

**CHARTER TOWNSHIP OF CANTON  
PLANNING COMMISSION PROCEEDINGS  
October 3, 2022**

A Regular meeting of the Planning Commission of the Charter Township of Canton was held at 1150 South Canton Center Road, Canton, MI 48188 on Monday, October 3, 2022. 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, Foster, Singh, Watkins, Weber, Zuber, Greene

Absent: Okon (prior notice given)

Eggenberger arrived at 7:05 P.M. and exited at 8:40 P.M.

**STAFF PRESENT:** Patrick Sloan, Community Planner and Erin Schlutow, Senior Planner

**TOWNSHIP CONSULTANTS PRESENT:** Sarah Gabis, Attorney with Foster Swift Collins & Smith PC

**APPROVAL OF THE MINUTES OF SEPTEMBER 12, 2022**

Motion by Watkins, supported by Zuber, to approve the Minutes of September 3, 2022, with an amendment to the minutes to correct a typographical error on page 6, Flower to become Fowler. Ayes all present on a voice vote, 7-0.

**ACCEPTANCE OF AGENDA**

Mr. Sloan stated no communications from the public have been received regarding this evening's agenda items.

Motion by Weber, supported by Watkins, to approved agenda as presented. Ayes all present on a voice vote, 7-0.

**PUBLIC HEARINGS**

1. 089-SLU-7528     **ST. THOMAS A'BECKET CATHOLIC CHURCH** – Consider Special  
089-DIR-7501     Land Use for parcel no. 089-99-0013-702 (713 Lilley Road) and Site Plan approval for parcel no. 089-99-0013-702 and 089-99-0008-002. Property is located on the east side of Lilley Road between Palmer Road and Cherry Hill Road. Proposed use is construction of an accessory building on parcel 089-99-0008-002 and expansion of the religious institution land use on parcel 089-99-0013-702.

Eggenberger arrived at 7:05pm.

Mr. Sloan summarized the staff report, dated October 3, 2022, Item #1.

Mr. Sloan stated a Public Hearing Notice was published in the newspaper and notices were mailed to anyone within 300 feet of the subject site. Mr. Sloan said no public comment communications have been received regarding this application.

Mr. Sloan stated Staff recommends approval of the site plan amendment on the northern parcel for the accessory building, approval of the special land use on the southern parcel for the proposed expansion of the religious land use, and approval of the site plan on both parcels for the sculpture garden, worship garden with seating, and associated structures and landscaping as illustrated on the Special Land Use Plans and Site Plan for the reasons stated in Staff's analysis, subject to the following conditions:

1. Per Section 4.01(C)(6), to approve a modification from the parking requirements of Article 4 for 396 parking spaces, 296 of which are on-site, and Staff recommends to include the following language in the motion, subject to the condition that any parking demands over 396 spaces must be accommodated by expanding the parking lot in accordance with the requirements of the Zoning Ordinance;
2. Per Section 26.06, footnote (h), to approve a modification from the 50% brick requirement for the accessory building;
3. Per Section 5.07, to approve the existing vegetative buffer on the south and east sides of the southern parcel in lieu of the protective screening requirements of Section 5.03(D)(1) of the Zoning Ordinance; and
4. Compliance with all State, County, and Township requirements.

Motion by Zuber, supported by Weber, to open the public hearing. Ayes all present on a voice vote.

Public Hearing opened at 7:15 P.M.

Mr. Scott Goldman (Scott E. Goldman Associates, LLC., PO Box 652, Bloomfield Hills, MI, 48303) stated his firm produced the plans and designs. Mr. Goldman said the applicant, Fr. Chris Moss and Mr. Paul Klein, who will be responsible to the construction of the garden, are in attendance.

Chairman Greene asked for public comments and there were none.

Motion by Zuber, supported by Singh, to close the public hearing. Ayes all present on a voice vote.

Public Hearing closed at 7:16 P.M.

Mr. Weber asked Mr. Sloan what circumstances could arise that would result in the need for the parking lot to be expanded. Mr. Weber stated parking demands increase for religious holiday services and he would not like to see the parking lot expanded for a few days during the year.

