

**CHARTER TOWNSHIP OF CANTON  
PLANNING COMMISSION PROCEEDINGS  
March 8, 2021**

A special meeting of the Planning Commission of the Charter Township of Canton was held by video teleconference (Zoom) in accordance with Michigan law on Monday, March 8, 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 Craig Engel/Bonita Springs, Lee County Florida; and Alan Okon/Chicago Illinois  
Absent: Singh

**STAFF PRESENT:** Patrick Sloan and Erik Perdonik

**APPROVAL OF THE MINUTES**

There were no minutes to approve tonight.

**ACCEPTANCE OF AGENDA**

Motion by Zuber, supported by Foster, to move to accept the agenda as presented. Motion passed unanimously by roll call vote.

**PUBLIC HEARING**

1. 047-SLU-6342 **BARBAT (41350 FORD ROAD)** – Consider Special Land Use for parcel no. 047-99-0006-001. Property is located north of Ford Road, between Haggerty Road and I-275.

Mr. Sloan stated that the project sponsor proposes to rebuild the gas station at the northeast corner of Ford Road and Haggerty Road (41250 Ford Road). The applicant has applied for Special Land Use approval and Site Plan approval for an Automobile Filling/Multi-Use Station. The current use of the site is an Automobile Filling Station. The difference between the current use and proposed use is that an automobile filling station/Multi-Use Station is a classification of a gas station that includes a fast food restaurant. That is the addition to the proposal, which is why they have a Special Land Use for this classification, to include the proposed fast food restaurant which is proposed to have a drive-thru lane on the north and west sides of the building. Mr. Sloan said the site is zoned C-4, Interchange Service, and automobile filling/multi-use station with a fast food restaurant are a special land uses in the C-4 zoning district subject to the use standards of the Zoning Ordinance. The site is also located in the Central Business District Overlay. At this time, the Planning Commission is only considering the Special Land Use application. Staff has worked back and forth with the applicants on site plan review comments, and have narrowed those down to just a handful of comments that remain.

The approximate area of the site is 0.91 acres. Staff is in the process of verifying a portion of the legal description of the lot, particularly a strip of land that is 20.98 feet wide on the south side of the property along Ford Road. The applicants have stated that they own that piece, and Mr. Sloan does not necessarily

disagree. However, the assessor's office may have a different opinion, and are currently in the process of looking into the status of that strip of property. Staff has also reached out to MDOT to see if they have any information in terms of why that strip of property is called out separately from the rest of the parcels. For that reason, staff's conclusion and recommendation is to postpone a recommendation on the SLU application pending a determination of the ownership and right-of-way status of that 20.98-foot strip of property along Ford Road to the satisfaction of the Assessor's Office and MDOT. However, Staff does think that the plans and application are complete enough to hold a Public Hearing and discuss the proposed Special Land Use

Mr. Sloan explained one of the items that is unique about this property and some of the proposed improvements are with the access management. There are currently two (2) curb cuts that go to Haggerty Road. The south curb cut is close to Ford Road. The applicants propose to reduce the number of curb cuts along Haggerty from two down to one. The proposed curb cut would be between the south and the north curb cut that are currently there. Additionally, the applicants propose to have an access to the north access easement. That access drive to the north goes to four major hotels as well as Tim Horton's and Bob Evan's. With the proposed connection to that drive, the gas station would be able to catch traffic from those hotels and restaurants, allowing people to get to the gas station without having to get onto Ford or Haggerty Road.

The site is designed to comply with the dimensional standards of the C-4 zoning district and the Central Business Overlay. The CBD Overlay requires a maximum lot coverage of 10 percent and the proposed lot coverage is proposed to be 19 percent. At its meeting on February 11, 2021, the Zoning Board of Appeals (ZBA) granted a 9 percent building coverage variance to allow the proposed building and canopy to have a coverage of 19 percent.

**Development Standards for Automobile Filling/Multi-Use Stations:** As per Section 6.02(C) it does meet the standards of the setbacks for Haggerty Road and Ford Road. The gas canopy is detached from the principal building and is designed to be architecturally compatible with the principal building. There is another area in which the ZBA granted a variance, and that is the number of stacking spaces with the proposed fast food restaurant. Article 4 of the Zoning Ordinance require ten (10) stacking spaces for a fast food restaurant, nine (9) stacking spaces are proposed. At its meeting on February 11, 2021, the Zoning Board of Appeals (ZBA) granted a variance to reduce the number of stacking spaced by one (1). The rationale was that the ten stacking space requirement is generally geared toward freestanding large franchises. With something that is attached to a convenience store, a lot of those cars are going to be parked anyway and the size of the fast food restaurant would not be large enough for major franchises.

**Traffic Impact and Access Management:** Mr. Sloan stated he previously went over some of the access management improvements proposed on the site. The Ford Road access is subject to MDOT approval, the Haggerty Road access is subject to Wayne County approval, and the cross-access to the north is subject to approval of the adjacent property owner(s).

Mr. Sloan stated the applicant has submitted a Traffic Impact Study (TIS) from Rowe, which has been reviewed by Canton Township's transportation engineering consultant (Wade Trim). Currently, the intersection of Ford Road and Haggerty Road experiences long traffic delays during the peak AM and PM hours. The TIS indicates improved levels of service at this intersection during the AM and PM peak hours if Ford Rd. and Haggerty Rd. are rebuilt as described in the TIS with the proposed Ford Road Boulevard project. While Wade Trim's transportation engineer is mostly in agreement with the analysis of the TIS, he recommends coordinating with MDOT on construction schedules. Wade Trim's report states, "In our opinion, to permit the re-development without the boulevard would have a detrimental effect on traffic operations in this location. Our recommendation is to check with MDOT and coordinate the opening dates of the redevelopment with the completion of the boulevards on Ford Road and Haggerty Road."

