

**CHARTER TOWNSHIP OF COMMERCE
PLANNING COMMISSION MEETING**

Monday, May 4, 2015
2009 Township Drive
Commerce Township, Michigan 48390

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

ROLL CALL: Present: Larry Haber, Chairperson
Tom Jones, Vice Chairperson
Brian Winkler, Secretary
Bill McKeever
Jay Czarnecki
John Hindo
Also Present: Kathleen Jackson, Planning Consultant

INTRODUCTION

Before proceeding to the agenda items, Chairperson Haber addressed the members of the public present and informed them that Kroger had postponed their request and therefore their items would not be reviewed this evening.

In addition, Chairperson Haber addressed Kathleen Jackson and discussed her recent resignation from her position as Planning Director, effective May 22, 2015. This would be her last Planning Commission meeting. He thanked her for her many years of service.

APPROVAL OF MINUTES

MOTION by Jones, supported by Czarnecki, to approve the Planning Commission Regular Meeting Minutes of April 13, 2015, as written.

MOTION CARRIED UNANIMOUSLY

MOTION by Jones, supported by Czarnecki, to approve the Planning Commission Special Meeting Minutes of April 20, 2015, as written.

MOTION CARRIED UNANIMOUSLY

UPDATE OF ACTIVITIES

Bill McKeever – Zoning Board of Appeals

- We have not met.

John Hindo – Township Board of Trustees

- Nothing to report at this time.

Brian Winkler – Downtown Development Authority

- We held a special meeting this morning. Regrettably, we accepted Kathleen Jackson's resignation from the DDA Director position.
- We also made a recommendation to appoint Mark Stacey who has been on the DDA Board for number of years as Chair of the Finance Committee. He accepted our nomination and that will go before the Township Board next week for final approval.

Haber - Kathleen, we wish you well. Is there anything you wanted to tell us before we move on?

Kathleen Jackson – Thank you. I am very grateful, for all of your assistance over the last 17 years.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

Arkan Jonna, AF Jonna Commercial Property Development, 4036 Telegraph Road, Bloomfield Hills - I developed the center at Union Lake and Commerce 29 years ago. I've always thought of Commerce as being a home as far as developments are concerned. The reason why I consider it a home is because of people like Kathleen. I could always call her and get a straight, direct, professional answer. It is truly a pleasure to be able to say this is my home. Thank you.

Chairperson Haber thanked Mr. Jonna for his comments.

ITEM 1: PZ15-0003 DOGTOPIA OF COMMERCE – TEXT AMENDMENT – PUBLIC HEARING

Dogtopia of Clarkston MI is requesting an amendment to the Commerce Township Zoning Ordinance No. 3.000, Articles 2, 14 & 15 to define and permit Dog Daycare Centers.

Kathleen Jackson, Planning Director, gave a review.

Mark Wayne, Wayne Companies, Owner of the Dogtopia Franchise, 8863 Hunters Creek, Clarkston, MI, was present along with Attorney John Staran of HSC Law, 2055 Orchard Lake Road Sylvan Lake, MI, to address the request.

Mark Wayne gave a review. Currently, the Commerce Township Zoning Ordinance does not fully describe what Dogtopia does. In short, this will be a 6,000 to 7,000 square foot enclosed facility that includes a dog spa and grooming facilities. There is also an outdoor area where dogs are taken for 15 minutes per hour. A dog handler is always present and if barking becomes an issue at any time, it is quickly suppressed and the dogs are brought back inside.

Mr. Wayne further discussed the business model, pet services, and the unique use in this particular plaza and parking area which will accommodate the valet service well and ease any traffic concerns.

Chairperson Haber discussed the location of the plaza with Mr. Wayne, which is located at the southwest corner of Commerce and Union Lake Roads, located to the left of the Ace Hardware store.

Chairperson Haber opened the public hearing

No comments.

Chairperson Haber closed the public hearing.

Commission Comments:

McKeever – Where it says "any outdoor play area shall be setback...", on #6, that leads me to believe that it's optional. If it will be a requirement, would there also be a requirement for the size, such as the number of dogs per square footage of play area?

Kathleen Jackson - We could clarify that. On Letter H., it states, "dog daycare centers, including retail sales of dog care products, grooming, overnight boarding and outdoor play area...", then before that it states, "...which commonly have outdoor runs and are primarily operated for purposes of sheltering..." That could be left to interpretation. I would think for this particular type of use, we would want to require it to differentiate this from the indoor pet services establishments. Maybe it could be clarified to state that "outdoor play areas are an inclusive part of this use".

McKeever - That would be my recommendation and we should also come up with a square footage, a minimum size based upon the number of dogs.

