

**CHARTER TOWNSHIP OF COMMERCE
PLANNING COMMISSION MEETING**

Monday, March 6, 2017
2009 Township Drive
Commerce Township, Michigan 48390

CALL TO ORDER: Vice Chairperson Jones, called the meeting to order at 7:01pm.

ROLL CALL: Present: Tom Jones, Vice Chairperson
Brian Winkler, Secretary
Bill McKeever
Jay Czarnecki
John Hindo
Russ Schinzing
Absent: Larry Haber, Chairperson (excused)
Also Present: Dave Campbell, Planning Director
Jay James, Engineer/Building Official
Jason Mayer, Township Engineer

APPROVAL OF AGENDA

MOTION by Czarnecki, supported by Winkler, to approve the Planning Commission Regular Meeting Agenda of March 6, 2017, as presented.

MOTION CARRIED UNANIMOUSLY

APPROVAL OF MINUTES

MOTION by Czarnecki, supported by Schinzing, to approve the Planning Commission Regular Meeting Minutes of February 6, 2017, with one correction on Page 3, Jim Adams commentary, 2nd paragraph, 3rd line, to read as "... petitioner is also the *purchaser* of 9555 Commerce Road ...".

MOTION CARRIED UNANIMOUSLY

UPDATE OF ACTIVITIES

Brian Winkler – Downtown Development Authority

- I missed the last meeting, which was rescheduled to Tuesday, February 28th.
- Dave, could you provide an update?

Dave Campbell - There was an amendment to the Aikens purchase agreement for a one-year extension which was approved by the DDA Board. The developer needs more time to secure high-end retailers and restaurants. An average development could be put together now, but this will be unique and the current state of retail presents challenges, so additional time was requested.

They are also close to closing on Parcel F, with a medical office investment group. This will be a 2-story, 24,000 square foot outpatient surgery building. It will be a very quiet, clean and low-intensity use which should be a good fit on the property.

Bill McKeever – Zoning Board of Appeals

- Nothing to update.
- We had a couple requests come before us that were denied.

John Hindo – Township Board of Trustees

- We interviewed for the Maintenance Director position and hired Mark Schoder. Mark has been with us and was running the department for the last several months.

- We are interviewing for the Fire Chief. We received 31 applications, we interviewed 5 and we have narrowed it down to 2 candidates. This will be decided later this month.

Jay James – Building Department

- We have a new staff member, Lisa, in our Department. She is working out quite well.
- We are gearing up for the busy season.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

Dave Campbell - Mr. Chair, Island Club is not a public hearing. This might be the residents' best opportunity to be heard if they had comments on that agenda item.

Jones - I understand, but shouldn't we allow the petitioner to give a presentation before the public provides their comments?

Dave Campbell - It's up to you if you want the public comments as part of that agenda item. It's not a public hearing, so it's not necessarily a legal obligation to hear public comments at that time.

Jones asked the Commissioners for their input.

McKeever - I just as soon do it now.

Jones - Okay. The same rules apply as if this were a public hearing. We will listen to your comments and questions, but we won't necessarily provide answers this evening. You may speak for 2 minutes. Please don't repeat comments made by others.

Regina Fronczak-Roth, 4080 Lakepoint Lane, Commerce Township - I live on the peninsula that divides North and South Commerce. I'm here because I saw in the minutes that they are proposing 11 condominiums on that site, Island Club. I'm here to hear the comments about that because it is congested. That property is congested with homes already and I can't imagine putting 11 condos there.

Jones - Dave, can you answer that now? We actually approved this some years ago. This is not new to us.

Dave Campbell - Correct. That peninsula includes Island Club #1 and what's proposed tonight as Island Club #2. Island Club #1 was approved back in 1989 with an amendment in 1999, all of which is summarized in my letter in your packets. Island Club #2, which is the 11 units proposed, was approved by the Planning Commission in 2010, an extension in 2011, 2012, and then a final extension granted in 2013, with final condominium site plan coming from Township Board in 2013. This project is not new to you as a Planning Commission.

Jones - I think that's enough to answer her specific question.

