

CHARTER TOWNSHIP OF COMMERCE
****SPECIAL** PLANNING COMMISSION MEETING**

Monday, February 9, 2015
2009 Township Drive
Commerce Township, Michigan 48390

CALL TO ORDER: Vice Chairperson Jones called the meeting to order at 7:00pm.

ROLL CALL: Present: Tom Jones, Vice Chairperson
Brian Winkler, Secretary
Bill McKeever
Jay Czarnecki
David Law
John Hindo
Absent: Larry Haber, Chairperson (excused)
Also Present: Jay James, Engineer/Building Inspector
Hans Rentrop, Township Attorney
Jason Mayer, Engineer, Giffels Webster

APPROVAL OF MINUTES

Vice Chairperson Jones proposed that the January 5, 2015 minutes be considered for approval, although they were not on the agenda. They were on last week's agenda for February 2nd; however, that Planning Commission meeting was canceled due to inclement weather. There were no objections from the Commissioners.

MOTION by Winkler, supported by Jones, to approve the Planning Commission Meeting Minutes of January 5, 2015, as written.

MOTION CARRIED UNANIMOUSLY

UPDATE OF ACTIVITIES

Bill McKeever – Zoning Board of Appeals

- Nothing to report.

David Law – Township Board of Trustees

- The Board selected Dodge Park as the location for the new Library. The architects have started their renderings and this should be moving forward in that direction.
- After three or four rounds of interviews, the new Treasurer has been appointed, Molly Phillips. She has a CPA background. Please welcome her.

Brian Winkler – Downtown Development Authority

- Our January meeting was routine.
- The PUD amendment was on our agenda.
- Kathleen Jackson continues to work with the major property owners on the standards for wayfinding and signage within Commerce Towne Place.
- The irrigation system is being addressed.

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Jay James – Building Department & Community Development

- Terry Carroll, Community Development Director, has left the Township to take a position at the City of Detroit working on their community block grant program.
- The Township Board will discuss restructuring of the Department at their meeting tomorrow and they have a few different options to consider.
- The Department is staying quite busy. Over the next couple of months, several subdivisions will be brought before the Commission and it should be a very busy summer.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

Haggerty Road Construction & Closure

Jason Mayer, Giffels Webster, stated that he had attended the Haggerty Road Preconstruction meeting this past week and he provided a summary of the approximate dates of construction:

- February 9th (Next week) – Buckeye Pipeline will start relocating their line along the west side of Haggerty Road, there will be intermittent lane closures and Oakley Park Road will be completely closed at the Haggerty Road intersection at some point during the construction.
- March 16th or sooner – Tree Removal starts.
- May 1st – Start construction, Haggerty Road will be closed .
- September 11th – Anticipated end of Haggerty Road Construction, road opened.
- September 21st – Richardson Road closed for approximately 3 weeks
- October 2nd – All roads opened and restoration will be ongoing after this date.
- The detour route is Martin Parkway during the closures.

Jason had emailed this information to the Commission. He had also attached contact information for the RCOC inspector who will be on site at all times during construction. Any complaints should be directed to the inspector.

David Smith, 8615 Richardson Road, asked if this would be a complete road closure as of May 1st. Jason confirmed, it will be completely closed.

ITEM I: PZ-15-001 PUBLIC HEARING TO RECEIVE COMMENTS ON AMENDMENTS TO THE ZONING ORDINANCE

Township Administration is suggesting the following changes to the Zoning Ordinance: Article 2 – Definitions, Article 5 – Land Use Table, Section 5.02, Article 23 – Industrial District, Section 23.01; Article 26 – Use Standards, Section 26.400 and Section 26.500; Article 28 – Parking, Loading, And Access Management, Sections 28.03 and 28.05; and Article 32 – Special Development Provisions, Section 32.02.

Hans Rentrop, Township Attorney, gave a review.

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Hans Rentrop - Kathleen Jackson and I spoke numerous times and we've prepared several text amendments. The first is for dog kennels and that is just a minor clarification change in the ordinance.

The second amendment is the wetland setback. We've discovered over time that developers got site plan approval for sizable developments, and then the economic downturn hit which ceased their progress. They are now back and are faced with the new ordinance that was adopted in 2010 which requires a wetland setback. The developers have repeatedly gone to the Zoning Board of Appeals. It's recommended that the wetland setback include a provision to allow those plans that were approved before the ordinance was enacted to continue without compliance with the wetland setback; however, any new development would of course have to comply.

