

**MINUTES OF THE CITY OF SOUTHFIELD PLANNING COMMISSION
REGULAR MEETING OF MARCH 22, 2023
6:30PM**

Planning Commission Members Present: Bernoudy, Goodwin-Dye, Griffis, Gruber, Martin, Stephens-Gunn, and Willis

Planning Commission Members Excused:

Staff Present: City Planner Croad and Planner Spence

Chair Dr. Stephens-Gunn called for a roll call. Planner Spence called the roll and determined there was quorum present to conduct business.

Chair Dr. Stephens-Gunn called for Approval of the Agenda. Motion by Commissioner Martin to Approve the Agenda. Seconded by Commissioner Bernoudy. Chair Dr. Stephens-Gunn called for a Vote. 7-0 in favor.

Motion Carries.

Chair Dr. Stephens-Gunn asked if there were any Announcements or Communications. Planner Spence noted he had none at this time.

Chair Dr. Stephens-Gunn called for the first item.

PSLU23-0001 is a Special Use Request of Rocky Yaldo, Y Properties, on behalf of the owners, FX Southfield, MI, LLC and LAEL Investment LLC, to allow for the construction of a new gas station with convenience store on property located at 28830 Northwestern Highway and 28844 Northwestern Highway, Sidwell Parcels 2418-226-001 and 2418-226-036, on the southeast corner of Northwestern Highway and W Twelve Mile Road, Section 18, City of Southfield, Oakland County, State of Michigan.

PSP23-0001 is a Site Plan Review Request of Rocky Yaldo, Y Properties, on behalf of the owners, FX Southfield, MI, LLC and LAEL Investment LLC, for the construction of a 5,445 sf gas station with convenience store on property located at 28830 Northwestern Highway and 28844 Northwestern Highway, Sidwell Parcels 2418-226-001 and 2418-226-036, on the southeast corner of Northwestern Highway and W Twelve Mile Road, Section 18, City of Southfield, Oakland County, State of Michigan.

Planner Spence noted he would present both the Special Land Use and the Site Plan Request for this project together. He noted that the petitioner is seeking to combine two properties into one and demolish all three buildings on the sites to construct a new gas station with convenience store. The project meets all the requirements of the zoning ordinance except for the pump canopy which will need waivers from the Zoning Board of Appeals. There is significant new landscape on site, the bike rack is provided, an Electric Vehicle charging station for two vehicles is proposed, and upgrades to the existing bus stop along Twelve Mile is proposed. He introduced Mr. Rocky Yaldo and his architect, Joe Caine.

Mr. Yaldo noted that the site plan had been upgraded based on comments from the Commission including the bus stop, EV station, the liquor area removed from the floor plan, and the Market Study provided. They would be happy to answer any questions.

Chair Dr. Stephens-Gunn opened the floor for the Public Hearing for the Special Land Use.

Ms. Megan Denha, 4440 Cherry Hill noted she represents a gas station owner who has been in the area for years and she stated there are already a lot of gas stations in the area. She noted the potential for contamination by these stations. She noted the Walgreens across the street is closed and represents another possible gas station site.

There were no other comments, so Chair Dr. Stephens-Gunn closed the Public Hearing and opened the floor to the Commissioners.

Commissioner Martin asked if City Council has put a cap on gas stations. Planner Spence noted they had not.

Commissioner Gruber noted she does have a concern about the number of stations.

Commissioner Willis inquired about the charging station; a person who needs a charge would pull up and see the station is occupied; where would they go? He asked how long it would take to charge a vehicle. Mr. Yaldo noted that with the technology, it could take up to 15 minutes for a charge.

Commissioner Griffis felt the market would dictate when there are enough gas stations.

Commissioner Goodwin-Dye was concerned about the number of stations as well and was concerned about contamination. Mr. Yaldo noted the tanks today are so much safer than the past. The State required going over to fiberglass or other material and away from metal that rusted out.

Commissioner Martin inquired about the Dry Cleaners site to be demoed. Has the site been evaluated? Mr. Yaldo noted that a Phase 1 and Phase 2 environmental report has been done and they know there is contamination of the site that will need to be remediated.

City Planner Croad inquired if they would be seeking to add liquor, beer, and wine sales in the future. Mr. Yaldo noted he would. City Planner Croad asked what the ratio of gas sales to retail sales is. Mr. Yaldo noted it is about 50/50. Retail will end up taking over though.

