

**CHARTER TOWNSHIP OF COMMERCE
PLANNING COMMISSION MEETING**

Monday, September 19, 2011
2009 Township Drive
Commerce Township, Michigan 48390

CALL TO ORDER: Tom Jones, sitting in as Chairperson, called the meeting to order at 7:00pm.

ROLL CALL: Present: Tom Jones, Vice Chairperson
Brian Winkler, Secretary
Bill McKeever
Debra Kirkwood
Jay James
Absent: Dave Spencer (excused)
Larry Haber, Chairperson (excused)
Also Present: Kathleen Jackson, Planning Director
Jason Mayer, Giffels-Webster Engineers

APPROVAL OF MINUTES

MOTION by Kirkwood, supported by James, to approve the Planning Commission Meeting Minutes of August 1, 2011, as written.

MOTION CARRIED UNANIMOUSLY

UPDATE OF ACTIVITIES

Bill McKeever – Zoning Board of Appeals

- There are no updates from the ZBA at this time.

Debra Kirkwood – Township Board of Trustees

- The last meeting was brief and included updates on the roundabout and aspects of progress in the DDA.
- The next portion of the meeting involved the budget as the next two months will cover budget matters.
- The remainder of the meeting was executive session regarding the purchase of property.

Brian Winkler – Downtown Development Authority

- The DDA meeting in August was productive, including the Director's report, the roundabout progress, and the budget.
- There is continued discussion on how the DDA property will be marketed once the Martin Parkway and roundabout are complete.
- There was a joint meeting between the DDA and the Township Board. It went well toward achieving an understanding of the DDA's budget focus and the concerns of the Township Board members. There was also discussion of a potential tax levy, which I will defer to Kathleen Jackson.

UPDATE OF ACTIVITIES (Continued)

Kathleen Jackson – Planning Department

- Brian covered the DDA well.
- There is another DDA meeting tomorrow and the budget may be recommended for approval to the Township Board for their next meeting.
- The roundabout is going well.
- The Township Board reviewed whether or not to support a tax levy of 2 mills. It was their wish not to impose it at this time. Therefore, the DDA is not making an assumption of this in the budget.

Jay James – Building Department

- The Building Department is steady as we keep up with the ongoing construction.
- It is expected to slow down in two months or so.

Brian Winkler suggested that Jason Mayer also present his report at this time.

Jason Mayer – Giffels-Webster Engineers

- We are busy finishing the punch list items on the waste water treatment plant.
- Further details and updates are provided in the report.

Open discussions took place regarding road construction projects and expected completion in November.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

ITEM I: SP11-12-23 – STRAITS SALON

Gary Powagajba of White Lake MI is requesting site plan approval to construct a retail center located on the north east corner of Eldora and Union Lake Roads.

Sidwell No.: 17-12-476-021 & -022

Kathleen Jackson, Planning Director gave a review. Revised plans had been provided to the Commissioners; however, many items still remained to be reviewed and revised at the discretion of the Planning Commission as listed in the report.

Gary Powagajba, 517 Hill Top Road, White Lake, MI, was present to discuss the proposal, along with Dave Love, P.E., 1503 Marywood, Royal Oak, MI. Gary explained that his wife, Cheryl, currently has a salon in Commerce Township that they would like to relocate to this site. They have been in contact with Kathleen Jackson for quite awhile and revised the proposal several times.

The chiropractic office adjacent to this site has its parking lot positioned directly on the lot line. The proposed building was moved as far over as possible from the chiropractor's, and in consideration, it is in set in line with that building so as not to block the view. The chiropractor was adamant about the positioning.

Gary added that there were mistakes on the landscape plan, and they are willing to comply with the requirements and revise accordingly.

ITEM I: SP11-12-23 – STRAITS SALON (continued)

Commission Comments:

Jones – In regard to the west elevation signs, you mentioned that there may be a nail salon and/or a flower store. If the usage changes and it becomes something else, will you have the ability to change the names on the signs, or is the lettering built into the brick?

