

FINAL
CHARTER TOWNSHIP OF COMMERCE
****ELECTRONIC ONLY****
PLANNING COMMISSION MEETING
Monday, June 1, 2020
2009 Township Drive
Commerce Township, Michigan 48390

This meeting was held via Zoom, video conferencing technology.

A. CALL TO ORDER: Chairperson Haber called the meeting to order at 7:01pm.

ROLL CALL: Present: Larry Haber, Chairperson
Brian Winkler, Secretary
Tom Jones
Brian Parel
George Weber
Absent: Bill McKeever
Also Present: Dave Campbell, Township Planning Director
Jay James, Engineer/Building Official
Paula Lankford, Assistant to the Planning Director
Ben Sebrowski, Township Director of Technology
Anne Allard, Clerical Admin. Building/Planning

B. APPROVAL OF AGENDA

MOTION by Weber, supported by Jones, to approve the Planning Commission Regular Meeting Agenda of June 1, 2020, as presented.

ROLL CALL VOTE

AYES: Weber, Jones, Winkler, Parel, Haber

NAYS: None

ABSENT: McKeever

MOTION CARRIED UNANIMOUSLY

C. APPROVAL OF MINUTES

MOTION by Winkler, supported by Jones, to approve the Planning Commission Special Meeting Minutes of May 18, 2020, as presented.

ROLL CALL VOTE

AYES: Winkler, Jones, Parel, Weber, Haber

NAYS: None

ABSENT: McKeever

MOTION CARRIED UNANIMOUSLY

D. UPDATE OF ACTIVITIES

Brian Winkler – Downtown Development Authority

- We had a meeting on May 19th. Other than being a pretty routine meeting, two things are worth mentioning.
- We talked about the Aikens development and how that project will be set back schedule-wise as a result of the COVID-19 pandemic.
 - Some of the discussion that took place was that it's interesting how the project is conceived as an open-air development. That almost plays right into the hand of COVID-19, and how open-air developments and restaurants with outdoor seating will be the new norm in a lot of ways. It has a lot going for it in that regard. It also allows Bruce Aikens to pre-

address some of the COVID-19 issues that he might not have been aware of when the project was first conceived. There's a little bit of an advantage there because he hasn't built anything yet. He can build some of the needed features into the development.

- The theater component might be a little risky, given the number of theaters that are hurting and how COVID-19 might require that they go to 50% occupancy.
- As for the hotel environment, it was mentioned that hotels are a little overbuilt at this point, but Bruce is still optimistic about the site. David might be able to fill us in on his meeting with Bruce.
- Another item discussed was that both Dave Campbell and Mark Stacey were placed on a committee that was responsible for disbursing small business loans and grants, \$2500 each to 110 businesses in Oakland County. One program was organized by the county and state, and another larger program was organized by the federal government.

Dave Campbell – Zoning Board of Appeals

- In Mr. McKeever's absence, I can give you a quick update on the ZBA.
- There was one case heard on Thursday evening. Originally there were two cases on the agenda, but one of the petitioners withdrew because they found a solution.
- The case heard had been tabled from November. It was for a new house on the corner of Watuga and Ulmus Street. It's a small, odd-shaped lot where the owner wanted to demolish the existing small home and build a new home. Originally in November, they needed three variances to make the house fit. The ZBA asked them to work on it and reduce the number of variances. They worked to come up with a plan that only required one variance. Through a lot of discussion with the ZBA, and with some concession from the prospective homeowner to push their garage back a couple feet, they were able to get their variance for a new house.

Chairperson Haber – Dave, I sat in on that meeting. It sounds like you could have moved that to the right a little bit and it would have eliminated a lot of controversy.

Jay James – They had to put a septic field in, Larry, and that's where it was going.

Chairperson Haber – Okay, got it. That makes sense.

George Weber – Township Board of Trustees

- There's been no update since our last Planning Commission meeting on May 18th.
- The next Township Board meeting is next Tuesday.

E. PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

Dave Campbell – As far as the Zainabia Center on our agenda, we already held our public hearing on May 18th. We're not required to hold a second public hearing. If there is anyone from the public who wanted to speak, relative to the Zainabia Center, or any other topic, this would be their opportunity.

