

**CHARTER TOWNSHIP OF CANTON  
PLANNING COMMISSION PROCEEDINGS  
May 3, 2021**

A Regular meeting of the Planning Commission of the Charter Township of Canton was held by video teleconference (Zoom) in accordance with Michigan law on Monday, May 3, 2021. Chairman Greene called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance to the Flag.

**ROLL CALL:**

Members Present: Acharya, Eggenberger, Engel, Foster, Okon, Weber, Zuber, Greene.  
Each member noted that they were video teleconferencing from Canton Township, Wayne County Michigan, with the exception of Alan Okon, Chicago Illinois  
Absent: none

**STAFF PRESENT:** Patrick Sloan

**APPROVAL OF THE MINUTES OF APRIL 5, 2021**

Motion by Zuber, supported by Eggenberger, to move to approve the Minutes of April 5, 2021, as presented. Motion passed unanimously by roll call vote, 8-0.

**ACCEPTANCE OF AGENDA**

Motion by Weber, supported by Zuber, to move to accept the agenda as presented. Motion passed unanimously by roll call vote, 8-0.

**PUBLIC HEARING**

1. 038-SLU-6497 **SHANNON FRANKE DAYCARE** – Consider Special Land Use for a Group Child Care Home for parcel no. 038-07-0039-000. Property is located north of Hanford Road, between Canton Center Road and Sheldon Road.

Patrick Sloan stated that the homeowner proposes to conduct a Group Child Care Home in a personal residence at 7138 Fox Woods Dr. Ms. Franke presently has a license for a Family Child Care Home which allows for up to 6 children, which is a permitted use. Any child care use for more than 6 children is a Special Land Use in the R5 Zoning District. Group Child Care Homes licensed in the State of Michigan allow for up to 12 children. The Special Land Use criteria for Group Child Care Homes are established in the Michigan Zoning Enabling Act.

Mr. Sloan explained that the Zoning Enabling Act classifies family daycare homes as residential uses of property, the family daycare home being up to six (6) children. For example, if a family has a single-family residence in Canton there is no local approval for a family child care home. They go to the State for their licensing. So as such we have many family child care homes operating in the Township that don't need municipal approval because of this provision in the Michigan Zoning Enabling Act. However, when a childcare home goes above six children, there is a classification that it goes from a family childcare home to a group childcare home. And with a group child care home the classification is between 7-12 children. In the Zoning Enabling Act, it's classified as a Special Land Use, which means that it has to have a Public Hearing and also a recommendation by the Planning Commission and final action by the Board of Trustees. Both the family daycare home and the group daycare home classifications are classified as something that

takes place within a personal residence so there is a residential component to it, but there are elements of a group daycare home that come up that don't always come up with a family daycare home.

Mr. Sloan reviewed some of the criteria for Group Child Care Homes established in the Zoning Enabling Act:

**4(a). Separation:** The Zoning Act requires a minimum separation distance of 1,500 feet from another licensed group child care home. Mr. Sloan thinks this is mostly a spacing issue in neighborhoods where we don't want a close collection of daycare uses in terms of traffic and other sorts of things (noise, etc.), the intent is to space them out. Mr. Sloan explained he brings this up because at 6700 Sturbridge to the east there is also a group daycare home licensed by the State for between 7 and 12 children. That home is located 1,250 feet away (by measuring alongside the road as required by the Zoning Act) which is less than what is called for in the State Act. The State Act also includes a provision that a local unit of government may issue a Special Land Use permit to a group childcare home that does not meet the standards of that separation, but the Act does not allow any kind of standards of review for a modification. That standard of review would have to be done locally by the municipality. Ms. Franke included in her letter that she had addressed the proposed uses compliance with the Special Land Use standards of Section 27.03(C). So absent of any other standard in the Zoning Ordinance for group daycare homes, Staff would look at the general special land use standards of Section 27.03(C) which are generally in this case looking at the impact on the neighborhood, the distance from other group daycare home uses, parking, drop-off, pick-up, things of that nature. Looking at the aerial map, 1,250 feet is pretty considerable and there are two other streets separating Fox Woods and Sturbridge. Mr. Sloan stated Staff recommends that the distance of 1,250 feet be approved.

**4(b). Fencing:** The Zoning Act requires appropriate fencing as determined by the local unit of government. There is really nothing in the Zoning Ordinance that requires a fence in terms of the standards. The only way it would be required would be if it were a condition of Special Land Use approval which the Planning Commission and Board could require. This Homeowners Association does not allow fences and that was addressed as an issue both with some public comments and in the application materials. That may be something to discuss more a little later in the meeting.

**4(c). Visible Characteristics of the Neighborhood.** The existing home maintains consistency with the visible character of the neighborhood, and allowing a group child care home for 7-12 children does not appear to alter the consistency or the visibility.