Gary Powagajba – The lettering is right on the brick, but it is not built in so it can be changed.

James –

- First, regarding the elevations, this building has great exposure on both sides. When driving around the S-curve at the lake on Union Lake Road, drivers will be staring directly at the lot.
- The south elevation is highly visible by all of Union Lake Road, and also by Eldora residents, and it lacks aesthetics. There needs to be more done here.
- The east side also needs something because it abuts residential, unless it will be entirely shielded with landscaping.

Gary Powagajba – The east side has a 6' concrete wall and spruce trees so the back won't be seen much. There could be more windows, but Cheryl does not want them in that area as she needs wall space. There's not a whole lot that can be done here. We can use brick details to break up the wall.

James – Other buildings have used fake windows.

McKeever – Yes, with spandrel glass.

James –

- You should do something like that for aesthetic purposes.
- I also do not like the roofline on the south. It looks like a commercial building.

Gary Powagajba – It is a commercial building.

James – But you have two front yards and we don't want the face of a commercial building.

Gary Powagajba – We have the detail on the front with the steel roof. We could wrap this around to make it look more like a front yard.

James –

- That may soften it up, along with the spandrel glass windows.
- I may be able to live with the back side if it is shielded, but I have to be certain that it will be.

ITEM I: SP11-12-23 – STRAITS SALON (continued)

Gary Powagajba – On the landscaping plan, the predominant area is at that particular part of the building, and we will add more there on the revision. People on Union Lake Road will see a lot of trees there. That part of the building will be mostly screening.

Gary Powagajba approached and reviewed the landscaping plan with the Commission. It was clarified that the back is the east elevation.

James – It is still plain on the south, but that's just my opinion.

Gary Powagajba – We do have dark brick there and some light rowlock which will break it up a lot.

James –

- The second item is the loading zone.
- I know you are putting in the hair salon.
- Are the other two tenants definitely a flower store and a nail salon?

Gary Powagajba – I'm unsure about the flower shop, but the hair and nail salon are together. I will note that the salon has very little trash.

McKeever – But a UPS truck is a big truck.

Gary Powagajba – And UPS never uses a loading zone anyway; however, if you insist upon it, we will work it out.

James – You probably don't need it there, but 10-15 years down the road it may be necessary as tenants change. We hope you are still there then, but the next person could feel it's a hindrance not to have a loading zone. If one is added, it changes the traffic circulation.

Gary Powagajba – We can put the loading zone on there. We had it in two different locations, but the dumpster presented a minor issue. The current salon is on a corner and people dump their trash in and around the dumpster. We are trying to put the dumpster on this site in a manner that will not allow people to access it for dumping their trash. We only want to have the dumpster and employee parking in the back.

Dave Love – I have been assisting Gary with the project. We inquired with Kathleen Jackson regarding the requirements for a loading zone. We would be able to use signs to direct the traffic as one-way and show a loading zone on the north side. This would allow traffic to circulate through, and this could be done in the future if necessary.

James –

- I could live with that. It would need to be put in as a stipulation for preventative measures.

ITEM I: SP11-12-23 – STRAITS SALON (continued)

- Will the parking space be removed as recommended?

Gary Powagajba – The reason we have to lose the space is because the chiropractor's clinic is right on the lot line and his parking does not meet any of the current criteria. He is within 5' of the lot line.

Dave Love – But we will lose it if we have to.

Kathleen Jackson – Bill McKeever is our Zoning Board of Appeals representative. He may want to address this.

McKeever –

- If you wanted to maintain that extra parking space, you would be required to obtain a variance from the ZBA.
- I will tell you that variances are not given for something that is not needed, and you already meet the parking requirements without that space.

James – There is a landscape buffer yard between the site and the building to the north.