The last amendment is for the Medical Marihuana Zoning Ordinance addition. This is a new provision to the Zoning Ordinance. The Township Board discussed this at their last meeting. In terms of the Zoning Ordinance, to regulate their location. Specifically, there will be a separation requirement between the establishments and the residential districts. They may not be allowed to continue as a nonconforming use unless the prior use is a Medical Marihuana grow facility. Each use should be capped at 72 plants. The number 72 is critical. Under the Medical Marihuana Act, each person can grow 12 plants for themselves. If the person is a registered caregiver, they can also grow plants for up to 5 other people, or an additional 60 plants. Therefore, 72 is the most plants that any one person can have access to at any one time. The amendment also includes a provision requiring security systems to monitor for theft reasons, and inspections of the buildings are proposed to ensure compliance with the requirements of the Zoning Ordinance.

I should point out that the Medical Marihuana Act is a piece of legislation that is going through continuing development and evolution.

Commission Comments:

Jones - Should we vote on the three amendments together, or should there be three separate motions?

Hans Rentrop - I would recommend three separate motions.

Jay James - I would also like to add that Larry Haber submitted his comment regarding monitoring and inspections of the facilities. He recommended that the inspections be performed unannounced. The problem with that is these facilities are under lock and key and we do have to call ahead to gain access. We can call them in the morning and let them know that we will be there that day, but it would be short notice.

Jones - Okay, so language can be added that inspections will be conducted with as little forewarning as possible?

Hans Rentrop - The Medical Marihuana Act requires that the operation be in a closed and locked facility that can be accessed only by the registered person. Therefore, it is not possible for the Township to have a second key. However, there is no provision in

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the Act that specifies a time notice requirement for the purpose of inspection, so nothing really needs to be added.

MOTION by McKeever, supported by Law, that the Planning Commission recommends approval of Item I, to the Commerce Township Board of Trustees, the proposed text amendment to Article 2 – Definitions, Article 5 – Land Use Table, Section 5.02; Article 23 – Industrial District, Section 23.01; and, Article 26 – Use Standards, Section 26.400 and Section 26.500, to add regulations for Medical Marihuana Cultivation Facility and Dispensary Regulations as presented. **MOTION CARRIED UNANIMOUSLY**

MOTION by Jones, supported by Winkler, that the Planning Commission recommends approval of Item I, to the Commerce Township Board of Trustees, the proposed text amendment to Article 32 – Special Development Provisions, Section 32.02 to add language that excludes the requirement for the 25' setback from a wetland for properties that received site plan approval from the Township prior to adoption of the Zoning Ordinance 3.000 (June, 2010). **MOTION CARRIED UNANIMOUSLY**

MOTION by Law, supported by McKeever, that the Planning Commission recommends approval of Item I, to the Commerce Township Board of Trustees, the proposed text amendment to Article 5 – Land Use Table, Section 5.02 to correct language in the Zoning Ordinance with regard to "commercial dog kennels" and "kennel commercial". The table needs to be amended to remove the reference to "Kennel, commercial" as a permitted use.

MOTION CARRIED UNANIMOUSLY

ITEM II: PSP15-0002 – MAPLE PARK PLAZA

Ronnie Semma of West Bloomfield MI is requesting an amendment to the existing Shared Parking Agreement for the Maple Park Plaza located on the north west corner of Maple and Welch Roads. Sidwell No.: 17-26-476-010

Hans Rentrop gave a review. This is basically a request to change the original agreement to allow for the Planning Consultant to determine if changes in occupancy are necessary to bring back before the Commission to consider parking requirements. If the use is similar, the change would not be brought in for review.

David Smith, 8615 Richardson Road, Commerce Township, MI, was present to address questions regarding the request.

Commission Comments:

Jones - I was under the impression that it could go from a coffee shop to a donut shop.

Hans Rentrop - I suppose that's true. If it is a very similar use, it would not be brought back.

Jones - If the parking does not change.

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Hans Rentrop - Correct. You couldn't go from a coffee shop to a Staples or something. The idea is to provide a line of discretion for the Planning Director and if a change of use has no increase in the parking requirements, it would not be brought back before the Commission.

Law - How was this handled prior to the Community Development Director position?

Hans Rentrop - Before that, the Township had a full-time Building Department Director and a full-time Planning Department Director; however, they are contract positions.

Jones - Does it have to be a Township employee?

Hans Rentrop - Correct, it cannot be a consultant.

Jones - So it would be a designated Commerce Township appointee.

Hans Rentrop - Yes.

