

**CHARTER TOWNSHIP OF COMMERCE
PLANNING COMMISSION MEETING**

Monday, December 4, 2017
2009 Township Drive
Commerce Township, Michigan 48390

A. CALL TO ORDER: Chairperson Haber called the meeting to order at 7:02pm.

ROLL CALL: Present:

Larry Haber, Chairperson
Tom Jones, Vice Chairperson
Brian Winkler, Secretary
Bill McKeever
Brian Parel

Absent:

Russ Schinzing

John Hindo (excused)

Also Present:

Dave Campbell, Township Planning Director

Jay James, Engineer/Building Inspector

Mark Stacey, DDA Director

B. APPROVAL OF AGENDA

MOTION by Jones, seconded by Winkler, to approve the Planning Commission Regular Meeting Agenda of December 4, 2017, with one amendment to **Item H. Scheduled Public Hearings, remove the word "NONE"**, as there is one public hearing scheduled for Item H.1. PCZ17-002 – Comfort Care – Conditional Rezoning.

MOTION CARRIED UNANIMOUSLY

C. APPROVAL OF MINUTES

MOTION by Jones, supported by Schinzing, to approve the Planning Commission Regular Meeting Minutes of November 6, 2017, as written.

MOTION CARRIED UNANIMOUSLY

D. UPDATE OF ACTIVITIES

Bill McKeever – Zoning Board of Appeals

- Wilson Marine had their sign variance tabled as they had not properly staked the site.
- There was a variance granted for the Benstein Grille for a sign to be placed in the planned right-of-way.

John Hindo – Township Board of Trustees

In John's absence, Dave Campbell provided the following update.

Dave Campbell -

- The Township Board approved their 2018 Budget.
- They approved the expenditure for the M-5 pedestrian bridge project, the architectural enhancements, which came in at \$1.1 million for the Township's contribution. The MDOT contribution was \$3.9 million.

Chairperson Haber – I didn't remember the figure being that high.

Dave Campbell – The bids came in mid-November. Consistent with a lot of the contractor prices we are seeing these days, they were higher than what the Board had

originally anticipated; however, when the Board set their budget for the project back in 2016, it was a big, round number picked out of thin air. None of us really had a good sense of what it would cost to enhance a bridge. Once the numbers came in and we had a chance to digest them, everybody agreed that this is an important project that will be here for at least 75 years. The Township Board decided they wanted to do it right.

Lastly, at the November Township Board meeting, the Trustees reviewed the Conditional Rezoning application for the northeast corner of Commerce and Carroll. Hayes Creek runs behind this land, and this was one of the gas station / convenience store proposals. The applicant, the group who owns Annie's Party Shoppe, had assembled 6 pieces of property and needed all parcels rezoned to B-3 General Business to allow a gas station. That came to the Planning Commission in December of 2016, and your recommendation was to deny the Conditional Rezoning. The Board agreed with the recommendation to deny.

Brian Winkler – Downtown Development Authority

There are three highlights from the November DDA Meeting:

1. The Oakland County Sheriff's Department gave a presentation and provided the accident report for the roundabout.
2. The Outrun Hunger 5K event was held on the DDA trails. The event raised \$14,000 for local food pantries. Attendance was down slightly due to the cold weather. The run is supported by volunteers from the community and Grace Community Church.
3. Mark has been busy following up on property damage issues. A light pole got knocked down, and a garbage truck ran through the landscaped island at Library Drive.

DDA Director Stacey – We are actively marketing the property. We do have interest in Parcel I, which is north of the Township Hall. We're hoping to bring something to the Planning Commission in February or March of next year. The proposed use is an early childhood learning center.

Mr. Aikens is working diligently on the commercial portion of the downtown. He will be meeting with the Planning Department on December 14th, and he will do a presentation on December 19th to the DDA Board. It's a public meeting if you're interested so feel free to attend.

Jay James – Building Department

- Things are going steadily, but are beginning to slow down just a bit as people are getting in holiday mode.
- Zerbos has made a little more progress.
- The development at Maple and Beck is steady.
- The assisted living buildings on Bogie Lake and Cooley have started to reach their final inspections, and some of them have their first residents living there.

Jones – Do they have any models to look at?

Jay James – I'll check for you, Tom. I know their clubhouse is open. I'm sure they have rental presentations.

Chairperson Haber – The southwest corner of Carroll and Commerce where the building came down, near Byers; it sure looks good now.