Kathleen Jackson – It is on here, but it should be changed as it was the intention to provide a continuous buffer. The continuous was on the west road portion, and on the east portion of the north property line, they meet the 10' buffer with the wall. I don't see anyway around that, and I don't recommend a variance that the ZBA is not inclined to grant. You have a residential property relatively close to the drive aisle and parking area. Although there is existing wood screening on the adjacent property, if they take that down or it deteriorates, then it would be left with almost no landscaping. The buffer yard abuts the commercially zoned property. I met with the petitioner and the engineer on Thursday, and we had misread the ordinance. We were reading the perimeter parking requirements initially, but I clarified at the meeting that the residential on the north needs to mimic the screening on the east side. Giffels said 10' on center with blue spruce would provide the immediate buffer, which is viable. Keep in mind that the building is over 18' tall.

Gary Powagajba – We will comply with the landscaping and anything that is required. I will defer to Dave Love on the detention and retention.

Dave Love – On the north side, the buffer yard requirement is 6', and we have 5' shown on the plans. We will find a way to get another foot in there to meet the requirement.

Kathleen Jackson – I believe the ordinance does specify 6'.

James – Would they need a variance otherwise?

Kathleen Jackson – You have the discretion there if it meets the intent. There is a continuous row of spirea there now, so alternatives should be considered. The

ITEM I: SP11-12-23 – STRAITS SALON (continued)

ordinance calls for not more than 25% of any one plant type because of disease. This needs to be broken up somewhat.

Dave Love – I misunderstood the requirement and will change this to a normal type A which will meet the required trees and shrubs.

James – Is there landscaping planned *in* the detention basin? The detention area is in the front and it is not normal. It is excessive and if you don't need it all, why build it that way?

Dave Love – It's not extreme, just slightly over.

James – It looks like there's landscaping in the bottom of the detention basin.

James – (To Jason Mayer) What is the high-water mark at the basin?

Jason Mayer – One of my comments was that they still need to change the detention; however, I did not see the landscape plan with landscaping in the bottom of the pond. That would be different for maintenance.

Dave Love – The high-water mark is 39-5.

James – Is that based upon the configuration with a standpipe or no?

Dave Love – It is not shown with a standpipe. Is there a desire to have one with a two-street frontage?

James – That is what the Giffels-Webster letter says.

James –

- You will meet any and all landscaping requirements? (Yes.)
- And include entry signage? (Yes.)
- I'm ok with administrative approval of these items.

Kathleen Jackson – Ok. This is the first new multiple tenant building under the new Zoning Ordinance. It calls for a sign plan, and specific materials and lighting as well for the wall and ground signs. These signs are pin-mounted. My only concern here is any lighting or illumination. Use of an overhead sconce or gooseneck would be recommended. No box or can signs are permitted.

Gary Powagajba – There is a halo behind the letters.

Kathleen Jackson – And this will be consistent? (Yes.) Our goal is to have the sign plan to avoid a mish-mash of signage.

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Gary Powagajba – There will be no boxed signs. They will be done properly and lighted as depicted here.

Kathleen Jackson – I have no problem with administrative review if it is the Commission's pleasure. I will bring this back before the Commission if I have any questions. Can you bring back the signage before it is put up? (Yes.)

James – Does the dumpster screening go away with the buffer on the north side? Will this be past where the existing wood fence is? Will there be a masonry wall and enclosure?

Kathleen Jackson – You will still have screening there for the visibility from Union Lake Road and to contain the dumpster. The dumpster needs the enclosure to prevent vandalism and rodents. The enclosure should be masonry.

Jones – Will it have metal gates?

James – Will it be CMU or brick?

Gary Powagajba – It will have a type of gate you can't see through. We would like to do CMU.

James – We would like it to match the building.

McKeever – Brick.

James –

- The lighting will be down-shielded.
- I still have a big issue with the south elevation, and the north corner is still visible.
- You will also need to convince me more regarding the east side.

