

**MINUTES OF THE REGULAR MEETING OF THE CITY OF ROMULUS PLANNING
COMMISSION HELD ON MONDAY, JUNE 17, 2013**

1. The meeting was called to order by Chairperson Freitag at 7:00 p.m.
2. Roll Call Showing: William Crova, Michael Glotfelty, Diane Banks-Lambert, Daniel McAnally, David Paul, Michael Prybyla, Melvin Zilka and Cathy Freitag
Absent: Byron Butler
Also in attendance: Carol Maise, City Planner and Linda McNeil, Sr. Secretary
3. Motion by Zilka supported by Lambert to approve the agenda as presented. Roll Call Vote: Ayes – Zilka, Lambert, Crova, McAnally, Prybyla, Paul, Glotfelty and Freitag. Nays – none. Motion Carried.

Agenda

1. Pledge of Allegiance
2. Roll Call
3. Approval of Agenda
4. Approval of the minutes of the regular meeting of the Planning Commission held on Monday, May 20, 2013.
5. Comments from Public on Non Agenda Items
6. Public Hearings
 - A. PC-2013-010/011, Tim Horton's/Coldstone requesting special land use and site plan approval for a 2,300 sq. ft. fast-food restaurant with a drive-thru on 1.31 acres located on the east side of Merriman Road between Smith and Ecorse Roads. Parcel # 82-80-042-99-0071-701. Zoning: RC – Regional Center District. (Action required: Hold a Public Hearing and make recommendation on Special Land Use to City Council and take action on site plan.)
7. Old Business
 - A. PC-2010-010/011; The Upscale Warehouse, requesting a twelve (12) month extension of Planning Commission approval of the site plan for a bar/lounge located on a .44+- acre parcel on the northwest corner of Wayne Road and Vinewood. The subject property is located at 6492 Wayne Road. Parcel # 82-80-020-02-0009-303. Zoning: C-1, Local Business District. The Planning Commission granted site plan approval on December 19, 2011. (Action required: Extend site plan approval for 12 months.)
 - B. PC-2012-005/006; Romulus Village, requesting revised site plan approval for a 21,000 total square foot gas station, convenience store and retail facility located at the southeast corner of Hannan and Ecorse Roads. Parcel # 82-80-026-99-0016-701. Zoning: C-3 Highway Business District. (Action required: Take action on the revised site plan.)

8. New Business
9. Cases Involving Advice or Input from the Planning Commission
10. Reports
 - A. Chairperson
 - B. City Planner
 1. Planning Commission By-Laws
 2. Planning Department Status Report
11. Election of Officers
12. Reports on Interest Designation
13. Communications
14. Adjournment
4. Motion by Prybyla supported by McAnally to approve the minutes of the regular meeting of the Planning Commission held on Monday, May 20, 2013. Roll Call Vote: Ayes – Prybyla, McAnally, Lambert, Zilka, Paul, Crova, Glotfelty and Freitag. Nays – None. Motion carried.
5. Comments from Public on Non Agenda Items - None
6. Public Hearings
 - A. PC-2013-010/011, Tim Horton's/Coldstone requesting special land use and site plan approval for a 2,300 sq. ft. fast-food restaurant with a drive-thru on 1.31 acres located on the east side of Merriman Road between Smith and Ecorse Roads. Parcel # 82-80-042-99-0071-701. Zoning: RC – Regional Center District. (Action required: Hold a Public Hearing and make recommendation on Special Land Use to City Council and take action on site plan.)

Chairperson Freitag opened the meeting for discussion and comments from the petitioner.

Mark Kellenberger, Tim Horton's USA Inc., Project Planner, came forward representing the petitioner.

- Mr. Kellenberger explained that this particular parcel was previously approved for a Taco Bell/KFC restaurant and the proposed development pattern follows along the same concept. There is a future development on the north portion of this property that will have shared services that is not being proposed at this time. The development will utilize a centrally-located, shared curb cut on Merriman Road that can be utilized by both the north and south properties. The Tim Horton's layout will have the same flow as the previously approved Taco Bell/KFC and at this time will include the development of the

south portion of the parcel only, with the installation of the underground detention to be utilized by both properties.