Mr. Sloan stated it is common for many religious institutions to have heavier parking demands a few times a year and sometimes overflow parking takes place in adjacent lots or grassy areas. Mr. Sloan said if heavy parking becomes reoccurring that could result in the need to expand the parking

lot. However, there is a shared parking agreement with the offices to the north, which is shown on the previously-approved site plan.

Chairman Greene asked if a shared parking agreement could be obtained from the market across the street.

Mr. Sloan stated that is an option. Mr. Sloan said the Zoning Ordinance specifically mentions religious institutions and shared parking agreements with adjacent business being able to provide parking spaces to each.

Chairman Greene stated he has seen cars lining both sides of the Cherry Hill access drive during a special event and asked if that is a concern for the Fire Department.

Mr. Sloan stated the drive needs to have enough width for Fire Department vehicle access.

Chairman Greene stated he would like to see brick added to the two sides of the building that currently show only siding on the elevations.

Ms. Zuber stated the addition of brick around the entire building would have a better appearance.

Further discussion took place regarding the language for the motion to include more brick on the building.

Mr. Weber stated he has a concern about having a shared parking agreement with the shopping center across the street because there is no pedestrian crosswalk in that location.

Mr. Sloan stated shared parking agreements would be reviewed by the Planning Commission. Mr. Sloan said the applicant has space on their site for added parking if the need arises.

Motion by Zuber, to move to recommend approval of the special land use on parcel 089-99-0013-702 for the proposed expansion of the religious land use and approval of the site plan amendment on all said parcels for the accessory building, sculpture garden, worship garden with seating, and associated structures and landscaping as illustrated on the Special Land Use Plans and Site Plan for the reasons stated in the above analysis, subject to the following conditions:

1. Per Section 4.01(C)(6), to approve a modification from the parking requirements of Article 4 for 396 parking spaces, 296 of which are on-site;
2. Per Section 26.06, footnote (h), to approve a modification from the 50% brick requirement for the accessory building and per Planning Commission discussion require a low partial high brick wall around the entire structure;
3. Per Section 5.07, to approve the existing vegetative buffer on the south and east sides of parcel 089-99-0013-702 in lieu of the protective screening requirements of Section 5.03(D)(1) of the Zoning Ordinance; and
4. Compliance with all State, County, and Township requirements.

Amended motion by Zuber, supported by Eggenberger, to include the following language to the end of the first condition in the original motion:

Subject to the condition that any parking demands over 396 spaces must be accommodated by expanding the parking lot in accordance with the requirements of the Zoning Ordinance.

Mr. Weber asked if language needed to be added to the motion to clarify if parking lot limits are exceeded what will the necessary determining factors be for expanding the parking lot.

Ms. Gabis stated she would amend the motion to include, provide available parking through shared parking agreement or expansion on site to the extent enforcement becomes an issue as it relates to parking on the site.

Amended motion by Zuber, supported by Eggenberger, to include the following language to the first condition in the original motion: provide available parking through a shared parking agreement or expansion of the parking lot on the site to the extent enforcement becomes an issue as it relates to parking on the site.

Ayes: Acharya, Eggenberger, Foster, Singh, Watkins, Weber, Zuber, Greene

Nays: None

Absent: Okon

## **NEW BUSINESS-SITE PLANS**

2. 104-SPI-7323      **HAGGERTY III** – Consider Site Plan on parcel no. 104-99-0013-702. Property is located on the south side of Haggerty Circle, which is located west of Haggerty Road between Palmer Road and Michigan Avenue. Proposed use is two (2) buildings for warehousing and material distribution.

Mr. Sloan summarized the staff report, dated October 3, 2022, Item #2.

Mr. Sloan stated Staff recommends approval of the site plan for the Haggerty III warehousing and materials distribution center on the subject parcel, subject to the following conditions:

1. Approve a modification from the parking requirements for 132 parking spaces;
2. Approve a modification from the 75% brick requirement for the office portions of the industrial buildings and to approve 61.67% jumbo brick for the office portions of the buildings;
3. Approve a modification from the minimum foundation landscape depth of 10 feet and to approve a 7-foot-wide building foundation landscape depth on the sides of the buildings as stated on the plans; and
4. Compliance with all State, County, and Township requirements.