Jay James – Yes, it makes a big difference.

E. PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None.

F. TABLED ITEMS

None.

G. OLD BUSINESS

None.

H. SCHEDULED PUBLIC HEARINGS:

ITEM H.1, PCZ17-0002 – COMFORT CARE – CONDITIONAL REZONING

Shahan Sikander & Hamza Sikander of Saginaw MI are requesting a Conditional Rezoning of a parcel of land consisting of 4.19 acres from R-1B (One Family Residential) to RM (Multiple Family Residential) for a new senior assisted living facility located east off of Decker Road, just north of 14 Mile Road.

Sidwell No.: 17-35-400-056

David Campbell, Planning Director, gave a review. He discussed the history of the 1996 Consent Judgment, provided an update since the recent approval to amend the Consent Judgment, and explained that Singh Development was not in favor of the amendment and refused to sign. Singh has a similar development in Novi, and they did not want to see the nearby competition. Therefore, Comfort Care is now proposing a Conditional Rezoning. The Planning Commission will make a recommendation to the Township Board, and if favorable, they will proceed to the Board on December 12th. If approved by the Board, they will return to the Planning Commission for review of their site plan and Special Land Use.

Shahan & Hamza Sikander, 5225 Bay Road, Suite B, Saginaw, MI 48604, were present to address the request.

Chairperson Haber opened the public hearing.

No comments

Chairperson Haber closed the public hearing.

Commission Comments:

No comments.

MOTION by Schinzing, seconded by Jones, that the Planning Commission **recommends approval, with conditions**, to the Commerce Township Board of Trustees, of Item PCZ17-0002 – Comfort Care – Conditional Rezoning, the request by Shahan Sikander & Hamza Sikander of Saginaw MI for a Conditional Rezoning of a parcel of land consisting of 4.19 acres from R-1B (One Family Residential) to RM (Multiple Family Residential) for a new senior assisted living facility located east off of Decker Road, just north of 14 Mile Road. Sidwell No.: 17-35-400-056. The Planning Commission’s recommendation is based on a finding that the conditional rezoning petition meets the applicable criteria within Articles 3 and 36 of the Township’s Zoning Ordinance, and meets the intent of the Commerce Township Master Plan.

This recommendation of approval is conditional upon the following items:

1. The applicant enter into a Conditional Rezoning Agreement with conditions volunteered by the applicant and acceptable to the Planning Commission and Township Board, and the executed Conditional Rezoning Agreement be recorded with the Oakland County Register of Deeds prior to any formal consideration by the Planning Commission of the site plan.
2. The applicant shall apply for approval by the Planning Commission of a site plan and special land use consistent with the terms of the Conditional Rezoning Agreement subsequent to approval and recording of the Agreement.

Discussion

Haber – (To the applicants) Do you have anything to add before we grant this?

Mr. Sikander – No, nothing at all.

AYES: Schinzing, Jones, McKeever, Parel, Haber, Winkler

NAYS: None

ABSENT: Hindo

MOTION CARRIED UNANIMOUSLY

I. NEW BUSINESS

ITEM I.1. PSP15-0026 – BARRINGTON APARTMENTS 2nd AMENDMENT

MM Commerce Martin Apartments LLC of Farmington Hills MI is requesting to amend an existing approved multiple family development located west off of the Martin Parkway, just north of Pontiac Trail.

David Campbell, Planning Director, gave a review. The proposal is to revert back to the plan that was originally approved in 2015, with only one major change which is to decrease the width of the drive aisles between the 2 story buildings to 21’ as opposed to the required 25’. The Planning Commission has the discretion to deviate from the standards if the 21’ is found to be acceptable. The reduction of the drive aisles will allow for the garages to be deeper, providing more storage for residents.

The elevations were reviewed in accordance with the standards to prevent monotony.

There will be a variety of architectural features, building materials and colors.

It is recommended that any approval be conditional upon a concrete sidewalk when the connection is made at the roundabout to the existing concrete sidewalk. The remaining recommended conditions were fairly standard.

Jim Galbraith, Applicant, of M. Shapiro Development Co., 31550 Northwestern Highway Ste. 220, Farmington Hills, MI 48334, was present to address the request.

Chairperson Haber – Mr. Galbraith, it is so nice to see you again.

Mr. Galbraith – It's good to be here.