**Parking:** The parking is designed to meet the numerical standards of the Zoning Ordinance. At Site Plan Review, Staff may recommend removing some of the southeast parking spaces that are closer to the road, where if cars are backing out, they could conflict with traffic entering the site. Plus, historical aerial photos and parking studies can justify fewer spaces. If/when this gets to Site Plan Review, the number of parking spaces will be addressed at that time.

**Fuel Unloading:** The fuel loading area is located on the east side of the canopy. Fuel deliveries will not occur between the hours of 8am and 5pm. Mr. Sloan recommends that this time period be extended to avoid rush hour traffic. For example, the peak periods in the applicant's Traffic Impact Study are 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., so Staff recommends that the applicant consider prohibiting fuel deliveries between the hours of 7am and 6pm to avoid those peak hours.

Mr. Sloan stated that many of the other elements are Site Plan related, and can be deferred to Site Plan Review,

**Special Land Use Review Standards:** Section 27.03(C) of the Zoning Ordinance includes many standards for special land use review and approval, and based on Staff's review of the plan, many of those standards are met based on the design. There are just a few findings that can't be made yet, with the status of the strip of property on the south side not yet resolved by the Township Assessor's Office and by MDOT. Once that is resolved, Staff will be able to make findings on the remaining items.

Mr. Sloan stated Staff's recommendation to the Planning Commission is to postpone action on the Special Land Use application pending a determination of the ownership/right-of-way status of the 20.98-foot wide strip of property along Ford Road on the south side of the site to the satisfaction of the Assessor's Office and MDOT. Additionally, Staff recommends that the applicants address Wade Trim's comment regarding construction schedule coordination with MDOT to the satisfaction of MDOT and Wade Trim.

Chairman Greene asked regarding Mr. Sloan's recommendation to postpone. Is to say "postpone" another way of tabling?

Mr. Sloan confirmed that is correct.

Motion by Zuber, supported by Acharya, to move to open the Public Hearing. Motion passed unanimously by roll call vote.

Mr. Eric Williams, Stonefield Engineering and Design, Civil Engineers located at 607 Shelby Str, Detroit Michigan. Mr. Williams stated they are here tonight seeking Special Land Use approval for the proposed multi-use station with drive-thru facilities. As part of the development, they are seeking to demolish the existing gas station. The majority of the demolition work is going to be impervious surfaces. Mr. Williams stated they are looking to maintain the existing greenbelts and trees along Haggerty and Ford Road. The property owner, Scott Barbat, owns upwards of 20 gas stations throughout southeast Michigan. Stonefield Engineering has done a number of projects with his team over the last few years and they take great pride in the quality of product they bring to each and every municipality. This facility will be a great addition to a very prominent corner within the Township. Mr. Williams gave a description of the location and the surrounding businesses (4 hotels, restaurants, retail). The existing convenience component on the site is about 1400 square feet and it is contained entirely beneath the canopy, an outdated design. There are three access points all of which are along Haggerty Road and one along Ford Road. The site is approximately 85 percent impervious as it sits today, so they are making a vast improvement to the impervious coverage, increasing the landscape area provided.

Mr. Williams explained the plan (displayed on screen). The building is tucked in at the northwest corner, and is approximately 4088 square feet. The restaurant component will be about 1300 square feet and the pickup/drive-thru window will be along the west elevation. The use itself generally fits the corridor with the gas station across the street and Tim Horton's drive-thru directly east of the property. The uses themselves are consistent throughout the corridor. They are looking to reduce one of the access points along Haggerty Road. They plan to reduce from two access points to one, and then slide the southernmost access point approximately 30 feet north of the existing. The Ford Road access is staying exactly where it is. As part of the Special Land Use requirements, there is a requirement to widen it by one foot, but otherwise, it will remain untouched. Mr. Williams explained they are providing cross access to the north. Scott Barbat has been in constant communication with those property owners and is working on finalizing that documentation. What this will allow them to do is provide two more additional access points, one onto Ford Road and one onto Haggerty. The beginning of the drive-thru lane is located at the northeast corner of the building and then wraps counterclockwise where it exits the southwest corner. The fuel facility is the brownish box (as shown on the plan) directly south of the building. Each of those islands counts for two fueling positions, so there will be 6 pump islands with 12 fueling positions. Along the east side is the underground storage tanks where a tanker would stop to drop fuel. That location is approximately 65 feet long by 14 feet wide, and it was specifically placed there so that if a tanker stopped to drop fuel, they would still be able to maintain two-way circulation on the east-west drive and also on the north-south drive, so there would be no hinderance to the on-site circulation. Mr. Williams wanted to point out the significant landscape improvement. As part of the DDA Overlay there are requirements for masonry walls and enhanced landscaping around the frontages. They have provided that, and actually along Haggerty Road they were able to maintain a 30-foot buffer where 25 feet is required. If you were to look at the site today, there is almost zero interior landscaping and they were able to add a substantial amount of on-site landscaping. Mr. Williams stated Mike Labadie is also available to provide information on the traffic impact assessment that his team provided, and highlight the future MDOT project