**4(d). Hours of Operation.** Ms. Franke proposes hours of operation to be from 6:30 a.m. to 3:00 p.m. Monday-Friday, which is consistent with the allowable hours stated in the Zoning Enabling Act. Dates of operation coincide with the school year.

**4(e). Signage.** No signage is proposed, but if there is, it would have to comply with the Act and the Zoning Ordinance.

**4(f). Parking.** The driveway at 7138 Fox Woods has room for 2 cars. Additionally, on-street parking is available adjacent to the home on the north side of Fox Woods. There is room for people to park and drop off their kids.

Mr. Sloan stated that based on standards and the Zoning Enabling Act, Staff's recommendation is for approval of the Special Land Use for a Group Childcare Home at 7138 Foxwood Drive, including a modification to the separation distance from 6700 Sturbridge to allow the current separation distance of approximately 1,250 feet.

Mr. Sloan mentioned he recently received two public comments from residents in the neighborhood from Steve Traynoff and Robert Guerin objecting to the application. Those comments were forwarded to the Planning Commissioners this afternoon.

Mr. Weber asked that before opening the Public Hearing, he'd like to make a suggestion in order for expedience and so not get hung up on things the Commission really doesn't have the ability to discuss. Mr. Weber noticed in both letters opposing this use was the mention that this use is against the use of the Homeowner's Association Bylaws. Mr. Weber wanted to emphasize to the people that the Commission does not have the jurisdiction to rule on that on the basis of the private bylaws. The Commission can only rule based on what the Township Ordinances in accordance with State law. Any HOA Bylaws are a private contract between the homeowner and the HOA themselves. Mr. Weber said that Patrick Sloan also touched on this in his review letter.

Motion by Zuber, supported by Foster, to move to open the public hearing. Motion passed unanimously by roll call vote, 8-0.

Chairman Greene stated, gathering from what Mr. Sloan sent the Commission members in terms of those two letters, there seems to be a little bit of a misunderstanding as to what we are about on this vote tonight and this discussion. He asked Mr. Sloan to explain the difference between a Zoning change application and a Special Land Use application.

Mr. Sloan stated the public comments received spoke to the opinion that they were opposed to rezoning the property. What we have is an application for Special Land Use, not a rezoning. The property is zoned R-5, Single-Family Residential and will be continued to be used as such. The application before the Planning Commission this evening is a Special Land Use for a use that is a special land use within the R-5 district. They are applying for a use that is available in the current zoning district. The application is for a SLU for a group daycare home that is within a residential use of property. It is not for a large daycare center, it is just a Special Land Use on top of the principal residential use.

Ms. Shannon Franke, homeowner/applicant, stated the reason she wants to go to a group home is because she currently has up to six children. In the past she has had maybe four families and they have a second child, and she has had to turn that family away because having a seventh child would put her over her limit. Ms. Franke says she knows from speaking with other group home providers that it depends on the square footage of the home, you might get licensed for 7 to 9, however you still are considered a group home. Ms. Franke stated her intention is really just to be able to keep the families she has for when they have a second child, sometimes a third child. Her intention is to never go beyond 7 or 8. She understands they are not allowed fences. She has lived there for 27 years, and her home was one of the first homes built. She has a very large deck in the back yard, a 600-square foot deck with gates. There is a plastic play structure in back. The kids are basically picked up right after school, so that does not give a lot of time to be outside, maybe before lunch.

Chairman Greene asked to verify there is no fence in the yard now.

Ms. Franke stated she has never had a fence and does not intend to put one up.

Mr. Robert Guerin, neighbor, stated he is one of the neighbors in the Fox Meadows neighborhood. Mr. Guerin asked if the group home or the current residential licensing is in line with the Township of Canton Zoning Ordinance.

Mr. Sloan stated that if it is in the bylaws for a single-family residential purpose, he would be the one to interpret the Township ordinance and the residents would be the ones to interpret their bylaws. Mr. Sloan

stated that if someone were to do a family daycare home, he would consider that the residential use of property because it's actually stated in the Zoning Enabling Act that a family daycare home is a residential use of property. Also, there are provisions in the Zoning Act that supersede local review, for example, if someone was conducting teaching a fine art or craft like piano lessons, that's allowed in the Zoning Enabling Act. In the Zoning Ordinance itself, the Canton Township allows home occupations so there are several people in the community who conduct home occupations either office or otherwise business enterprises out of their homes that are non-residential by themselves, but inside of a home, it's an extension of that residential use. The intent there is for a group daycare home to be an extension of the residential use with the understanding that it is a special land use, so there are provisions and there are standards in the Zoning Ordinance by which they can be granted or conditions placed on them. The Township has authority to not grant permits under certain circumstances as well.