- Mr. Kellenberger continued by explaining that the FEMA redistricting that was completed last year indicates that the property itself falls within the flood zone area. Tim Horton's corporate office requested a survey and the survey indicates that the proposed south building does not fall within the flood zone area. With past developments, as long as the building was outside the flood plain area there is not an issue as everything else would not change the elevation of the flood plain.
- The Planning Commission was asked to approve the waiver for the driveway location based on the previous approved site plan, the proposed layout and the location of a McDonalds to the south. Mr. Kellenberger believes this is a nice layout and that the development is a good use for this property given the area. The proposed stacking allows for a great number of vehicles before it impacts anyone else even on the proposed site. The majority of the parking is front-loaded towards Merriman Road and will not impact the shared driveway or the public right-of-way. He asked that Planning Commission recommend to City Council the Special Land Use approval as Tim Horton's is looking forward to making their presentation to them. With regards to the site plan review, he is confident that all comments will be addressed and requested that the Planning Commission grant conditional approval.
- Mr. Kellenberger stated that they would like to locate the outdoor seating area to the south side of the building for a streetscape appearance. Although the ordinance requires that the outside seating area only be accessed through doors leading to the building, there could be an issue with regards to exiting the seating area through the building should there be a fire. The fencing around the patio area will be a wrought iron aluminum style. The Cold Stone is a nice attractive amenity and it will be nice to enjoy an ice cream outside in the summertime, whether it be a resident or visitor to the City of Romulus.
- The shared access agreement will be provided prior to the issuance of a building permit. The petitioner is not able to move forward with regards to the lot split and access agreement until they have received site plan approval or a conditional site plan approval. The comment from Wayne County with regards to shared access is and will be addressed. It is basically the same curb cut that was proposed previously with only a couple changes to bring it up to the current standards. The truck circulation plan will be addressed by the engineer as to whether the WB 50 truck will fit or not. The proposed lighting plan includes the use of full cut-off fixtures for the parking lot and decorative wall-mounted gooseneck lighting for the canopy and front and side facades of the building. The roof-top screening is an N-visor 3 screening that has been utilized for many projects and will be submitted to the Planning Department for approval. The building will be constructed of brick and the landscape materials will comply with the ordinance requirements. He finished by saying that they will have the engineer note to the surveyor to sign and seal the drawings indicating that there are no wetlands present on site.
- Ms. Maise commented that while there are many outstanding items on the site plan, they are minor in nature and there should be no problem proceeding with the Special Land Use. Most of the outstanding items can be easily addressed however she noted that several years ago there was an issue with a project in regards to the type of grout that was being utilized and that the Planning Commission may want to verify what type of grout is being proposed for this particular project so that the building doesn't have the appearance

of dryvit. She questioned whether any of the Planning Commissioners remembered anything about the project or type of grout.

- Mr. Crova answered that he remembered having an issue with dryvit.
- Ms. Maise stated that she remembered the previous planner saying that it ended up looking more like dryvit than brick.

Let the record show an affidavit of first class mail has been shown and is on file.

Chairperson Freitag opened the meeting up to comments from the public and asked if anyone wished to speak on this matter. No one came forward.

Chairperson Freitag closed the public comments portion of the meeting and opened the meeting up to questions from the commissioners.