Mr. Mike Labadie, Rowe located 27280 Haggerty, stated that he disagrees with Martin Parker's solution to the problem. He understands the numbers are challenging, the delays are challenging, and the boulevard sections on Haggerty and Ford are going to make a difference. But today the left turns in and out of this site are not restricted. They haven't been restricted for a long time. Mr. Labadie thinks if Mr. Barbat gets approved in a few months and MDOT gets started on their project it could be six to eight months, depending on what direction MDOT starts on the project. That is six to eight months or longer where his site would have to sit there or he'd have to wait to get started. Mr. Labadie stated it doesn't seem to him that the difference between what you have today and what you would have in the future for a few months is that detrimental to cause the project to be delayed until MDOT finishes their project. What they are really talking about is the difference in the trip generation between the proposed versus what it is now. And right now, no turns are restricted and there are three driveways. So this is why he disagrees with Mr. Parker on the solution, at least for the interim. It does not seem fair nor necessary given the existing condition.

Chairman Greene stated he is inclined to agree in the sense that MDOT has been proposing the boulevarding of Ford Road for about 20 years, and as of yet, nothing has happened. Chairman Greene asked that, if the Commission were to grant Special Land Use on this project and go forward, what would be the worst-case scenario of that decision potentially.

Mr. Sloan stated he thinks it would go back to Wade Trim's comment on having the condition on the site with the access the way it is in the rebuilt station with the fast food restaurant without the upgraded boulevard. It goes back to Wade Trim's comment that "to permit the redevelopment without the boulevard would have a detrimental effect on traffic Operations in this location". Mr. Sloan stated he does not know if that means that maybe Mr. Parker and Mr. Labadie could discuss that and talk about timing, talk about

what if say the boulevard didn't happen at the same time but some point in the future. Mr. Parker & Mr. Labadie need to talk about that and see what that prospect would be since they are both the experts in this regard.

Chairman Greene feels that the project itself might be in jeopardy of a poor design if the boulevard was built within the next five years. There may be some changes they would have wanted to make because of the boulevard, but as far as Canton is concerned he sees an improvement in the scenario on Haggerty right off of the bat, because they are reducing a curb cut and moving the one curb cut from a closer proximity to the intersection farther away. So that's a good thing. Chairman Greene's feeling is that this is not a detriment to Canton if this were to go through as we see it here, and then MDOT goes ahead and does the boulevard.

Mr. Weber asked Mr. Labadie what he meant by his comment that traffic in and out of the site is not restrictive.

Mr. Labadie explained that the right turns in and out are not restricted. There are no prohibitions, no signs restricting it.

Mr. Weber stated he lives in this area. and wouldn't mind as part of this redevelopment if it's possible, that left turns out of this site onto Ford Road be prohibited. He has seen people try to cut across five lanes of traffic and has seen cars get hit. Once its boulevarded it may be a moot point. Mr. Weber says turning left out onto Haggerty Road has the same issues. Maybe that's something to talk about during Site Plan, and maybe something that Wade Trim needs to look at.

Mr. Weber asked, with the proposed boulevarding of Ford Road, is there any property that will need to be acquired by MDOT at this site as part of the right-of-way?

Mr. Sloan stated that's something that would be up to MDOT. They are the entity responsible for the design and any kind of right-of-way acquisition would be up to them exclusively.

Chairman Greene stated those issues are being worked on by MDOT and the DDA.

Mr. Williams stated that they had a project team when this project started, and they had initially introduced it to Mr. Sloan back in late September or November of 2020. They also reached out to the local MDOT office and their comment was essentially, they don't see any concerns and it was not a detailed review. They have since passed this back to the MDOT office back on February 5<sup>th</sup> for a more detailed review with everybody involved in their project. Mr. Williams thinks the goal is to come back with a solid answer from MDOT. To date, the property owner had not been approached by MDOT to acquire any property, they hope to see something from MDOT in the next few days.

Mr. Weber said he thinks it is great that they are working to redevelop this property, it is kind of shabby looking right now. He would hate to see them go through all this redevelopment and do the Ford Road frontaging, then have to do something dramatically different because they have to acquire more property for the right-of-way. But that goes along with the next point about whether the project should be delayed or not pending the construction of Ford Road. Mr. Weber agrees with Mr. Labadie. He does not really see a reason necessary to delay the project pending the boulevarding of Ford Road. Maybe the two need to work cooperatively with each other to make sure they don't get in each other's way. All the businesses have already been hit hard by the past year's events and he does not feel it is fair to delay someone who wants to improve their property. All these businesses are still going to have to function during the road

construction project, and he does not see a reason to delay theirs. They are all professionals, it can be worked out so they can coexist while the redevelopment of the property goes on, and the redevelopment of Ford Road goes on.

Mr. Labadie stated he may not have been clear on his explanation. His point was that he is assuming the MDOT project goes on and is going to be finished in 2023, or at least that is what they are telling the public.

Ms. Foster stated she could speak on this as she is on the Board and also on the Road Advisory Committee, and they just had a meeting with MDOT a few weeks ago.

Mr. Labadie said his point is that if they built the project, and he's got another couple of months before he gets approvals and then a few months after that before he's finished building. For a few months, it would operate in a similar way to the way it does today with the exception that it would be better on Haggerty Road. There would just be a few more trips plus people from this site will be able to go to use the cross access road. Mr. Labadie does not think it would be such a hardship or a detrimental effect on the operation of the traffic in the area for a short time. He agrees that that is what the study says, and that's what everybody else says. Left turns are a really bad idea there, but the boulevard will restrict those. But today, it is operating without any restrictions. MDOT and Wayne County could go and get a traffic control order that prohibits the left turns, and post signs and then they can enforce it. Then when the boulevard comes in you can rescind the traffic control orders and pull the signs out. That's easy to do relatively speaking. There is no doubt that left turns are an issue, but it's not a catastrophic thing that should delay the project.