Chairman Greene stated this is a daycare as opposed to a facility that might house children overnight, which would change the residency and change the usage, right?

Mr. Sloan stated that is correct. He mentioned another use, which would be adult foster care facilities. The State Zoning Act allows for adult foster care facilities for up to 6 residents in a home. For a group foster care facility, Mr. Sloan thinks the number is 7 to 12. There are some areas in the State Zoning Act that provide for adult foster care where it is continuous 24 hours a day.

Planning Commissioner Singh arrived around this time.

Mr. Guerin asked, for clarification are you saying that this does comply with the Township Zoning Ordinance for a single-family residential home?

Mr. Sloan stated that if it's found that it meets the standards for a Special Land Use for a group daycare home, it would. It would require permanent residency and the occupant of the residence is the one who is licensed.

Mr. Guerin stated, from his own personal opinion, having a daycare operating next door or across the street impacts the value of his home and that's what he is concerned about. That is what he feels the bylaws are intended for, to maintain the value of the neighborhood as a whole. That is why he is opposed to this.

Chairman Greene asked Mr. Guerin if there are any detrimental effects in terms of traffic or noise or any other things that he might be concerned with, or is just the name of a Day Care that he is concerned about affecting the property values.

Mr. Guerin stated the road has a considerable amount of traffic, not only with the normal traffic flow, but also quite a bit of traffic cutting through between Canton Center and into the adjoining neighborhoods, and then through Hanford so they can avoid the light at Canton Center Rd. and Hanford Rd.

Ms. Zuber asked if the traffic is due to the day care.

Mr. Guerin stated he commutes quite a bit for work so he is not necessarily home on a daily basis.

Chairman Greene said they are not aware of any impact necessarily from the daycare as opposed to it's just a more heavily traveled road.

Mr. Guerin said he cannot say if there is or isn't. He doesn't observe it because he is commuting outside of that. He asked how they can make that statement, as now this will double the occupancy to 12.

Mr. Weber asked Mr. Guerin if he sees an impact from the traffic from her clientele right now?

Mr. Guerin stated that based on her operating hours, those are outside his commute times.

Mr. Weber asked Ms. Franke if she has 6 children on the premises now on a regular basis?

Ms. Franke stated she has about 5. Teachers drop off between 6:30 and 7:30am. There is no activity until about 2:15 to 3:00pm when the school system lets out.

Mr. Weber asked if she knows she will be getting additional children, or is she doing this in anticipation of that.

Ms. Franke stated she currently has someone who is due in September, and that would put her over. Her intention is to take one or two more, but she has a choice of either Family or Group. Ms. Franke stated if she does not get it, she will have to turn the family away come fall.

Mr. Weber asked if there is a different license for a number between 6 and 12 from the State?

Ms. Franke stated no. You get either a Family (1-6) or Group (7-12). However, she believes the State takes into account the square footage of your home, so even though you may be granted a Group Home license up to 12, you may only get licensed for up to 7-9 depending on the square footage of the home.

Mr. Weber asked to confirm that most of the outdoor activity takes place on the deck.

Ms. Franke responded, correct. They are not outside much because the kids nap all afternoon and by the time they are getting up, the school system is out so the teachers are picking up, either as they are waking up or shortly after.

Mr. Weber asked the age range of the children.

Ms. Franke said the ages range from 3 months to 4-5 years old.

Mr. Weber asked if by the 5-year mark, are most parents enrolling their children in kindergarten and such, that you are not watching them any more at that point?

Ms. Franke responded that is correct. Parents start putting their kids in preschool here in Canton anywhere from 2 to 4 days a week.

Mr. Guerin stated, the only thing he would like the Commission members to consider, being that his major concern is with the value of his property. If you had two houses of equal value and equal worth, and you had a choice between which one you were going to purchase, would you purchase the one next to a daycare center or would you purchase the one in a neighborhood solely of single-family homes?

There were no other comments from the audience.

Motion by Zuber, supported by Weber, to move to close the public hearing. Motion passed unanimously by roll call vote, 9-0.

Mr. Engel asked to confirm what we are discussing is, can Ms. Franke go from 6 to 12 children.

Chairman Greene stated, yes that is the gist of the discussion tonight.

Ms. Zuber said it sounds like she is not going to go up to 12.

Chairman Greene stated that is what the State's designation would allow her to have so the Commission has to think in terms of maximums.

Mr. Engel asked how many years Ms. Franke has been running this with 6 children.

Ms. Eggenberger said the letter states she has been running the daycare for 7 years.

Mr. Engel stated it appears there has been no problems, no one has raised any issues in the past 7 years that she has been operating it. Mr. Engel stated he does not have a problem with this because he doesn't think that she wants to go to 12. He would be in support of the increase.