- Mr. McAnally questioned whether the petitioner brought a sample of the exterior materials.
- Mr. Kellenberger presented the Planning Commissioners with brick samples and apologized that he was not able to get a fiber cement trim sample for the meeting. The samples presented this evening will be the color used for the proposed building.
- Mr. McAnally stated that it is a rare occasion when they receive a recommendation to table a site plan and when he looked at the number of conditions and issues that still exist he would be more comfortable getting a chance to see a more finished set of plans.
- Mr. Paul commented that he is very concerned that the plans do not show the water/sewer or grade elevations. The plans do reflect the storm sewer but they do not include the catch basins and he would be very uncomfortable approving the site plan at this point. He has no problem recommending approval of the Special Land Use to City Council but would like to see a more complete site plan.
- Mr. Kellenberger replied that with regards to the engineering the petitioner is fully prepared to cooperate with OHM and the City of Romulus to comply with the engineering standards and that the petitioner would obviously like to continue on.
- Mr. Crova questioned whether the petitioner utilized the new Floodplain Map or the old Floodplain Map.
- Mr. Kellenberger answered that it is the new Floodplain Map that was compiled from the redistricting that was done last February.
- Mr. Crova explained that the City of Romulus has found fault with FEMA's Floodplain Map and have revised the floodplain itself and have taken a considerable amount of properties out of the affected area. He questioned whether the map utilized was the revised floodplain map.
- Mr. Kellenberger responded that the floodplain map utilized was the new published map and does not reflect the redistricting. As it was presented to him, once the redistricting is reflected on the map, the petitioner's situation will only get better once the redistricting changes are complete. At this time the surveyor used the floodplain map that he has to certify to the petitioner.
- Mr. Crova remarked that it is his understanding that it will be another nine (9) months before the new revised floodplain map is in effect and he questioned whether the northern portion of the property that the petitioner is proposing to develop in the future is in the floodplain.

- Mr. Kellenberger answered that the survey shows that it is.
- Mr. Crova asked whether the proposed Tim Horton's/Cold Stone would be a franchisee or a corporate store.
- Mr. Kellenberger replied that all the Tim Horton locations in Michigan are franchisee owned.
- Mr. Crova questioned whether there is a franchisee that Mr. Kellenberger is representing here this evening.
- Mr. Kellenberger answered no and stated that he is representing Tim Horton's. Tim Horton's handles all matters such as real estate, planning and developing. With regards to business oversight, Tim Horton's has managers to help the franchisee run the business more effectively with regards to quality and standards that Tim Horton's require. Overall there is a lot of corporate oversight and assistance but at the end of the day the franchisee is the owner of the business.
- Mr. Crova inquired as to who has the option on the property as of today.
- Mr. Kellenberger replied Tim Horton's corporate. Tim Horton's will hold the lease and will require the franchisee to maintain the landscape and lawn.
- Mr. Crova questioned whether it was Tim Horton's corporate that proposed the Tim Horton's at Eureka and Wahrman Roads.
- Mr. Kellenberger answered yes and stated that it was his colleague Patrick Bell.
- Mr. Crova asked why that project is not moving forward.
- Mr. Kellenberger answered that it was due to finances and the overall cost of the improvements, the engineering, the moving of the electric pole and the grading.
- Mr. Crova questioned whether the same situation could occur with the Merriman Road project.
- Mr. Kellenberger answered that he did not think so as Tim Horton's is working with an owner that they have worked with many times. The property and budgeting process is different for both projects. Although there is a utility pole to relocate on this property as well the cost is not the same. Based on the scope of this property versus the Eureka Road project it is a much different feeling and will cost less. Cold Stone adds a lot to the business as well.
- Mr. Crova stated based on the hotels in the area he can see where the clientele would be there. He likes what he sees and the utilization of the property, but he too believes that the site plan is inadequate and needs to be revised.
- Ms. Freitag stated that she agrees with her colleagues and that she too would have a problem approving a site plan with so many conditions of approval. She believes that the Tim Horton's will be a real asset to the area.

Motion by McAnally supported by Lambert to recommend to the Romulus City Council approval of Special Land Use PC-2013-010; Tim Horton's/Coldstone at 7859 Merriman Road based upon the finding that the drive-thru restaurant use is consistent with the Master Plan, compatible with adjacent land uses, has minimal impact on the environment, is consistent with the Zoning Ordinance requirements, is compatible with public services, and will have a minimal impact on traffic subject to:

1. Approval of the site plan by the Planning Commission noting that the outstanding items identified by ARC must be addressed on a revised site plan.

