

**VILLAGE OF FRANKLIN
PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, MAY 17, 2017 7:00 PM
FRANKLIN VILLAGE HALL
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN**

I. MEETING CALLED TO ORDER

The regular meeting of the Village of Franklin Planning Commission was called to order by Chairman, Connie Ettinger at the Franklin Village Hall, 32325 Franklin Road, Franklin, Michigan at 7:00 P.M.

II. ROLL CALL

Present: Rajaei Abbass, Connie Ettinger, David Goldberg, Peter Halick, Dean Moenck, Bob Wilke (arrived at 8:22 P.M.)

Absent: Calvin Cupidore (excused)

Also Present: Planning Consultant, Sarah Traxler, McKenna & Associates; Village Clerk, Eileen Pulker; Village Administrator, Jim Creech, Council Member Mira Stakhiv

III. ADOPTION OF THE AGENDA

Motion by Moenck, seconded by Goldberg to adopt the agenda, as presented.

Ayes: Abbass, Ettinger, Goldberg, Halick, Moenck

Nays: None

Absent: Cupidore, Wilke

Motion carried.

IV. ADOPTION OF MINUTES

A. Regular Meeting of April 19,2017

Moenck pointed out typographical errors, with run on words and capitalization.

Goldberg commented that on page 4, under C. Consider Historic District Commission time limit for approvals, Goldberg commented on the Planning Commission's role in amending this Ordinance and whether or not a recommendation had been made at the previous meeting.

Motion by Goldberg, seconded by Abbass to approve the Minutes for the Regular Meeting of April 19, 2017, as amended.

Ayes: Abbass, Ettinger, Goldberg, Halick, Moenck

Nays: None

Absent: Cupidore, Wilke

Motion carried.

V. COUNCIL LIAISON REPORT

Creech reported that at the May Village Council meeting there weren't any direct Planning Commission items. Jeremy Moss, State Representative, attended the meeting and had updates on particular state issues. There was the Budget Public Hearing, contracts for CLEMIS and with the Franklin/Bingham Farms Fire Department were approved, Cadillac Asphalt was awarded the road work contract (he was very pleased with the bids as they were below the budgeted amount),

several Civic Event Permits were approved as were several Budget Amendments. Because of the length of the meeting the Council did not consider/discuss Chapter 1028 or Resolution, but did approve the Local Governing Body Resolution for Charitable Gaming Licenses for Yoga Moves MS.

Goldberg had favorable comments about the Bring Your Own Dog (B.Y.O.D.) Event for Bloomfield Hills High School on May 7, 2017 on behalf of the Michigan Humane Society. It appeared to have been very successful.

VI. BUDGET AND EXPENSES REPORT

Ettinger commented that the Planning Commission had gone over its allotted budget but Creech was instrumental in the Council approving an amendment increasing it by the use of other funds.

VII. PUBLIC COMMENTS

No public comments were made at this time.

VIII. PUBLIC HEARING

A. To Receive Public Comments on the Proposed Site Plan Application for 26225 Carol Street, Franklin, Michigan for the Revised Landscape Plan.

Ettinger opened the public hearing at 7:10 PM with no one in attendance responding. She closed the public hearing at 7:11 PM.

1. Consider Proposed Site Plan Application for 26225 Carol Street, Franklin Michigan, Revised Landscape Plan.

Bill Lamott, Scenic Hwy, Treasurer of the Franklin Historical Society, was present to answer any questions.

Traxler referred to her letter to the Planning Commission, dated May 10, 2017, Re: Site Plan Review #2, Kreger House Landscaping. She noted that the proposed changes were to add landscaping, lighting, and a new patio on the site; hardscaping in the form of sidewalks and paths would also be added. No building or architecture changes were proposed. All the proposals were in compliance with the applicable relevant zoning standards. She recommended that the Planning Commission recommend approval of the site plan to Village Council.

