

**CHARTER TOWNSHIP OF BLOOMFIELD
PLANNING COMMISSION MEETING**

Monday, November 7, 2011

Bloomfield Township Hall

I. ATTENDANCE:

PRESENT: Goldberg, Barnett, Mintz, Petinga, Seneker

ABSENT: Salz, Stark

Staff Present: Patricia Voelker, Director of Planning, Building, and Ordinance, and Robin Carley, Development Coordinator

Mr. Bill Hampton, Township Attorney, was present.

Mr. Leo Savoie, Township Supervisor, was present in the audience.

II. APPROVAL OF MINUTES:

Motion was made by Barnett, seconded by Petinga and was supported to approve the September 19, 2011 minutes as written.

AYES: Goldberg, Barnett, Mintz, Petinga

NAYS: None

ABSTAIN: Seneker (new appointment to the Planning Commission)

III. PUBLIC HEARING – SITE PLAN / REZONING

A. 1525-1616 Opdyke Rd., 1655 Opdyke Rd. – Bloomfield Hills Shopping Center

Ms. Voelker reviewed for the Commissioners the request for the rezoning of a portion of the property known as the Bloomfield Hills Shopping Center at the southeast corner of Opdyke Road and South Boulevard, as previously introduced at the Planning Commission's Call for Public Hearing on September 19, 2011. The tenant history of the shopping center was reviewed, including the stand-alone building currently occupied by the China Village restaurant. The zoning classification of the shopping center was noted to be B-1, Local Business, with the permitted uses and Master Plan intentions called out

in the staff report provided by Ms. Voelker and submitted to the file. Site plans and aerials were reviewed, noting that only the property known as 1655 Opdyke Road was being requested to be rezoned from a B-1, Local Business, to a B-2, Community Business, zone district. Ms. Voelker noted that the original submittal package, which has since been revised to the present rezoning request, was provided to the Commissioners and submitted to the file. There were no proposed changes to the site or property at this time, other than the most recent façade changes and site improvements as approved by the Design Review Board on 08-17-11. The current uses within the shopping center were reviewed, noting that the uses are consistent with the current B-1, Local Business, zoning classification. Ms. Voelker noted that with approval of this rezoning request, the site would be brought into compliance with the number of parking spaces required and that a shared parking study would not be required. The 09-07-11 letter from Mr. Michael Labadie, the Township's traffic consultant, was reviewed by Ms. Voelker and submitted to the file. The number of trees within the parking lot and the parking setbacks were to remain as existing non-conforming conditions. Photographs highlighted the existing buffer area, including the masonry wall and landscape area between the shopping center and the residential homes. It was noted that a liquor license is not permitted within a B-1 zone district, thus the request to rezone the existing restaurant site to a B-2 zone district. The Design Review Board reviewed the rezoning proposal on 09-07-11, with meeting minutes provided. The Departmental comments were also reviewed and submitted to the file. The ordinance amendment was advertised in the local newspaper and notices were sent to the necessary property owners, per legal requirements.

Dr. Goldberg asked for questions or comments from the Commissioners to Ms. Voelker.

There were no questions or comments from the Commissioners to Ms. Voelker and Dr. Goldberg asked for the presentation from the applicant.

Mr. Tyler Tennent, attorney, and Mr. John Secco, property owner, were present before the Commission seeking approval for a rezoning request. Mr. Tennent reviewed the history of the shopping center and the many changes and upgrades to the site. He stated that the request to rezone the property at 1655 Opdyke Road was to enhance the economic viability of the shopping center. He further reviewed the variances that were previously granted to allow for a second restaurant within the shopping center. Mr. Tennent reviewed the initial submission to rezone the entire shopping center to a B-3, general business zoning classification, and the progression of the proposal to the current application to rezone only the site at 1655 Opdyke to a B-2, community business zoning classification. The proposed B-2 zoning would allow the property to seek a Class C liquor license. He noted the original application, which included the June 1, 2011 informational chart, outlined six reasons for the Township to consider approval of the rezoning request from a B-1 to B-2. He also commented on the commercial zoning classifications of the businesses at the intersection of Opdyke Road and South Boulevard. Mr. Tennent reiterated Ms. Voelker's statement within her staff report dated 11-01-11,

that the rezoning request would maintain the integrity of the B-1 shopping center with the rezoning of only the restaurant site to B-2.

