

**CHARTER TOWNSHIP OF NORTHVILLE
PLANNING COMMISSION
February 25, 2020**

DATE: February 25, 2020
TIME: 7:00 PM
PLACE: Northville Township Hall
44405 Six Mile Road

APPROVED: May 5, 2020

CALL TO ORDER: 7:02 PM

ROLL CALL:

Present: Lisa Anderson, Timothy Guerriero, Eric Lark, George McCarthy, Fred Shadko, Jayne Watson, Tim Zawodny

Excused: None

Staff: Jennifer Frey, Township Planner
Tom Casari, Director of Public Services

Approval of Minutes:

Planning Commission – January 28, 2020

MOTION by McCarthy, support by Guerriero, to approve the January 28, 2020, Planning Commission meeting minutes as presented.

Voice vote: Ayes: All
Nays: None

Motion approved unanimously.

Correspondence:

Packet distributed tonight by applicant regarding 2nd item under Old Business: PAM19-0005.

Brief Public Comments: None.

Public Hearing:

1. PSLU20-0001 Biddergy Warehouse
Representative: Ed Ouellette, Biddergy.com
Property Owner: 17000 Building, LLC
Location: 17000 Northville Rd., 77-054-01-0045-0003
Request: Special Land Use – Industrial Zoning District for Warehouse
Action: Approve, Approve with Conditions, Postpone, or Deny

Referring to her February 18, 2020 review letter, Township Planner Frey gave the background for this request for a Special Land Use for a Warehouse in the Industrial Zoning District at 17000 Northville Road, as well as site plan review comments.

Township Planner Frey described Special Land Use review procedures and standards. If approval for the Special Land Use was granted, the Planning Commission could impose reasonable conditions to offset or mitigate any impacts created from the use.

Special Land Use Review:

- Compatibility with adjacent uses standards were met.
- Regarding compatibility with the Master Plan, which called for mixed use should the entire site be redeveloped in the future, current zoning was permitted to continue with uses which were authorized by the ordinance.
- Regarding impact on traffic, the warehouse use was not expected to generate traffic that was out of character for the area. The location of the tenant space was adjacent to the existing southern driveway. There was adequate parking on the south side to accommodate customer pick up.
- Regarding impact on public services, the proposed use was adequately served by public services.
- Regarding compliance with Zoning Ordinance Standards, a note must be added to the site plan and made a condition of approval that outdoor storage, display or staging of goods/materials is not permitted. Also, non-conforming site elements must be brought into compliance.
- Regarding impact on the environment, the proposed warehouse tenant would have no additional impact to natural features or the environment.

Site Plan comments

- Delete driveway access from Waterford Road at the north end of the site.
- Remove the proposed building identified at the southeast corner of the site.
- Five additional trees are required along the Northville Road frontage.
- The evergreen trees within the greenbelt shall be removed and replaced with new trees. The condition of the deciduous trees will be evaluated in the spring to determine if replacement is required.
- 47 shrubs are required for the portion of the greenbelt occupied by Biddergy, from the north end of their tenant space to the south property line.
- Plan be updated to reflect the greenbelt and street trees landscape requirements, and a note added regarding replacement of any declining deciduous trees along Northville Road.

Site Maintenance

- Causes of standing water must be identified and corrected in a manner acceptable to the Township Engineer.
- Parking lot cracks must be repaired.
- Any vehicles that are not operational and/or associated with an on-site business must be removed.
- All debris and junk material must be removed from site.
- Parking lot must be striped.

Conditions of Approval

- Resolve all site plan and site maintenance issues.
- Provide an updated site plan that addresses review comments and include notes to address site maintenance items.
- Note added to site plan indicating outdoor storage, display or staging of goods/materials is not permitted.
- Given the time of year, all issues must be resolved within 90 days of approval.

Ed Ouellette, President, Biddergy.com, 1919 East Kilgore Service Road, Kalamazoo, was present on behalf of this application. Mike Storm, property owner, was also present.

Mr. Ouellette gave some background to his business, which was an online auction provider that sold surplus goods to the general public, as well as handling items for school and government entities and industrial uses. Biddergy.com had been in business for 10 years, had over 30 employees, had customers in all 50 states and over 200 countries, and had offices in Chicago, Las Vegas, Kalamazoo, and this location in Northville Township.

Mr. Ouellette said that several of the requirements listed in Township Planner Frey's review actually pertained to the property owner, who was also present this evening.

