

**CHARTER TOWNSHIP OF COMMERCE
ZONING BOARD OF APPEALS ****SPECIAL**** MEETING**

Thursday, September 6, 2012

2009 Township Drive

Commerce Township, Michigan 48390

CALL TO ORDER: Rusty Rosman, Chairperson called the meeting to order at 5:00pm.

ROLL CALL:Present: Rusty Rosman, Chairperson
Jorge Pacheco, Secretary
Clarence Mills
David Law
Bill McKeever
Also Present: Kathleen Jackson, Township Planner

Chairperson Rosman introduced the Members of the Board to those present, as well as Kathleen Jackson. She reviewed the requirements for receiving a variance from the Zoning Board of Appeals including the fact that all the standards are to be met by the applicant. She assured the applicants present that the sites of the proposed variances have been visited by the members of the Zoning Board. She also explained that if a petitioner's variance request is granted, they will receive their letter of approval by mail. It is imperative that the letter be presented when applying for a building permit. A variance is valid for 365 days from the date of the approval letter.

APPROVAL OF MEETING MINUTES

MOTION by Law, supported by Mills, to approve the Zoning Board of Appeals Special Meeting minutes of February 15, 2012, as written.

MOTION CARRIED UNANIMOUSLY

Kathleen Jackson explained a correction to the Planner's Report which affected the motion on July 26, 2012 for Item A12-06. There was an error in the initial report; the 15.3' front yard variance should have been indicated as 25'. Despite the change to the report and motion, the proposed monument sign would still replace the existing sign in its exact location. The survey was also provided as required by the petitioner.

MOTION by Law, supported by Pacheco, to approve the Zoning Board of Appeals Meeting minutes of July 26, 2012, with the following correction: ***Page 5 of 9, Motion bullet item 3., 3rd line, change 15'3" to 25'*** for the front yard variance.

MOTION CARRIED UNANIMOUSLY

UPDATE OF ACTIVITIES

David Law – Township Board, Library, and Parks & Recreation

- Nothing new to report at this time.

Bill McKeever – Planning Commission

- Kroger was the last item on our agenda.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

ITEM I: A12-09 – KROGER – PUBLIC HEARING

The Kroger Co. of Novi MI is requesting a variance from Article 26 of the Commerce Township Zoning Ordinance to eliminate the requirement of a secondary entrance on the Commerce Road elevation to construct a new store located at 2855 Union Lake Road. Sidwell No.: 17-12-276-008

Kathleen Jackson, Planning Director gave a review.

Chairperson Rosman opened the public hearing.

The following representatives were present on behalf of Kroger to address the variance request and answer questions:

- Alan Boyer, Engineer of LSG Engineers & Surveyors, 3135 Pine Tree Rd, Ste D, Lansing, MI 48911
- Rick Ragsdale, Senior Real Estate Manager, Kroger Co. of Michigan
- Steve Laser, Kroger Co. of Michigan, 9165 Longcroft Dr., White Lake, MI

Rosman – Are you demolishing the building?

Alan Boyer – Yes.

Rick Ragsdale – We have gotten through various approvals within the Township, and many changes have been made to the plans as requested to make the proposal better. One item we were unable to address was the entrance on the Commerce Road side of the building. Our elevations, as Alan Boyer will point out, split up the building to create the appearance of smaller shops. The new building will be 84,000 square feet, 1.5 times as large as the existing Kroger, with two main entrances on the west facing side. We also have a small entrance on the west facing side which is located about 30' from the corner of the building, however it is not on the Commerce Road side.

The site plan shows the majority of parking spaces facing the west side of the property, with the exception of 8 spaces. The plans also show the elevations and the small entrance leading into the “Grab-n-Go” as we call it.

The main function of the store is service and we believe that granting a variance is appropriate, especially in relation to the parking lot design. The ordinance is relatively new and the overall proposal coincides with the spirit of the ordinance.

Alan Boyer gave a review of the proposal, referring to the building elevations as presented on the board along with the copies and comments provided in the packet.

Alan Boyer – The ordinance requires that there be an entrance on the side of the building facing Commerce Road. The big thing to point out is Kroger’s concern with security. Grocery stores have issues with shoplifting. A secondary entrance on this face of the building would present a problem for store staff and place a burden on local police. Kroger stores are designed with two reasonably close entrances on the front face, near the registers, to reduce security risks.

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By working with the Planning Commission and the Planning Department, we were able to reduce the amount of parking on the site that is adjacent to the south face of the building along Commerce Road. Some of the parking was removed and landscaping was added to bring the proposed more closely into compliance with the Zoning Ordinance. 18 employee parking spaces that face the building were also added in that location.