Chairperson Haber – There's only two people here that I see. If they have anything to say after the comments are made, perhaps I will recognize them then.

Dave Campbell – Fair enough.

F. TABLED ITEMS

MOTION by Weber, supported by Jones, to remove Items F1: PSU20-01, and F2: PSP20-05 from the table.

ROLL CALL VOTE

AYES: Weber, Jones, Winkler, Parel, Haber

NAYS: None

ABSENT: McKeever

MOTION CARRIED UNANIMOUSLY

ITEM F1: PSU20-01 – ZAINABIA CENTER GYMNASIUM – SPECIAL LAND USE – TABLED FROM 5-18-20

Syed Jafar Jafri of Bloomfield Hills MI is requesting to expand an existing Special Land Use (a place of religious assembly in a single-family zoning district) and construct a new gymnasium building accessory to the existing Zainabia Center located at 2230 Crumb Road. Sidwell No.: 17-25-303-024

The following were in attendance at the Zoom meeting: Ghassan Abdelnour, G.A.V. Associates, Inc, 24001 Orchard Lake Road, Farmington Hills MI; Alexander Orman, PE, Orman Engineering, LLC, 5476 Vivian Lane, Waterford, MI; and, Dr. and Mrs. Syed Zafar Jafri (Trustee of Hyderi Foundation), 145 Balfour Drive, Bloomfield Hills, MI.

Chairperson Haber – Dave, do you want to bring us up-to-date? There were some issues we had last time from members of the community. I read most of the comments. If you would, can you also address the landscaping?

David Campbell – At the May 18th meeting, we held the public hearing as required for any Special Land Use. We received several comments. A lot of those comments had to do with concerns about parking, particularly overflow parking along Crumb Road. The contention was that when there are events at the existing Zainabia Center, the parking lot does not fill the needs and the congregation has been parking along the road.

People had concerns about traffic, safety, and those aspects.

The Planning Commission asked the Zainabia Center to come back with more information on how to better address the parking situation. There were some other items they were also asked to address relative to the building's design and architecture. The Planning Commission was looking for more detail on what the building would look like.

It was a quick turnaround. To the credit of the Zainabia Center's team, they did turnaround what they needed to do quickly and got it back to the Planning Department so we could compile it and get it to you. Dr. and Mrs. Jafri provided a written narrative of their commitment to avoid ever having a situation where there is parking along Crumb Road, and the specific means of prevention. A couple key components of that are they have entered into agreements with two adjacent businesses; one is a daycare center

along Crumb Road, and the other is a church. Both have a parking lot, and both have agreed to allow Zainabia Center to park any overflow parking in their parking lot. Zainabia Center has said that they will have a community liaison who will work with the neighborhood if there are any issues. If necessary, they will post “no-parking” signs along Crumb Road. They have committed to continuing to work with OCSO on any traffic control measures that are necessary.

Their engineer also provided a revision to the site plan that shows the potential for additional parking at the southwest side of the proposed parking lot. I think they show 12 additional parking spaces approximately if ever deemed necessary.

Those are the ways in which the Zainabia Center demonstrated their commitment to the Township and to the neighborhood to avoid any issues with parking along Crumb Road. As far as the architecture, Mr. Abdelnour, provided a nice 3D rendering of the proposed building that demonstrates the colors, brick materials, roofing materials, et cetera. He also updated the building elevations to provide more detail of what the proposed siding materials are going to be.

These things were consistent with the direction of the Planning Commission on May 18th. The Planning Department compiled just the new materials and put them into the packet for tonight’s meeting. With respect to the landscaping, Mr. Haber, the landscape plan did not change due to any of these additional pieces of information that were submitted for tonight’s meeting. The landscape plan you saw back on May 18th is still current. It was reviewed by our landscape architect with Giffels Webster, who found it to be sufficient and recommended approval of it.

Chairperson Haber – Dave, thank you for getting all that information for us. The Sheriff said there are no complaints with Zainabia Center and that is wonderful.