Winkler –

- I will touch upon what Jay said, along with other comments.
- I agree with the petitioner regarding the loading dock. The deliveries here are minor and in the future if there were a need, we could then make it a one-way. Two-way works well now and to change it for the current use would be more of a detriment.
- I think the south elevation looks good, but I would not disagree with adding other stipulations to embellish it a bit more.
- I would like to see brick on the back (east) rather than painted split faced block for the fact that the building will be seen by people driving down Eldora.
- The dumpster should be contained by a brick screening.
- As far as the need for the sidewalk, there are currently no sidewalks along Union Lake Road or Eldora. They would certainly need to be provided if required by the

ITEM I: SP11-12-23 – STRAITS SALON (continued)

- ordinance, but it would be a dead end at the next site. What is possible or enforceable here when the adjacent sites do not have them?
- Also, do you have the materials and color sample boards? What is the roof color?

Gary Powagajba presented the samples for the commission, including the bricks to be used on the building. The primary brick is dark, along with a lighter accent. The roof and window frames are a burgundy color, and the awnings are neutral.

McKeever –

- In agreement with everything touched upon thus far.
- The sidewalk plan is such that as new sites are built, the sidewalks are to be put in.
- Is there a bond or something they could post so that should the sidewalks go in on Union Lake Road and/or Eldora, they would be covered? As opposed to putting them in now with the result being a dead end.

Kathleen Jackson – I can check into that.

McKeever – If they have to be put it, then that is the requirement. However, it seems to make more sense (to hold off until they are constructed continuously).

Gary Powagajba – If the brick is required on the back of the building, and for the dumpster enclosure, that is already an additional \$15,000 to \$16,000.

McKeever – What material will be used on the screen wall to the east?

Gary Powagajba – They sell a prefab wall that looks like brick.

McKeever – What is the roof detail on the back side? Is it a false roof?

Gary Powagajba – We will probably use the materials that are on the front and carry them over. That will be filled in.

McKeever –

- Ok.
- There was an insurance company on Commerce Road that wanted their parking lot to exit onto the residential street, but they could not. Why can it be permitted here?

Kathleen Jackson – The ordinance speaks to traversing onto residential property to get into commercial sites, but does not state in this instance that traffic cannot traverse the residential street to enter. The RCOC took a look at the curb cuts, and reviewed them. The feeling that was even without detention, we don't need another curb cut on Union

ITEM I: SP11-12-23 – STRAITS SALON (continued)

Lake Road, especially with the short distance between the chiropractor's and this site. There would definitely need to be "No Left Turn" signs, which was an afterthought.

Gary Powagajba – Yes, we had several meetings with the RCOC and this was the best setup according to him.

McKeever – I agree. Union Lake Road does not need another curb cut.

Kirkwood –

- In agreement so far.
- I do not like the block at all on the back (east) elevation.
- On the north elevation, if this is a flower shop, would they not want to have a window on the north side?

Gary Powagajba – The problem there is that you would be looking at the chiropractor.

Kirkwood – But it provides light.

Gary Powagajba – We are still considering a couple of different businesses there.

Kirkwood –

- Being a corner, it has exposure, and it is in close proximity of the residential.
- In agreement regarding the curb cuts also.
- "No Left Turn" signs should be used.

Jones –

- I need clarification on the south elevation.
- The first suggestion was to extend the metal roof. Then the second was to use landscaping and different brick.
- Can we come to a compromise on this?

McKeever – Fine with the roof elevation being extended around the corner.

James – It's the front of the building where access is located and residents are pulling down the street.

James – It is my opinion that it should be spruced up to look like a front entrance.

Winkler – I like the elevations. I do want to see the back of the building changed to brick. Otherwise, it looks good to me. Although I have no issue with bringing the standing seam roof around. Additional can be required.

Kirkwood – I am in agreement with Jay that more needs to be done on the front.