In response to Commission questions, Mr. Ouellette gave the following information:

- Biddergy.com had been operating at this site for over a year, and had signed a lease for the space.
- Resolution of most site issues was out of Biddergy.com's control; they had no contractual relationship with the owner that required them to make site improvements.
- They anticipated having up to 8 employees by the end of 2020.
- Hours of operation, including deliveries and customer pick-ups, would be 9 am to 5 pm Monday through Friday. There were no after-hours or weekend activities at the site.
- Some items were shipped to successful bidders; other items were picked up at the warehouse.
- Biddergy.com sold vehicles online, but those vehicles tended to stay on clients' sites for pick up. Only occasionally would there be auctioned vehicles at the actual facility.
- Typically the company's small box trucks brought items for sale to the warehouse. While Biddergy.com took consignment goods from the general public at their 100,000 square foot Kalamazoo facility, they did not plan on doing this at the Northville Township location. Their business model for eastern Michigan was more on-site sales, such as for school districts and municipalities.
- Biddergy.com did have buyers on both sides of the state, and they would transfer goods from one facility to the other.
- Only rarely were larger trucks or common carrier type vehicles used for delivery or pickup from this location.

Property owner Storm said he would work with Township Planner Frey to resolve outstanding issues on the site. He mentioned a landscape plan he had closed out with Township Staff about 3 years ago. In further conversation with the Commission, Mr. Storm made the following additional comments:

- The Austrian Pines on the property had needle die-off inside the branches, and could appear less lush as they grew, but the trees were not dead.
- Most of the parking lot had been striped on November 18, 2019. At that time Mr. Storm addressed the cracks in the pavement, to make sure there were no weeds growing there.
- Mr. Storm's position was that all the issues in the Planner's review would be resolved. However, none of the items were in the space being used by Biddergy.com.
- Resolving the site issues was entirely Mr. Storm's responsibility.

Township Planner Frey said the intent of the previous landscape plan was different than what would be required for a Special Land Use, which would require the landscaping be brought into compliance with ordinance requirements.

Township Planner Frey said that when the Township was approached 1-1/2 years ago for the Biddergy.com use, the process for a Special Land Use had been outlined to the tenant and owner, including reviewing the requirements for the portion of the site that needed to be brought into compliance with the ordinance. All the outstanding issues were directly pertinent to the Special Land Use and had been repeatedly discussed with the applicants.

Chair Zawodny pointed out there were apparent junk vehicles on the east side of the property. Township Planner Frey said those vehicles were to be removed as part of the terms of a 2012 consent judgement. However, the Township had not been able to obtain compliance, which was why that clean-up was now part of the Special Land Use conditions, as listed this evening.

Township Planner Frey further explained that the site plan that was submitted for this Special Land Use was actually the exhibit to the consent judgement. Things that were not pertinent to this site plan should be removed from the submitted plan, such as the access to Waterford, which did not exist, and a proposed future building that was not part of this submission. The applicants needed to submit an accurate drawing that reflected the additional landscaping that was required as part of this request, and all notes to bring the site and site conditions into compliance. The drainage might need engineered drawings, but that was not known definitively at this point as nothing has been provided.

Mr. Storm said historically they had problems with the drainage because water ran under the railroad tracks to the east, bringing water from the properties to the east to be dumped on this property. He had spoken with the railroad about this situation with no resolution. This water flow had undermined and damaged the parking lot. The sewer lid was now higher than the pavement, and he would have to excavate in order to

repair it. However, he did not think there was ever any standing water on the property – it was constantly moving.

The following points were called out in discussion regarding storm water management:

- Mr. Storm said he had the southwest drain vacuumed out at one point, but that needed to be done again.
- The storm sewer system had never been scoped. It was not known how it was laid out.
- Director of Public Services Casari said the GIS did not show any of the utilities on this site. The way to move forward was to clean out the drainage pipes, and then make a record of what was found.
- Chair Zawodny had seen visible oils from the junk vehicles floating on top of water that was draining via a trench into the south property line.

Mr. Ouellette said Biddergy.com was being put in the middle of these site issues, which were not the company's responsibility. He asked for conditional approval this evening, and requested that their business was not made a part of enforcement regarding site issues.

Chair Zawodny asked if vehicles brought by Biddergy.com to the site would be operable and intact. Mr. Ouellette said they didn't intend to have any salvage vehicles at this site. They had had some vehicles there already, and those had been transferred to other locations.