Mr. Yaldo noted he agreed there were a lot of station but how traffic flows in the area makes this a viable site for a new station.

There were no other comments, so Chair Dr. Stephens-Gunn called for the Planners Recommendation.

Recommendation: The Planning Department recommends **FAVORABLE RECOMMENDATION** of PSLU23-0001, the Special Use Request of Rocky Yaldo, Y Properties,

on behalf of the owners, FX Southfield, MI, LLC and LAEL Investment LLC, for the construction of a 5,445 sf gas station with convenience store on property located at 28830 Northwestern Highway and 28844 Northwestern Highway, Sidwell Parcels 2418-226-001 and 2418-226-036, on the southeast corner of Northwestern Highway and W Twelve Mile Road, Section 18, City of Southfield, Oakland County, State of Michigan, for the following reasons and conditions:

1. Subject to the Site Plan conditions of PSP23-0001.
2. Gas station operations shall be 24 hours a day and seven days a week.
3. The submitted special use, with any conditions recommended by the Planning Department and the Planning Commission, will be of such size and character that it will be in harmony with the appropriate and orderly development of the B-3 General Business District.
4. The location, size, intensity, and periods of operation of the proposed use is designed to eliminate any possible nuisance likely to emanate there from which might be adverse to occupants of any nearby permitted uses.
5. The proposed use is in accord with the spirit and purpose of this Chapter and is not inconsistent with, or contrary to, the objectives sought to be accomplished by this Chapter and principles of sound planning.
6. The proposed use is of such character and vehicular traffic generated will not have an adverse effect, or be detrimental, to the surrounding land uses or adjacent thoroughfares.
7. The proposed use is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor, or fumes.
8. The proposed use will not be adverse to the promotion of the health, safety, and welfare of the community.
9. The proposed use is designed and operated so as to provide security and safety to employees and the general public.

Chair Dr. Stephens-Gunn called for a Motion on PSLU23-0001.

Motion by Commissioner Martin for Favorable Recommendation of PSLU23-0001. Seconded by Commissioner Willis. Chair Dr. Stephens-Gunn stated that all those in favor say "Aye". There were 7 Ayes. Those against say "Nay". There were No Nays. Motion carries.

Planner Spence noted that unless there any additional questions, he would read the Planner's Recommendation for PSP23-0001.

Commissioner Willis noted that since art was required, the petitioner may want to consider a mural on the back wall. Mr. Yaldo noted they are open to that but will likely contribute to the art fund.

Commissioner Martin noted there was a stairway on the floor plan. Mr. Yaldo noted there is a mezzanine level for employees and storage. Mr. Yaldo was advised to provide a new floor plan showing this for the Council.

Chair Dr. Stephens-Gunn called for the Planner's Recommendation on PSP23-0001.

Recommendation: The Planning Department recommends **FAVORABLE RECOMMENDATION** of the Site Plan Review Request of Rocky Yaldo, Y Properties, on behalf

of the owners, FX Southfield, MI, LLC and LAEL Investment LLC, for the construction of a 5,445 sf gas station with convenience store on property located at 28830 Northwestern Highway and 28844 Northwestern Highway, Sidwell Parcels 2418-226-001 and 2418-226-036, on the southeast corner of Northwestern Highway and W Twelve Mile Road, Section 18, City of Southfield, Oakland County, State of Michigan, for the following reasons:

1. Subject to the Special Use Conditions of PSLU23-0001.
2. The following waivers shall be required from the Zoning Board of Appeals: Waiver of 10'-9" of setback for the pump canopy on the Northwestern side of the development (40' required, 29'-3" proposed) and a waiver of 7' of setback for the pump canopy on the Twelve Mile side of the development (40' required, 33' proposed).
3. The site shall be constructed in accordance with Sheets A0.1 and SP1.1 by Fieldstone.
4. The building is to be constructed in accordance with the submitted elevations shown on sheets A2.1 thru A2.4 by Fieldstone
5. Landscaping must be installed in accordance with the Approved Landscape Plan Sheets LS-1 thru LS-3 by Felino A. Pascal & Associates.
6. Any exterior lighting will be shielded to prevent spillage of glare onto adjacent properties. The photometric plans, drawing #23-11117 V1 dated 01/27/2023 by GB Associates are part of this approval
7. The existing bus stop on Twelve Mile Road shall be improved to include a key walk, trash receptacle and bench per City Standards.
8. Proposed Bike Racks shall be securely anchored to the supporting surface and shall be at least 3' in height and able to support a locked bike in an upright position.
9. Prohibited activities include, but are not limited to, the following: the sale of medical marijuana or medical marijuana-infused products, trailer renting and leasing, motor vehicle body repair, undercoating, painting, tire recapping, engine rebuilding, motor vehicle dismantling, upholstery work, and other such activities whose adverse external physical effects would extend beyond the property line.
10. No storage nor display of any kind shall be allowed within the street right-of-way. All display shall be so located as not to obstruct view of vehicles (Amended - Ordinance 1345 - 6/8/92)
11. There shall be no outside storage or display of any kind except for the display of new merchandise related to the primary use of a gasoline station (i.e. automotive accessories such as windshield washer fluid, motor oil, wipers, scrapers, or similar as determined by the planning director) which may only remain outside for display and retail sales during the hours of operation of the gasoline station. Exterior convenience items (such as ice chests, newspaper boxes, vending machines, propane tanks/cages, or similar, as determined by the planning director) are strictly prohibited.
12. Ancillary retail sales of automotive and nonautomotive products related to the primary use of a gas station shall be acceptable under the following guidelines: automotive accessories such as windshield washer fluid, motor oil, wipers, scrapers, or similar, as determined by the Planning Director; non-automotive related products of single containers of various beverages excluding alcoholic liquor, beer and wine and individual packages of sundries such as gum, candy, cigarettes, newspapers, excluding medical marijuana and medical marijuana-infused products, etc. Along with milk, eggs, bread and/or other general grocery items, pre-prepared food items that are not subject to licensing by the Michigan Department

of Agriculture or the Oakland County Health Department. Non-perishable items such as clothing, footwear, hats, music, and other general retail items not associated with the dispensing of motor fuel are prohibited. (Amended – Ordinance 1699 – 12/27/18) (Amended – Ordinance 1709 – 10/3/19)

13. The petitioner is to provide a sprinkler system for all landscape areas to encourage preservation of plant materials.
14. The petitioner is to execute a perpetual maintenance agreement for the landscaped and parking areas both on the site and in the right-of-way, which includes maintenance of the storm water detention system.
15. The petitioner is to implement the recommendations made by the Southfield Police Department’s Crime Prevention Bureau regarding site security.
16. Approval of this site plan and/or building elevations represented herein does not constitute nor guarantee approval for signage. Separate approval and sign permits must be obtained from the Building Department for any proposed signs.
17. The site shall be designed and developed to contain Public “Works of Art” in accordance with Section 5.22-5 Public Art, Article 4 General Requirements of the Zoning Ordinance, unless exempted based on the written stipulations.
18. One (1) Electric Vehicle Charging Station shall be installed on site.

Chair Dr. Stephens-Gunn asked for a Motion.

Motion by Commissioner Martin for Favorable Recommendation of PSP23-0001. Seconded by Commissioner Bernoudy. Chair Dr. Stephens-Gunn stated that all those in favor say “Aye”. There were 7 Ayes. Those against say “Nay”. There were No Nays. Motion carries.

Chair Dr. Stephens-Gunn called for the next item.

PZTA23-0001 is a Council-initiated Zoning Ordinance Text Amendment to amend Title V, Zoning and Planning, Chapter 45, Zoning, of the Code of the City of Southfield to the property located at 16025 Northland Drive to the Boundary District of the Northland Overlay Development District to Article 4 Section 5.22-3 Overlay Development District, and Amend Map 1: Northland Overlay Development District: District Plan Map to include the site, and any other amendments that may become necessary as needed for the above and the City of Southfield.

Planner Spence gave a brief overview of the proposal for a text amendment to add the property located at 16025 Northland Drive to the Northland Boundary district. He noted the property has been vacant for some time and efforts to market for office have fallen short. The advantage of including this site in the Northland Boundary District include increased site amenities and enhanced landscaping and streetscape. In addition, it would allow the site to be redeveloped with a use of interior storage that would serve the upward of 2,000 new apartments proposed for the Northland area.

Chair Dr. Stephens-Gunn opened the floor to the Public for the Public Hearing on this item. Seeing no one come forward, she closed the Public Hearing and opened the floor to the Commissioners. Commissioner Griffis noted this is the first step for redevelopment of the area.

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Commissioner Willis asked why this is the only property included. City Planner Croad noted that other properties were approached but we did not hear back from them. We can add properties as we move along.