Attorney John Staran addressed the Commissioners and explained that their business model always includes an outdoor play area. McKeever explained that this language is also a text amendment to the Ordinance that will be applied to the masses, so it would need to include the requirements. Mr. Staran added that if this request moves forward through site plan and Special Land Use, the dimensions would be included in the specifications.

Open discussions ensued regarding the size and potential requirements of the outdoor play area. Kathleen Jackson suggested that the size of the outdoor play area include 70 square feet per dog. Mr. Wayne explained that the dogs are rotated and no more than 20 dogs would be outside at any given time. The Commissioners and petitioners were comfortable with the requirement at 70 square feet per dog, indoor and outdoor, and Chairperson Haber suggested that this could also be flexible at the discretion of the Planning Commission. The required 7' high masonry wall was also discussed, and McKeever inquired about #2 which eliminates the possibility of any other fenced-in individual dog runs.

Kathleen Jackson - This particular shopping center has gratuitous parking and any space used for the outdoor run would not prevent other tenants from occupying space in the center. In addition, the Planning Commission will have discretion on decisions like these in the future as it is a Special Land Use.

Discussion continued regarding the open space, indoor and outdoor square footages, and other items that occupy the floor space on the interior. Again, the requirements would be discretionary by the Planning Commission under the Special Land Use. Jones inquired about the limitation of 7 days for boarding. Kathleen Jackson explained the intent was to ensure that this would not mimic a dog kennel where boarding is handled for extended periods of time as that is not suitable for this district.

Winkler - I'm okay with the proposal and the changes as discussed.

Chairperson Haber discussed the 7' masonry fencing with Kathleen Jackson at length. Optional materials were addressed, however masonry would be preferred for its durability, appearance and noise containment. In addition, the Commissioners agreed that the masonry would need to be complementary to the exterior of the existing building.

MOTION by Jones, supported by Winkler, to recommend approval, **with conditions**, to the Commerce Township Board of Trustees, of item PZ15-0003, Dogtopia of Commerce - Text Amendment, the request by Dogtopia of Clarkston MI for an amendment to the Commerce Township Zoning Ordinance No. 3.000, Articles 2, 14 & 15 to define and permit Dog Daycare Centers.

Approval is recommended subject to the Planner's report dated May 2, 2015, and is subject to the conditions of the Zoning Ordinance Amendment as presented, and the edits that were made accordingly to the Text Amendment per the discussions herein to Section 14.02, Paragraph H, Item 3. And Item 7. as follows:

- 3. *The number of dogs cared for at any one time shall not exceed one (1) dog per seventy (70) square feet of floor area, **indoor or outdoor enclosed area, which is subject to discretionary review by the Planning Commission.***
- 7. *The outdoor play area for the dogs shall be surrounded with a masonry wall, **complementary to the exterior of the building**, at least seven (7) feet high, which shall be kept properly maintained and colored to blend with the surrounding structures and principal buildings.*

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, and/or will meet the requirements and standards of the Commerce Township Zoning Ordinance, upon approval of the amendment by the Commerce Township Board of Trustees.

MOTION CARRIED UNANIMOUSLY

ITEM 2: PSU14-003 – THE KROGER CO. – SPECIAL LAND USE – PUBLIC HEARING (Postponed at the request of the petitioner)

The Kroger Co. of Novi MI is requesting a Special Land Use to allow a drive thru pharmacy and a fuel center located west off of Haggerty Road, just north of 14 Mile Road. Sidwell No.: 17-36-400-014

ITEM 3: PSP14-0045 – THE KROGER CO. (Postponed at the request of the petitioner)

The Kroger Co. of Novi MI is requesting site plan approval to construct a new grocery store with related uses located west off of Haggerty Road, just north of 14 Mile Road. Sidwell No.: 17-36-400-014

OTHER MATTERS TO COME BEFORE THE COMMISSION

Kathleen Jackson held a preliminary discussion regarding outdoor storage in the DDA area. There is consideration of providing some kind of text amendment to allow for limited outdoor storage in the DDA for industrial users, if it is screened properly and

subject to other caveats, at the discretion of the Planning Commission. This will be reviewed by the Planners and Attorneys to see if there is potential to provide this type of flexibility, and then it would be brought back before the Planning Commission. Chairperson Haber stated that he would prefer to see the Ordinance remain as it is currently.

The next regularly scheduled Planning Commission meeting will be Monday, June 8, 2015 at 7:00pm.

ADJOURNMENT

MOTION by Jones, supported by Czarnecki, to adjourn the meeting at 7:35pm.

MOTION CARRIED UNANIMOUSLY



Brian Winkler, Secretary