

**CHARTER TOWNSHIP OF COMMERCE
PLANNING COMMISSION ****SPECIAL**** MEETING**

Monday, May 21, 2012

2009 Township Drive

Commerce Township, Michigan 48390

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

ROLL CALL: Present: Larry Haber, Chairperson
Tom Jones, Vice Chairperson
Brian Winkler, Secretary
Bill McKeever
Debra Kirkwood
Jay Czarnecki
Peter Pace

Also Present: Kathleen Jackson, Planning Director

APPROVAL OF MINUTES

MOTION by Kirkwood, supported by Jones, to approve the Planning Commission Meeting Minutes of May 7, 2012, as amended with one correction. On page 13, change the 9th and 10th bullet items under McKeever's commentary to read as:

- *I do not feel they've shown the need for the station in that location.*
- *By applying their logic, Hiller's could put in a fueling station in their lot too.*

MOTION CARRIED UNANIMOUSLY

UPDATE OF ACTIVITIES

Chairperson Haber suggested that this item be postponed and there were no objections from the Commissioners.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

MOTION by Kirkwood, supported by Jones, to remove Item SP12-12-10 from the table.

MOTION CARRIED UNANIMOUSLY

MOTION by Kirkwood, supported by Pace, to remove Item SU12-01 from the table.

MOTION CARRIED UNANIMOUSLY

>>Chairperson Haber proposed that Items II & III be reviewed together, with separate motions to be made for each item. There were no objections from the Commissioners.

ITEM I: SP12-12-10 – KROGER – TABLED FROM 5-7-12

The Kroger Co. of Michigan is requesting site plan approval to construct a new store and fueling station located at 2855 Union Lake Road. Sidwell No.: 17-12-276-008

ITEM II: SU12-01 – KROGER – SPECIAL LAND USE – TABLED FROM 5-7-12

The Kroger Co. of Michigan is requesting a Special Land Use to construct a retail store with a drive thru pharmacy and a fueling station located at 2855 Union Lake Road. Sidwell No.: 17-12-276-008

Chairperson Haber indicated that Jay Czarnecki requested to recuse himself from these items to avoid any possible conflict.

MOTION by Kirkwood, supported by Jones, to recuse Czarnecki from the review of the Kroger items.

MOTION CARRIED UNANIMOUSLY

Kathleen Jackson, Planning Director gave a review.

The following representatives were present to answer questions and/or address the Kroger proposal:

- Alan Boyer, Engineer of LSG Engineers & Surveyors, 3135 Pine Tree Rd, Ste D, Lansing, MI 48911
- Tom Frank, Real Estate Consultant for Kroger Co. of Michigan
- Mark Millerwise, Applicant for Kroger Co. of Michigan
- Steve Laser, Kroger Co. of Michigan
- Joel Bodway, Landscape Architect, Michael J. Dul & Assoc. Inc., 212 Daines St., Birmingham, MI 48009
- Mike Kollinger and Rachel Ross, Store Managers at the Union Lake Kroger store

Alan Boyer – We have a brief presentation to summarize the changes that have been made to the plans. We discussed several items in the meeting with Kathleen Jackson and we are certainly amenable to the changes.

Along Commerce Road is the proposed sidewalk on the frontage, which extends to the Union Lake Road frontage but is hidden by landscaping in this depiction. The sidewalk necessitated removal of existing trees, however the planters were assessed to create a net increase of 4 trees. The 5 planter boxes are shown along the front of the store which are proposed to be blocked out areas with 6" curbs. The intent here is to have height with an umbrella shaped canopy in the planter boxes to allow for motorists to see the entrances where pedestrians will enter and exit.

The openings shown along the frontage accommodate loading for shopping carts. Significant changes were made to the elevations. The landscaping will be in sunlit areas, and canopies provide shade in between. The large areas of EIFS in the gables have now been replaced with brick. A small amount of EIFS remains along the band, under the eaves and along the gable for accent or coping. This is for ease of construction and to present a different color pattern which gives relief to the building. We did not remove the signs from these plans but we will work with staff on the signage and work within the ordinance.