2. Approval of the following waivers noting that the section numbers of the ordinance must be referenced on the site plan:
 - a. A waiver to *Section 11.06(a)(2) and 14.06(e)* to allow the driveway spacing of the proposed driveway from the driveway to the north and the driveway to the south to be less than 350 feet conditioned upon endorsement from Wayne County.
 - b. A waiver to *Section 11.06(a)(3)* to allow 9 stacking spaces instead of 10 spaces based on the proposed location of the stacking spaces at the rear of the site where there is adequate pavement of emergency access.
 - c. A waiver to *Section 11.06(a)(5)* to allow the proposed drive-thru to not be included in a larger mixed use development spaced at least 400 feet from another drive-thru restaurant.”

Roll Call Vote: McAnally, Lambert, Zilka, Prybyla, Crova, Paul, Glotfelty & Freitag. Nays – None. Motion Carried.

Motion by Paul supported by McAnally to table the site plan for PC-2013-011; Tim Horton's/Cold Stone at 7859 Merriman Road until the July Planning Commission meeting.

Roll Call Vote: Paul, McAnally, Crova, Glotfelty, Prybyla, Zilka, Lambert & Freitag. Nays – None. Motion Carried.

7. Old Business

- A. PC-2010-010/011; The Upscale Warehouse, requesting a twelve (12) month extension of Planning Commission approval of the site plan for a bar/lounge located on a .44+- acre parcel on the northwest corner of Wayne Road and Vinewood. The subject property is located at 6492 Wayne Road. Parcel # 82-80-020-02-0009-303. Zoning: C-1, Local Business District. The Planning Commission granted site plan approval on December 19, 2011.

Vincent & Carol Lewis, Upscale Warehouse came forward as the petitioners.

- Ms. Lewis stated that she had just received the final approval of the building plans from the Department of Building & Safety but will need an extension of the site plan approval as they have not secured the permit or commenced construction as of yet.
- Mr. Prybyla questioned Ms. Lewis as to when the construction may start.
- Ms. Lewis answered that she is hoping for sometime in July or August.

Motion by McAnally supported by Zilka to grant a twelve (12) month extension to PC-2010-010-011 Upscale Warehouse for a bar/lounge located on a .44+- acre parcel on the northwest corner of Wayne Road and Vinewood. The subject property is located at 6492 Wayne Road. Parcel # 82-80-020-02-0009-303. Zoning: C-1, Local Business District.

Roll Call Vote: McAnally, Zilka, Crova, Lambert, Prybyla, Glotfelty, Paul & Freitag. Nays – None. Motion Carried.

- B. PC-2012-005/006; Romulus Village, requesting revised site plan approval for a 21,000 total square foot gas station, convenience store and retail facility located at the southeast corner of

Hannan and Ecorse Roads. Parcel # 82-80-026-99-0016-701. Zoning: C-3 Highway Business District. (Action required: Take action on the revised site plan.)

Frank Jarbou, Jarbou Development, came forward as the petitioner.