Chairman Greene said that Ms. Franke stated in the application that the closest group home is run by someone who is not operating to the maximum but is probably going to retire sometime in the near future. That might put more emphasis on her getting to that 12 maximum. Chairman Greene stated that is why the Commission needs to think in terms of the maximum.

Mr. Weber stated, when talking about the home at 6700 Sturbridge, if you look at that home, they are much bigger lots there and the yards are fenced. With the other lady retiring and the possibility of those clients coming to this home or whatever the case may be, the Commission does need to consider this in terms of maximums.

Chairman Greene also stated that Ms. Franke has not been in violation of any of the Homeowner's Association bylaws like fencing etc. The Commission's decision tonight is not helping or hurting that aspect. It's just a matter of whether or not we deem that a jump from 6 to 12 is going to have an impact traffic-wise. Chairman Greene stated he will assume that everything else would be copacetic the way she has been running things because she has been doing it for so long. So, to simplify, the question is does 12 make a difference from 6 in terms of how she operates this and the families that come to her.

Ms. Foster stated Ms. Franke has been operating this and hasn't had any issues. Ms. Foster said she does not believe the applicant will go to 12 because she has said a number of times that it depends on the square footage of the home and the State can limit you based on that. She has no concerns with this moving this forward.

Mr. Weber stated he generally does not have a concern. His biggest concern would be that she doesn't have a fenced yard, but she has been operating that way and has the means to do it. It may become a bigger problem if she goes up to 12 children, but he doesn't think that will be an issue. Mr. Weber stated his opinion is that this use would not have a negative effect on property values. As long as the homeowner keeps the property up, he does not see that it will have a negative effect on the surrounding property values.

Mr. Okon had no comments.

Mr. Acharya stated regarding Mr. Guerin's concern. The home has already been functioning as a family daycare for 7 years, you can't take that away. The property has already factored in that particular concern. The question is whether the property value is going to be affected when changing from Family to Group. Mr. Acharya stated he does not think that is going to happen because a daycare is a daycare. There is an existing daycare so the property values shouldn't be affected by this particular application. Secondly, regarding the 1,500-foot separation restriction, he is not sure if it's for safety reasons or for protecting an existing group home, a group daycare as a business, if it's for the protection of that business from

competition or whether it's related to the safety of kids. If it is the safety of the kids, then he would lean the other way. Mr. Acharya asked for Patrick Sloan to explain the 1,500-foot restriction.

Mr. Sloan stated, that in the absence of the Michigan Zoning Act really specifying the reason why, if he looks at the Act itself, he can pull out a few things that he feels are the intent. The first is that one of the standards of the Zoning Act is that the visible characteristics of the neighborhood are not negatively impacted. If there are three different group daycares on one block, for example, and you've got over 30 kids there being cared for on the block, you've got your peak hours a day that could visibly alter the characteristics of the neighborhood, such as how busy it is in terms of traffic and activity and noise during the day. The other item is under the parking provision under the Zoning Act in terms of adequate parking. If there were three group daycares on one block and if there are 30 kids (assuming no siblings), there could be 30 vehicle trips probably within the span of an hour parked on the street and trying to get in and out. That could cause some traffic backups. Mr. Sloan thinks this is what the Act is speaking to. Lastly, the Act does state that the community can administratively modify that separation distance because not all communities will be the same. If one block has a collection of them, there might be grounds to say there is already a lot of traffic or noise activity. Mr. Sloan believes the restriction is there so they can look at each one individually to see what the proximity is, whether or not the traffic would be the same, and are they close by or a couple blocks away.

Chairman Greene asked if the 1500-foot separation is a State mandate or a Township Ordinance?

Mr. Sloan stated that is in the State Zoning Enabling Act.

Chairman Greene stated that 1500 feet seems pretty arbitrary in terms of distancing. He does not have a problem moving this from 6 to potentially 12 kids, particularly since she has a track record of running it successfully with the 6 and under.

Mr. Singh stated he is in agreement with Chairman Greene. Mr. Singh just checked property values over the past couple years and does not see any difference in this neighborhood as in other similar neighborhoods. Property values have been shooting up. Mr. Singh does not see any diminishing property values. He feels that as long as the applicant is meeting all the State and Township laws and safety concerns, this should be approved.

Mr. Weber asked if the State does inspections. He stated again that he doubts this would ever get to 12 kids, but he is not comfortable that it could. Part of this is going to be upon the State enforcing their laws.

Chairman Greene asked, if we approve this right now, the applicant still has to apply to the State to go from a Family to a Group designation which means that whatever inspection process or criteria they impose, she would have to comply with. That is not for the Planning Commission to decide in terms of square footage etc.