Chairperson Rosman closed the public hearing as there were no additional questions or comments.

There were -13- returns and -0- letters.

Board Comments:

McKeever –

- Actually, the spirit of the ordinance is being met with the façade of the building on that elevation.
- I have no problems with this request as it meets what was intended.

Law – I have no problems with this.

Mills –

- I think the way the south elevation is planned is very attractive as opposed to one long brick wall.
- What will happen to the old store?

Rick Ragsdale – We are in the process of marketing the property to potential retailers. We own the existing building and it is Kroger's intention to lease it. It is 60,000 square feet and may be split up as necessary.

Pacheco –

- You've done a beautiful job with the elevations.
- I have no objections.
- I understand the design of the entrances, but does this comply with the building code for emergency exits?

Rick Ragsdale and Alan Boyer both confirmed that this is in compliance with regulations.

Rosman – What type of awning will be used?

Steve Laser – It is a metal awning.

Rosman – We want to be sure that it will be repainted. When it begins to look terrible in 5 or 10 years, it may need maintenance or replacing. This is facing the main road and we would like to see it taken care of.

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Kathleen Jackson – The new ordinance does provide for awnings and canopies. Material samples are provided and kept on file for future comparison. Once 10% or more of the initial color is lost, Administration determines if it has to be repaired, repainted or replaced. This can occur at any age.

Rosman – Do you currently own this property or will you be leasing it? And the existing property, will you be selling it or leasing it?

Rick Ragsdale – If the variance is granted, we will own the property as of next week. Then we will own both parcels, the existing and new locations. And, we are initially looking to lease the property at the existing Kroger, but if the right offer to purchase was made it may be considered.

Open discussions continued regarding the closing date on the purchase of the property, the timeline for demolition and construction, the anticipated opening date for the new store which was estimated in the Fall of 2013, and the expanded products and services to be offered at the new, larger location.

MOTION by McKeever, supported by Law, to approve Item A12-09, the request by the Kroger Co. of Novi MI for a variance from Article 26 of the Commerce Township Zoning Ordinance to eliminate the requirement of a secondary entrance on the Commerce Road elevation to construct a new store located at 2855 Union Lake Road. Sidwell No.: 17-12-276-008.

Approval is for the reasons that the items added to that elevation of the building meet with the intent of the Zoning Ordinance, the proposed will not be materially detrimental to the public health, safety and welfare, and it will not be materially injurious to the property or improvement in such zone or district in which the property is located.

Approval is also in consideration of the Finding of Fact as stated within the Planning Department's report.

MOTION CARRIED UNANIMOUSLY

OTHER MATTERS TO COME BEFORE THE BOARD

The Board briefly discussed the following topics:

- Updates on correspondence with the Township Attorney.
- A site plan and related variance with a circular or U-shaped driveway.
- Valet parking requirements for a site with limited parking.
- A potential ordinance violation at the former Bubble & Squeak parking lot where a trailer has been parked.
- Potential interest by buyers with the barber shop property and related issues with the existing structure.
- The needs and requirements for trash receptacles around local businesses, such as at the Leo's Coney Island plaza.
- Other Township matters including roundabouts, library services and trash pickup.
- The procedure for informing petitioners to stake out their property:
 - Staking is not always done, or sometimes it is done improperly.

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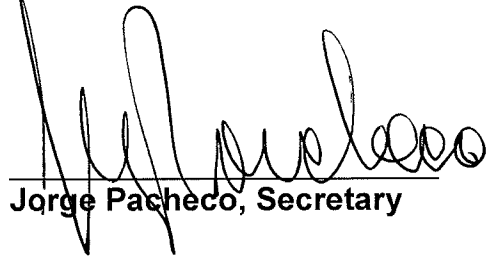
- Rosman inquired as to whether or not the Board could tell an applicant, *"You did not stake out the property and therefore we do not have to hear the request."*
- McKeever added that the sites should be staked out prior to delivery of the packet. Kathleen Jackson agreed.
- Rosman suggested that a warning be placed on the Zoning Board of Appeals application warning applicants that their property *"MUST BE STAKED BY THE SPECIFIED DATE OR THE BOARD CAN REFUSE TO HEAR THE APPEAL"*. Kathleen Jackson noted this request and would follow through.
- All Board members were in agreement that the sites need to be seen in advance of the scheduled meeting date and properties should be staked accordingly by the specified date on the application.

NEXT REGULAR MEETING DATE: THURSDAY, OCTOBER 25, 2012

ADJOURNMENT

MOTION by Law, supported by Pacheco, to adjourn the meeting at 5:35pm.

MOTION CARRIED UNANIMOUSLY



Jorge Pacheco, Secretary