

**CHARTER TOWNSHIP OF COMMERCE
PLANNING COMMISSION MEETING**

Monday, June 6, 2011
2009 Township Drive
Commerce Township, Michigan 48390

CALL TO ORDER: Larry Haber, Chairperson, called the meeting to order at 7:00pm.

ROLL CALL: Present: Larry Haber, Chairperson
Tom Jones, Vice Chairperson
Brian Winkler, Secretary
Bill McKeever
Debra Kirkwood
Jay James
Absent: Dave Spencer
Also Present: Kathleen Jackson, Planning Director

APPROVAL OF MINUTES

MOTION by Jones, supported by Kirkwood, to approve the Planning Commission Meeting Minutes of May 2, 2011, as presented.

Discussion –

Jones and Kathleen Jackson discussed minimum clearance and setbacks addressed on page 2 of 5.

Haber – (Inquired with McKeever regarding the ZBA update within the minutes) Why was the pavilion denied?

McKeever – The request did not meet the criteria. There was no main residence on the site which is required for an accessory structure.

MOTION CARRIED UNANIMOUSLY

UPDATE OF ACTIVITIES

Brian Winkler– Downtown Development Authority

- I attended the May meeting which was the annual meeting of the DDA.
- Election of Officers took place, and it is basically the same group carrying through to the next year.
- There was customary budget review.
- The Township Attorney gave a presentation on the Open Meetings Act and confidentiality.
- Martin Parkway and DDA Property were discussion items. The Groundbreaking Event at the roundabout was a great start to the project. The Spinal Column ran a nice follow-up article with regard to the roundabout the road closures.

Kathleen Jackson – Discussed the construction schedule and detour routes for the roundabout.

UPDATE OF ACTIVITIES (continued)

Bill McKeever – Zoning Board of Appeals

- We met on the 19th and there were 3 variances granted.
- The first was to construct an accessory structure at 170 Marci Lane.
- The second was for 2583 Union Lake Road for a variance to construct a monument sign that encroached into the front yard setback. Caveats were included that the owner would need to remove the sign at his expense for any work in the right-of-way, and to remove the mansard sign from the front of the building.
- The third was to construct an addition onto a legally nonconforming structure at 3260 Edgewood Drive. They were actually reducing some of the existing variances they had and were not increasing in other areas.

Debra Kirkwood – Township Board of Trustees

- Awards were given to Sheriffs and Firefighters for exceptional services. There were quite a few and it was a nice ceremony.
- There was also a resolution for the past Clerk, Sandra Abrams.
- Lengthy discussion addressed water and sewer rates.
- Brian Winkler was appointed to the DDA.
- There was discussion regarding medical marijuana and advice was provided by the Attorneys.
- Changes were also made to the fee ordinance.

Jay James – Building Department

- Trilogy is looking for their certificate of occupancy for their first building within the next few weeks. They moved furniture in today. The department signed off on the electrical, etc. and there are no occupants or employees yet.
- There are a lot of new moderate houses being started. Vacant lots have been bought up and developers are progressing.
- The new office hours started today – so far, so good.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

ITEM I: SP11-14-11 MULTI LAKES CONSERVATION – TEMPORARY EVENT

Multi Lakes Conservation is requesting a temporary event. Detroit bike week July 28-31, 2011.

Kathleen Jackson gave a review. Township Board will be reviewing the liquor license. Lighting will be shielded away from abutting properties. Spotlights are prohibited. Proposed loudspeakers and a sound system are listed by petitioners – these should be subject to Administrative approval as review is pending by sound engineer. Ingress and egress requirements have been met. 250' should be provided to the property line to minimize affects on the adjacent parcels and for required protection of deciduous trees. There are many hardwoods that are 12' or more and we want to avoid

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(continued)

any potential damage. The petitioner came in today and provided proposed setbacks. A stage is set to the west side of the site at Newton road, and this setback is at 192' feet. The southern portion is at 130'. Administrative approval would be necessary for fencing and other barriers to protect the trees.

Matt Flynn indicated that he spoke to the Fire Marshall and he has signed off on this. Certification of insurance of \$1,000,000.00 will need to be submitted. Dave Fisher is here this evening, from Multi Lakes and he stated that this will be taken care of. A copy will be provided one week before the event to the Planning Department.