Mr. Sloan stated that is correct. The items in the Zoning Enabling Act are fairly limited, which leaves the State with the other standards. Before the State goes through with its review, it requires a form from the community for municipal approval.

Chairman Greene offered a scenario: If the Commission were to approved this tonight, and she applied and the State said "no", would the designation of a Group Family Home still be there on this property.

Mr. Sloan believes it would, unless the State does something with her Family Daycare Home license.

Chairman Greene asked if the designation of Special Land Use would remain with this property until

perpetuity.

Mr. Sloan stated the Special Land Use would run with the property unless there is a clear intent to abandon the SLU.

Mr. Weber asked if the Commission could make a condition on the Special Land use that she complies with all State licensing requirements. If the license is expired or some other issue, the SLU ceases.

Mr. Sloan believes the Commission could do that. If that recommendation is made, he will check with the Township attorney prior to final board action to be sure that is enforceable.

Chairman Greene stated that this could be made as part of a motion.

There was a brief discussion amongst the Commission members on whether or not to include in the motion a sunset clause on the Special Land Use in the event Ms. Franke were to move from this residence. It was decided this was not necessary.

Motion by Zuber, supported by Weber, to move to recommend approval of the request for Special Land Use for a Group Child Care Home on tax parcel no. 038-07-0039-000 (7138 Fox Woods Dr.), including a modification to the separation distance from 6700 Sturbridge to allow the current separation distance of approximately 1,250 ft., conditioned on the owner maintaining all State licensing requirements for a Group Home Daycare.

Commissioner Zuber called the vote:

Ayes: Acharya, Eggenberger, Engel, Foster, Okon, Singh, Weber, Zuber, and Greene

Motion passed unanimously by roll call vote, 9-0.

Mr. Sloan stated the next available Board Meeting will be May 25<sup>th</sup> 2021.

### **NEW BUSINESS-SITE PLANS & SEASONAL SALES PERMIT**

2. 049-SPC-6513 **HOME DEPOT OUTLOT** – Consider Site Plan approval on parcel no. 049-99-0001-719. Property is located south of Ford Road and east of Lotz Road.

Mr. Sloan stated this proposal was before the Planning Commission for Special Land Use review last fall. The SLU was approved by the Township Board on October 13, 2020. The Special Land Uses were for a collection of different commercial uses in the Corporate Park Overlay District. Although the site is zoned C-3, it's in the Corporate Park Overlay District which requires almost every use in the district that's permitted is done by Special Land Use, and so the applicants obtained Special Land Use approval for a number of commercial uses (listed in the report). One of the uses in particular was a restaurant on the east side of the building with a pick-up window.

Mr. Sloan stated that during Special Land Use review, the SLU plan at that time included two buildings. Only one of them was approved for a pick-up window. At that time the applicant wasn't sure if they would go with two buildings or one, but ultimately, they had decided on one and pursued a Site Plan Review for that building. Mr. Sloan explained the site is called the "Home Depot Outlot" because it originated as a land division from the Home Depot located farther south. Back on March 6, 2017 the Planning Commission had approved a request from Home Depot to reduce the number of parking spaces from 703 to 514, and

that modification was approved. That allowed the applicants to pursue a land division for the outlot and then subsequently Special Land Use and Site Plan Review.

**Architecture:** In going through some of the site plan standards for the architecture of the building, the building has more than 50% of the brick required in the Zoning Ordinance and the building elevations show a parapet for the screening of rooftop mechanical equipment.

**Schedule of Regulations.** The site shows compliance with the Corporate Park Overlay District and underlying C-3 District for height and setbacks

**Access Management:** There are no new curb cuts onto Ford Road. The site is accessed by existing drives from the west and south. All of the existing access management for the site is already in place.

**Parking and Loading:** The applicant is seeking approval for more parking spaces that are allowed by the Zoning Ordinance. Based on the type of building (classified as a shopping center) which limits the number of spaces to a maximum of 47 because of the ratio of one space for 250 square feet, the applicant is seeking approval for 82 spaces, which is 25 more than the maximum. One of the reasons is that many of the uses at this site are unknown at this time and if the building were to be occupied mostly by restaurant, then the parking demands go way up. Where a shopping center requires one space for 250 square feet, a restaurant requires one space per 65 square feet of usable floor area. Mr. Sloan explained that the Zoning Ordinance allows for the Planning Commission to increase the maximum number of parking spaces, so that's an administrative modification the Planning Commission is able to make. Finally, on the parking, the Corporate Park Overlay District does not allow parking in the front yard, but it does allow the Planning Commission to modify that requirement. Staff recommends approval of modifying the requirement to allow for parking in the front yard. The front building line is consistent with the neighbors.

**Landscaping and Screening:** The site is designed to comply with the requirements of Article 5 of the Zoning Ordinance. There may be some minor modifications due to the Corporate Park Overlay District requirements. Those may be addressed administratively at a later time.