Dave Campbell – Yes, I spoke to Township Supervisor Scott, who himself is a retired Sheriff’s Deputy, and who also reached out to our OCSO substation. The response he got was that they’re not aware of there ever being any noted complaints to the Sheriff’s Department of parking along Crumb Road.

Chairperson Haber – That should put to rest most of the complaints that we saw. Does anyone need to speak on behalf of the petitioner?

Ghassan Abdelnour – I’m the architect working with the Center on the new project. Like Dave said, we did provide a new site plan that shows an extra 12-14 parking spaces as banked land for future use if needed. The existing building has 52 spaces. We’re providing 31 spaces, and the 14 are banked. So we have an extra 45 spaces, in case the Center and the site itself needed additional parking.

The letter the owners submitted, with regard to the church and daycare center, those are in case they need extra parking maybe twice per year. Extra parking can be provided in those areas. We agreed there will be no parking on the street as we discussed last time.

Concerning the rendering, we provided the elevation plans with specific notes.

The rendering was presented on the screen for the Commissioners and Mr. Abdelnour reviewed the details. The red brick is to match the existing building. At the bottom is a

vener, split-faced block. There are ribbons on the buildings of the same materials. Natural limestone arches are provided above the windows. The commercial windows will have bronze color frames. The shingles will match the existing building. The front is a hip roof, and the gym in the back is a flat roof. Mechanical units will be on the roof with screening. The goal is to make the two buildings look like one project with consistent materials.

Chairperson Haber – Thank you very much. Ms. Nielsen, is there something you wanted to say?

Ms. Nielsen – I think it looks very nice. I would note that the church and daycare are located on Welch Road. Otherwise, I'm pleased with this and lots more parking.

Chairperson Haber – All right, thank you.

Commission Comments:

Weber – I have a question for Mr. Abdelnour. Could you speak to the screening to the west? In looking at the overhead view of the building and grounds, could you speak to the trees that you're going to use to screen the 3-4 homes that back into the west side of the new building?

Dave Campbell – Let me pull up the landscape plan.

Weber – I was trying to find out what size those trees are going to be. Right now, it's fairly wooded in that area.

Mr. Abdelnour – If you look at the site, especially where the parking is, we are providing trees, including some shrubs along that whole area. We have a list with all the trees. We are providing a buffer that will meet the requirements.

Dave Campbell – I'm still trying to pull up the landscape plan.

Weber – That is the only question I have. I think the building looks very nice. I appreciate what the petitioners have done in terms of addressing the potential for noise and parking.

[7:25-7:27pm, The meeting was disrupted. The IT Director solved the issues.]

Chairperson Haber – George, we can leave this to administrative approval if that's okay with you.

Weber – That's fine and I'm sure that it's within reason. I just want to be sensitive to those neighbors on the west where their backyards are adjacent to this new, large building. That, as well as whatever can be saved in the process. I think the building looks fine, and with what has been discussed and committed for parking, the liaison and also keeping the noise down, I'm fine with this.

Ghassan Abdelnour – We are showing silver spruce evergreen trees. We will have the buffer year-round, so it's a good screening.

Discussions continued regarding the tree heights and diameters. Weber recommended starting with 8' trees as opposed to 5'. It will help the initial shock factor for the neighbors, and it will be screened in totality in the near future. Mr. Abdelnour stated they would make it work, especially in that area.

Parel – Thank you to the petitioner and his architect. It was very helpful to see the renderings and upgraded details. For a gymnasium, it's a very sharp looking building. Typically we don't see that at the onset, and I expected something more industrial and spartaneseque, and I appreciate that.

Dave Campbell – Nobody wants anything spartaneseque, Mr. Parel.

Parel – I was sneaking that in there for you, Dave. Mr. Weber's comment was similar to mine, regarding screening the homes to the west. I think he addressed it well. It sounds like Mr. Campbell can handle that administratively. The parking remains the issue, but I would like to also commend the petitioner on taking the right steps in their message to the Township. I don't think you could do much more than that. I appreciate it. In closing, Dave, if we get to a situation where it's a Saturday night and there's an event at the facility, people are parked on the street and there are complaints from the neighbors, how would that be handled?