Regina Fronczak-Roth - Wow, I needed to get involved and attend meetings sooner.
McKeever - They were posted the same as this one was.

Ray Golota, 1595 Vanstone, Commerce Township - I'm curious if it is going to be hooked up to the main septic field in there, or do the sewers have to be connected?

Jones - That will all be covered in the discussion.

Andrew Marougy, 1730 Sadie Shore Dr, Commerce Township - I live in Island Club. I have a few concerns. The area is low and it's got a floodplain. How will that be attended to? Will it be filled? You're talking about a large area with many home sites. How will that be compensated?

Also, in terms of a bigger issue, the main center area has standing water. There's no storm water drainage anywhere. How will that be guided? Will it be discharged into the lake? Will they need permits for that?

Jones - All good questions. The issues that you spoke about will be addressed during site plan review; the engineering and all of those questions have been considered and you will hear about most of it during the presentation.

ITEM 1: PSP17-0001 – ISLAND CLUB #2

Jeff Trauben of The QMI Group of Commerce MI is requesting site plan approval for an 11 unit site condominium project located east off of Benstein Road.

Sidwell No.: 17-16-476-032

Dave Campbell, Planning Director, gave a review of the proposal for Island Club #2, aka Island Club Phase III, and he elaborated further on the history for the project in add to the above statements under public commentary.

Jones - That pump station will be engineered to handle the entire addition, plus the current residents?

Dave Campbell - The Township Engineer is here to confirm, but yes it will be sized to take on the not just the 11 proposed units within Island Club #2, but also the 28 units within Island Club #1.

Jason Mayer - That's correct.

Dave Campbell - That's part of the approved sewer permit with the State right now, that expires in July of this year. This is a new site condominium. It is not an amendment to the existing Island Club #1 site condominium. This would be a separate site condominium with its own master deed and by-laws. The draft master deed and by-laws were submitted by the former developer and reviewed by the Township Attorney. They submitted a letter in 2012 finding that the master deed at that time was legally acceptable and could be recorded.

Dave Campbell continued his review, including conditions outlined in the review letter for "anti-monotony" requirements in Section 27.03 of the Zoning Ordinance, and requiring an updated master deed including language that *any deck over 30" in height has to be included within the approved building envelope for every condominium unit.* That language was never included in the original draft master deed. Lastly, the Fire Marshal requires that the 11 units in Island Club #2 include residential sprinkler systems as the development only has one point of access off of Benstein. The IFC states that if a development has 30 homes or more and only one point of access, those homes must have their own residential fire suppression system.

Jones - Units 1-28 are grandfathered in?

Dave Campbell - Well, 1-28 was less than 30 so it was not subject. The fire code requirement for residential fire suppression only applies to 30 units or more.

Jason Mayer - I have nothing more to add to Dave's summary. I'll be happy to answer any engineering questions. They did design the sanitary sewer and the pump station to handle the existing lots as Dave mentioned. The drainage would be addressed on the final construction plans. The floodplain would go through the Building Department and also to DEQ before they would be allowed to build any homes on there. That would be something that Jay James would review.

Jones - Between you and Jay, you don't see any issues or water problems that can't be overcome.

Jason Mayer - No. We reviewed this plan a few years ago. If there is a specific drainage issue, I'd like to know about that so it can be addressed on the engineering plans. The middle section was mentioned. Those areas are going to be filled and the developer will take care of any drainage issues.

Jay James - I would like to add something that the members of the current subdivision would probably like to know. I met with their association in 2010 when this originally came up. There was concern over sanitary sewers, and whether the existing residents would have to connect. I want existing residents to understand that when your community field fails, you will be required to connect into the sanitary sewer system. That will require that each resident out there pay their connection fee to the Township, and then each of you would have to have the septic field on your property abandoned per the Health Department standards. That will affect them financially when that time comes.

Jones - Their septic tanks will have to be removed?

Jay James - It has to be abandoned; it doesn't necessarily have to be removed. It can be crushed and left in place, and the sewer pipe connected. That doesn't happen until their community system field fails.