**Lighting and Dumpster Enclosure:** The lighting and dumpster enclosure are designed to comply with the Zoning Ordinance.

**Signage:** A monument sign is illustrated on the plan. Signs are approved by the Building Department, so that won't be officially approved until the permit has been pulled and approved.

Mr. Sloan stated that Township Staff recommends approval of the Home Depot Outlot site including a modification to allow 82 parking spaces and parking in the front yard as shown on the plans, subject to any necessary revisions to the landscape plan to comply with the Zoning Ordinance.

Mr. Bryan Amann, Project Representative, stated Beau Wynn (Architect) and Eric Williams (Engineer) are also available tonight to answer questions. Mr. Amann stated he has been working with this project for a number of years. Home Depot is one of those "sea of asphalt" parking lots and he has been working to try to repurpose some of that. Mr. Amann expressed his appreciation to Patrick Sloan for his presentation and the assistance and flexibility everyone has shown due to the circumstances over the past year. Mr. Amann, Beau Wynn, and Eric Williams will be happy to answer any questions.

Mr. Acharya had no comments.

Ms. Zuber had no comments.

Mr. Weber had no comments.

Mr. Engel had no comments.

Ms. Foster had no comments.

Mr. Okon had no comments.

Ms. Eggenberger stated, looking at the design and showing where the cars come around picking up food. When they get to the stop sign, it looks as though they could make a right turn which looks like a significant right turn (a complete U-turn). Is that something that would be okay, because it doesn't feel very safe? On Sheet C4 (Sloan displayed the sheet), Ms. Eggenberger explained what she was seeing – as you come to the stop sign, it looks as though cars can make a right turn which then turns into a 180-degree U-turn. Ms. Eggenberger stated she is just trying to understand the traffic.

Mr. Amann asked Eric Williams to explain the turning radius.

Mr. Eric Williams, Engineer for the project, stated from a multi-tenant strip center drive-thru layout, this a fairly typical layout from what we would see throughout Michigan. The important pieces to keep in mind is that the people exiting the drive-thru will be forced to stop prior to making that movement, so they will be able to check for cars coming left and from the right. In terms of the 180-degree turn, he would tend to agree that may be a challenging maneuver. If that is something that the Commission would like us to look into, he thinks there is some availability on the west side of the property to maybe widen that landscape island or they could do something as simple as adding a “no right turn” sign and force everybody toward the exit on the northwest corner that would allow them to access Ford Road. Mr. Williams said there are two options there, and neither would be detrimental to the site.

Ms. Eggenberger stated she would love to see some other options, it does not look particularly safe.

Mr. Amann stated it may be that they can just physically change it to force a left turn out of there. They may want to create a physical solution to make sure the certainty of movement is going in that direction.

Chairman Greene said that may be a scenario to work through with Staff to tweak that. Chairman Greene said they may need to do away with some of the patio to make that change.

Mr. Amann said it actually requires structure on the right side to take away the right-hand opportunity. The left would be fine.

Mr. Singh had no comments.

Chairman Greene stated the only concern he has is on the elevations. He sees some gray horizontal delineation going on with the brickwork. On the rear and maybe a little on the sides, it looks like it needs some vertical delineation, something that gets away from just the lines going to the sides. Is that a possibility architecturally? Chairman Greene stated he would also like to see the businesses have a small version of their signage on the south side of the building. Chairman Greene feels Canton businesses need to be more exposed without going overboard on signage. He wants to see them maximize their presence.

Mr. Amann agreed with Chairman Greene's comments regarding signage. He asked Beau Wynn to address the desire for some more vertical interest in the elevation.

Mr. Beau Wynn, Architect for the project, stated they can definitely break that up and make those rear corners tower elements like the front and break up some of the horizontal striping in the back.

Chairman Greene expressed that is what he wanted to hear. That would be another “work with Staff” type of scenario. Chairman Greene stated that is all the concerns he had, and he is in support of the project.

Motion by Zuber, supported by Foster, to move to recommend approval of the Home Depot Outlot site plan on tax parcel no. 049-99-0001-719, including a modification to allow 82 parking spaces and parking in the front yard as shown on the plans, subject to any necessary revisions to the landscape plan to comply with the Zoning Ordinance.

Chairman Greene had one more point to mention. On the sides when talking about the delineation, he does not see anything in back regarding security lighting or a little bit of lighting that makes it more pleasant at night. Is there some stipulation there like on the front?

Mr. Amann stated it probably just doesn't show, but they meet the photometric requirements of being appropriately lighted, but not over-lighted.

Commissioner Zuber called the vote:

Ayes: Acharya, Eggenberger, Engel, Foster, Okon, Singh, Weber, Zuber, and Greene

Motion passed unanimously by roll call vote, 9-0.