Commissioner Watson asked how long auctioned vehicles were on the site. Mr. Ouellette said the vehicles were rotated, with 2-3 being dropped off at any one time. Once there were enough vehicles, they were loaded and shipped to the Kalamazoo location. Once they had a Special Land Use approval, those vehicles would be sold at auction rather than being transported somewhere else.

In response to questions from Commissioner Shadko, Mr. Ouellette confirmed that large construction equipment or other large machines would not be stored outside on this property. The only outdoor storage would be vehicles for transport or sale. Biddergy.com was allocated 20 spaces next to the tenant space, so no more than 20 spaces would ever be used. The business model for this location was that most items including vehicles would stay on the seller's property until they were picked up by the buyer. Occasionally a vehicle might get dropped at the warehouse property where it would be sold; pick up would be within 7 days.

In response to further questions from Commissioner Shadko, Mr. Ouellette said they invested heavily in their sites. For instance, they had a leased building close to the airport where they had invested \$3 million. The subject building would have a sign that would be permitted through the Building Department.

The Commission discussed allowing a 90 day window for resolving outstanding issues. What would happen if after the 90 day period, compliance was not achieved? Township Planner Frey explained that the Township could enforce for noncompliance of

an approved site plan. Director of Public Services Casari added that enforcement would consist of fines and tickets, which would continue until the situation was resolved.

Mr. Ouellette said that Biddergy.com agreed with most of the issues called out by the Township Planner. However, if Biddergy needed to vacate the building because they could not get a certificate of occupancy, Mr. Storm could lease to a tenant that did not need a Special Land Use, and the enforcement mechanism of a Special Land Use approval would be a moot point.

Commissioner Watson asked if there was an immediate plan to remove the junk and damaged vehicles from the property. Mr. Storm said he would resolve this situation by notifying his tenants the vehicles must be moved. If that did not occur, he would have the vehicles towed.

Commissioner Lark pointed out that any approval would be conditioned on resolution of all items listed in the Township Planner's review.

Mr. Ouellette reiterated that he felt most of the outstanding issues were the property owner's responsibility.

Commissioner Anderson asked who would submit the updated site plan, and when that would occur.

Mr. Storm said he understood he was responsible for resolving outstanding issues. Mr. Ouellette said Biddergy.com would submit an updated site plan. Township Planner Frey emphasized that a revised site plan must accurately reflect the site, including the location of the catch basin, and include conditions of Planning Commission approval. The Engineering Department might require additional information to address drainage on the site.

Chair Zawodny opened the public hearing at 7:47 pm.

Ron Lane, 16660 Mead, said his question had been answered during the course of tonight's discussion. His biggest concern was whether this warehouse use would use large tractor-trailers and whether they would be on site 24 hours a day. Per the discussion, this was not going to happen.

MOTION by McCarthy, support by Guerriero, to close the public hearing for PSLU20-0001 at 7:49 pm.

Voice vote: Ayes: All
 Nays: None

Motion approved unanimously.

Chair Zawodny said he often drove past this property when it was dark, and the exterior pole lights and other outdoor lights flashed like strobe lights. This needed to be corrected.

The Commission discussed whether they would move forward with a conditional approval or whether they would require the outstanding site, landscape and maintenance issues be addressed before taking action on the request. The Commission was concerned that a conditional approval might still result in non-compliance, especially since these enforcement issues appeared to be long-standing.

Township Planner Frey said it had been a challenge to work with the property owner in terms of compliance with ordinance standards. Being able to enforce regarding violations to an approved site plan would give an additional layer of enforcement.

Mr. Ouellette asked for a conditional approval. They had been operating at this location for about a year, and they needed to know whether or not they could stay, or whether they should seek another location. It had taken longer than usual to apply for the Special Land Use because they first had to obtain a Michigan broker's license for online auction of vehicles. They had obtained the license and were now seeking the Special Land Use.

Township Planner Frey explained that from the beginning the Township had been clear that the use needed Special Land Use approval.

Commissioner McCarthy indicated he was ready to offer a motion.