Ettinger questioned the aggregate material proposed for the sidewalks. Lamott clarified that it was called, "exposed aggregate concrete", similar to that used on the Library steps, and around Village Hall, and further explained the process of exposing the pebbles.

Moenck questioned if the Kreger House was far enough away from Franklin Road that the recent vote prohibiting sidewalks did not pertain to it. Lamott opined that the sidewalks are appropriate for the public's use, or similar to those at your home, and will be like those at Village Hall. There was a discussion about the Charter and it was suggested that this be directed to Village Attorney Staran for review.

Ettinger added that the building was not in the Historic District with Lamott explaining that it was in the National Historic District but not in the local Historic District.

Abbass and Moenck had questions concerning the parking spots and the agreement between the Village and the Church with regards to the use of its parking lot.

Motion by Goldberg, seconded by Abbass to recommend to the Village Council the Approval of the Proposed Landscape Site Plan Application Plan for 26225 Carol Street, Franklin, Michigan.

Ayes: Abbass, Ettinger, Goldberg, Halick, Moenck

Nays: None

Absent: Cupidore, Wilke

Motion carried.

B. To Receive Public Comments on the Proposed Site Plan Application for 32654 Franklin Road, Franklin, Michigan for Construction of a Freezer/Cooler Addition and Related Exterior Work.

Ettinger opened the public hearing at 7:25 PM.

1. Consider Proposed Site Plan Application for 32654 Franklin Road, Franklin, Michigan for Construction of a Freezer/Cooler Addition and Related exterior Work.

The architect from Dorchen/Martin Associates, Inc., working with the owners of the building and the perspective tenants, was present to answer any questions. He pointed out the location of the existing freezer/cooler and the proposed new location.

Ettinger made note that in Traxler's May 10, 2017 letter, Traxler had commented that the existing landscaping appeared to be sufficient but deferred to the Planning Commission for its determination. Moenck confirmed that deliveries would not be during business hours nor would they be in the front of the building along Franklin Road, to which the architect pointed out there was a designated "loading zone" at the rear of the building, thus eliminating the dangerous situation when using the front of the building.

Abbass clarified that the addition with the new freezer/cooler would be accessed from inside the building, covered by a roof with a compressor which would be surrounded by a screen.

Suzanne McClow, Franklin Road, lives across the street from the Market and commented that with the removal of the condensers from the front roof it has been much quieter and she was appreciative. The architect mentioned there would be additional condensers placed there, but all would be screened. McClow confirmed that the loading site was at the rear of the building and not in the front of the building. She agreed that the "No Parking" sign in front of the building should be enforced.

Vic Cestar, Franklin Road, referring to drawings he had looked at, prefaced his remarks by saying they were mostly mechanical in nature. He noted that there were no units on top of the front portion of the building and one unit on top of the new building, and asked if there would be screening for the units. He also had environmental concerns regarding food smells, and asked if

there would be cooking all day and into the night. Cestar also questioned whether food would be prepared for other locations at this site. Speaking on behalf of a neighbor who could not be at the meeting, he voiced his concern about the noise coming from the unscreened condensers on the roof of the existing building. He also expressed his concern that large trucks, such as the ones which would make deliveries to the front of the building for the previous tenant, would not be able to turn around in the existing parking lot.

Robert George, new tenant of the building, explained that the business was a gourmet food and catering operation for the local community. He explained that the condenser units which would be installed would be a lot quieter than those from 20 years ago and all would be screened with insulation. The existing unit on the back portion of the building would be removed. He further explained that his background included association with Plum Market and Melody Farms Dairy. The store will have grocery essentials, as well as beer, wine, and liquor, a tasting license, and a full kitchen for catering.

Ettinger closed the public hearing at 7:55 PM with no further comments from the public being presented.

Abbass had questions concerning the construction of the new freezer/cooler.