Mr. Sloan stated the next available Board Meeting will be May 25<sup>th</sup> 2021. By then, any modifications to the plan should be done.

3. 064-DIR-6517 **LIFETIME DENTAL, PARKING LOT MODIFICATIONS** –  
Consider Site Plan Modifications on parcel no. 064-99-0015-701.  
Property is located west of Canton Center Road, between Cherry Hill Road and Saltz Road

Mr. Sloan stated Lifetime Dental is proposing to expand the parking lot from 21 spaces to 28 spaces based on the parking demands of patients and employees. The proposed expansion is on the east and south sides of the parking lot, with a proposed 20-foot wide landscape berm remaining in these areas. As a result, some landscaping will be replaced. The proposed connection to the site to the north (Rose's) will be maintained in the northeast corner, though the site to the north has not constructed a reciprocal connection on its side. The site is on the Northwest corner of Canton Center Rd. and Cherry Hill Rd., in the O-1 Office District.

**Land Use:** The original site plan was approved in 2004 for a medical use at the current site. Lifetime Dental is the current user, there is no change in use proposed. According to the applicant, Lifetime Dental leases spaces to the west of Rose's parking lot directly west of Lifetime Dental. The applicant wants to increase the number of spaces to allow more of those cars to park on Lifetime Dental's lot.

Mr. Sloan stated that based on the standards of the Zoning Ordinance for a medical office, the number of parking spaces is one per 200 square feet. So, based on the floor area of the building, 19 spaces are required up to a maximum of 21 spaces. The applicant is proposing to increase the number of maximum spaces and requests a modification from that requirement from the Planning Commission. In this case, the use is known and the demand is higher, so based on some of the parking levels to the Rose's lot to the west, the applicant has been able to demonstrate that there is a demand for the additional parking spaces. Based on review of several aerial photographs taken at various times from 2015 to 2021, as well as observing from the road, the Planning Staff believe that the proposed 28 spaces are sufficient for Lifetime Dental's current and future use, and would recommend that the modification be approved.

**Landscaping:** The landscape changes are shown on Sheet LP-1, which are mostly compliant with Article 5 of the Zoning Ordinance. Mr. Sloan said Staff is currently working with the applicant to revise some of

the calculations to comply with the requirements for a front yard berm landscaping, general landscaping, parking lot landscaping, and foundation landscaping. There is sufficient area on the site to plant the required trees and shrubs, compliance there is attainable.

The applicant is requesting modification from the following two landscaping requirements:

1. The Zoning Ordinance requires the berm to be 26 feet wide if a front yard setback is 166 feet or greater; If it is less than 166 feet, then the berm can be narrowed to 20 feet wide. The current setback from Canton Center Road to the Lifetime Dental building is 166.87 feet. Therefore, the berm width requirements is 26 feet. The applicant is proposing a berm width of 20 feet. Because this setback is very close to being under 166 feet, we recommend modifying the required berm width along Canton Center Road from 26 feet to 20 feet.
2. The Ordinance requires a parking lot landscape area to be 12 feet wide. There is a small landscape area in the southwest corner of the parking lot where cars come in from the driveway and then turn into the lot. The applicant proposes to narrow that to about 5-6 feet wide to allow for additional parking area. The other parking lot landscape widths will comply with the Ordinance. If that narrowing is acceptable to the Planning Commission, Staff would recommend approval.

**Lighting:** There are two (2) existing parking lot lights that are proposed to be relocated, and two (2) new decorative light at the proposed entrance with one on each side. The lighting photometric plan will have to be updated to ensure compliance with the illumination standards of the Zoning Ordinance based on the relocation of those light fixtures.

Mr. Sloan stated Planning Staff recommends approval of the site plan for Lifetime Dental, including Zoning Ordinance modifications pursuant to Section 4.01(C)(6) for 28 parking spaces, Section 5.03(A)(1) for a 20-ft. wide berm on the east side of the site, and Section 5.02(C) for narrower parking lot landscape area in the southwest corner of the parking lot, subject to additional information required to demonstrate compliance with the landscaping and lighting requirements of the Zoning Ordinance.

Dr. David Kam stated Patrick Sloan has been a big help with this project. They just want to expand some parking spaces to fulfill the demand of their patients and staff.

All commission members were in support and had no comments.

Chairman Greene stated it appears as though the change on the Canton Center side (according to the map) looks to be parallel with what goes on in terms of parking at Rose's. Chairman Greene sees no problem with this.