Chairperson Haber – Are there any other major changes besides the request to reduce the drive aisles from 25' to 21'?

Mr. Galbraith – There are none.

Chairperson Haber – You're okay with the concrete?

Mr. Galbraith – Yes, and I believe the concrete was included previously in the motions.

Chairperson Haber – Are you changing the name of Library Drive?

Mr. Galbraith – Yes. Dave did an excellent job of highlighting why we are going back to this plan. We felt this was a valid plan in 2015. We feel it's compelling to do this plan in reality because it affords the opportunity to build more ranch units and we feel that is a significant portion of the demand. It gives us the ability to enlarge the units slightly and to have more storage space in the garages for the stacked apartment buildings. It also gives us the opportunity to enlarge the second floor units which are over the garages. Two feet might not seem like much, but when you're dealing with a bedroom configuration, it's significant in terms of utility and functionality.

We think we have a far superior plan, and we've learned a lot in terms of the current market circumstances by having built ShearWater. Launching that project has brought us back to this plan. It's a very price sensitive market. We feel we can bring these stacked units to market at a slightly more affordable level.

Chairperson Haber – The timing is good with the development across the street.

Mr. Galbraith – Yes, we're very anxious to see what Bruce Aikens will do across the street. I know he's been working very hard at it. He's done a fine job at the Village of Rochester Hills. We have the frontage along the west side of the Martin Parkway and we won't be doing anything with that until we see him launch and his platform evolves. Bruce and I have even talked about possibly doing something together on his parcel to support the retail.

Commission Comments:

McKeever – No comments.

Jones – What is the average square footage for the units?

Mr. Galbraith – Although the design is not completely finished, the average range will be about 1,525 to 1,550. That is nominally larger than ShearWater, with generous 2-bedroom units. The units over the garages can be up to 3-bedroom units, or a 2-bedroom with a den or office. The office is a commodity these days with so many people working at least part of the time electronically from their homes.

Jones – So some of them will be larger than 1,500?

Mr. Galbraith – They will be close to 1,600.

Jay James – Do these still have the option of being sold privately in the future?

Mr. Galbraith – Yes, all units would have that option, should we or a successor owner elect to sell these as condominiums. They could be very easily condominiumized, and possibly even more so with the ranches. We don't believe we will be doing basements on the ranches due to the high water table on the site. We've have many challenges with the sewer and septic.

Dave Campbell – The Township Engineer provided this graphic of where they are at with the sewer project, as shown in yellow on the map. The challenge is keeping the water out of the sewer trench.

Mr. Galbraith – The sewer at the pump station is nearly 40' deep. When you get into that kind of depth with the proximity to the wetland, the trench gets wet very fast. The other thing that happens is that all the sewer to the north feeds down to that pump station, just to the left of where it says Library. As most of you would recognize, that sanitary sewer is bedded in stone. The trench picks up the water and it's a means of wicking and dewatering the site itself. The water coming in through that trench is back feeding, plus the water from the wetland.

We've dewatered and built a temporary basin. The good news is that we have a lot of sand on the site, but the bad news is that we have a lot of sand on the site. The water is recirculating itself and we have had a devil of a time with the sewer. We believe that once we get further to the north and start running west along the edge of the school property, that it will become shallower and drier. This is a lot more than we bargained for, and I believe it's a lot more than the Township or Giffels bargained for when they designed this, but it's all part of the process.

I know we made the right decision in getting that sewer permitted and doing it independently from the rest of the development. We will finish that up over the winter and we expect to have permits for the rest of the site work by late Spring. The project is expected to open in Summer of 2019.

Chairperson Haber – Dave, taking the driveways from 25' to 21', it's not on the list of recommended conditions.

Dave Campbell – If you want to include it in your motion, a motion to approve that is based on a finding that the 21' drive aisles are acceptable in lieu of the Township's standard for 25' drive aisles. The site plan you're considering for approval shows the 21', but I think everyone is better off if you also note it in your motion.

MOTION by Jones, supported by Winkler, that the Planning Commission **approves, with conditions,** Item PSP15-0026 – Barrington Apartments 2nd Amendment, the request by MM Commerce Martin Apartments LLC of Farmington Hills MI to amend an

existing approved multiple family development located west off of the Martin Parkway, just north of Pontiac Trail.