Chairman Greene stated he is thinking of a before & after picture. If you were to pretend that this proposed project is overnight developed this way, looking at the site functioning and the flow of traffic as it is now, he sees a slight improvement. The problems between that driveway to the south going onto Ford Road, those problems are already there and they are not going to go away until the boulevard is done. But the Haggerty Road situation would be an improvement with this site plan, and then having the extra access to the north to go out that drive, he thinks, would be an improvement as well. Chairman Greene says he is looking at it that way in terms of, if this were to happen before boulevarding, would it be an improvement or a detriment to Canton. He sees it as an improvement.

Mr. Weber stated he disagrees a bit with Chairman Greene. If this could happen before the boulevarding of Ford Road, Mr. Weber thinks the south ingress can be improved by placing a traffic control device for prohibiting left turns onto Ford Road. He believes that once the project is done and left turns are prohibited, assuming the boulevarding is not complete yet, he thinks that's one improvement that can be made.

Chairman Greene wanted to clarify that what Mr. Weber is saying is that the approval would contain a stipulation that "no left turns" would be invoked.

Mr. Weber asked Patrick if that is a condition that the Commission can place on the Special Land Use.

Mr. Sloan explained that Special Use conditions are similar to Site Plan conditions where they can be applied on either one. Mr. Sloan stated he would probably have to speak with Wade Trim's Engineer to see if that's something that would be recommended on his end, and then probably also the Township Attorney to see if that would be a valid condition of special land use approval. He thinks the traffic engineering consultant would want to evaluate whether a "right out only" would be acceptable, and then it would have to be a matter of how that would be structured, if it would just be until a boulevard is constructed and that design would take care of itself.

Chairman Greene asked, as far as land acquisition or if there's a design change there, he would recommend to Mr. Sloan to stay in touch with Amy Hamilton from the DDA, as they may have a bit of a hand on the pulse of what is going to be planned or designed there, if there is any acquisition necessary.

Mr. Engel asked Mr. Sloan to go over the 20 feet, what the real issue is, and who owns it.

Mr. Sloan displayed the survey and explained that the strip is called out on the southwest corner where its 20.98 feet recorded measure. The strip runs along the length of the south part of the parcel. It appears that it is included in their legal description as part of the property, and that strip is specifically called out in part of their legal description. It is unusual to have a strip of property called out rather than just having a new legal description that describes all the areas. Mr. Sloan asked the Township Assessor's office what the reason for that was and if they know of any unique status, and they are in the process of looking into it. Mr. Sloan said they have received the documents from the applicant's title search and they have shared that with the Assessor's office and with MDOT. The owners assert that they own that. Mr. Sloan does not necessarily disagree, but is looking from the Township and MDOT standpoint to make sure there is nothing unique about that 20.98 feet.

Mr. Engel asked who else would own it, the Township or MDOT.

Mr. Sloan does not know. He just feels it is unusual that it is called out the way it is. He just doesn't know the reason why it is described that way.

Ms. Zuber asked what difference would it make to the Commission's decision.

Mr. Sloan stated that if the applicant owns it, then it probably wouldn't make any difference. The plan would look the same as it does right now with the property meeting all the setbacks. If for some reason it wasn't, it would just change the nature of the setback along that stretch of the road. And then if they wanted to keep the same plan, that would be an evaluation by the Planning Commission as well as the Zoning Board of Appeals. Looking longer term, it is something that we may be seeing along the Ford Road corridor during the course of the Ford Road reconstruction, but that is a separate issue entirely.

Mr. Engel asked again who else could possibly own it.

Mr. Sloan stated he does not know.

Chairman Greene stated the discussion tonight is really about whether or not the Commission would approve the use of this property as a gas station and a restaurant with a drive-thru. The issues of the property and actually the final design are really Site Plan issues.

Mr. Engel stated that Commission has been asked to table it based on the outcome of the ownership of the 20 feet, is that right?

Mr. Sloan stated that that is the recommendation only just to verify that it is in fact owned by the applicant, and that this 20.98-foot strip of property wasn't separately described and transferred, or otherwise allowed for use by somebody else. That would impact the layout of the site in terms of the feasibility of site development. It may not necessarily change the fact that we may have still a gas station and convenience store or even a multi-use station if there is room for a fast food restaurant if the site boundary were to change. It just would affect the layout.

Mr. Acharya asked if they could make a conditional approval of the Special Land Use based on the ownership of that strip of land?

Mr. Sloan believes so, if it is based on the plans that are submitted. What he would recommend is that it be clarified prior to the action of Township Board. That way the Board would know exactly what it would be. It could include that condition going to the Board, and then if for example the boundary were to change for whatever reason, then that's something that could return to the Planning Commission for reevaluation.

Chairman Greene asked Mr. Acharya if he is saying if he were to make a motion, he would make a motion to approve based upon the project sponsor being the owner.

Mr. Acharya said that is right.

Chairman Greene is not sure the Commission could do that. Once you have done a use affirmative, it's there. It goes with that whole parcel regardless of the other piece.