Although handicap spaces were not increased, that can be easily done, and the cart corrals were located closer to these spaces for easier access. There is also a significant amount of directional line striping and arrows to guide traffic circulation. The fueling station has typical islands, two-way traffic and a 12' lane to allow traffic to maneuver. We felt that 1-car stacking was sufficient in either direction and would not interfere with traffic. There are 24 vehicular spaces provided.

Commission Comments:

Winkler –

- I hope that the other Commissioners will agree that the elevations have been vastly improved when compared to the proposal that was presented on May 7th.
- The Kroger at Pontiac Trail and Beck Roads has very little EIFS. This new store is much larger and has more canopies.
- I understand the petitioner's statement that EIFS is lighter and less expensive, but I do still have reservations about the use of EIFS; however, these reservations would not cause me to vote against the proposal.
- If these areas were changed to brick of a similar color, it would improve the elevations, but very significant changes have been made in response to our previous comments.

Discussion followed re: the EIFS on the canopy.

Pace –

- I have been involved with EIFS and have gone back to buildings after 10-15 years to recoat it.
- I am in no aspect an architect, but the elevations and colors look pretty nice.
- I understand reasoning for having EIFS in those locations and the amount that is used is not overbearing.
- I would not change it.
- On the fuel station, I would recommend adding decorator stone or brick to the columns, as shown in the white strip of the gables on the elevations. This would add a bit more detail in that area.
- As for the building itself, a few more trees have been added and I'm comfortable with that.
- I am still concerned as to what will happen with the old building and what is the game plan for the Big Lots. We did inquire last time about whether it will be absorbed, or demolished to allow the proposed to be moved over further in that direction. If it is removed, what happens with the site plan? Is Kroger responsible for the Big Lots property?

Mark Millerwise – According to Rick Ragsdale, we are still uncertain as to whether we can lease the space. Options are being reviewed. There could be an additional retail strip center there.

Kathleen Jackson – And this would all come back before the Planning Commission.

Tom Frank – I handle the real estate matters. We are in preliminary discussions but have no firm commitments yet from interested users for that space.

Jones –

- Like the other Commissioners, I appreciate the changes that have been made.
- I like Peter's idea of the accents on the gas station pillars.

- At the back of the store, I want to ensure there will be no outside storage as that would contradict with the beauty and quality of the store.
- There also cannot be any merchandise for sale outside of the store, which can clutter the area and block access for pedestrians.
- A minimum 5' clear path must be maintained.
- If you decide to have a special sale for a day or weekend event, you may come in to apply for a permit.
- I also do not want to see carts stacked outside of the store. There should be provisions inside for cart storage.

Kathleen Jackson – Islands in the median and potential removal have to be approved by the RCOC. This was a recommendation in Mike Labadie's report.

Jones discussed the number of gas pumps in relation to the Milford station. Tom Frank explained that 6 pumps seems to be the appropriate number for this station to reduce stacking at prime times.

McKeever –

- I'm fine with the building design and have no issues with that.
- My concern is that I still do not feel the need for the fuel station on that corner.
- We will have more fueling stations in a 1-mile block here than anywhere else in the Township.

Kirkwood –

- I am happy with the building design and feel you've done a great job.
- I have no problem with the EIFS in a high elevation. I only oppose it when it's positioned low on a building as it gets damaged.
- The fuel station is large and with only 1 stacking space per pump, my concern is that there will be a problem there.
- As Bill stated, there are a lot of stations very close together.

Haber –

- Thank you for coming back with a better design.
- I was disappointed with one thing which is that we have not received an answer as to what will happen with Big Lots. We thought it would be presented to corporate.
- That may seem insignificant to you, but it's not to us. There could be changes to the site plan as to where this new building would go and you would pickup additional space there.
- I too have a big problem with the fueling station. I'm in favor of the competition, but at the same time I do feel for the other businesses.
- I feel that this station is too large and don't believe that you will sell as much gas as Costco, and I feel their station is designed better than this.
- I see a real nightmare here with cars backed up around the block, especially at the beginning; although that may go away at some point.

- My thought is that there may be too many fuel dispensing areas, but I know that Milford and South Lyon only have 10, and our population is different. However there are 3 other fuel stations right here.
- I suggest that it be made smaller as I would love to see more stacking in there.
- If the site is moved slightly with Big Lots potentially being gone, maybe something else can be worked out there to make the fuel station more attractive.
- Can the fuel truck even get in? I envision issues there.