Trash removal is shown on the southern portion of the site plan. Parking is also shown. The method of police protection will consist of two Oakland County Sheriffs and private security. This was confirmed today by the OC Sheriffs per Clay Jansen. Funds need to be placed in escrow for the two deputies at a rate to be finalized. This will be paid to the Township so that the cost is not taken from Township funds. The Sheriffs will be in marked police cars and they will be present during the duration of the activity. Building permits and liquor licenses are pending. A performance guarantee has been made to Multi-Lakes that adequate funds have been provided to; return the site to its original condition.

If all conditions as detailed within the Planner's Report are met and the Sheriff, Fire and Building Departments are satisfied that all concerns are met, staff feels that adequate protection of public health, safety and welfare is being provided.

Matt Flynn, 13810 Trafalga Dr., Warren, MI, was present to address the proposal.

Matt Flynn – With regard to parking and the requirement of the 200' setback, we do have 192' at the stage there. That particular stage is just for announcements and there will be acoustical instruments playing there. It is not for large bands or speakers. It will be a somber area for ceremonies. The Wall could be shifted, but it is 200' x 400' and it is against the fence there. The distance could actually be as much as 200' feet but it was difficult to measure accurately with the trees in the area. Where the 130' is provided, there will be parking in that area. The majority of parking in that area will be bikes and there are no trees there – it is wide open. We have worked with Multi-Lakes and no one wants anything to happen to the trees. We are fine with the escrow for the police to make sure it is covered. We also secured additional parking with the high school today if it becomes necessary, and shuttle service would be provided. This information was sent to the Planning Department from Mr. Hayward.

The sound system is not massive. When you get the report from the engineer, I'm sure it will be fine. It is a good use of the property. There is an organized ride on Sunday in honor and tribute to those who protect our freedoms. There will be bands, entertainment, and cage fights. I have overseen professional cage fighting in seven states. Fighters are amateurs, but are not taken from the crowd.

Commission Comments:

James – What are the hours of operation?

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(continued)**

Matt Flynn – We are looking for a Thursday opening ceremony to The Wall, but not to the bike event. Wednesday, the semi for The Wall will be escorted into the park. Thursday morning, The Wall will be erected and will include an opening ceremony and prayer. Hours will be Friday 4-12, Saturday 10-12, and Sunday 10-4.

Matt Flynn – The Rockets are on at 10 on Saturday and will be off by 11:20, so it will not continue right up until 12.

James – Will there be an ambulance for the cage fights?

Matt Flynn – Yes, and referees, doctors, judges, etc.

McKeever –

- I am a member of Multi-Lakes.
- I know the kind of operation they run and they are on top of things.
- It's not that issues don't arise, but they are taken care of quickly.

Matt Flynn – We have picked up the liquor license and it is approved for all 4 days. We are awaiting Township approval.

Jones –

- There will be 2 OC Sheriffs. Will there be any of your people to keep things in order and direct traffic?

Matt Flynn – Additional security will be hired, and volunteers are on staff for parking, etc. These volunteers are from "Hogs in Ministry – HIM", "Christians Motorcycle Group" and others. Multi-Lakes also has volunteer forms if their members want to be a part of the event.

We will look to do our best as we'd like to make it an event for years to come. A country music festival is also a possibility. We met with DTE and are looking to enhance the electrical; anything done will go through the Building Department. If additional is put underground, we will not have to use generators which increase emissions.

Winkler –

- My questions were primarily covered by the other Commissioners.
- One thing to mention is that I have already been to see The Wall presentation at the Fox Theater. I'm from the Vietnam generation, and it was very touching..

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(continued)**

Haber –

- I'm not very happy about it.
- Kathleen, can we do something about the noise level?
- My issues are with the noise and the hours. 12 midnight is too late. Although the activities stop then, the noise continues on.

Kathleen Jackson – I am trying to get a sound engineer to look at the equipment and provide us with a recommendation as to how the speakers need to be positioned, etc. The Zoning Ordinance provides for decibels that are not to be exceeded, however this is extremely difficult to enforce.

Matt Flynn – The 2nd band stage is going to be eliminated as it is too close to The Wall. We will only have one stage for bands. The other will just be for announcements. The stage by the lake will be the only band stage maintained.

Haber – How many do you expect in attendance and will there be enough porta-potties?

Matt Flynn – We expect 2500 visitors over the weekend.

Haber –

- This shows 5 porta-potties, 7 bars and 12 trash barrels.
- What will be the first thing you see when you walk in?

Matt Flynn – A bar.

Haber –

- That bothers me. If you see a bar it means you are there to drink.
- You are welcome to do what you want, but people should not see that first. It should be something more positive.