In reference to the question on the floodplain, like every other house out there, each individual site will be looked at for floodplain. If they desire to fill floodplain in order to

construct their house, they would have to compensate on their site to replace that floodplain. If they wish to just fill the floodplain, that also goes through us and through the DEQ. Like every other site out there, I will make sure that the houses are not built up to make them stick up out of the ground.

Jones - I read somewhere in a drawing that there are no basements. Sheet 2, General Notes, #3 states *Basements will not be allowed.*

Jay James - Most of the buildings out there have Michigan crawlspaces. It's not classified as a basement. They can't have basements because of the water table.

Jeff Trauben, The QMI Group, 2000 E. Oakley Park, Ste 203, Walled Lake, MI, was present to address the request.

Jeff Trauben - I have this under contract to explore the possibility of developing the property. We'd like to seek approval so that we can move forward and crunch the numbers. We would honor and follow everything that the engineers have recommended. We just learned about the fire suppression today. We didn't know about that; it sort of slipped, so I'm not sure of the cost of that. This is our first step in getting approval so that we can move forward.

Jones - I'm surprised, it's right here on your drawings. Sheet 2, General Notes, #5 states *All dwelling units shall be protected by approved residential sprinkler systems.*

Jeff Trauben - It's on there but it slipped by me. My builder here, Bruce, knew that. If we find that it's too expensive to develop this, and we cannot, what happens when their lots fail and there is no pump station if we haven't put one in? What do they have to do then and who pays for it?

Jay James - They would be required to make that connection. The residents of Island Club #1, (Phases I and II), they would have to install a pump station and make the connection.

Jeff Trauben - Their pump station that they're required to build, would that have to allow for our lots to be tied in?

Jay James - Yes, it would be sized for that development. We would not let a pump station go in there that would not service the entire development.

Commission Comments:

McKeever - I'm fine with everything stated. I didn't have any questions. Any approval that I would be in favor of would include the conditions as spelled out in Dave's report.

Hindo, Czarnecki and Schinzing had no questions or comments.

Jones - Brian, anything on the architectural standards? You do understand the idea of the anti-monotony standards?

Winkler - As Dave mentioned, this will fall under the residential design standards of Section 27.03. The existing 28 homes appear to be all custom homes, so it seems that monotony was already avoided previously.

Jones discussed enforcement of the design standards. Jay James enforces the standards, and Dave Campbell added that the language of the Ordinance is easy to follow in this regard. This required language will need to be in the updated master deed.

Jones - Have you furnished these gentlemen with those standards?

Dave Campbell - I don't know that we ever provided them with a copy. There is some language in their current master deed as it's written that speaks to building materials and having unique looks to the structures. It is a requirement of any condominium development of 10 units or more that the language be inserted into the master deed.

Jeff Trauben - We want to keep it homogenous. We like the way it looks right now and we want to keep it the same way.

(Resident with hand up to speak)

Jones - Ma'am, we are in the middle of our discussions. I don't have anything either. You've answered all of my questions. At this point in time, I'll allow your question, but we are ready to take a vote.

Linda Kassab, 3330 Circle Dr, Commerce Township - I'm at Lot #1. My main concern is that they have separate by-laws. We share the same gate. We pay for all repairs. I don't know how the Phase III is going to integrate with our Phase I and II. They're using our gate, our same roads, they've got to break the road to bring in sewers; the responsibility and the cost of repairs. I don't know how that incorporates in our homeowners association.

Dave Campbell - The Township Attorney has reviewed the proposed master deed for Island Club #2 and the current master deed for Island Club #1. Both master deeds had language that includes all of the obligations, rights and responsibilities for the private roads within this development. He drafted a letter on that topic back in 2012 that I have a copy of, which I just received today. I defer to the Attorney who has already evaluated this issue and determined that it's already spelled out in each of the master deeds.

Linda Kassab - Is there any way that we can get a copy of the master deed for #2?

Dave Campbell - Sure. It would be a public document, a recorded document. Help me to remember by getting back to me, but yes, we will give you a copy of it.