Mr. Sloan stated it would go with the parcel that's laid out on the plan. If its verified that that is in fact the boundary, then it would go forward. If it wasn't. Mr. Sloan would not recommend going to the Township Board for final action on a Special Land Use until they knew exactly what the status of that strip of property was.

Chairman Greene asked if that would in fact entail two Special lane Uses, one for the main piece of property and one for this small piece.

Mr. Sloan stated he thinks it would just be one, it would just be describing the land as illustrated on the plan and then just subject to verification of the legal description as illustrated prior to Board approval. If it is verified, then it would go forward. If something else came up, it would come back to the Planning Commission.

Mr. Weber asked is this 20-foot piece of property is excepted out of the legal description?

Williams stated it is not. The exceptions are stated in the legal description (displayed on screen). What Mr. Sloan is referencing is the Assessor's legal description. The bottom section, as it states, is the Assessor's legal and that's where you're finding the 20.89-foot section described specifically. But the top section is what is actually described as being owned within the title commitment, and that piece excepts two highway rights-of-way. One being 68 feet along Haggerty Road and the other excepts a 54-foot section along Ford Road.

Mr. Weber asked then is that 20 feet included in the title commitment?

Williams stated yes, it is.

Mr. Weber asked if it was excepted as right-of-way.

Williams stated the 20.98 feet is owned by the applicant. It was never excepted as any part of any right-of-way takings or grantings that were known within the commitment. Mr. Williams stated there is no clear documentation that states it's not owned. This was more of a question raised by either Mr. Sloan or the Assessor's office, but from all the documentation they from the title commitment, the MDOT right-of-way maps, and also the County GIS which is typically not reliable but actually aligns with what we're seeing

today. In a discussion with the title insurer, he did state that that piece, specifically the 20.98 feet, was insured as a part of his policy. Mr. Williams said that from their end, it all checks out. Mr. Williams said that Scott Barbat could speak more on this.

Mr. Scott Barbat, Barbat Organization located at 33477 Woodward Avenue Birmingham Michigan, stated he is the land owner and developer/operator of the site. Mr. Barbat said that Mr. Engel has a great question "who owns that strip of land?" The title company believes they are 100% sure that it does belong to him (Barbat) and he feels like this is something very simple to work out. For some reason, and nobody knows why, Canton Township's Assessing Department shows something different than that. But according to Mr. Barbat's surveyors (Kemtech), his civil engineers (Stonefield), and the title company (Title Connect), he has title insurance and a title policy that say it is his. The way the proposed site works is a lot better than the existing site. Mr. Barbat said they closed it down because they thought they were close to site plan approval. But if it is delayed and there's really no way that he can accept coordinating with MDOT, he will have to open the site back up again. It is not restricted to left-in and left-out, and the proposed site just flows so much better with the cross access on the north, closing one site on Haggerty, and the idea of approving the site as is with the stipulation of that sliver of land belonging to him is a great idea, because he thinks this is something very simple that they can figure out. MDOT is on it, the title company is on it, the survey company is on it. Mr. Barbat believes that any day now they should have clarification on this. He does not see it moving forward for site plan approval or Township Board without getting that confirmation. Mr. Barbat stated they are proposing a beautiful project, it has taken longer than usual. COVID was a major impact on all our businesses. They would like to keep moving forward here, he does not see it hurting anybody with getting an approval this evening and just confirming that sliver of land is theirs.

Mr. Weber stated that if the applicant's title company is willing to insure over that, he does not really see a dispute as to what the ownership of that 20 feet is.

Ms. Eggenberger asked to speak on a couple of concerns. The Commission has a special meeting to be able to cover this information, so if once they figure out who owns this piece of land, we could have another special meeting. Ms. Eggenberger stated, however, she is concerned about the traffic. The traffic study is saying that it will be detrimental to this intersection, and the Commission cannot ignore that. This is already a terrible intersection, and she is not comfortable moving forward with this without the boulevard. Ms. Eggenberger says she understands that people are trying to create what will probably be a very nice place, but this is going to create more traffic. It's going to have a drive-thru restaurant, and that will draw in a lot more people. The Commission needs to pay attention to the traffic study that says it will be detrimental.

Ms. Foster stated she agrees with Commissioner Eggenberger's comments. She has the same concerns about the traffic. Ms. Foster used to drive through this intersection at about 5:30 every evening and has seen how dangerous it is, and would leave out at about 8:30 in the morning and it is just as dangerous. This is one of the reasons that she pushed for the boulevard in the first place, so she has concerns about the additional traffic there. Ms. Foster also has concerns about what happens while the boulevard is being constructed. Being on the Township Board and serving as a Board representative of the Roads Task Force, she wanted to share some information about the boulevard and about where things currently stand with MDOT. Ms. Foster stated they had a meeting with MDOT a few weeks ago. Several questions have been brought up here about the right-of-way acquisition along the Ford Road corridor. They are currently completing the engineering, but they have not determined yet how much right-of-way will be needed. They are hoping to have the engineering done in September but that was not something that MDOT could guarantee. Because of COVID, they were not able to get some of the work done last year that they wanted to get done. Ms. Foster stated MDOT plans is to have a community meeting sometime this spring bringing

all stakeholders together, the Township Board, the DDA, and residents to ask questions about the boulevard and the timing, but they have not yet announced a date for that community meeting. They have talked about creating a website and phone number for businesses so that they are able to communicate any detours and closing. MDOT is hoping to start construction on the Haggerty Road portion of the boulevard in 2022 and construction on the Ford Road portion of the boulevard would start in 2023. The Haggerty Road portion would be in late 2022. Ms. Foster stated she is happy to answer any questions about the boulevard, and if she doesn't have the answers, she will work to get them.

