

**CHARTER TOWNSHIP OF COMMERCE
PLANNING COMMISSION MEETING**

Monday, November 3, 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 (excused)
Also Present: Terry Carroll, Community Development Director
Jay James, Engineer/Building Inspector

APPROVAL OF MINUTES

MOTION by Winkler, supported by Czarnecki, to approve the Planning Commission Meeting Minutes of October 6, 2014, as written.

MOTION CARRIED UNANIMOUSLY

MOTION by Hindo, supported by McKeever, to approve the Special Planning Commission Meeting Minutes of October 20, 2014, with one correction on Page 4 of 9, *McKeever - But **it could be** an emergency entrance and this would be something that the general public would not be trying to access.*

MOTION CARRIED UNANIMOUSLY

UPDATE OF ACTIVITIES

David Law – Township Board of Trustees

- Nothing new to report since the last meeting of the Planning Commission.

Brian Winkler – Downtown Development Authority

- We met on October 21st and went through routine business.
- We recommended approval to the Board of the Unit 4 purchase agreement.

Bill McKeever – Zoning Board of Appeals

- We have not met since our last meeting.

Jay James – Building Department & Planning

- Williams International purchased the big, abandoned industrial building at the southeast corner of Welch and Maple Roads.
- We're unsure if they will reface the building or tear it down, but it has been one of the problem properties in the Township so this is a good thing.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

Mike Powell, Powell Engineering & Associates, LLC, 4700 Cornerstone Dr., White Lake, MI, was present to discuss two items with the Commission.

Mike Powell - First, I am the Engineer for the Village of Wolverine Lake. We had a preconstruction meeting for the Redwood development which is going in on the vacant property across from Walled Lake Central. The site has been mowed, the trees have come down in certain areas and the grading will begin later this week. The underground will go in and they will be constructing the two buildings that face South Commerce Road.

Secondly, I wanted to bring plans to you to get your preliminary input and to keep you informed about what's going on in the Township. I was approached by the owner of the property on the south side of Maple Road, to the west of Uptown. The owner of that site is going to be the owner of Uptown. He is proposing to put in a Zerbo's Health Food Store, Restaurant and Spa. I believe the Planning Department provided you with the plans for review. I am seeking feedback on any concerns you may have. This will help me to bring you a package that is in tune with what you have in mind.

This is still in the conceptual phase and there is still a great deal of engineering to be done over the next couple of months. Any comments you may have on color, materials, layout, et cetera would be appreciated. The architect is here also, Roman from Roman & Associates. They are experts in restaurant design.

Winkler asked to be recused from the discussion due to the past work his company had done on this site. There were no objections from the Commissioners.

Commission Comments:

Jones - My opinion is that I don't have any comments one way or the other. You have been bringing things to us for many years and you've had lots of experience as an engineer. You know what we are looking for.

Law - I agree. I'm comfortable that you will bring something forward that we can work with.

McKeever - I didn't see anything that jumped out.

Hindo - I had one item that is important at this site and that's the parking. With this being a restaurant and a market, I presume they won't be closing at 5pm. They will be open later and from my perspective, Uptown already has issues with parking as it's a popular place. I anticipate that the Uptown parking will spill over into this site. I've heard of Zerbo's and it will be popular too. Is there adequate parking, enough to support both places?

Mike Powell - Our intent is that no parking will spill over to here from Uptown. This establishment will have its own patronage. We are working with the owner to obtain more land to ensure that we meet or exceed the ordinance requirements. Staff had the same concerns regarding the impact of these two businesses. Considering that, we would like to have a percentage above the requirements. Your insight is appreciated.

ITEM I: PSP 14 – 0038 CONSIDER REOCCUPANCY OF 2733 UNION LAKE ROAD

PF Michigan Group – Planet Fitness is requesting to occupy one-half of the 63,000 sq. ft. building located at 2733 Union Lake Road, North of Commerce Road and South of Willow. Sidwell Nos.: 17-012-276-007

Terry Carroll gave a review of the Planner's report.

Brian Rief, Director of Development, Planet Fitness, 114 Rayson St., Suite 2B, Northville, MI, was present along with counsel, Attorney Dennis Cowan, Plunkett & Cooney, 38505 Woodward Avenue, #2000, Bloomfield Hills, MI.

Dennis Cowan - We are very pleased to be here. Planet Fitness is a leading franchise of health and fitness clubs throughout the country and a growing chain with 17 locations in the state, most prominently in the Southeastern Michigan area. We have had good dialogue with Ms. Jackson and Mr. Carroll about the project. I'm not here as an attorney. I'm privileged to have been the previous mayor of Royal Oak and I sat on the Planning Commission as a requirement. I have helped clients to maneuver through this process to present a satisfactory proposal.