David Smith - We have been in the process of expanding, and Bigby Coffee is going in where there was a coffee shop before.

Jones - So the parking requirements won't change?

Hindo - So this will be up to the Planning Consultant, Kathleen Jackson, or the person appointed by the Township Board.

Hans Rentrop - It would be up to the Community Development Director which still exists currently, and then it would go to the successor accordingly.

Jones - You will make the corrections throughout the document where these references occur?

Hans Rentrop - Yes, I will take care of it.

David Smith - This will work for us if it can be done administratively. If that person feels that it is in conflict with the Zoning Ordinance or the parking requirements, then we would be happy to come back before the Planning Commission as necessary.

MOTION by Law, supported by Czarnecki, that the Planning Commission approves Item II, PSP15-0002, Maple Park Plaza, the request by Ronnie Semma of West Bloomfield MI for an amendment to the existing Shared Parking Agreement for the Maple Park Plaza located on the north west corner of Maple and Welch Roads, with the additional phrasing as discussed herein with the Township Attorney, and with the changes being made as stated to references of the designated Community Development Director/ Township Appointee who will administratively review changes in occupancy and

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determine whether or not it is necessary to bring the request back before the Planning Commission. Sidwell No.: 17-26-476-010

ITEM III: PSP15-0007 - WATER STORAGE FACILITY

The Township Administration is requesting site plan approval to allow the construction of a 2 MG Water Storage Tank on 3.53 acres located on the south side of East Commerce Road, west of South Commerce Road. Sidwell No.: 17-09-200-027

Jason Mayer, Township Engineer and Project Manager for the Water Storage Facility, gave a review of the project.

Mark Hansen, Landscape Architecture, gave a review of the landscape plan, including evergreen trees and shrubs that would highlight the fence and dark brick of the building. The pond area itself is natural and is similar to Martin Parkway.

Jason concluded with a summary of the timeline. They are currently working on permit submittals with the DWSD and the Water Resources Commission, and the request will eventually go to the State. If approval is received, construction is expected to begin on the site in Spring of 2015.

Commission Comments:

Winkler - The facility would have been a lot more obtrusive by itself, but it is suitable on the Fire Station site and has been scaled down quite a bit.

On the overall site plan, it shows the site along Commerce Road. Does the Township now own the surrounding property around that site?

Jason Mayer - The hospital owns it. The Fire Station is a sliver out of that property and the Township acquired an extra 90' on the south side. It's 350' wide by 90'.

Winkler - I have no objections.

Law - I've been okay with this all along.

McKeever - I'm fine.

Hindo - Fine.

Czarnecki - This is a great alternative.

Winkler - What material is the roof?

Jason Mayer - It is precast concrete. It's a little lower profile, but it's thicker.

Hindo - It looks good.

MOTION by Czarnecki, supported by Winkler, that the Planning Commission approves Item III, PSP15-0007, Water Storage Facility, the request by the Commerce Township

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Administration for site plan approval to allow the construction of a 2 MG Water Storage Tank on 3.53 acres located on the south side of East Commerce Road, west of South Commerce Road. Sidwell No.: 17-09-200-027. **MOTION CARRIED UNANIMOUSLY**

ITEM IV: THE COMMERCE TOWNSHIP 2014 MASTER PLAN UPDATE

In accordance with the State of Michigan Planning Enabling Act, the Planning Commission is amending the Township's Master Plan which was updated last in 2006.

Jay James explained that this was originally presented by Amy from McKenna. Kathleen Jackson had also spoken with Bill McKeever regarding the update.

McKeever - Yes, and basically this is just the changes from the last meeting. They are looking for us to recommend approval for distribution to the Township Board.

Jay James - Yes, it will be distributed to the appropriate agencies as required by State statute.

A resident, Dan Booth, approached Jay James and discussed the Master Plan Update.

MOTION by McKeever, supported by Hindo, that the Planning Commission recommends for distribution, to the Commerce Township Board of Trustees, Item IV, The Commerce Township 2014 Master Plan Update, in accordance with the State of Michigan Planning Enabling Act, the Planning Commission is amending the Township's Master Plan which was updated last in 2006.

MOTION CARRIED UNANIMOUSLY

OTHER MATTERS TO COME BEFORE THE COMMISSION

None

The next regularly scheduled Planning Commission meeting will be Monday, March 2, 2015 at 7:00pm.

ADJOURNMENT

MOTION by Law, supported by Czarnecki, to adjourn the meeting at 7:44pm.

MOTION CARRIED UNANIMOUSLY



Brian Winkler, Secretary