- Mr. Jarbou explained that the original interior layout of the gas station convenience store was not working and they tried numerous ideas to try and make it work. When they realized it would not work they bumped it out to seventy (70) feet by seventy seven (77) feet and that gives them the perfect layout in the interior. In doing that they have had to remove the two diesel gas pumps at the front of the building and they relocated them to the side of the building. So now, instead of having six gas pumps, they have four, which will allow for better circulation in the long run. Other than the footprint of the building, nothing else has changed.
- Ms. Maise stated that as you can see from her review Mr. Jarbou has been issued a shell permit and when he realized the problem with the interior layout, they stopped construction. She noted several pending issues that would typically be addressed before the issuance of a full permit, so they are just being added to the conditions of revised approval so that they don't get missed.
- Mr. Jarbou commented that the sidewalk bond has been posted and he will also be getting the lighting plan over to the Planning Department as soon as he receives it from LSI.
- Mr. Crova questioned how the relocation of the diesel pumps to the side of the building will affect the circulation with regards to the larger truck type business.
- Mr. Jarbou answered that the site was not designed to attract eighteen wheelers. They have changed the plan to include concrete instead of asphalt for the first phase. Ecorse road is a Class A double A Road that is concrete and that the site needs to be concrete as well. With regards to the relocation of the diesel pumps, it will make the site more user-friendly. He has noticed with other stations when you have, for instance, a landscaping crew that comes in the morning to fuel up, they are holding up more than one pump while they fuel and make purchases in the convenience store. This way, they are off to the side not holding up other customers. He commented that the circulation plan meets current fire truck standards.
- Mr. Crova stated that he does not see a good circulation pattern for the larger trucks and appreciates that idea that the petitioner is trying to blend that type of facility with this development.
- Mr. Jarbou replied that they would not want that and it would not be good for the business. They cannot compete with the prices at the fleet stops anyway.
- Mr. Paul remembered that there were adjoining property owners with water drainage issues and he asked Ms. Maise to have the engineer double check to make sure that there is no drainage from this property to the adjoining properties.
- Mr. Jarbou answered that Wayne County will be utilizing the proposed detention pond as a catch basin and he was told by Wayne County that the McClaughrey Drain is engineered so that they can discharge into the proposed catch basin but that the catch basin cannot discharge into the McClaughrey Drain. While they are waiting for the revised drawings to be completed, he will be doing some right-of-way work, dewatering the site and will also be doing some excavation work on site to get the tanks in the ground.

Motion by Prybyla supported by Paul to approve the revised site plan for PC-2012-006; Romulus Village at 39325 Ecorse Road conditioned upon the following:

1. Any outdoor sales, display or storage of any items is prohibited on the front sidewalk of the convenience store.
2. A cross access easement between the development and the parcel to the east as previously approved must be recorded prior to commencement of construction.
3. A payment in the amount of \$4,500 must be paid to the sidewalk fund through the Planning Department prior to any construction activity on the site.
4. A revised lighting plan must be submitted for administrative review to the Planning Department prior to the commencement of any construction.
5. Any canopy signage, logo or identifying paint scheme and order-board and directional signage must be reviewed administratively prior to issuance of a full building permit.”

Roll Call Vote: Ayes – Prybyla, Paul, Glotfelty, McAnally, Crova, Lambert, Zilka & Freitag.
Nays – None. Motion Carried.

8. New Business - None

9. PC Cases Involving Advice or Input from the Planning Commission – None.

10. Reports

A. Chairperson

- Ms. Freitag wished everyone a Happy Fourth of July.

B. City Planner

- Ms. Maise stated that with the Election of Officers being on the agenda she pulled the By-Laws to verify that everything was in order. After some of the discussion at last month’s meeting, Ms. Maise thought there should be some discussion on ex parte contact. After a having a discussion with City Attorney, Kevin Watts, although the Planning Commissioners do a great job doing their homework, they do need to be careful who they talk to when visiting the proposed sites. She stated that she understands there are sites where you cannot walk around freely, and are required to introduce yourselves and let them know you are there, but we need to be very careful about engaging in any conversation that could influence your decision. If you do have questions you can talk to each other or contact the City Planner. Should there be a situation that is a little tricky then we can make arrangements with the applicant to do a site visit and make sure we follow the Open Meetings Act. She continued by saying that in looking at the By-Laws it did not look like anything else was out of the ordinary unless any of the Planning Commissioners have anything they want changed or discussed.
- Ms. Maise mentioned that the Planning Department is very busy and we took in two additional applications today for parking lot expansions. There will be a July meeting with Tim Horton’s coming back along with a Public Hearing for Jimmy John’s that will be located at the old Denny’s site on Middlebelt Road. Starting next month the Planning