Mr. Okon stated he agrees with both Commissioner Eggenberger and Commissioner Foster. This is definitely an improvement and he'd like to see something happen to this corner, but he thinks we can do better. This will bring a lot more traffic to this site with the drive-thru. Definitely no left-hand turns, but he likes the access in the back. He would like to see no curb cut on Haggerty. So many people turn right off of Ford Road and are going fast on Haggerty and it's very hard to see around that corner. He does not think the Commission should rush this, he thinks we can do better.

Mr. Weber stated, as Mr. Okon just mentioned, he does not see that the curb cut on Haggerty Road or the reduction down to one is really a help. Access onto Haggerty Road at this location is just bad. You have vehicles moving fast, trucks trying to make the turn onto Ford Road, it's a bad corner there.

Mr. Weber wanted to get back to the topic of the 20-foot piece of property. He feels that if the documentation can be shown by the title company and can be given to the Assessor's office to clean up their legal description, they are taking the risk that the applicant does in fact own the property, and he doesn't think that the Township should be holding them up over that issue. Mr. Weber feels there is enough evidence with the legal description and the title insurance that Mr. Barbat does in fact own this property.

Chairman Greene asked if this project came to the Commission without any access onto Haggerty, would it change any opinions? That was his first thought when he first saw this. Could this be an opportunity to not have any access directly to that site, but to the north there in terms of Haggerty Road.

Mr. Barbat stated he probably could not do the project without that access for the main reason the hotel owner to the north who is open to the cross-access agreement had a small concern at the beginning of how much traffic would be using that, mainly due to the lights and late night for his guests at the hotel. If there was not access to leave in and out off of Haggerty, they would be using that north access a lot more. Mr. Barbat does not think the hotel owner would grant the access easement if there was nothing on Haggerty Road.

Mr. Weber asked who owns that road.

Mr. Barbat stated the road belongs to the owner of the two hotels on the very west, the last name is Abdul Noor. Everyone with access has an easement for it; Bob Evans, Tim Horton's, and the hotels to the east.

Mr. Okon stated that in that case, he would definitely want to see a commitment from the applicant that there would be no left-hand turn.

Ms. Zuber said she does not have an opinion on the legal description issue. She agrees that they should not postpone this until the boulevard construction.

Mr. Engel agrees with Commissioner Zuber. If MDOT says they are going to start Haggerty Road in late 2022, that's almost two years. If this project can get completed by then, why not give the applicant the

ability to improve the property. You are talking Ford Road not starting until 2023, are we basically saying that we're going to shut down every improvement on Ford and Haggerty for the next two years? Mr. Engel asked is that the message we are putting out, that because of the boulevard, we don't want to do anything? He stated this is a tough site there is no doubt, but it's been operating there for a number of years, and making improvements to it and making traffic flow better...it is never going to be a perfect site. Is it the applicant's responsibility to put "no left turns" up, is that a Township responsibility, MDOT, or a County responsibility? Mr. Engel agrees with Mr. Weber, if the applicant has the title commitment that says they own that 20 feet, then let's move on with the fact that they own it. Mr. Engel doesn't understand why it takes so long to get an answer on who owns 20 feet.

Chairman Greene's point on this is for clarification on what the Commission is about tonight. The project sponsor has come before the Commission with a proposal to not only have gasoline service, which is what the site had before, but also a fast food restaurant commercial site. This Special Land Use entails that as well, and to Commissioner Eggenberger and Commissioner Foster's points, that's an increase in use theoretically. Chairman Greene feels the Commission needs to look at it from the standpoint of, is this use with all that encompassing, is this what we want to see for Canton? Is it feasible? Chairman Greene stated he does not feel the Commission can manage the traffic. There are a lot of site plan issues that have to take place and plus there are three different government agencies involved, and everyone knows how awkward that is. For the Commission, to keep it simple, do we foresee more use on this parcel? Chairman Greene thinks that is what it comes down to, is that really acceptable as opposed to what it was, which was basically just a gas station.

Mr. Weber stated the main reason that the Planning Division suggested that we hold off on approving this tonight was because of the issue of the 20 feet. Mr. Weber's opinion is that he is comfortable on that issue that the applicant does own that property. He is satisfied that the issue has been clarified, providing the applicant can show the documents.

Mr. Weber stated he certainly does not want to hold up the applicant for two or three years, but he still has serious concerns about the traffic flow in and out the site. Even if the current gas station were to reopen, he has always had issues with this corner. He does not have a good answer on that point.

Ms. Eggenberger wanted to comment on Commissioner Engel's comments. She is not trying to say that places cannot be improved, but would like to reiterate that this isn't just a "better" gas station. It's adding a drive-thru which is going to add traffic. The applicant is asking to add something to the site that will increase the amount of people that go through there, and the area already has a problem with the number of people going through this intersection. Ms. Eggenberger has real concerns about adding to that. She does not want her comments to be interpreted as saying everybody on Ford Road cannot improve their place, but the Commission needs to be realistic about how much traffic will be increased in this area. The Commission needs to be looking at that.