Dave Campbell – In the short-term, the neighbors would be advised to reach out to the Sheriff's Department so they could come out to inspect. If they determine that it's a traffic and/or safety hazard, then they would have to work with the congregation to get those cars off the road.

The longer term solution is what I'm recommending the Planning Commission consider if they do choose to approve the Special Land Use; it should be conditional upon the Zainabia Center honoring those commitments that Dr. and Mrs. Jafri are offering. One of those is to not have parking along Crumb Road. If that becomes a recurring problem, then they risk losing their Special Land Use approval. That would be the worst case scenario, and it's the potential recourse the Township would have.

Parel – Excellent, thank you. I'm all set.

Jones – I agree with everything that's been said. I do agree with the idea of making this conditional upon the items they've agreed to.

I have a question with the noise level. Can I assume that this building is going to have enough insulation so that whatever is going on inside, the noise will not transmit loudly through the neighborhood?

Ghassan Abdelnour – For noise reasons, we have two sets of walls; the main 8" block, airspace, and then 4" of brick or other limestone. Plus insulation will be put into all the walls to meet the energy requirements. The landscaping on the outside will also help in that process too.

Jones – Okay, that covers everything I had to say, except for a conversation that I had with Mr. Weber earlier about you monitoring the comings and goings of everyone. You talked about a liaison. I still feel it's very important for you to monitor what's going on before and after with regard to noise levels to avoid irritating the neighbors.

Winkler – I have no issues with what's being proposed, and I agree with what has already been said about the petitioner's response to the concerns that were raised at the May 18th meeting. The petitioner has covered the bases very well.

Chairperson Haber – I want to thank Dr. and Mrs. Jafri for getting this all straightened around as quickly they did. We read the letters and everything looks good. We had no complaints from the Sheriff so we can move forward with this.

I just want to reiterate so we all understand:

1. From what we were told last week, this is not going to be a rentable banquet facility. It's going to be used strictly internally by the practitioners and their families.
2. If parking becomes a problem and it becomes frequent, there is a good possibility that the Special Land Use could be revoked.

I just wanted to make those two points perfectly clear. Otherwise, I want to thank you all for doing this so quickly. I think you're going to be a good neighbor, and it will be a good addition to the community. I'm glad to see this go forward.

Dave Campbell – I know Dr. and Mrs. Jafri are muted. They may want an opportunity to speak.

Dr. Jafri – We'd like to thank everyone for taking time and giving us the opportunity to present our plans. As we mentioned, we are going to be good neighbors in the community. For the last 30 years, we have been, except for a couple instances. During large meetings, we make announcements at the end explaining that our mosque is in a neighborhood and no one is allowed to honk their horns as they exit. They should leave in a quiet manner. We also insisted that they don't turn their headlights on directing toward the houses. We built a large 6' picket fence along the west side of the property and the neighbors were happy about that to prevent headlights and noise. We are aware that our Center is in a community and we will continue to provide and be good neighbors.

MOTION by Winkler, supported by Jones, that the Planning Commission **approves, with conditions**, Item PSU20-01, Zainabia Center Gymnasium, Special Land Use, the request by Syed Jafar Jafri of Bloomfield Hills MI to expand an existing Special Land Use (a place of religious assembly in a single-family zoning district) and construct a new gymnasium building accessory to the existing Zainabia Center located at 2230 Crumb Road. Sidwell No.: 17-25-303-024

Move to approve PSU #20-01, an expansion of a special land use for the Zainabia Center's new gymnasium / multi-purpose building, to allow an expansion of a place of religious assembly within the R-1C – One-Family Residential zoning district at 2230 Crumb Road.

Special land use approval is based on a finding that the applicant has demonstrated to the satisfaction of the Planning Commission that the proposed use complies with the special land use criteria of Section 34.08 of the Zoning Ordinance.

Special land use approval is conditional on the following:

1. The Zainabia Center's written commitment of May 27, 2020 to manage parking and traffic, and particularly the commitment to take measures necessary to avoid parking along Crumb Road.
2. Approval of a corresponding site plan by the Planning Commission.