ITEM I: SP11-12-23 – STRAITS SALON (Motion continued)

MOTION by Winkler, supported by James, that the Planning Commission approves, with conditions, Item SP11-12-23, Straits Salon, the request by Gary Powagajba of White Lake MI for site plan approval to construct a retail center located on the north east corner of Eldora and Union Lake Roads. Sidwell No.: 17-12-476-021 & -022 Approval is for the reason that the information submitted by the applicant and the information presented to the Planning Commission demonstrates that the proposed meets the requirements and standards of the Commerce Township Zoning Ordinance. Approval is subject to the following conditions:

1. Giffels Webster review letter of July 25, 2011; and
2. The Fire Department's review letter of July 26, 2011; and
3. The RCOC's letter of September 12, 2011; and
4. Although the loading zone requirement is waived at this time for the current use, the Commission reserves the right to revisit this item as necessary since the requirements for loading zones are determined by the business use (also see condition 9.); and
5. Materials and colors as presented; and
6. Materials as specified for windows; and
7. Removal of the parking space on northwest corner of front parking lot that encroaches into the required 12' separation; and
8. Administrative approval of the sign plan to be submitted, including any illumination; and
9. The determination that the site circulation will be two-way, with "No Left Turn" signs placed at the exits, while the Commission reserves the right to revisit this item at any time in the future as issues arise, and/or the business uses/tenants change at which time a loading zone may be required as specified above; and
10. Administrative approval of the changes to be made to the buffer between the subject parcel and the parcel to the north (both the western and eastern portion of the north property line), in compliance with the Zoning Ordinance requirements; and
11. Administrative approval of trees/landscaping in the area of the detention basin, in compliance with the requirements outlined in the report with respect to the detention basin; and
12. Changes made to reflect the required number of trees as part of the building interior landscaping requirements; and
13. Addition of one more street tree along Eldora; and
14. Specifications for entry signage and landscaping; and
15. Notes added to the landscape plan regarding maintenance; and
16. The dumpster screening will be brick to coordinate with the building; and
17. All lighting will be down-shielded; and
18. Revisions made to the south and east elevations as described in the site and architectural design manual as reviewed by the Commission to include:
 - a. Replication of the metal canopy and windows, currently shown on the west end of the south elevation, to the east end of south elevation, and architectural details framed between those. Use of spandrel glass is

ITEM I: SP11-12-23 – STRAITS SALON (continued)

specified as acceptable for this new bay of windows to allow for use of the interior wall space. Landscaping adjustments will be made accordingly with these revisions; and

- b. The use of brick on the east (back) elevation.
19. Elimination of the sidewalk at this time, with the stipulation that the petitioner has agreed to put in a sidewalk when sidewalks are constructed on either side of the street; and
20. Irrigation will be provided for all groundcover; and
21. Administrative approval of the specific type of groundcover to be used.

MOTION CARRIED UNANIMOUSLY

ITEM II: MASTER PLAN REVIEW

Kathleen Jackson reviewed the following with the Commission.

Chapter 6

- 6-2 will be updated with respect to M5, and the roundabouts at M-5, Pontiac Trail and Martin Roads.
- A correction will be made on the reference to the extension of Northwestern Hwy.
- Table 6-1 will be updated by the RCOC and/or SEMCOG. RCOC has the majority.

Kirkwood – Is Four Towns still out there?

Kathleen Jackson – Yes. So basically, these changes will be added to this particular chapter with the projects that have occurred.

I do encourage you to visit the RCOC web site to review the 2012 Regional Plan which is now available. Supervisor Zoner and I met with them, and you can see the comments that were made.

Chapter 9

- Page 9-8 will be changed to reflect the improvements that have been made, and those that will be made, such as the paving of Cooley Lake Road, and the Martin Parkway.
- This is basically just another update.

James –

- Page 9-5, Trail Network; will we put in there the new “Rails to Trails”?
- And on 9-8, will the projects be updated?

Kathleen Jackson – Yes those can be updated. I will also note that we are working on completion of the gap, and the new M5 trail should be added.

Chapter 12

- The Zoning Ordinance has been updated so we will change 12-1 to reflect the new zoning.

ITEM II: MASTER PLAN REVIEW (continued)

- Also on 12-1, we will change the Michigan Township Planning Act to reflect Act 110 and 231 rather than 168. The Act combined cities, villages and townships.
- On 12-2 the Planned Unit Development ordinance is currently being drafted. This will be changed once it has been adopted.
- Manufactured Homes Community Regulations are currently up to date, and the new ordinance is in compliance with manufactured housing commission rules per the attorneys. Township's may adopt rules that exceed state law, but what we have meets the standards with no additional foreseen.