Goldberg clarified the outside construction, the interior plans, and referenced Traxler's letter about the parking lot in the rear. With the owners of the building present at the meeting, he also mentioned the subject of cross-access parking within the Village Center which the Planning Commission has been studying. The owners were favorable to the shared parking concept.

Creech and Traxler outlined and explained the next steps of the approval process for the site. George confirmed that Historic District Commission (HDC) had already approved the exterior of the building, stating that the HDC had requested additional stone façade around the base of the new portion and would review any signage at a later time. Ettinger suggested the HDC minutes be included in the PC packet when considering future site plans.

Moenck suggested that the motion be amended to include the contingency of screening the new condenser units. Discussion ensued. Creech made a suggestion that the motion include the phrase, "...as submitted".

Halick asked that the parties involved take seriously the neighbors' concerns and thoughts.

Motion by Goldberg, seconded by Ettinger to recommend to the Village Council the approval of the Proposed Site Plan Application for 32654 Franklin Road, for the construction of a Freezer/Cooler Addition and Related Exterior Work, as submitted and as amended.

Ayes: Abbass, Ettinger, Goldberg, Halick, Moenck

Nays: None

Absent: Cupidore, Wilke

Motion carried.

IX. UNFINISHED BUSINESS

A. Consider Chapter 1268 Supplementary Regulations Section 12683.19 Excavation or Holes

Traxler referred to page 2 of her memorandum to the Planning Commission, dated May 10, 2017 - Proposed Amendments to the Village of Franklin Codified Ordinances, Part Twelve-Planning and Zoning Code, under 2. Title Four, Zoning. Under 1268.28 Fences, (a) Definitions, she added (6) Construction fence and moved the location of (e) Construction fences (1) Height (2) Location (3) Materials, and (4) Duration to (f) Review and approval procedures. Moenck suggested under (e), (2) Location, end of the second (2nd) sentence, to read, "...and may be located anywhere on public or private property."

Discussion ensued about Construction Fences, location, materials, duration, and the purpose of the regulations, including, the authority of the Planning Commission to be taking up the issue of changing the Ordinance and whether or not the Village Council had requested it..

(Wilke arrived at 8:22 P.M.)

Mira Stakhiv, Crestwood Dr., expressed her opinion about fencing around unsecured structures for a permitted period of time. She stated that she has experienced neighbors' homes being under construction for long periods of time. She agreed with Goldberg that the fence should only be around an excavation hole as long as was necessary for safety reasons.

Moenck reminded the Commissioners that he, as the PC's representative to the ZBA, was asked to bring this issue from the Building Official and the Zoning Board to the PC. His interpretation of the Ordinance was to surround a site until the building was secured. He suggested the issue be brought to a vote. Goldberg questioned the PC's role in this matter and re-iterated his personal opinion that a fence should only be required around excavation holes.

Creech stated that his solution to the issue would be to allow chain-link fencing for public areas, public parks, playgrounds, etc., and add "construction areas/sites". Creech opined that it would be up to the Building Official to determine whether it was necessary to secure the entire site or not.

Creech explained that the Building Officer merely wanted to be able to inform contractors that a temporary fence could be constructed at a site until the hole is filled. Creech further explained that the building official felt that he does not currently have the ability to say that because the materials listed, exclude everything "chain link" except for tennis courts, dog runs, etc." For anything else the ZBA would need to be consulted about changing the fencing materials.

Goldberg contended that the main purpose was to clarify the definition of "Construction Fence" which dealt with an excavation hole, not a procedural issue.

Motion by Ettinger, seconded by Abbass to close the discussion and postpone Consider Chapter 1268 Supplementary Regulations Section 12683.19 Excavation or Holes until the next regularly scheduled meeting.

Ayes: Abbass, Ettinger, Goldberg, Halick, Moenck
Nays: Wilke
Absent: Cupidore
Motion carried.