Mr. Engel stated he was referring to the fact that there is going to be more traffic, but if we are going to hold off on improvements until MDOT puts in a boulevard, what are we going to do? Is the Commission going to wait until Ford Road is done, maybe they start in 2023 and it takes a year or two and now we are looking at 2024-2025. Is the Commission going to have businesses wait until MDOT decides to do things? Mr. Engel expressed yes, this is a very difficult site. When Commissioner Okon says we can do better, we do not have any other proposals that show we can do better. What are we asking this owner to do better on? Mr. Engel asked Mr. Sloan, based on the traffic study, is there is any way to identify how many more cars a day will come to this site? This is not a destination site, people will not be coming from 20 miles to go to this place. People on Ford Road are either going to stop in or keep moving on. Is there really going

to be more traffic on Ford Road just because of this new facility, or is the same traffic going to come?

Mr. Sloan stated the Traffic Impact Study from the applicant had stated that a lot of those trips would be passthrough trips where they would be coming through the area anyway. There would not necessarily be more traffic, but more stopping in and leaving the site. A lot of the vehicles going there would have been in the area anyway. Mr. Sloan stated beyond that, he would defer to the applicant's traffic engineer.

Mr. Barbat stated the space is not even 1400 square feet. That is roughly half the size that a full-service Quick Service Restaurant (QSR) would require to operate their business. This means the tenant that would join in this project would operate with half the space, meaning half the volume, and half the employees. So the perception you have (McDonald's, Burger King, Panera, Tim Horton's, Starbucks, etc.), those are all 3,000 square feet and this site simply does not have that to offer. Those big names would be completely out of the picture, so the site would never encounter issues of heavy vehicle congestion like with a full service QSR. Mr. Barbat stated they currently operate stations with these smaller footprint tenants and find that the majority of business comes from customers that are already on the site with the first intention of visiting the station for gas or convenience store products and end shopping with the tenant. It's more of a kiosk style tenant that you'd find in a strip mall or airport. They are not designed to do a volume that a 3,000 square foot tenant would. Mr. Barbat stated congestion and easy maneuvering is extremely important, it effects his business more than anything. It has been proven in the past that sites without easy accessibility and vehicle circulation are sometimes avoided during busy times, and that hurts volume. This site, as proposed, provides great distance between the dispensers to the front parking against the storefront, reduction of access drives from two to one off Haggerty, a cross-access to the north with the hotels, and most importantly, the boulevards. This would eliminate any backup of stacking on the site and obviously become much safer for the cars exiting the property. As mentioned already, this site is not restricted today

Mr. Engel asked for an example of what type of restaurant would be going in there.

Mr. Barbat responded that he was speaking today with two smoothie franchises. Smoothie King and Tropical Smoothie Café.

Mr. Engel stated that traffic is not going to stop on Ford Road and Haggerty either way. Whether the Commission approves this or not, traffic is still happening.

Mr. Barbat stated this is a prominent intersection, and this is such an improvement from what is there today.

Mr. Weber stated they are not questioning that, he is confident the site will look very nice. The main concern is for the safety. This intersection is one of the worst in Michigan. He asked if they have built one of their other facilities near an intersection such as this one? Mr. Weber stated he wants to move this project along as well, but we (the Commission) needs to make sure we are doing the right thing.

Chairman Greene stated the Commission is not going to reinvent Ford Road with this. Ford Road right now is what it is and the only thing that MDOT can improve it with is a boulevard, which we don't know when and if it will ever happen. It is a problem, this is one of the highest accident intersections in Wayne County and possibly the state. It is not going to get better with no curb cuts, there's going to be a lot of traffic. This proposed use contains a gasoline station, fast food & drive-thru. Chairman Greene's question to the Commission is, either with or without a boulevard, is this something that the we can foresee for Canton at this location?

Mr. Barbat made a suggestion in the hopes of moving the project along. He would be willing to put the

stipulation on the site not to operate the drive-thru, completely close off the drive-thru until MDOT work has been started on Ford Road and Haggerty. That should help alleviate everybody's concerns. Typically drive-thru sites do 30-40 percent more volume than sites without drive-thru.

Chairman Greene asked Mr. Sloan is that would be a doable proposal to be part of an approval.

Mr. Sloan stated he thinks it could be done. It would have to be something that carries forward on the site plan. Staff would have to have the Township Attorney look at it before the Board reviews it just to make sure there are no legal concerns with that. If it was adopted, it would carry forward to Site Plan Review where there would be those stipulations on the site plan as well so that operating the drive-thru prior to the condition taking place with the road would be violation of the site plan and the special land use. Both would have to include that condition.

Ms. Eggenberger stated it sounds as though this just needs to get tabled. Mr. Sloan can speak with the lawyers to figure out how this needs to be written. She said she appreciates Mr. Barbat suggesting that. It seems an interesting suggestion that she would like to think about. Ms. Eggenberger feels it would make more sense to table it. she would feel more comfortable knowing how the lawyers feel about the proposal, and also getting the 20-foot strip of land figured out.

Mr. Weber stated before going to the point of holding off on the drive-thru, would prohibiting left turns out of either access for Ford Road or Haggerty hinder the operation of the business greatly?

Mr. Barbat stated that obviously, he would like to keep access as it is today, but he would be willing to compromise to move the project forward. He would build the approach on Haggerty as proposed with a "no left turn" sign on his property. Anyone wishing to make a left turn would use the access to the north. The sign would be removed once the boulevard comes in.

Mr. Sloan stated a "no left turn" interfacing with Haggerty is something that would have to be discussed with Wayne County. Mr. Sloan displayed an aerial view of the site from September 2020 and explained the layout and function of the drives on Haggerty.

Ms. Zuber stated she does not have much concern with left turns into the site, but more so with left turns out of the site.