Linda Kassab - That's all spelled out in the master deed, the obligations?

Dave Campbell - That's my understanding after my conversation today with the Township Attorney, whose job it is to thoroughly vet master deeds as they come before the Planning Commission and the Township Board.

Linda Kassab - Thank you.

Jones noted that the Planning Commission approves or denies site plans. Dave Campbell noted that with condominium site plans, it is a recommendation to the Township Board, and the Board has final authority to approve or deny.

MOTION by Czarnecki, supported by Schinzing, to recommend approval with conditions, to the Commerce Township Board of Trustees, of Item PSP17-0001, Island Club #2, the request by Jeff Trauben of The QMI Group of Commerce MI for site plan approval for an 11 unit site condominium project located east off of Benstein Road. Sidwell No.: 17-16-476-032

Move to recommend the Commerce Township Board approve the condominium site plan for Island Club #2, PSP17-0001, by the request of Jeff Trauben of The QMI Group. The recommendation of approval is based upon a finding by the Planning Commission that the information presented demonstrates that the proposal meets the applicable standards and requirements of the Commerce Township Zoning Ordinance for a single-family site condominium.

Recommendation of approval is conditional upon the following items:

1. Review and approval of an updated condominium master deed by the Township Attorney and Township Engineer.
2. Inclusion in an updated master deed of the residential design standards of Section 27.03 of the Township's Zoning Ordinance.
3. Inclusion in an updated master deed of a prohibition of decks over 30" in height outside of the approved building envelope for each condominium unit.
4. The eleven units within Island Club #2 to have residential sprinklers consistent with the requirements of the Fire Marshal and the International Fire Code.

AYES: Czarnecki, Schinzing, McKeever, Hindo, Jones, Winkler

NAYS: None

ABSENT: Haber

MOTION CARRIED UNANIMOUSLY

ITEM 2: OTHER MATTERS TO COME BEFORE THE COMMISSION:

Jones discussed the impressive quality of the development at Shearwater by Shapiro. Dave Campbell noted that Barrington by Shapiro is expected to be even higher quality. Discussion continued regarding entrances, setbacks and zoning at the Barrington site.

ITEM 3: PLANNING DIRECTOR'S REPORT

Dave Campbell stated that in December 2015, the Planning Commission approved Kroger for their Special Land Use for an outdoor sales display area. This was granted on a probationary period of 18 months. Dave asked if Kroger needed to come back before the Commissioner's for a permanent final Special Land Use approval, or if this was to be administratively approved. Jay James noted there have not been any complaints. McKeever felt that the Commission had wanted to see Kroger return to have input and comments on the record, and Schinzing agreed with that recollection.

Dave would contact them to arrange a meeting for them to attend. Their current Special Land Use expires in July, so there is plenty of time.

ITEM 4: NEXT REGULAR MEETING DATE: APRIL 17, 2017 (Rescheduled from April 10th)

Dave Campbell noted that the April meeting was rescheduled to April 17th at Chairperson Haber's request, as April 10th conflicted with Passover. Changes to meeting dates go through the Chairperson. This initiated extensive conversation between the Commissioner's regarding the April meeting, why April 3rd was not the date, which conflicted with Spring Break for local schools, and now April 10th conflicts with Passover. Several Commissioners would be unable to attend the April 17th meeting, so the possibility of April 24th was discussed. However, that would only be one week prior to the May meeting.

Dave Campbell discussed upcoming agenda items, including Clark Gas Station's site plan, which may or may not be ready to go before the Commissioner's in April. The Commissioners wanted to be in attendance for Clark and other upcoming agenda items. The discussions concluded with Dave stating that he would address the meeting dates further with Chairperson Haber and get back to the Commissioners via email to let them know if it would be rescheduled to April 24th, kept on April 17th, or possibly skipped altogether with all agenda items moved to the May meeting.

ITEM 5: ADJOURNMENT

MOTION by Czarnecki, supported by Schinzing, to adjourn the meeting at 8:04pm.

MOTION CARRIED UNANIMOUSLY

Brian Winkler, Secretary