Motion by Zuber, supported by Singh, to move to approve the site plan for Lifetime Dental on tax parcel no. 064-99-0015-701, including Zoning Ordinance modifications pursuant to Section 4.01(C)(6) for 28 parking spaces, Section 5.03(A)(1) for a 20-ft. wide berm on the east side of the site, and Section 5.02(C) for narrower parking lot landscape area in the southwest corner of the parking lot, subject to additional information required to demonstrate compliance with the landscaping and lighting requirements of the Zoning Ordinance as noted by the Community Planner.

Commissioner Zuber called the vote:

Ayes: Acharya, Eggenberger, Engel, Foster, Okon, Singh, Weber, Zuber, and Greene

Motion passed unanimously by roll call vote, 9-0.

Mr. Sloan stated that as this is a Developer Instigated Revision to an approved Site Plan, this would be under the purview of the Planning Commission.

4. 048-ZCSS-6650 **TNT Fireworks** – Consider Seasonal Sales Permit approval on parcel no. 048-99-0022-707. Property is located north of Ford Road and east of Lotz Road.

Mr. Sloan stated the Planning Commission has seen TNT Fireworks applications in the past. In years prior, it has been at the Meijer parking lot. With Meijer undergoing its own renovations as well as the ongoing construction for Culver's, there is not room in the parking lot this year for TNT Fireworks. The applicant is proposing to relocate into the Sam's Club parking lot. They are proposing a 20' x 60' tent on the southern part of the parking lot between the building and Ford Road. The requested permit is from June 21<sup>st</sup> through July 10<sup>th</sup>. The proposal meets the standards of the Zoning Ordinance regarding seasonal sales and fireworks sales, and their operations are very similar to those of years past.

Mr. Sloan stated that because the standards are met, Staff recommends approval subject to the issuance of the sign permit from the Building Services Division.

Mr. Charles Friese stated that, as Mr. Sloan explained, this is basically as similar setup as in the past, just moving down the street this year. It is a slightly larger tent as noted in the application just to provide more flexibility for consumers to move around and shop given the pandemic.

Chairman Greene had a question regarding the loss of parking spaces with the larger tent. Has that already been considered? Sam's Club will be without a certain number of parking spots for their regular business.

Mr. Sloan stated the temporary space reduction cannot be more than 10% of the required parking spaces. The proposed spaces occupied will be far less than 10%.

Mr. Weber asked what level of security do they have at night.

Mr. Friese stated their typical format is that someone actually physically stays there at night.

Chairman Greene stated that since the tent houses fireworks, there is a safety factor. He thinks the State would require 24/7 surveillance.

Mr. Friese responded that is correct. If the items are staying in the tent, someone is to occupy to surveil the site.

There were no other comments from the Commission members.

Motion by Zuber, supported by Acharya, to move to approve one 30-day seasonal sales permit for the TNT Fireworks Company, (parcel no. 048-99-0022-707) commencing on June 21, 2021 as shown on the plans, subject to obtaining appropriate permits from the Building Services Division for erection of the tent, and compliance with all sign regulations.

Commissioner Zuber called the vote:

Ayes: Acharya, Eggenberger, Engel, Foster, Okon, Singh, Weber, Zuber, and Greene

Motion passed unanimously by roll call vote, 9-0.

Mr. Sloan stated this would be under the purview of the Planning Commission.

**NEW BUSINESS – STAFF REFERRAL**

5. 050-RZ-6654 **JS3 INVESTMENTS, LLC** – Refer review of Rezoning to staff for approval on parcel no. 050-99-0009-003. Property is located east of Haggerty Road, between Ford Road and Cherry Hill Road.
- 024-RZ-6682 **ANDERSON, PAUL & RITA** – Refer review of Rezoning to staff for approval on parcel no. 043-99-0010-000. Property is located north of Warren Road, between Ridge Road and Napier Road.

Motion Weber, supported by Zuber, to refer Item #5 to Staff. Motion passed unanimously by roll call vote, 9-0.

**NEW BUSINESS – SET PUBLIC HEARING FOR JUNE 7, 2021**

6. 050-RZ-6654 **JS3 INVESTMENTS, LLC** – Set public hearing for review of Rezoning for parcel no. 050-99-0009-003. Property is located east of Haggerty Road, between Ford Road and Cherry Hill Road.
- 043-PDP-5867 **RESIDENCE INN & HILTON GARDEN INN** – Set public hearing for review of Preliminary PDD for parcel nos. 043-99-0004-000, 043-99-0017-000 & 043-99-0029-000. Property is located north of Ford Road and west of Lilley Road.

Motion Weber, supported by Foster to set the Public Hearing for June 7, 2021. Motion passed unanimously by roll call vote, 9-0.

**ADJOURN**

Motion by Zuber, supported by Foster to adjourn the meeting. Motion passed unanimously by roll call vote, 9-0. Meeting adjourned at 8:44 p.m.

Melanie A. Sherwood  
Recording Secretary