Mr. Secco reviewed the history of the site and his relationship with the surrounding residential property owners. He commented on the existing tenants and the need to attract a quality restaurant with the ability to obtain a liquor license to maintain the economic viability of the shopping center and the restaurant site. A petition was previously provided to the Commissioners and submitted to the file with the signatures of approval from many of the surrounding property owners.

Dr. Goldberg asked for questions or comments from the Commissioners to the applicant.

Dr. Goldberg asked if the restaurant is currently compliant with the existing B-1 zoning and if the restaurant site would be in compliance if it was rezoned to B-2. Dr. Goldberg also questioned the applicant's reference to other uses within the shopping center that are typically found in a B-2 zoning classification.

Mr. Tennent referenced the chart found within his original submittal, which highlighted the current uses found within the center and their permitted uses as found in the zoning classifications within the Township's Zoning Ordinance. He again referenced the previous variance that was granted to allow for two restaurants within the shopping center.

Mr. Barnett questioned if the applicant had considered enhancing the landscaping within the parking lot, as discussed in the call for public hearing.

Mr. Secco commented that he was not opposed to adding trees within the parking lot, however, he was cautious of eliminating additional parking spaces that may be needed for future uses within the shopping center.

Mr. Barnett commented that additional plantings, including trees, should be included within the perimeter greenbelt areas along Opdyke Road and South Boulevard.

Mr. Mintz commented that he was in favor of Mr. Barnett's recommendation to add plantings within the greenbelt areas and to further enhance the entrances to the shopping center. He also questioned Mr. Tennent's reference to the existing zoning classifications at the intersection of Opdyke Road and South Boulevard.

Ms. Voelker commented that the adjacent zoning classifications that were mentioned by Mr. Tennent were located within the City of Pontiac and the City of Auburn Hills.

Mr. Hampton asked Ms. Voelker to explain the review process of the Oakland County Zoning Committee.

Ms. Voelker reviewed the County's requirement to notify the adjacent communities and to hold a zoning committee meeting after the Planning Commission's public hearing and prior to the Township Board's meeting.

Dr. Petinga recognized the applicant's need to maintain the economic viability of the shopping center. He requested that Mr. Secco expound on the meeting that he had with the adjacent residential property owners.

Mr. Secco stated that he met with the Homeowners' Association approximately one year prior when the House of India was still a restaurant tenant within the shopping center and inquiring about obtaining the liquor license. Mr. Secco did obtain the approval of the majority of the Board of Directors to allow a restaurant within his shopping center to serve liquor.

Dr. Goldberg noted that there was a petition within their packet with the neighbors' approval signatures.

There were no further questions or comments to the applicant and Dr. Goldberg opened the public comment portion of the meeting.

Mr. Frank Baker, 465 Fox River Drive, was present in support of the proposal to allow for a family style restaurant with a liquor license. He questioned how many shopping centers within the Township have more than one zoning classification and if this request would be precedent setting, if approved. Mr. Baker also commented on the condition of the trees that were previously planted by the property owner in the greenbelt area abutting his rear yard. He requested that the dead and / or deficient trees be replaced with new evergreen plantings.

Ms. Voelker commented on several parcels within the Township that have more than one zoning district, including several along Telegraph Road, north of Square Lake Road.

Mr. Hampton commented that a precedent would not be set with approval of this proposal, however, it would be unique to the Township. He also commented that the Planning Commission could make recommendation that a landscape plan be submitted to the Township, which included plantings within the southerly greenbelt area and the greenbelts along South Boulevard and Opdyke Road.

Mr. Baker further commented on a letter that was sent by the Township several years ago regarding the landscaping in the greenbelt areas adjacent to the residential neighborhood and provided a copy to the Commission. The letter was submitted to the file.

Mr. Mintz commented on the condition of the landscaping in the greenbelt area on the south side of the masonry wall behind the shopping center, noting that some appeared to be in need of replacement.