There were no other comments, so Chair Dr. Stephens-Gunn called for the Planner's Recommendation for PZTA23-0001.

Recommend **FAVORABLE RECOMMENDATION** of the draft dated March 22, 2023, for the following reasons:

1. The proposed text amendment will amend Title V, Zoning and Planning, Chapter 45, Zoning, of the Code of the City of Southfield to add the property located at 16025 Northland Drive to the Boundary District of the Northland Overlay Development District to Article 4 Section 5.22-3 Overlay Development District, and Amend Map 1: Northland Overlay Development District: District Plan Map to include the site, and any other amendments that may become necessary as needed for the above and the City of Southfield.

Chair Dr. Stephens-Gunn called for a motion.

Motion by Commissioner Willis for Favorable Recommendation of PZTA23-0001. Seconded by Commissioner Martin. Chair Dr. Stephens-Gunn stated that all those in favor say "Aye". There were 7 Ayes. Those against say "Nay". There were No Nays. Motion carries.

Chair Dr. Stephens-Gunn called for the next item.

PSP22-0013 is a Site Plan Review Request of BMW Kar Wash LLC dba Jax Kar Wash, for the construction of a 1,148.4sf building addition to the existing car wash on property located at 30705 Southfield Road, Sidwell Parcel 2411-226-026, on the West side of Southfield Road between Webster and W Thirteen Mile Road, Section 11, City of Southfield, Oakland County, State of Michigan. **Postponed From 2-22-23**

Planner Spence noted that this item had been postponed to tonight's meeting from the February 22, 2023 Regular Meeting. The petitioner has not provided any additional information, so Staff is recommending this item be Postponed to no Date Certain. Staff will readvertise this item if and when the petitioner returns with new information.

Chair Dr. Stephens-Gunn called for a motion.

Motion by Commissioner Martin to Postpone PSP22-0013 to No Date Certain. Seconded by Commissioner Bernoudy. Chair Dr. Stephens-Gunn stated that all those in favor say "Aye". There were 7 Ayes. Those against say "Nay". There were No Nays. Motion carries.

Chair Dr. Stephens-Gunn called for the next item.

PSP23-0003 is a Site Plan Review Request of Moshe Goldberg, 24725 Greenfield LLC, to convert the existing building from general office use to medical office use, property located at 24725

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Greenfield Road, Sidwell Parcel 2425-229-030, on the northwest corner of Greenfield and George Washington, Section 25, City of Southfield, Oakland County, State of Michigan.

Planner Spence gave a brief overview of the proposal noting the petitioner had decided not to make any changes to the plan that was presented to the Commission at the Study Meeting. He reiterated the deficiencies in the plan, specifically the parking shortage. He introduced Mr. Moshe Goldberg.

Mr. Goldberg noted people offered to show up in support but could not attend tonight. He stated this is a community need, especially for those in this walking community. They asked for a medical office here that they can easily walk to.

City Planner Croad noted that he understood what the community was looking for. He could offer some additional parking waivers on his own as Planner but not enough for the petitioner to meet the 10% requirement. He noted staff would be willing to continue to work with Mr. Goldberg to meet the requirements.

Chair Dr. Stephens-Gun asked if we were suggesting postponing to give the petitioner time to continue to work with the Planning Department? City Planner Croad noted the petitioner want to move forward with a decision tonight on what he has provided.

Chair Dr. Stephens-Gunn opened the floor to the Commission.

Commissioner Bernoudy noted she has no questions on the information provided.

Commissioner Goodwin-Dye noted she had no questions but hoped the petitioner could get creative to meet requirements.

Commissioner Griffis noted it is a cool building on too small of a site. There is not enough real estate for such an intense use.

Commissioner Willis noted his additional concern of being able to exit the building on the east side for those with disabilities in case of an emergency.

Commissioner Gruber noted her concern for lack of parking for this proposal.

Commissioner Martin noted the proposal does not meet the requirements. It may be possible to approach other properties to gain spaces on their lots. He asked if was possible to change the zoning to accommodate this.

City Planner Croad noted that maybe a land purchase in in order to provide for the additional parking.

There were no other comments, so Chair Dr. Stephens-Gunn called for a motion.