There were no comments or concerns from the Planning Commissioners.

Motion by Zuber, supported by Singh, to move to recommend approval of the site plan

for the Haggerty III warehousing and materials distribution center uses on parcel no. 104-99-0013-702, subject to the following conditions:

1. Per Section 4.01(C)(6), to approve a modification from the parking requirements of Article 4 for 132 parking spaces;
2. Per Section 26.06, footnote (h), to approve a modification from the 75% brick requirement for the office portions of the industrial buildings and to approve 61.67% jumbo brick for the office portions of the buildings;
3. Per Section 5.07, to approve a modification from the minimum foundation landscape depth of 10 feet required in Section 5.03(A)(4) and to approve a 7-foot-wide building foundation landscape depth on the sides of the buildings as stated on the plans; and
4. Compliance with all State, County, and Township requirements.

Ayes: Acharya, Eggenberger, Foster, Singh, Watkins, Weber, Zuber, Greene

Nays: None

Absent: Okon

3. 053-SPC-7494 **CITIZENS BANK** – Consider Site Plan on parcel no. 053-99-0001-001 (41401 Ford Road). Property is located at the southwest corner of Ford Road and Haggerty Road. Proposed changes include façade and architectural changes.

Mr. Sloan summarized the staff report, dated October 3, 2022, Item #3.

Mr. Sloan stated Staff recommends approval of the Citizens Bank site plan amendment on the subject parcel, subject to the following conditions being fulfilled by the applicant:

1. Recording a reciprocal cross-access easement to the adjoining site to the west pursuant to Section 6.10(E)(3)(d) of the Zoning Ordinance;
2. Compliance with the signage requirements pursuant to Article 6A of the Zoning Ordinance; and
3. Compliance with all State, County, and Township requirements.

Mr. Watkins asked if the fiber cement siding on the Ford Rd. building entrance would have a faux wood appearance.

Mr. Sloan stated if there is a pattern it can resemble wood similar to a plank siding, other times the pattern is meant to look like stone.

Ms. Zuber stated Nichiha is the brand being used and it has a wood appearance.

Chairman Greene asked if there will be screening around the rooftop unit and upon further review of the plans he retracted his question.

Mr. Singh and Mr. Foster stated they are happy to see the proposed cross-access easement.

Mr. Acharya stated the teller canopy sits back about 50 feet from the Haggerty Rd. right-of-way. Mr. Acharya said there has been mention of a possible future proposal to reduce the right-of-way

setbacks in the area and that the Planning Commission would review them without having to require a variance application and asked if this has happened in the past.

Mr. Sloan stated this situation is something we could see frequently over the next several years. Mr. Sloan said some areas could result in a widened right-of-way area but we will not know for certain until the Michigan Department of Transportation (MDOT) has the final Ford Rd. designs completed. Mr. Sloan said according to the public MDOT website, it appears that the parking, signage, and landscaping areas of the subject site could be impacted. Mr. Sloan stated last year MDOT requested the Township Board approve a resolution for variances which states that if there are any changes to a site as a result of the boulevard construction, many of the potential nonconformities are covered in the resolution. Mr. Sloan stated as a result of MDOT's request, on October 5, 2021, the Township Board of Trustees adopted a resolution granting approval of any reduction in the number of parking spaces because of the MDOT boulevard project. Mr. Sloan said if parking spaces have to be removed from the Citizens Bank site as a result of the MDOT boulevard project, the removal of the parking spaces will be approved without the need to construct any additional parking spaces and would not result in a zoning violation. Mr. Sloan stated project revisions will be more common in the future because of the Ford Rd. MDOT project, in which some revisions will be reviewed by staff and some will be reviewed by the Planning Commission.

Chairman Greene asked if additional signage will be necessary because opening the cross-access at the subject site will result in Dunkin Donuts customers having access to Haggerty Rd.

Mr. Sloan stated Staff will work with the applicant to ensure proper signage and businesses will coordinate with each other for cross-access signage.