Ms. Marcia Robovitsky, 4945 Dryden Lane, commented on the variances that were previously granted for the shopping center and asked if those variances would still apply, thus allowing two restaurants within the shopping center. Ms. Robovitsky also commented on other uses that are permitted within a B-2 zoning classification, including a drive-through restaurant. She questioned if the rezoning approval could be tied to a specific use to protect the residential community.

Ms. Voelker stated that she believed that the previous variance which allowed for two restaurants within the shopping center would no longer remain in effect as the rezoning of a portion of the shopping center would create a substantial change to the original variance approval. One restaurant would be allowed within the shopping center along with one stand-alone restaurant on the site known as 1655 Opdyke Road. She also noted that any new proposals for the site at 1655 Opdyke Road, such as a drive-through restaurant, would require submittal for site plan review.

Mr. Secco addressed Mr. Baker's comments regarding the planting of evergreens as required with the approval of the variance. Mr. Secco noted that required trees were planted and approved by the residents several years ago. He commented that the evergreens that were planted have not been able to mature fully due to the existing canopy of trees. Mr. Secco stated that he has planted additional arbor vitae for other adjoining neighbors and would be willing to plant arbor vitae along Mr. Baker's rear property line.

Dr. Petinga asked for clarification of the proposal for a family style restaurant.

Mr. Secco stated that he was proposing a family style restaurant and not a tavern or saloon style restaurant.

Mr. Mintz asked if the proposed restaurant would contain a bar area.

Mr. Tennent commented that the floor plan of the restaurant would be addressed with a liquor license application and subsequent approval hearings. He questioned if this hearing was to address the rezoning request or site plan issues.

Dr. Goldberg commented that the Planning Commission's questions and comments regarding landscaping would be forwarded to the Board of Trustees.

Mr. Hampton confirmed that the Planning Commission, as a recommending body, would be able to forward their comments and recommendations to the Township Board of Trustees.

Mr. Hampton further addressed the previous variances granted, noting that the variances allowed for two restaurants, including the site at 1655 Opdyke Road. He noted that if the

rezoning request was approved, the shopping center would still be allowed to have a maximum of two restaurants, including the site at 1655 Opdyke.

Dr. Petinga noted that the Planning Commission has addressed aesthetics, including landscaping, with all applicants that appear before the Commission.

There were no further public comments and Dr. Goldberg closed the public comment portion of the meeting, returning to the Commissioners for additional questions or comments.

There were no further questions or comments from the Commissioners and Dr. Goldberg called for a motion.

Motion was made by Barnett, seconded by Seneker and was unanimously supported to forward the rezoning request for 1655 Opdyke Road to the Township Board of Trustees with a recommendation for approval, contingent upon submittal of a landscape plan to the Township for review and approval. The landscape plan should include additional evergreen plantings in the greenbelt area at the south end of the shopping center and should address replacement of deficient trees and landscaping. Enhancements to the entrances and greenbelts along Opdyke Road and South Boulevard should also be addressed.

AYES: Goldberg, Barnett, Mintz, Petinga, Seneker

NAYS: None

IV. DISCUSSION ITEMS

A. Items Not on the Agenda

Dr. Petinga questioned the activity taking place at the Bloomfield Town Square shopping center, including the revised facades and roof lines.

Ms. Voelker reviewed the current construction projects which included Dick's Sporting Goods, Ultra Spa, and Five Below. She noted the property owner's desire for a more eclectic appearance to the shopping center.

V. GENERAL BUSINESS:

A. Election of Secretary (to fill position previously held by S. Stefanos)

Mr. Mintz expressed interest in filling the vacant Secretary position.

Mr. Barnett nominated Mr. Mintz to serve as the Secretary of the Planning Commission. The nomination was seconded by Petinga.

Dr. Goldberg called for a vote on the nomination.

**AYES: Goldberg, Barnett, Mintz, Petinga, Seneker
NAYS: None**

B. Next Commission Meeting

The next Planning Commission Meeting was scheduled for Monday, November 21, 2011.

VI. ADJOURNMENT:

The Planning Commission Meeting of Monday, November 7, 2011 was adjourned at 8:20 p.m.

*Respectfully submitted,
Patricia Voelker, Director
Planning, Building, and Ordinance*