

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

Monday, June 23, 2014
2009 Township Drive
Commerce Township, Michigan 48390

CALL TO ORDER: Tom Jones, Vice Chairperson 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: Terry Carroll, Community Development Director
Jay James, Engineer/Building Inspector
Kathleen Jackson, Planning & DDA Director
Jason Mayer, Engineer, Giffels Webster
Matt Schwanitz, Engineer, Giffels Webster

APPROVAL OF MINUTES

MOTION by Czarnecki, supported by Law, to approve the Planning Commission Meeting Minutes of June 2, 2014, with one correction noted by Winkler on Page 6 of 13, change the 3rd paragraph under Item II to read as follows: *Jason Mayer added that the applicant had worked with Mark Hanson and all of the **landscaping issues had been addressed.***

MOTION CARRIED UNANIMOUSLY

UPDATE OF ACTIVITIES

Brian Winkler – Downtown Development Authority

- At the DDA Meeting last Tuesday, we received an update of activities from Randy Thomas and we discussed the two items on the agenda today.
- There was also some discussion about the letter of credit which is still in progress.

David Law – Township Board of Trustees

- We are moving ahead with the new potential Library.
- We are bringing in a consultant to assist with the layout and planning of the new building and looking at potential locations. There are no firm decisions yet.

Bill McKeever – Zoning Board of Appeals

- Nothing to report.

Terry Carroll - Community Development

- We are in the process of hiring for a clerical position and we are talking to the Township Board about what that slot may look like. We will be preparing some data which we can share with you afterwards.
- Permits are being applied for and issued and the department is busy.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

ITEM I: PU12-24-01 PUBLIC HEARING TO RECEIVE COMMENTS ON THE COMMERCE TOWNE PLACE PLANNED UNIT DEVELOPMENT AMENDMENT

The Downtown Development Authority of the Charter Township of Commerce is proposing an amendment to the Commerce Towne Place Planned Unit Development Approved by the Township Board on January 8, 2013.

Sidwell Nos.: 17-24-176-005; 17-24-200-049; 17-24-200-050; 17-24-300-069; 17-24-300-070; 17-24-300-071; 17-24-401-039; 17-24-401-053; 17-24-401-054; 17-24-401-055; 17-24-401-056; 17-25-126-126; part of 17-24-176-004.

Terry Carroll explained that this is a rather complex issue and there is a need to address some of the details. Recommendations to the Township Board are needed that deal with the PUD and also with the Master Deed for the DDA. The PUD is for condominium. He turned over the matter to Matt Schwanitz, of Giffels Webster Engineers, who has been intricately involved in these matters from the start.

He asked that the Commission hear Matt's review, then open the public hearing to receive comments, and finally consider a recommendation to the Board on only the Wyncliff parcel and its pathways because many issues that Matt will go through are still being discussed internally.

Matt Schwanitz gave a review and delivered a presentation. He explained that several weeks ago, the Commission had approved this phase of the Wyncliff project which prompted several actions for the DDA. He was present on behalf of the DDA to address these actions. There are three main items that are necessary for the DDA to proceed with closing and to create the proper land division for the PUD amendment.

First, there is the transaction agreement between the Township and the DDA to swap land which provides emergency access through the Town Hall parcel for Hunter Pasteur Homes. This transaction changes the overall boundary of the DDA property. The second item is part of the PUD and Master Deed. The original documents have this area wrapped into the Township Hall property and this will address the land division as a separate parcel. The third item is driven by the Hunter Pasteur Homes plan itself and the changes in their pathways that were depicted on both the Master Deed and PUD. In their site plan for Wyncliff, they took the process a step further in asking for a change in the pathways.

The DDA has a proposal for a new alignment of the pathways. This third item also includes the overall plan for the DDA pathway systems which is still being discussed, such as whether they will be paved and if not, what types of materials will be used. This should soon be resolved and a recommendation is not needed yet for the overall plan; however, a recommendation is necessary only as it relates to Wyncliff and Hunter Pasteur. The Master Plan map is in the packet and shows solid orange lines which depict all paths as approved by the DDA and they are a milled asphalt product. This was a starter material used to get the pathways going when Wynn Berry was here. Some of these are old cart paths. Some are in great shape and some are not.

There will be no improvements to the easements, but there will be a connection there. There are still ongoing discussions as to whether that pathway will be concrete, asphalt

or limestone. Again, we are not asking for action on this overall pathway plan at this time.

Hunter Pasteur has agreed to 5' sidewalks throughout the subdivision. The second item that was part of their proposal was to create connections to the pathway system. The third item was that they originally proposed to realign the frontage path. The DDA would prefer to see this kept in the same location. The DDA is also proposing a new location for the new path which runs along the tops of the berms, in between the two storm water basins. This would be paved access with a paved frontage along Martin Parkway. It is proposed that all of the pathways in their project be paved asphalt, and this is proposed as a Master Plan amendment as part of the PUD.

Jones - What materials will be used?