MOTION by McCarthy, support by Lark, that the Planning Commission approve request PSLU20-0001, Biddergy Warehouse, 17000 Northville Road, Northville MI, for a Special Land Use in an Industrial Zoning District, with its associated site plan, landscape plan, and site maintenance requirements, with the following conditions:

- A revised site plan showing the resolution of all issues called out in the February 18, 2020 Planner's review letter be submitted for administrative review and approval, with all issues to be brought into compliance with Ordinance standards within 90 days of tonight's meeting.
- Required repairs to the parking lot include removing the drainage trench that has been cut in the asphalt, and repairing the asphalt.
- All outdoor lighting be corrected so that lights are stable and do not give a strobe effect.

Discussion of the motion included enforcement process should the issues not be resolved as required. Enforcement for site plan and Special Land Use violations would be against the property owner. It was noted that both the property owner (Mr. Storm) and the business owner (Mr. Ouellette) had signed the application for Special Land Use approval.

Ron Rader, TDG Architects, 79 Oakland Avenue, Pontiac, was present on behalf of this request for discussion for three concept building sketches for the medical building to be located on the vacant land on 7 Mile Road, known as Parcel ID 77-003-01-0082-300, and which was part of a greater development parcel that included the previously approved elevations for Premier daycare academy.

Mr. Rader noted that the original elevations submitted for the medical office building had been rejected by the Planning Commission as being too contemporary for the Township.

The three concept sketches provided for discussion this evening included:

- Concept A: Subdued contemporary scheme.
- Concept B: Premier Academy Influence Scheme
- Concept C: Usonian – "Prairie Style" Design. Residential Scaling.

The Commission discussed the three concept drawings in terms of design, height, mass, materials, compatibility with the residential neighborhood, and respect for the originally approved buildings when the site had received its special land use approval under a previous owner.

All three concepts met the 80% masonry requirement. All maintained the originally approved 12,000 square foot footprint. The windows would all be tinted.

After discussion, the consensus of the Commission was to favor Concept C, although Commissioner McCarthy was unsure that the design, which was unlike anything else in Northville, would fit the community. Other comments made regarding the concept drawing included:

- The original approval when the site was under different ownership was for a commercial building that had a residential character, including a sloped roof system. That design had responded to neighbor concerns: the residential neighbors did not want a building that would be too commercial in appearance. A benefit of the sloped roof design was the reduced height and a façade that didn't present something overbearing in height and scale. Also, originally the two buildings on the entire site complemented each other.
- Even though the proposed design was prairie style, perhaps some sloped roof elements could be worked in.
- The Commission generally disliked the use of decorative block and split face or burnished block, and did not feel those materials met design goals of the Township.
- The applicant would need to show more finished elevations for all sides and a street view that placed this building next to Premier Academy, especially since this building and the Premier Academy building were being developed together on the same overall site.
- The proposed building seemed tall, especially with regard to the center roof area. Again, scale and compatibility with the surrounding area was important. The roofline might need modification.

- The applicant should show more clearly how the roofline would look when HVAC equipment was added, with appropriate rooftop screening.
- A material sample board should be provided.

Mr. Rader said they felt Concept "C" presented a timeless design that would not feel dated in future years.

Discussion was held regarding whether Concept "C" was ready to be part of a formal submission for site plan amendment, or whether the applicant would benefit from another conceptual discussion when he might present more information before investing in a full application package.

Mr. Rader said they would like to move forward with a formal application seeking appropriate approvals. The Commission pointed out that any formal submission at this point carried the risk of postponement or denial. The Commission felt most comfortable with Concept "C" of the three concepts presented this evening, but tonight's conversation should not be misconstrued to be an approval. Any formal submission would be subject to full review.

Chair Zawodny closed discussion on this item.

Other Business: None.

Department Reports:

Jennifer Frey, Township Planner

- The Township received a \$100,000 MEDC marketing grant jointly with Plymouth Township for the MITC corridor, to be used to marketing and branding such as upgrade the MITC website, create printed materials used for marketing purposes, etc. Meetings with stakeholders is scheduled for next week.
- Conditional rezoning request for Northville Glades project would be on the March agenda.

Tom Casari, Director of Public Services

- Tenneco & Cooper Standard received certificates of occupancy.
- Zhongding is close to receiving a certificate of occupancy.

Eric Lark, Board of Zoning Appeals

- February ZBA summary report.

Fred Shadko, Board of Trustees

- The Village at Northville PUD Amendment (live/work changes) is scheduled for the March Board of Trustees meeting.

Extended Public Comments: None.

Adjournment:

Motion by McCarthy, support by Guerriero, to adjourn the meeting at 9:17 pm.

Voice vote: Ayes: All
 Nays: None

Motion approved unanimously.