Alan Boyer – Essentially, the program we use allows us to calculate the auto-turn radius for the fuel truck in the computer. It shows the truck driving through the site plan. If they enter off of Union Lake Road and turn, they can unload, then exit to Commerce Road. This is identified on the site plan.

Kathleen Jackson – That was reviewed by Mike Labadie as well.

Alan Boyer – And re-fueling is generally done during off-peak times.

Kathleen Jackson – Because this is a Special Land Use, you can put a condition on it.

Pace – To only fill tanks during off hours? (Yes.) What are the hours of operation?

Tom Frank – The typical hours are 6:00am-10:00pm.

Haber – Mike, you don't see any problems with the fuel truck?

Mike Labadie – I do, but that is mainly with the islands in the driveways. The truck is challenged all the way through the site.

Haber – Could you speak to reducing the number of bays?

Tom Frank – Again, our research for this center considers the customers, traffic and population anticipated for the store. We feel that 6 is appropriate and any fewer would lead to congestion and backups in the area. 6 pumps will allow patrons to move through expeditiously.

Haber – We talked previously about not having early morning deliveries at the back of the building so as not to disturb the adjacent residents.

Kathleen Jackson – We discussed that at our meeting and Kroger does self-impose their own curfew, but it should be noted on the plan. Their curfew is 7:00am-9:00pm for deliveries. Again, you can change these times and stipulate.

Haber – On page C3, there is a note regarding an "air and gas dispenser". What is that?

Mark Millerwise – That is just an air dispenser and we will correct it.

Jones – And make sure employees do not park there.

Kirkwood – How many new employees do you anticipate hiring when the new store is open?

Tom Frank – There would be a combination of full and part-time. It is difficult to estimate as this is one of the largest facilities, but it should be around 240.

Steve Laser – We have 150 now at the current store.

Pace – Will there be adequate parking with 100 additional employees, even though they are not all there at the same time?

Tom Frank – There should be adequate employee parking. Not everyone works the same hours, and most employees are part-time.

Haber initiated discussion regarding removal of Big Lots and shifting the proposed footprint to the north. Pace was also concerned with this.

Pace initiated discussion regarding turning the gas station 90 degrees to create additional stacking. Tom Frank noted that this would encroach into the parking area and they would prefer to maximize the parking lot. Jones felt that it seemed to be adequate for mobility of cars. Kathleen Jackson suggested removal of the 20 parking spaces along Union Lake Road as the station is not a convenience store and the spaces would likely be unnecessary there. This would allow additional space for traffic flow and stacking around the station. Extensive discussions continued regarding alternatives for the fueling station, including one-way and two-way traffic circulation patterns. Mike Labadie concluded that if there were less pumps, there would be more stacking and he cautioned against that plan.

Kathleen Jackson – I think that sometimes Planners and Commissioners get too bogged down with what the Zoning Ordinance states. The issues of practicality are to be addressed by the Zoning Board of Appeals. We do have discretion for flexibility in the parking. The 20 spaces make this more compliant, but from a practical standpoint they will probably never be used except by the one employee. I would rather see additional stacking as opposed to additional parking. I do agree with Larry that we may reduce the pumps to 4 or 5 and allow additional stacking.

Pace – There's adequate space there to turn the station 90 degrees and allow for one-way traffic, with or without a reduction in pumps.

Tom Frank – I am concerned about the traffic flow and conflicts if we bring the fuel center closer toward Union Lake Road since we do not have exclusive use of the driveways. We feel that the number of pumps minimizes the amount of stacking space necessary and makes this convenient and expeditious for customers. This is really an

open-air facility with a limited canopy height and recessed lighting. I think we have the best layout for the customer and for the operation to get people out quickly and safely.

Mike Labadie approached the overhead and reviewed the traffic flow for the present layout. Because it is two-way traffic, it will be an efficient free-flow motion like most big gas stations. This allows for distribution of the traffic, and if we change that it will create limitations.