Chairman Greene stated that the signs could be a stipulation of the approval, however, he feels like those kinds of things are only as good as the enforcement of them. Some people are going to go ahead and do whatever they want to do. Chairman Greene said the Commission has to make a decision based upon what is known and what we can control. He said he is getting the feeling of a lot of apprehension, so therefore is leaning toward Commissioner Eggenberger's tabling discussion.

Ms. Eggenberger suggested closing the Public Hearing so we can move on and decide on a motion.

Mr. Engel asked, if we table this tonight, what are we hoping to learn? What does the Commission hope will happen between now and the next time we meet?

Chairman Greene said they would have the attorney's decision on that 20-foot strip of land.

Mr. Acharya stated he totally understands Commissioner Eggenberger's position, but he sides with Commissioner Engel on this. The applicant has already suffered quite a bit due to COVID, and he is ready

to make concessions. Mr. Acharya's point of view is that conditionally, the Commission can go ahead, and then if there is a concern it can be raised at the site plan level.

Mr. Barbat stated yes, he has suffered through COVID, and the three biggest concerns here he is making concessions for. He is willing to put the "no left turn" signs up until the medians are there. He is willing to leave the drive-thru closed until the median construction starts. And, the sliver of land obviously doesn't move forward until it is confirmed that he owns it. Mr. Barbat said these are three huge concessions. They have been back and forth, made many revisions here. Waiting for MDOT just doesn't make any sense. Moving the project along tonight is just approving the Special Land Use. He does not know what other concessions he can make as developer and small business owner in the community.

Chairman Greene wanted to reiterate that what the Commission would approve or not approve tonight is merely the discussion of having this type of business at this location. The Commission is not approving anything to do with the site plan or curb cuts. The Commission is not approving anything other than the types of business that the project sponsor wants to put at this location.

Mr. Sloan stated that is correct. A Special Land Use requires the submittal of a preliminary plan. It doesn't have to meet the requirements of a site plan. The applicant has concurrently applied for site plan review, which is why these plans are more detailed than a typical special land use plan. There's a general layout that goes with the special land use that inevitably has to go along with it, but that's not determined until the time of site plan review. Some of these items are subject to change and to be determined at site plan, but it's usually on a case-by-case basis.

Ms. Foster stated part of the reason for wanting to table the motion is not to wait for MDOT to make a decision on Ford Road, but instead to get answers on a couple of things on which the applicant is willing to make a number of concessions. Just wanting to know if those would be legally binding concessions, and also to get some clarity on the 20 feet.

Further discussion ensued pertaining to the concerns previously mentioned, and what will or will not be approved with this special land use tonight.

Motion by Eggenberger, supported by Zuber, to move to close the Public Hearing. Motion passed unanimously by roll call vote.

Motion by Zuber, supported by Engel, to move to approve the special land use for an Automobile Filling/Multi-Use Station on parcel no. 71-047-99-0006-001 at 41350 Ford Road pending a determination of the ownership/right-of-way status of the 20.98-foot wide strip of property along Ford Road on the south side of the site to the satisfaction of the Assessor's Office and MDOT.

Chairman Greene asked if any stipulations need to be added to the motion before voting on it.

Mr. Sloan stated the Special Land Use requires a preliminary plan. So with the preliminary plan, if there are conditions, not necessarily site plan conditions but larger issues discussed this evening, those are conditions that you can propose conditions of special land use approval. And if for some reason it has to return to the Planning Commission, it can come back to the Commission.

Chairman Greene asked if that would include the suggestion of adding signage controlling the in and out traffic as part of the initial proposal until the boulevarding is done. Can that be added as a stipulation?

Mr. Sloan stated he believes so. The signage would be on site and would direct traffic to turn one way.

Chairman Greene asked Commissioner Zuber if she would consider adding this stipulation to her motion.

Ms. Zuber stated, absolutely she would consider adding that there be no left turn out of the property, to either Haggerty or Ford Road. Ms. Zuber stated she does not think it necessary to not have the drive-thru.

Mr. Engel stated he will support the motion with the addendum

Motion by Zuber, supported by Engel, to move to approve the special land use for an Automobile Filling/Multi-Use Station on parcel no. 71-047-99-0006-001 at 41350 Ford Road pending a determination of the ownership/right-of-way status of the 20.98-foot wide strip of property along Ford Road on the south side of the site to the satisfaction of the Assessor's Office and MDOT. And in addition, move to add a stipulation that there be signage on the site for no left turns out of the property.

Commissioner Zuber called the vote:

Ayes: Acharya, Engel, Weber, Zuber, and Greene

Nays: Eggenberger, Foster, Okon,

Motion passed 5 to 3 by roll call vote.

Mr. Sloan stated the recommendation and conditions will go to the Trustees. Depending on what happens with the Board, we may see this at Site Plan Review.

#### **NEW BUSINESS-SET PUBLIC HEARING FOR APRIL 5, 2021**

2. Consider amendment to Appendix A- Zoning of the Code of Ordinances to include Section 6.02(AA) setting forth comprehensive standards applicable to non-temporary and temporary or seasonal outdoor dining accessory to a restaurant.

Motion by Zuber, supported by Acharya to set the Public Hearing for April 5, 2021.  
Motion passed unanimously by roll call vote.

#### **ADJOURN**

Motion by Zuber, supported by Acharya to adjourn the meeting. Motion passed unanimously by roll call vote.

Melanie A. Sherwood  
Recording Secretary