

formally approved. It was difficult to accept an argument that the applicant would like to do this because it is better than what could have been worse, but which was never built. He was also concerned that there was a 2nd amendment, which should have triggered a search by the applicants for a 1st amendment. However, what the Commission and the applicant had to work with was the site as it existed today. Also, Chair Zawodny said in fairness to the applicant, the berm is part of the applicant's commercial property. However, the residents also had a right to expect protection and consideration via the 50 foot setback as provided in the ordinance.

Regarding traffic concerns, Chair Zawodny said that generally the faster traffic on residential streets is from cut-through traffic trying to avoid a corner light.

Chair Zawodny recommended that the applicants and the associations talk together to see if the issues can be brought to resolution.

Commissioner Guerriero said he was ready to offer a motion. He wanted to echo comments that the Commission was pleased and excited that the applicant is seeking to make this investment in the Township, and it had the hallmarks of being an outstanding addition to the business community. The Commission wanted to make sure the redevelopment can be realized in the best possible way for both the applicant and surrounding residents. He did not oppose this project in concept. There were just some technical matters that needed to be addressed before the Commission could act.

MOTION by Guerriero, support by Lark, in the matter of PPUDAM20-0002, Art & Jakes' Springwater HPUD Amendment #3, a request to allow a 31'-48' parking lot setback from the south property line at 39715 Six Mile Road, that the Planning Commission postpone action until such time, and that can be as soon as the next meeting if the situation allows, that the Commission a) receives direction from the Township Attorney as to the specific approvals that are required outside of this body for this application to move forward, and b) that those approvals be submitted to the Township Attorney in time for the Attorney to advise the Planning Commission whether they are adequate under the requirements of the HPUD agreement.

Additionally, based on comments by the Chair and recorded in the minutes of this meeting, the Commission urges the applicant to take those steps necessary to open all available lines of communication with the surrounding residents to assure that they have done everything possible to assuage resident concerns, to the extent possible consistent with their reasonable business plans.

Roll Call Vote: Ayes: Guerriero, Lark, McCarthy, Watson, Zawodny

Nays: None.

Motion approved 5-0.

Other Business: None.

Department Reports:

Jennifer Frey, Township Planner

- Introduced Trustee Mindy Herrmann, who would be serving as the new Board of Trustees Liaison to the Commission.
- Township offices operations update – offices are open via appointment only through the end of year.
- TCF Bank property (6 Mile Road) for sale.

Eric Lark, Board of Zoning Appeals

- November 18, 2020 Zoning Board of Appeals Meeting summary.

Extended Public Comments:

None.

Adjournment:

Motion by McCarthy, support by Guerriero, to adjourn the meeting at 9:42 pm.

Voice vote: Unanimous

Motion approved 5-0.