Department will be utilizing the new reusable folders that Linda showed them prior to the meeting for the delivery of the Planning Commissioners packets. S

- Ms. Maise finished by saying that the Citizens Planner training that was previously available through the MAP has been cut due to budgetary restraints. She will have Linda check and see if there are any on-line classes that are available for the Planning Commissioners to take and we will get back with them on that. She asked any members are interested in looking at the monthly magazine, to just let her know and if there are any applicable articles, she will certainly copy them and put them in the packets.
- Ms. Freitag questioned whether Shockwave Pyrotechnics has received a permit to sell fireworks.
- Ms. Maise answered yes and stated that it was handled administratively. The legislation for the sale of fireworks has changed and this one along with an additional one at Wayne Road and Beverly were handled administratively to make sure all requirements were met in order to obtain a Business Registration.

11. Election of Officers

Motion by Zilka supported by Paul to nominate Cathy Freitag as Chairperson, Diane Banks-Lambert as Vice-Chairperson and Daniel McAnally as Secretary.

- Mr. McAnally respectfully declined the nomination as his term is up in January and with a new administration forthcoming in January he feels the Secretary should be someone that is guaranteed to be seated in January. He nominated Michael Prybyla as Secretary.
- Mr. Paul supported the nomination.
- Mr. Prybyla accepted the nomination as did Ms. Banks and Ms. Freitag.

Motion by Zilka supported by Paul to nominate Cathy Freitag as Chairperson, Diane Banks-Lambert a Vice-Chairperson, Michael Prybyla as Secretary and to accept Daniel McAnally's resignation as Secretary.

Roll Call Vote: Zilka, Paul, Glotfelty, Prybyla, McAnally, Lambert, Crova and Freitag. Nays – None. Motion Carried.

- Mr. Prybyla thanked Mr. McAnally for his service as Secretary as did the rest of the Commissioners.

12. Reports of Interest Designation – None

13. Communications

- Mr. Zilka stated that he believes when the Planning Commissioners do a site visit that they should always talk to the owner first. For instance, while visiting the Currey's site he introduced himself to the owner and asked the owner to give Mr. Zilka a tour around the site. He never discusses how he is going to vote with the owners.
- Ms. Maise replied that Mr. Zilka is exactly right with regards to letting the owner know before entering the site although the applicant's signature on the application grants the representatives from the City of Romulus permission to enter the site. There is a fine line in

that the Commissioners should not be engaging in conversation with the petitioner as it would violate the Open Meetings Act.

- Mr. Zilka questioned whether the Planning Commissioners could ask the petitioner questions.
- Ms. Maise answered no since then some Planning Commissioners would be privy to information that other Planning Commissioners are not.
- Mr. Zilka stated that if the other Planning Commissioners visited the site they too will be privy to the information.
- Ms. Maise noted that some of the Planning Commissioners do not have the ability to visit the site and that in order for all the Planning Commissioners to get that information it has to be a posted meeting so that all the Planning Commissioners have the same benefits.
- Mr. Prybyla replied that about a year and a half ago Barry Seifman, the City Attorney, expressed the same concern and said that the city representatives should not be doing that and that he was one of the representatives in violation.
- Ms. Maise commented that it is a very awkward situation in that we are dealing with some very nice people who want to share information.
- Mr. Zilka wanted to verify that that Planning Commissioners are to get permission to enter the site and conduct the site visit without the petitioner.
- Ms. Maise stated that again that is where the awkwardness comes in and you have to let them know that you are only one commissioner and are not allowed to gather information. Any questions should be addressed through the City Planner and then that information will be shared with all the commissioners.

14. Adjournment

Motion by Zilka supported by McAnally to adjourn the meeting at 7:52 p.m. Roll Call Vote: Ayes – Zilka, McAnally, Crova, Lambert, Prybyla, Glotfelty, Paul and Freitag. Nays – None. Motion Carried.

lm



Michael Prybyla, Secretary
City of Romulus Planning Commission