MOTION by Jones, supported by Winkler, that the Planning Commission approves, with conditions, Item SU12-01, the request by The Kroger Co. of Michigan for a Special Land Use to construct a retail store with a drive thru pharmacy and a fueling station located at 2855 Union Lake Road. Sidwell No.: 17-12-276-008

Approval is for the reason that the information submitted by the applicant and the information presented to the Planning Commission demonstrates that the proposed meets the requirements and standards of the Commerce Township Zoning Ordinance. Approval is subject to the following conditions:

1. The Planner's Reports and conclusions for site plan review dated May 21, 2012 and Special Land Use dated May 7, 2012; and,
2. Approval of the site plan, and all conditions attached to the site plan motion are considered as incorporated with this Special Land Use.

ROLL CALL VOTE:

AYES: Jones, Winkler, Pace, Kirkwood, Haber

NAYES: McKeever

ABSENT: None

ABSTAIN: Czarnecki (recused)

MOTION CARRIED

MOTION by Jones, supported by Pace, that the Planning Commission approves, with conditions, Item SP12-12-10, the request by The Kroger Co. of Michigan for site plan approval to construct a new store and fueling station located at 2855 Union Lake Road. Sidwell No.: 17-12-276-008

Approval is for the reason that the information submitted by the applicant and the information presented to the Planning Commission demonstrates that the proposed site plan meets the requirements and standards of the Commerce Township Zoning Ordinance.

Approval is subject to the following conditions:

1. The Planner's Reports and conclusions for site plan review dated May 21, 2012 and Special Land Use dated May 7, 2012; and,
2. The condition of removal of the islands at the two Union Lake Road entrances per the Traffic Study conducted by Wilcox and,
3. The petitioner will add a note to the plan that there will be "no outdoor storage anywhere onsite, including the east side of the building, and no outdoor sales of merchandise", per the Township Ordinance; however, they can apply for a permit for a special outdoor sales event; and,

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4. A minimum 5' clear path will be maintained along the front of the store for pedestrians; and,
5. The two trees noted to hinder the line of sight, at the fuel station, be relocated; and,
6. Store delivery times will be restricted to the hours of 7:00am-9:00pm; and,
7. The "air/gas dispenser" on the plans will be corrected to reflect "air dispenser"; and,
8. Administrative Approval of the signage plan/package, including directional signage; and,
9. Rear lighting that exceeds 1 footcandle at the property line will be corrected; and,
10. Pedestrian scale lighting on the storefront will be Administratively Approved; and,
11. A variance is to be obtained from the Z.B.A. for the front yard setbacks or the plan be brought into compliance with the Zoning Ordinance; and,
12. A variance is to be obtained from the Z.B.A. or a second entrance is to be added on Commerce Road; and,
13. The revised design and elevations as presented; and,
14. The east bufferyard and masonry wall as presented with a distance of 180' to the nearest residence is approved; and,
15. The overall landscaping, including substitution of shrubs for the required 51 trees, and the planter boxes as presented; and,
16. Approval by the RCOC and permitting, including for the plantings in the right of way; and
17. Approval by KER Engineering; and
18. Subject to the Fire Department's report dated May 3, 2012; and,
19. The addition of accent brick on the fueling station columns.

ROLL CALL VOTE:

AYES: Jones, Pace, Kirkwood, Winkler, Haber

NAYES: McKeever

ABSENT: None

ABSTAIN: Czarnecki (recused)

MOTION CARRIED

Haber – I wish you well. I would also request that if you find that Big Lots can be removed, please keep us informed.

Tom Frank – The only reason we are being cautious is that without a commitment from a tenant, we cannot speculate as to what the changes will entail. There could be a total demolition, or a reuse of the space.

OTHER MATTERS TO COME BEFORE THE COMMISSION

McKeever – Should we look at adjusting the EIFS that is in the ordinance? Even if they meet the requirements, we still tend to balk at it.

Haber – I think we should.

Kathleen Jackson – I will put this on the agenda for discussion on June 4th.

The next Regularly Scheduled Planning Commission meeting will be Monday, June 4, 2012 at 7:00pm.

ADJOURNMENT

MOTION by Czarnecki, supported by Kirkwood, to adjourn the meeting at 6:25pm.

MOTION CARRIED UNANIMOUSLY



Brian Winkler, Secretary