Recommendation: The Planning Department recommends **UNFAVORABLE RECOMMENDATION** of the Site Plan Review Request of Moshe Goldberg to Goldberg to convert an existing 4,830sf building from general office to medical office on property located at 24725

Greenfield Road, on the northwest corner of Greenfield Road and George Washington, Section 25, City of Southfield, Oakland County, State of Michigan, for the following reasons:

1. The proposed use as a medical office/urgent care facility would require a waiver of 9 parking spaces or 40% of the parking space requirement (22 required, 13 proposed).
2. A study of the surrounding buildings showed none of them have parking spaces available on their lots to accommodate the deficiency on the subject lot.
3. The development features proposed have the potential to cause adverse effects upon adjacent properties as they relate to pedestrian and vehicular traffic safety.

Chair Dr. Stephens-Gunn called for a motion.

Motion by Commissioner Willis for Unfavorable Recommendation of PSP23-0003. Seconded by Commissioner Martin. Chair Dr. Stephens-Gunn stated that all those in favor say "Aye". There were 7 Ayes. Those against say "Nay". There were No Nays. Motion carries.

Chair Dr. Stephens-Gunn called for the next item.

Capital Improvement Program -- Recommendation to Adoption

City Planner Croad provided an overview of the Capital Improvement Program for FY23/24 thru 28/29 for the requests of each the Departments. Upon completion he asked if there were any questions or comments.

Commissioner Martin felt it was an excellent report. He asked if there was a way to provide what was spent per last year's CIP. City Planner Croad noted that it is possible Fiscal Services could provide the side-by-side comparisons.

Commissioner Willis noted this was well presented.

Commissioner Griffis noted this was a very comprehensive and filled in missing pieces.

Commissioner Bernoudy felt this was very comprehensive.

Chair Dr. Stephens-Gunn agreed this was a very comprehensive document and enhance the City.

There were no other comments, so Chair Dr. Stephens-Gunn called for the recommendation.

City Planner Croad asked that the Planning Commission approve the Resolution in the Commissioners packets to adopt the FY 23/24-FY28/29 Capital Improvement Program for the City of Southfield.

Chair Dr. Stephens-Gunn called for a motion.

Motion by Commissioner Martin to adopt the Resolution to approve the FY 23/24-FY28/29 Capital Improvement Program for the City of Southfield. Seconded by Commissioner Willis. Chair Dr. Stephens-Gunn stated that all those in favor say "Aye". There were 7 Ayes. Those against say "Nay". There were No Nays. Motion carries.

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Planning Staff updated the Commission on the upcoming Joint Meeting with the City Council. The meeting would be held on Monday, April 17, 2023 at 5pm. Staff asked that Commissioners to provide comments on the items they would wish to discuss with Council.

Commissioner Bernoudy noted she would like to know why what the Planning Commission recommends takes so much time to get approved.

Commissioner Griffis noted NIMBYISM (Not in My Back Yard) is a concern. He noted looking out for the greater good of all with dialog on projects. We work together.

Commissioner Willis noted Site Plan review by the Commission only.

Commissioner Martin noted Council being aware of the concerns of the citizens that the Commission deals with. To take into consideration the area, not just the residents.

Chair Dr. Stephens-Gunn noted the parameters the Commission uses to make decisions. Understanding why the City Council does not accept a recommendation made by the Commission.

Chair Dr. Stephens-Gunn called for Approval of the Minutes.

Motion by Commissioner Martin to approve the Minutes of the February 8, 2023 Special Meeting and the February 15, 2023 Long Range Meeting. Seconded by Commissioner Bernoudy. Chair Dr. Stephens-Gunn stated that all those in favor say "Aye". There were 7 Ayes. Those against say "Nay". There were No Nays. Motion carries.

Chair Dr. Stephens-Gunn announced the Public Comment portion of the meeting and asked that anyone who had comments could come forward, give their name and address for the record. They had 3 minutes to make their comments.

Resident at 15558 George Washington noted he is a resident of Southfield for 30 years. He thanked the Commission for working with Mr. Goldberg on his proposal for the medical office. He noted it would be good for the community if an urgent care facility were there to serve them.

Resident at 15640 George Washington noted she agrees there are deficiencies for the site including ingress and egress. Traffic has been an issue in the area, and she has had conversation with Mr. Goldberg about it.

There were no other comments, so Chair Dr. Stephens-Gunn closed the Public Comment portion of the meeting.

Planner Spence reminded the Commission of the next Regular Meeting on April 12, 2023.

There were no other comments. The meeting was adjourned at 8:40p.m.

Rob Willis 04.19.2023
Rob Willis (date)

Secretary/js

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