Move to approve the 2nd amendment to the site plan for Barrington, Item PSP15-0026, by the request of M. Shapiro Development Co., for a 299-unit attached residential development on 58 acres located along the west side of Martin Parkway, just north of Pontiac Trail, parcel number 17-24-300-072. Approval is based upon a finding by the Planning Commission that the information presented demonstrates that the amendment meets the applicable standards and requirements of the Commerce Township Zoning Ordinance, the Commerce Township Code of Ordinances, and the Commerce Towne Place PUD Agreement.

Site plan approval is conditional upon the following items:

1. Review and approval of engineered construction plans by the Township Engineer (per their review dated November 20, 2017) and the Township Fire Marshal (per his review dated Nov. 29).
2. Review and approval of a revised landscape plan by the Township's Landscape Architect per his review comments of Nov. 27, 2017.
3. Review and approval by the Township Attorney of an Open Space Maintenance Plan.
4. All signs including entrance signs to be reviewed and approved under separate permit by the Planning & Building Departments to ensure compliance with the design intent of the Commerce Towne Place planned unit development.
5. Development's 8' concrete pathway to be extended along the north side of Library Drive to connect to the existing pathway stubs along the roundabout at Martin Parkway.
6. Development's crosswalks to be constructed with textured stamped concrete or pavers.
7. All necessary agency permits not already obtained, including but not limited to the RCOC, MDEQ, and WRC.
8. It is noted that the Planning Commission finds the 21' drive aisles, shown in the site plan, to be adequate and acceptable, in lieu of the required 25'.

AYES: Jones, Winkler, Schinzing, Haber, Parel, McKeever

NAYS: None

ABSENT: Hindo

MOTION CARRIED UNANIMOUSLY

ITEM I.2. DISCUSSION REGARDING LAND DIVISION REQUIREMENTS

David Campbell, Planning Director, gave a review.

Dave Campbell – There are a couple different rule books in play here; one is the State's Land Division Act, and the other is the Township's Land Division Ordinance. The Land Division Act was passed in 1967. Beginning in 1967, when you create a new piece of property in the State of Michigan, one of the requirements of that new piece of property is that it has to be no deeper than four times its width. The easy math is that if you have a piece of property that's 100' wide, it can't be any deeper than 400'. The State law does allow for local municipalities to allow a greater depth, but they have to allow it by Ordinance.

The Township's Land Division Ordinance is silent on the 4:1 ratio, which means the State's 4:1 ratio still applies. Now in Commerce Township we've got lots of lakes,

streams, wetlands and such, which because they're natural bodies of water, they meander every which way, but we've got road networks that are supposed to be built on a grid. Commerce Township's roads aren't always built on a grid, but they do resemble it in some places.

So, you've got pieces of property defined on one side by a grid road network, but on the other side by a meandering body of water. Therefore, we've got some uniquely shaped pieces of property. Every so often, we have property owners who want to split a piece of land, and their split otherwise makes sense – it's the proper width and size, and consistent with the development around it, but because of the unique shape of their lot, they can't get their split approved because it would exceed the 4:1 ratio, as shown in the graphic.

The State law allows municipalities to have an Ordinance that allows a greater depth to width ratio, and that's what I would like our Land Division Ordinance to allow. In the cases of exceptional natural features or topography, the Township's Building Department and Planning Department could allow a lot split that exceeds the 4:1 ratio, as long as it otherwise meets all the standards of the Zoning Ordinance, in terms of lot size, lot width and so forth.

Because this is the Land Division Ordinance that we're talking about, and not the Zoning Ordinance, amending it does not have to come to the Planning Commission. It's a general law Ordinance so it would be in the hands of the Township Board, but because this is an Ordinance that affects the way land is developed in Commerce Township, and because you as a Planning Commission usually steer the ship on those sort of decisions, I wanted to bring this to you for discussion.

If you feel that it is appropriate for our departments to have discretion on the splits, in instances of unique topography and natural features, then we can proceed to the Township Board with an amendment to the Land Division Ordinance and see what they determine at their level. You have two choices; you can either say, "This makes sense to us. Go ahead and take it to the Township Board," or you could say, "Draft up language that you propose to use and bring it back to us in January."

McKeever – Would there be any way that there could be a restriction on side yard variances on any piece of property that is allowed to split?

Dave Campbell – I don't know that we could legally split a piece of property conditional upon them never coming in and asking for a variance. It's a good question and something I would want to look into before I say for sure, but that doesn't sound like something that we could impose as a condition of a split.