ROLL CALL VOTE

AYES: Winkler, Jones, Parel, Weber, Haber

NAYS: None

ABSENT: McKeever

MOTION CARRIED UNANIMOUSLY

ITEM F2: PSP20-05 – ZAINABIA CENTER GYMNASIUM – TABLED FROM 5-18-20

Syed Jafar Jafri is requesting site plan approval to construct a new 13,000 sq. ft. gymnasium building accessory to the existing Zainabia Center located 2230 Crumb Rd. Sidwell No.: 17-25-303-024

Chairperson Haber – Any comments on the site plan?

Dave Campbell – I have nothing else to say.

Ghassan Abdelnour – The only thing that was said was that we should start with 8' trees, and we can revise and submit to Dave.

Dave Campbell – If that's agreeable to both the petitioner and to the Planning Commission to increase the size of those trees along the west side of the property, the Planning Commission should include that as a condition of site plan approval.

MOTION by Weber, supported by Parel, that the Planning Commission **approves, with conditions**, Item PSP20-05, Zainabia Center Gymnasium, the request by Syed Jafar Jafri for site plan approval to construct a new 13,000 sq. ft. gymnasium building accessory to the existing Zainabia Center located 2230 Crumb Rd.

Sidwell No.: 17-25-303-024

Move to approve Site Plan #PSP20-05, a new 13,091 sq. ft gymnasium / multi-purpose building, to be located on the existing Zainabia Center site upon 5.03 acres at 2230 Crumb Road. Approval is based on a finding that the site plan satisfies the applicable review standards of the Township's Zoning Ordinance.

Site plan approval is based on the following findings by the Planning Commission:

1. The existing building's dumpster to be shared with the new gymnasium building;
2. A dedicated loading zone is not necessary based on a finding that the use does not generate regular deliveries from large vehicles;
3. A frontage sidewalk along the south side of Crumb Road is not required.

Site plan approval is subject to the following conditions:

1. The petitioner has agreed to start with 8' silver spruce trees along the west line of the property;

2. Review and approval of engineered construction plans by the Township Engineer, Fire Marshal, and Building Department;
3. Review and approval of the proposed / re-configured driveways by the Road Commission for Oakland County (RCOC);
4. Administrative review and approval of any exterior parking lot lighting;
5. Signs to be reviewed and approved under a separate Sign Permit by the Building Department subject to the requirements of Article 30 of the Zoning Ordinance.

Discussion –

Jones – They wanted to put in the things they agreed to in their letter of May 26th.

Weber – That was in the Special Land Use.

Dave Campbell – Mr. Jones, I think that condition was more appropriate with the Special Land Use approval. It carries a little more weight.

Jones – Okay.

ROLL CALL VOTE

AYES: Weber, Parel, Jones, Winkler, Haber

NAYS: None

ABSENT: McKeever

MOTION CARRIED UNANIMOUSLY

G. OLD BUSINESS

None.

H. SCHEDULED PUBLIC HEARINGS:

None.

I. NEW BUSINESS

ITEM I1: ELECTION OF VICE CHAIRPERSON - To fill the seat vacated by Russ

Schinzing

Chairperson Haber – We all know that Russ left the Planning Commission as of the last meeting. We appreciate all the things he has done for us.

Dave and I have spoken to Brian Parel and he has consented to seek the position of Vice Chairperson. Therefore, I would like to nominate him.

MOTION by Haber, supported by Weber, to nominate Brian Parel as Vice Chairperson of the Planning Commission.

ROLL CALL VOTE

AYES: Haber, Weber, Jones, Winkler, Parel

NAYS: None

ABSENT: McKeever

MOTION CARRIED UNANIMOUSLY

Chairperson Haber – Brian, congratulations and thank you for volunteering to help out. You'll have some fun with that, I promise.

Tom, I know you're looking to step down also. I think you'll stay on until we can replace you. I want to tell everybody that the 22 years that Tom spent on this Planning Commission has been a wonderful thing for me. He helped me along in the beginning.

Tom, we're going to miss you.

Jones – I appreciate that. Larry, you're going to have to hang on two more years to tie my time.