Matt Flynn – Technically, there is a security tent at the entrance, then a registration table, and a Yamaha semi. To the right is a bar.

There was only so much room on the map, but we will have at least 50 trash receptacles and recycling bins; these will be constantly removed and disposed of throughout the event.

Haber – Kathleen, If the certificate of insurance does not come through, this will not happen?

Matt Flynn – Multi-Lakes will not let that happen.

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(continued)

Haber –

- We want to ensure you understand that there will be no party without it and all matters need to be addressed.
- Again, is there anything we can do about noise abatement and the hours?

Kathleen Jackson – The Zoning Ordinance gives you the authority to approve this, providing that you've determined that it will not be injurious to the abutting property owners and the community at-large. If you feel the hours should be restricted, then you have the right to do so.

Chairperson Haber polled the Commissioners regarding the hours as proposed by the petitioner. With the exception of Haber, there were no objections to the hours as presented.

James – The band main stage is facing east?

Matt Flynn – It faces east at the water – up toward the east.

James –

- Across the road to the next sub, the area is wooded along Newton Road.
- My concern was noise. If there were a site in Commerce to accommodate it, it would be Multi-Lakes.
- I feel better knowing that the stage is at the lake facing easterly as it will be subdued.

Haber and Kathleen Jackson discussed noise abatement and other issues. A site inspection can be performed, especially on the first night. If issues arise, the event won't reoccur the second night.

Haber – I don't see any way of improving the problems that will arise with traffic.

Haber – Is the Sheriff aware of the "Ride Around" for purposes of traffic control? That may be an additional expense.

Matt Flynn – The American Legion is handling that and they are contacting the authorities.

Haber –

- I am concerned with ingress and egress as far as pedestrians.
- And 7 bars for 2500 people? There needs to be someone to control consumption.

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(continued)**

Matt Flynn – The bartenders will have control, and other normal controls will be in place. ID's will be checked and wristbands will be used so we know who is of age. (He continued to give a detailed review of the events as indicated in the petitioner's report submitted to the Commission.)

Haber –

- In closing, whether this is good or bad, it's on your shoulders so make sure it is in conformance.
- I'm not in favor of traffic, drinking and noise. You are all on the hot seat, and if it's wrong, it's on you. (Addressing those members and staff in attendance from Multi-Lakes.)
- I do hope you make money and everyone comes out a winner.

MOTION by James, supported by McKeever, that the Planning Commission approves with conditions, Item SP11-14-11, the request by Multi-Lakes Conservation for a Temporary Event, Detroit bike week, July 28-31, 2011.

Approval is subject to the following items:

1. Administrative approval of the sound system based upon the recommendations of the sound engineer; and,
2. Protective tree fencing, subject to Administrative approval; and,
3. A copy of the \$1,000,000.00 insurance certificate being made available to the Planning Department one week prior to the event; and,
4. Funds being placed into escrow, in an amount to be determined, to provide for 2 Sheriffs to be present for the duration of the event as stipulated by the Oakland County Sheriff's Department; and,
5. Approval of the liquor license by the Commerce Township Board of Trustees; and,
6. Providing a copy of the agreement with Walled Lake Central to house additional parking to the Planning Department; and,
7. All required and necessary Township permits; and,
8. Approval of the Fire Marshall; and,
9. All lighting must be shielded away from the road for the duration of the event; and;
10. An escrow to allow for up to 4 inspections of the event to be made by Township staff.

Approval is for the reason that the information submitted by the applicant and the information presented to the Planning Commission demonstrates that, with all conditions as detailed above, and within the Planner's Report being met, and with concerns of the Sheriff, Fire and Building Department also being met, the proposed meets the requirements for adequate protection of public health, safety and welfare being provided.

Discussion –

Jones – I'm personally opposed to fencing around the trees in relation to parking of cars and bikes.

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(continued)**

ROLL CALL VOTE:

AYES: James, McKeever, Kirkwood, Jones, Winkler, Haber

NAYES:

ABSENT: Spencer

MOTION CARRIED

OTHER MATTERS TO COME BEFORE THE COMMISSION

Kathleen Jackson – The July 11th meeting will encompass a review of the Master Plan. It will be detailed to the Township Board in the annual report.

The next Planning Commission meeting will be Monday, July 11, 2011 at 7:00pm.

ADJOURNMENT

MOTION by James, supported by Kirkwood, to adjourn the meeting at 7:56 pm.

MOTION CARRIED UNANIMOUSLY

Brian Winkler, Secretary