Chairman Greene asked if signage should include prohibiting turning and controlling the flow of traffic.

Mr. Sloan stated internal cross-accesses are being worked on and MDOT's final design plans could have some impact on traffic flow in that area.

Motion by Zuber, supported by Eggenberger, to move to approve the site plan for Citizens Bank on tax parcel no. 71-053-99-0001-001, subject to the following conditions being fulfilled by the applicant:

1. Recording a reciprocal cross-access easement to the adjoining site to the west pursuant to Section 6.10(E)(3)(d) of the Zoning Ordinance;
2. Compliance with the signage requirements pursuant to Article 6A of the Zoning Ordinance; and
3. Compliance with all State, County, and Township requirements.

Ayes: Acharya, Eggenberger, Foster, Singh, Watkins, Weber, Zuber, Greene

Nays: None

Absent: Okon

4. 131-ADS-5472 **MANS LUMBER** – Consider Site Plan Amendment on parcel no. 131-99-

0008-003 (47255 Michigan Avenue and 47303 Michigan Avenue). Property is located on the south side of Michigan Avenue between Beck Road and Belleville Road. Proposal consists of changes to the site plan amendment approved on March 7, 2022 for an addition to the existing structure and expansion of the lumberyard operations.

Mr. Sloan summarized the staff report, dated October 3, 2022, Item #4.

Mr. Sloan stated Staff recommends approval of the site plan amendment to omit the curbing on the west side of the fire lane and modify the height of the light poles according to the submitted plans, Staff does not recommend modifying the screening on the east side of the site required by the Planning Commission at its meeting on March 7, 2022.

Mr. Pete Mans (Mans Lumber, 47255 Michigan Avenue, Canton, MI, 48188) stated they are asking to leave the existing 6-foot decorative fence on the east property line as approved in 2004. Mr. Mans said the plans submitted has a typographical error and shows the fence as being 8 feet high. Mr. Mans said the south lot will be paved and a 30,000 sq. ft. addition will be added to the west building. Mr. Mans said there is no modifications to the site along the east property line and to leave the fence as is would be a large cost saver.

Chairman Greene asked to see what the current fence looks like.

Mr. Allen Scott (Rand Construction Engineering, Inc., 1270 Rickett Rd., Brighton, MI, 48116) project representative, stated the current fence is a 6-foot-high decorative fence and he showed the commissioners a drawing of what is currently there. Mr. Scott stated they want to add 55 feet to the existing fence.

Mr. Sloan showed a Google street view to show the current fence.

Chairman Greene stated in 2004 when the original fence was approved, much of Michigan Avenue was zoned Light Industrial and planned accordingly in the Master Plan. Today, more of the corridor is planned for Mixed Use. Chairman Greene stated the reason for the 8-foot fence requirements is so that people can't see what is in the yard.

Mr. Scott stated the Tractor Supply Company was approved by the Planning Commission. They sit about 50 feet off of Michigan Avenue and they have a 4-foot decorative fence and everything in their yard is visible to people traveling on Michigan Avenue. Mr. Scott stated the Mans Lumber yard is 500 feet off of Michigan Avenue and the contents of the yard are not visible with the current fence.

Chairman Greene stated the yard contents would be visible to those on Research Dr.

Mr. Watkins stated the development and construction can be seen from Pryde Athletics and he would like to see some additional screening than what is currently there.

Ms. Eggenberger stated she agrees with the applicant and does not feel the fence needs to be replaced.

Mr. Acharya stated he is fine with the existing fence; the site is not being modified in the area of the fence and to replace the fence would be a financial burden to the applicant.

Mr. Singh stated he is okay with the existing fence.

Ms. Zuber said she is fine with allowing the existing fence to remain as is.

Motion by Zuber, supported by Eggenberger, move to partially approve the site plan amendment for Mans Lumber at 47255 Michigan Ave. (parcel 131-99-0008-003) to omit the curbing on the west side of the fire lane and to modify the height of the light poles according to the submitted plans.

Ms. Zuber asked for assistance with the language for the motion to address the fence.

Mr. Sloan suggested language.

Ms. Gabis asked if the applicant intends to add on to the existing fence.