Chairperson Haber – I hope too. That would be great. Are you the longest serving Commissioner or not?

Jones – I'm not sure about Connie.

Chairperson Haber – Connie could have been longer.

J: OTHER MATTERS TO COME BEFORE THE COMMISSION:

Chairperson Haber – Jay, I'm sorry. I missed your update.

Jay James – I did notice you missed me. That's okay. We've gotten very busy in the last few weeks, to the point where we're showing up to work even though the Township is still closed. Anne and Lisa are both coming in every day and the phones are ringing off the hook. People want things done immediately.

People are also calling with Ordinance complaints as they've had a lot of time to look at their neighbor's yards.

Chairperson Haber – I want to tell everybody, I talked to Jay earlier today and gave him a bunch of Ordinance complaints. He's never happy to hear from me.

K: PLANNING DIRECTOR'S REPORT

- **NEXT REGULAR MEETING DATE: MONDAY, JULY 13, 2020 @ 7PM - potentially electronic-only**
- Just a few updates.
- Mr. Winkler was correct that I was part of a conversation with Mr. Aikens last week, along with Mark Stacey and Randy Thomas from Insite Commercial. Just trying to get a sense of where Mr. Aikens wants to be at this point procedurally. He has a 7/31 deadline to close on the former Library property. He will potentially be asking to extend that purchase offer. Probably his highest priority right now is taking the condominium unit that he purchased from the DDA and turning that into its own condominium. The goal is to create a condominium unit that he can sell to his residential development partner. We expect that he will be getting in front of both the Planning Commission and Township Board in the very near future.

Weber – Dave, can you give an update on who he is partnering with on retail?

Dave Campbell – I get the sense that his retail commitments are very much up in the air right now. Obviously given everything that's going on with the pandemic, and a lot of brick-and-mortar stores are closing or scaling back plans for expansion.

It sounds like he has a residential partner, but I'm not sure if I'm meant to disclose that publicly yet. It is a residential developer that we all know and who is in good standing with Commerce Township. If he moves forward with that residential developer, I think there's a certain comfort level there.

One of the biggest components of the development is the movie theater, as Mr. Winkler mentioned earlier. I think I've heard that the theater partner has pumped the brakes. I know a lot of the retail partners were following the theater. Now that the theater is up in the air, it puts a lot of retail users up in the air too.

Weber – I'm sorry Dave, I misspoke if I said retail. I meant to say residential, but you've answered that as well.

Dave Campbell – The residential partner sounds like a healthy partnership.

Dave Campbell –

- Regarding 84 Lumber who we talked to on May 18th; they liked what they heard and they felt they received some favorable feedback from the Planning Commission. Subsequent to that meeting, they told me that before they dive in, they want to figure out what their status will be with accessing that private road that is Pioneer Drive. There is an industrial park association that controls that road and they need more information before making a formal submittal.
- The Benstein Grille has been working. They purchased an acre of vacant cemetery property from the Township to expand their parking lot. They had to do some tree clearing. The work is getting attention from those who have loved ones buried there, and those who use the pathway. Benstein Grille is being respectful as they work. Hopefully over the next few weeks, they will get the landscaping in, curbs replaced, asphalt down and the pathway reopened. Everybody will be happy with the final product.

Chairperson Haber – The next meeting will be July 13th, and I can't tell you if that will be virtual or actual. Dave will keep us up-to-date.

Dave Campbell – I will, and I wanted to mention to Mr. Jones that whenever we're allowed to go back to normal, which I don't even know what that means anymore, but when we do, we need to take Mr. Jones out and thank him for his many years of service to Commerce Township.

Chairperson Haber – That would be great. I'd love to do that.

Jones – Hey, it has been a pleasure. I've looked forward to it for all these years.

L: ADJOURNMENT

MOTION by Jones, supported by Winkler, to adjourn the meeting at 7:53pm.

ROLL CALL VOTE

AYES: Jones, Winkler, Parel, Weber, Haber

NAYS: None

ABSENT: McKeever

MOTION CARRIED UNANIMOUSLY

Brian Winkler, Secretary