McKeever – I know we've come up in the past with these little sliver lots that people want to create, and they need side yard variances just to build on them. That would be my concern, especially around the lakes where everybody wants to build on 90% of the lot.

Dave Campbell – It's something I want to look into, other than saying that all other aspects of the split would still have to meet the Zoning Ordinance in terms of lot size and lot width. By creating new pieces of property that are the right size, other than the 4:1 ratio, hopefully we'd be avoiding the need for a variance.

Jones – I'm in agreement with what you're proposing.

Haber – I think you should take this to the Board with Bill's concern. Obviously, they can do whatever they want to do, but if they want us to look at this again, we'd be more than happy to do that. I think we are all in agreement here that it makes sense to do this. It's housekeeping.

Jones – Maybe draft up the language of exactly what you want to see and present that to the Board.

Dave Campbell – That's exactly what I'll do, and it will be easy as the language already exists within the State law as it refers to exceptional topographic and natural features.

ITEM I.3. 2018 PLANNING COMMISSION MEETING SCHEDULE

MOTION by Schinzing, supported by Jones, that the Planning Commission approves the 2018 Planning Commission Meeting Schedule as presented.

AYES: Schinzing, Jones, McKeever, Parel, Haber, Winkler

NAYS: None

ABSENT: Hindo

MOTION CARRIED UNANIMOUSLY

ITEM I.4. ELECTION OF OFFICERS

MOTION by McKeever, supported by Jones, to elect Larry Haber as Chairperson of the Planning Commission, Russ Schinzing as Vice Chairperson of the Planning Commission, and Brian Winkler as Secretary of the Planning Commission.

AYES: McKeever, Jones, Winkler, Schinzing, Haber, Parel

NAYS: None

ABSENT: Hindo

MOTION CARRIED UNANIMOUSLY

ITEM I.5. PLANNING COMMISSION BYLAWS

Chairperson Haber – We'd like to move the election of officers and the meeting schedule to the November meeting.

Dave Campbell elaborated on the change to the bylaws, and the Commissioners agreed.

MOTION by Jones, seconded by Winkler, to approve the Charter Township of Commerce Planning Commission Bylaws, with the following amendments to move the election to the November meeting: *1.1 Election of Officers – At the first regular meeting each **November**, the Planning Commission shall elect from its membership a Chairperson, Vice-Chairperson and Secretary;* and in addition, the November meeting agenda will also include other annual housekeeping items, such as review and approval of the Planning Commission by-laws and the Meeting Schedule.

AYES: Jones, Winkler, McKeever, Parel, Haber, Schinzing

NAYS: None

ABSENT: Hindo

MOTION CARRIED UNANIMOUSLY

J: OTHER MATTERS TO COME BEFORE THE COMMISSION:

None.

K: PLANNING DIRECTOR'S REPORT

- **NEXT REGULAR MEETING DATE: JANUARY 8, 2018**
- We're working with Mr. Aikens team to develop a timeline for the project. He wants to have his PUD approved, by both the Planning Commission and the Township Board, by May 2018. May is the annual ICSC in Las Vegas, and he wants to go to the convention and tell prospective tenants that he has approval from Commerce Township. Conference calls are scheduled with the attorneys, and a follow-up meeting is scheduled for December 14th.
- At the January Planning Commission meeting, we expect to see Mr. Schulist with the 23-site condominium at Loon Lake and Benstein. The development road would connect to the stub road, Drakeshire, which is currently stubbed at the northern property line of the Foxcroft neighborhood.
- Also, Comfort Care will hopefully be coming back to the Commission in January.

Winkler discussed the progress and status of the Side Car Slider Bar with Dave Campbell. They are doing internal building work and will be applying for their redevelopment liquor license.

Jay James discussed his company, KER Engineering, taking over the Building Department. This was addressed several months ago by the Township Board and it has been approved in concept. The attorneys will work on drawing up the contract and if all goes well, it will be in place as of the first of the year. There will be no visible change; the employees will just be paid by KER Engineering instead of by the Township.

Dave Campbell expressed his appreciation of the Township Board for approving the Planning Department's budget. The budget in part included Paula returning to a Level 3 as of January 1st. Chairperson Haber thanked Dave Campbell for making that happen as it's the right thing to do.

L: ADJOURNMENT

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

MOTION CARRIED UNANIMOUSLY

Brian Winkler, Secretary