Matt Schwanitz - Their sidewalk is 5' concrete. The rest of the pathways are 10' asphalt, as well as the connection at the Township which goes through the panhandle. We are only requesting action on the Hunter Pasteur pathway and for reconfiguration of the overall parcel as it relates to the legal description, Units 5 and 6 where previously there was only Unit 1.

Vice Chairperson Jones opened the public hearing and clarified the process for the residents by explaining that all questions and comments would be heard, but answers would not necessarily be provided this evening.

Susan Averbuch, 9005 Campbell Creek Drive, Commerce Township - I have one question on Wyncliff. I thought that Hunter Pasteur homes had recommended a connection from the pathway between two homes, however I don't see it on the current plans.

Kathleen Jackson - It is on there, on the southwest portion of the site. It runs between two homes and connects to their sidewalk.

Law - That is the access point we were talking about.

Jones - But it is not shown on this drawing?

Czarnecki - It's on there, on the left side.

Jason Mayer - Yes, it is the connection to the existing path.

Susan Averbuch - Okay, I was just making sure it is still there. And with regard to the pathway, I read the document and I'm very pleased that handicap access is being addressed. I would like to make sure that the adjoining neighbors are considered as stakeholders, but that was not addressed. There are safety measures to be considered such as problems with drug issues and trash on the pathways and on our streets. We deal with these issues and we clean it up. I would also like to see trash cans along the

pathways because we see a ton of garbage. We fought for 10 years for open space and how it will be maintained needs to be considered.

Lastly, I would like to see the Library kept where it is next to the Township Hall as opposed to the residential permits that are being applied for. This coincides with the walkability concept that is being promoted.

Jim Galbraith of M. Shapiro Development, Farmington Hills, MI - I am the contract purchaser of what you see as Unit 5. We are a stakeholder at this point. We anticipate closing on the parcel in early 2015. I have a number of concerns about the amendment to the PUD agreement, but they are as much planning concerns as they are business. I have spoken with the DDA, Tom Zoner and Phil Adkison. They agreed that stakeholders will have an opportunity to meet with the DDA, Board and Commission. We certainly support the pathways and are in complete agreement with certain linkages as they take place on our site. Those can be easily accommodated and we are taking that into account. The larger question and concern that we have is with the miles of pathways and the general common elements of the DDA parcel and how those will be improved; who will pay for those and who will be responsible for the maintenance. That will come under the bylaws of the condominium association.

There are a lot of moving parts and we completely support you in taking action on the Wyncliff project, independent of everything else, because it is important to the DDA that this move forward and be properly launched. We need to take time with the rest of the developments to look at other stakeholders within the DDA.

I think it is the intention of the DDA and the Board to meet with all stakeholders to work out these details over the course of the next couple of months. We will all come back before you, the Board and the DDA.

Jones - Thank you, Jim. That type of dialogue is good and this will be much smoother the next time that it comes through.

As there were no further comments, Chairperson Jones adjourned the public hearing to the next Planning Commission meeting in which pathways are going to be discussed.

Commission Comments:

The Commission had no comments or questions at this time.

MOTION by Hindo, supported by Law, that the Planning Commission recommends approval, to the Commerce Township Board of Trustees, of Item PU12-24-01, of the amendment to the Commerce Towne Place Planned Unit Development, Approved by the Township Board on January 8, 2013, as it relates to the new legal description of the overall PUD, Units 6 and 7 principal portions, and to the Wyncliff project Unit 6 pathway as presented.

Sidwell Nos.: 17-24-176-005; 17-24-200-049; 17-24-200-050; 17-24-300-069; 17-24-300-070; 17-24-300-071; 17-24-401-039; 17-24-401-053; 17-24-401-054; 17-24-401-055; 17-24-401-056; 17-25-126-126; part of 17-24-176-004.

MOTION CARRIED UNANIMOUSLY

ITEM II: PU12-24-01 CONSIDERATION OF THE FIRST AMENDMENT TO THE COMMERCE TOWNE PLACE MASTER DEED

The Downtown Development Authority of the Charter Township of Commerce is proposing an amendment to the Master Deed of the Commerce Towne Place Condominium.

Sidwell Nos.: 17-24-176-005; 17-24-200-049; 17-24-200-050; 17-24-300-069; 17-24-300-070; 17-24-300-071; 17-24-401-039; 17-24-401-053; 17-24-401-054; 17-24-401-055; 17-24-401-056; 17-25-126-126; part of 17-24-176-004.

Terry Carroll stated that Matt Schwanitz would also review the Master Deed amendment as he has worked on this since the beginning. This is the condominium portion of that amendment which relates to everything as described in Item I for Wycliff. This recognizes the swap of land and creates the parcels along with the legal descriptions which are the documents included in the packet.

Matt Schwanitz - This addresses the unit division and allows us to treat one parcel as two. This is the land swap instrument and it has gone through Oakland County. Again, all we are doing is the condominium to change the overall description for the two parcels to accommodate the land swap. The terminology of the Master Deed now shows Units 6 and 7 where only Unit 1 was previously. There is nothing else here of any substance other than creating a couple of big lots. This will be a freestanding condominium overlay by Hunter Pasteur Homes.