B. Consider Chapter 1268 Supplementary Regulations Sections 1268.28 Fencing Ordinance, Spikes on Wrought Iron Fencing.

Motion by Ettinger, seconded by Abbass to postpone Consider Chapter 1268 Supplementary Regulations Sections 1268.28 Fencing Ordinance, Spikes on Wrought Iron Fencing until the next regularly scheduled meeting.

Ayes: Abbass, Ettinger, Goldberg, Halick, Moenck, Wilke
Nays: None
Absent: Cupidore
Motion carried.

C. Consider Historic District Commission time limit for approvals.

Traxler addressed this item on page 2 of her Memo dated May 10, 2017 by preparing the proposed ordinance amendment (4) Period of Validity. She explained the process that would be required to adopt the change.

Motion by Abbass, seconded by Moenck to recommend to the Village Council to adopt the proposed amendment related Chapter 1230.05 (c) Approval of Application (4) Period of Validity which establishes a Historic District Commission's time limit for approvals.

Ayes: Abbass, Ettinger, Goldberg, Halick, Moenck, Wilke
Nays: None
Absent: Cupidore
Motion carried.

D. Master Plan Implementation

1. Cell Phone Service (Moenck and Halick)

Moenck referred to his Cell Phone Committee notes, dated 5/17/2017., which included correspondence with the State of Michigan (Jeremy Moss's Team), Oakland County (Bill Dwyer and Jim Naismith Oakland County IT), Eric Mann (Verizon Wireless), Fred Oglie (AT&T) and his personal notes on the Bloomfield Township Planning Commission meeting which recommended that the Bloomfield Township Council NOT approve Verizon's request for five DAS sites. He was waiting for a response from Verizon and Sprint about the survey, Goldberg pointed out the importance of the paragraph which stated that Verizon would be interested in working with Franklin if the "restrictive environment" changed.

2. Parking (Wilke and Cupidore)

Wilke reported that the local representatives of Comerica Bank were unresponsive. He has contacted an executive friend in Dallas, whom he thought may be able to help.

3. Lighting (Goldberg and Abbass)

Goldberg reported that they had met and made a decision that they would have HRC concentrate on the area of Franklin Road, between 14 Mile and the Cemetery. Sidewalks (pathways), especially on the west side, need to be considered at the same time. The right-of-way was also integral part of the picture and needed to be determined. HRC sent a report to Goldberg, dated May 11, 2017, with a proposal for Professional Engineering Services, a Sidewalk and Lighting baseline Study, and a Franklin Road Corridor Master plan. The estimated cost would be \$7,500, about \$3,000 of which would be for design engineering and construction costs. The \$5,500 which PC received from the Council would cover the immediate study, with the actual construction costs deferred.

There was a discussion concerning the four (4) houses on the west side of Franklin Road. Moenck stated that he was hesitant to discuss sidewalks in the Historic District. Goldberg thought that the lighting and sidewalk improvements should be considered together, but not necessarily constructed at the same time.

4. Sign Ordinance Update Review, including A-frame signs, building sign size

Ettinger had no formal written report as the coordinating a meeting with MSF and HDC had been very difficult. There is a scheduled meeting next Thursday. However, there seems to be an agreement that a permanent ready sign of an A-frame type which doesn't have to go before HDC for approval would be appropriate. In addition, there were certain circumstances in which the location of signs are exceptions to the rule and would need to be addressed individually.

X. GENERAL COMMUNICATION

A. Upcoming Meeting Dates: Next Scheduled Special Meeting, June 21, 2017, at 7:00 PM.

Traxler stated that she will not be able to attend the meeting, and would send someone from her firm in her place.

XI. ADJOURNMENT

Motion by Ettinger supported by Goldberg to adjourn the meeting.

Ayes: Abbass, Ettinger, Goldberg, Halick, Moenck, Wilke

Nays: None

Absent: Cupidore

Motion carried.

There being no further business, the meeting adjourned at 9:21 P.M.

Respectfully submitted,

Gail Beke, Recording Secretary

Eileen H. Pulker, Clerk