Kirkwood – Under Development Controls and Incentives for Open Space, should we include something on the Wise Road property that was recently acquired? Here or somewhere else?

Kathleen Jackson – Yes, that is important. It will be added in the final document, here or in another section.

- 12-3 needs to be changed. The Michigan Society of Planning is now MAP as you all know.
- 12-4 refers to the Brownfield Act for capital improvement. The Act is a state requirement. We will be having a meeting with Parks & Rec, Township Board, Police and Fire to go over this.
- The economic development mechanisms of Brownfield will be changed accordingly, but it has pretty much gone the way of other grants.
- The Township Board adopted a policy for Tax Increment Financing (TIC).
- The Community Development Block Grant stays the same.
- On Transportation Enhancement, I will check to see if the grant is gone and update accordingly.
- The Historic District has not changed.
- The Michigan National Resources trust fund is still available and we are trying to utilize it for the trails on 12-6.
- On 12-7, I don't know about the MNBA and if it is the same, or if this is proper language. I will check into it.
- On 12-8, we still have MSHDA and neighborhood improvements.
- Environmental regulations will be updated to reflect the new ordinance. A lot of information was added.
- 12-9 will be updated in accordance with the Township ordinance.
- I will check into sub control and condominium ordinances.
- We have floodplain regulations.
- On 12-11, with regard to establishing the historical district, that is up to the Commission if you want to recommend it. We did go through it with a study committee and a reconnaissance level survey. This was not met with a lot of support in the Village. We do have the Village Overlay District, but that does not protect historical structures. It protects the Village atmosphere and promotes a

ITEM II: MASTER PLAN REVIEW (continued)

walkable community, etc. We allow the individual to go through the state for historical designation if they choose.

Kirkwood – It's not really walkable at this time. It's hard to picture when you talk about a historical village area. We do have a couple buildings there.

Kathleen Jackson – There are a lot of eligible buildings, but in my perspective only a portion of Commerce Road may have a plan for that. And we don't want to worry about getting deep into the neighborhoods that are on dirt roads.

James – How many people even know where the Village is?

Kirkwood – None.

Jones – The Overlay is sufficient.

Kirkwood – Agreed.

Kathleen Jackson – We can put a note in there about it, and the same about Union Lake, that the Overlays will be adhered to for re-development and new development.

James – Need to get upgrades in the Village areas and get a Village.

Discussion took place regarding a sand and gravel pit near Lake Sherwood that has been abandoned. James stated that one piece of the land was sold but it is not being used.

- On 12-11, we will delete the reference to the PUD Ordinance and Brownfield. We use Oakland County as our BRA (Baseline Risk Assessment?)
- I don't think there are any changes to 12-12.
- I will check to see if there are T-21 grants available.
- We have established Township Ordinances to protect natural features.

James – We have done some of that.

Kathleen Jackson – Yes, wetlands and storm water management. Do we have a groundwater protection ordinance?

James – I don't think so.

Kathleen Jackson – We do have the hazardous waste ordinance. I will keep those two on there and continue to monitor the storm water and wetlands for current language in the Zoning Ordinance.

ITEM II: MASTER PLAN REVIEW (continued)

Winkler – What is the process from here with the 2011 Master Plan? Will you bring us the revised plan?

Kathleen Jackson – Yes, and your motion will be to recommend to the Township Board for adoption. We'd like to have it done by November but we've encountered delays awaiting the census.

OTHER MATTERS TO COME BEFORE THE COMMISSION

None

The next Planning Commission meeting will be Monday, October 3, 2011 at 7:00pm.

ADJOURNMENT

MOTION by James, supported by Kirkwood, to adjourn the meeting at 8:31pm.

MOTION CARRIED UNANIMOUSLY

Brian Winkler, Secretary