Jones - Kathleen, can you elaborate on this motion?

Kathleen Jackson - The Commission would be recommending approval of the First Amendment to the Commerce Towne Place Master Deed to the Township Board as submitted. This refers to the pathways. The PUD is more specific and the Master Plan is more general.

MOTION by Hindo, supported by Law, that the Planning Commission recommends approval, to the Commerce Township Board of Trustees, of Item PU12-24-01, the First Amendment to the Commerce Towne Place Master Deed of the Commerce Towne Place Condominium as submitted.

Sidwell Nos.: 17-24-176-005; 17-24-200-049; 17-24-200-050; 17-24-300-069; 17-24-300-070; 17-24-300-071; 17-24-401-039; 17-24-401-053; 17-24-401-054; 17-24-401-055; 17-24-401-056; 17-25-126-126; part of 17-24-176-004.

MOTION CARRIED UNANIMOUSLY

ITEM III: PSP13-0030 – HILLS OF BOGIE LAKE PHASE 5B – SINGLE FAMILY SITE PLAN

Pinnacle – Bogie Lake LLC is requesting site plan approval for the construction of thirty single family houses on approximately 174.333 acres of property located West of Bogie Lake Road, South of Cooley Lake Road, North of Commerce Road.

Sidwell No.: 17-05-400-024

Terry Carroll gave a review of the Planner's report as submitted by McKenna Associates.

Terry Carroll - This is the site plan for the final phase of the Hills of Bogie Lake. This has been slightly altered and the alterations are more to our liking than the original. The applicant is proposing to modify this final phase by reducing the length of the cul-de-sacs, eliminating five units and reconfiguring the remaining lots. Any approval should be subject to compliance with the reviews and recommendations of the Township Attorney, KER Engineering, Giffels Webster, the RCOC and the Fire Department.

Jones - The Attorney's letter mentions outstanding development issues in their May 16th letter. You have received this and I assume there is no need to address these?

Terry Carroll - That is correct.

Kathleen Jackson - Yes, this is okay.

Terry Carroll - The applicant is here along with Cliff Seiber of Seiber Engineering, and John DePorre of Pinnacle Homes.

Cliff Seiber, Seiber, Keast & Associates, Inc., Consulting Engineers, 40399 Grand River Ave, Ste 110, Novi, MI addressed the request. He stated that they are proposing deletion of five lots, four to the south and one to the northerly portion of the site. This is primarily for the purposes of improved grading, eliminating retaining walls and to avoid crossing the easement on the southern cul-de-sac. This will increase the open space and provide better circulation.

Commission Comments:

Winkler – I have no objections to what is proposed.

Law - I have nothing to add.

McKeever - I'm fine.

Hindo - Fine.

Czarnecki - I'm good.

Jones discussed the revised layout figures for widths, depths and square footages of the lots, and the street frontages. Cliff Seiber clarified that the width per the definition in the

ordinance is measured at the front yard setback so therefore it is not actually frontage. Kathleen Jackson also noted that these are pie-shaped lots that are wider at the setback.

MOTION by Czarnecki, supported by McKeever, that the Planning Commission recommends approval, with conditions, to the Township Board Item PSP13-0030, Hills of Bogie Lake Phase 5B, Single Family Site Plan, the request by Pinnacle - Bogie Lake LLC for site plan approval for the construction of thirty single family houses on approximately 174.333 acres of property located West of Bogie Lake Road, South of Cooley Lake Road, North of Commerce Road. Sidwell No.: 17-05-400-024

Recommendation for 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 in consideration of the comments provided by Kathleen Jackson, Planning Director. Approval is subject to the McKenna Associates Planning Report dated June 3, 2014 and all attachments, and to compliance with the reviews and recommendations of the Township Attorney, KER Engineering, Giffels Webster, the RCOG and the Fire Department.

MOTION CARRIED UNANIMOUSLY

OTHER MATTERS TO COME BEFORE THE COMMISSION

Jay James discussed upcoming amendments to the Zoning Ordinance and inquired about the overall feeling of the Commission with regard to in-ground pools in lakeside front yards. It seems that they have always been permitted in the Township; however, this section of ordinance needs amending. After brief discussion, the Commission had no objections to including language in the ordinance as outlined, including allowing for pools in the lakefront yard that do not exceed 30" above ground level. Tom Jones stressed that as long as safety measures are addressed, he has no issues.

Terry Carroll explained that the need for other changes was discovered recently and the Township Attorney had drafted amendments. These items will be brought back before the Commission in the very near future.

Bill McKeever and Jay James discussed an accessory building and a fence at 5090 Carroll Lake Road.

Jay James stated that the pathways from M5 to the railroad tracks would be started within the next couple of weeks. The railroad tracks will be removed.

The next regularly scheduled Planning Commission meeting will be Monday, July 14, 2014 at 7:00pm.

ADJOURNMENT

MOTION by Hindo, supported by Czarnecki, to adjourn the meeting at 7:39 pm.

MOTION CARRIED UNANIMOUSLY



Brian Winkler, Secretary