Mr. Scott showed the site plan to Ms. Gabis.

Ms. Gabis stated she would acknowledge the 2004 nonconformity and that the Planning Commission is not requiring the applicant to replace the entire fence as they would be required to do under the Code of Ordinance.

Amended motion by Zuber, supported by Eggenberger, move to approve the site plan amendment for Mans Lumber at the said location to omit the curbing on the west side of the site and to modify the height of the light poles according to the submitted plans, and to acknowledge that the existing fence along the southern property line is an existing nonconformity and that the applicant may extend the that fence southward to the southern lot line in accordance with the submitted plans.

Ayes: Acharya, Eggenberger, Foster, Singh, Weber, Zuber

Nays: Watkins, Greene

Absent: Okon

## **REPORTS AND DISCUSSION**

5. Discuss amendments to Appendix A- Zoning of the Code of Ordinances.

Ms. Schlutow summarized the staff memorandum titled, Zoning Ordinance Amendment – Site Plan Review, dated October 3, 2022.

Chairman Greene cited the fence concern with Mans Lumber that was discussed prior and asked



if that had previously been approved Administratively instead of receiving Planning Commission approval would that be satisfactory from a legal standpoint.

Mr. Sloan stated if applicants are complying with the Zoning Ordinance, the decision to be made will be very clear. Mr. Sloan stated in situations where a discretionary decision needs to be made, they would be brought before the Planning Commission.

Further discussion took place regarding different circumstances that would warrant Planning Commission reviewed for approval and those that could be approved Administratively.

Mr. Weber stated he is in favor of simplifying and streamlining the approval process but would not recommend less review for applications that fall within Cherry Hill Village.

Ms. Schlutow stated any new development in Cherry Hill Village will be reviewed in depth by the Planning Commission and Township Board of Trustees during the Preliminary and Final PDD review process. The proposed change would allow for staff to approve the Site Plan and ensure it complies with the PDD Agreement. Ms. Schlutow stated if the Site Plan deviates from the PDD Agreement it would need to be reviewed by the Planning Commission and Township Board.

Chairman Greene asked in situations where approvals can be made Administratively, would the Planning Commission still be allowed to give input.

Ms. Schlutow stated anything being reviewed Administratively would be included in Staff's monthly report.

Chairman Greene stated the monthly report doesn't include specific details.

Ms. Gabis stated what Chairman Greene is suggesting could be problematic because if an application submitted is permitted by the Zoning Ordinance and the process for Administrative approvals is determined within the Zoning Ordinance to allow Staff to Administratively approve items, if the Planning Commission then reviews the application the applicant could have an issue. Ms. Gabis said the proposed amendment to the Zoning Ordinance recommendation is for non-discretionary items. Ms. Gabis stated when a Site Plan application is made to the Township, the Michigan Zoning Enabling Act states if the application meets all the requirements of the Zoning Ordinance, it shall be approved.

Mr. Singh asked if Staff will look at how other communities handle development reviews.

Ms. Schlutow stated every community handles reviews a little differently, and some already have the RRC Certification and have streamlined the review process. Ms. Schlutow said some samples from other communities could be provided for next month's meeting.

6. Discuss amendments to the fence and wall standards of Chapter 78, Article V of the Code of Ordinances.

Chairman Greene stated the Zoning Board of Appeals has been receiving a lot of petitions for

front yard fencing.

Mr. Sloan summarized the staff memorandum, titled, Ordinance Amendment – Fences and Walls, dated October 3, 2022.

7. Discuss Master Plan.

Ms. Schlutow summarized the staff memorandum titled, Canton Township Master Plan, dated October 3, 2022.

Chairman Greene stated he is happy with the Master Plan progress.

**PUBLIC COMMENT**

Mr. Weber stated the new gas station and the corner of Haggerty Rd. and Ford Rd. looks great.

Mr. Sloan stated the gas station also has a cross connection to the north drive.

**ADJOURN**

Motion by Zuber, supported by Foster to adjourn the meeting. Ayes all present on a voice vote.

Meeting adjourned at 10:15 P.M.

Kelly Dandy  
Recording Secretary