We realize how important this is to the Township, and it's a very large building. We understand that you will have an interest in what other businesses will be on the site. We don't have any other tenants identified yet. There are deed restrictions in the Kroger transaction. I think with Mr. Rief's experience, goals and through his approach to work with you, this will be successful.

From a site plan perspective, there will be no change to the footprint of the building. There will be minor changes to the exterior signage and modifications to the entrance, but the building will remain in place. The parking will remain with the specified number of spaces which meets the requirements, even for retail use, and the parking lot has already been restriped. There will be no changes to ingress/egress and all entrances will continue to face Union Lake.

Brian Rief - This is the third former grocery store that our group has purchased to build Planet Fitness. Our footprint is in the 28,000 square foot range, and this building is 50,000 square feet. My background is in commercial real estate, and we have mostly done leasing for Planet Fitness locations; however, we are not adverse to purchasing when it's a good deal such as this location. The primary goal for the building is to open the Planet Fitness, and then we are working with Colliers International to list the remaining vacant space. We don't know yet what the use will be, but it will be the highest and best retail use that complements Planet Fitness. Our other property in Sterling Heights still has a vacancy of 17,000 square feet. Although we've been approached by a number of potential tenants, the use has not been complementary and we bypassed it. We are selective in our choice of tenants and we want this to be an asset to the community. The investment here is significant. To purchase the building, plus the costs to subdivide, update the site and open Planet Fitness will be about \$5.5 million. We are happy to address the items that Ms. Jackson outlined in her report.

Commission Comments:

Law - Can you focus on those? There were a number of things to consider, including the landscaping, and Terry also mentioned that there was agreement on some of these items.

Brian Rief - Ms. Jackson suggested low growing annuals for the landscaping, or perennials may be better from a maintenance perspective. We are happy to do that, but it's late in the season. I have a landscaping architect to work with on the plan, but I don't necessarily think we need to get carried away on the plan. She wanted the islands in front of the property planted with a low growing species, and I do have landscapers who will do the planting with the appropriate species.

Law - The landscaping also needs to be irrigated, and/or the species should be drought and salt tolerant.

Brian Rief - Yes, the property is fully irrigated and I confirmed this with the installer. It was maintained for Kroger. It was difficult to see the sprinkler heads where the grass is, but it is fully irrigated and the system has already been winterized. We would obviously fire it up again in the springtime.

Jay James - The report addressed adding irrigation to the islands.

Brian Rief - Yes, it is there already.

Dennis Cowan - When we did the walk-through, we didn't see the sprinkler heads. They had been removed as they didn't want them damaged during the vacancy. These will be reinstalled.

Brian Rief - And the dead trees will be replaced in the spring also.

Jones - Is there a bond required for that?

Jay James - Typically a bond is requested and the time frame is noted that landscaping will be completed in the spring.

Jones - So that could be added as item 7, bond for landscaping.

Law - What about the dumpster?

Brian Rief - The plan is that we would have an 8-yard dumpster, which is significantly less than what Kroger had. We are prepared to build the masonry enclosure, but until we know more about the other tenants, we would prefer to defer that. Once the vacant space is leased, we can determine the appropriate location for the dumpster and what will be necessary.

Law - What time will pickups be scheduled? There is a need to work with the residents behind the site.

Brian Rief - Pickup would only be during the day and this would not be like Kroger.

Law - There was discussion regarding the sign plan. Has that been agreed upon?

Brian Rief - We will replace the sign on the building itself, and the monument sign. These drawing have been submitted for approval to the Township by the general contractor. We have already repainted the trim in a neutral tone. We were not exactly sure about the fire lane signs.

Law - You will need to work with the Planner on the sign plan to get approval.

Dennis Cowan - I thought maybe she was addressing the other tenant signage. Planet Fitness will have their sign on the building and on the monument. If something more is needed, we will certainly work with her.

Jay James - Generally, we are looking for a package that includes directional signage, loading, unloading and fire lanes. We can present this to the Fire Department and if it complies, they will give it their stamp of approval.

Dennis Cowan - Okay, we can do that.

Jones - Please talk with Jay James and Kathleen Jackson further about the signage.

Law - Have you submitted the color sample?

Brian Rief - The trim has been repainted in a neutral beige/gray that blend with the existing colors.

Dennis Cowan - We can forward a sample.

Law - In your other locations, have you painted or had the sample approved ahead of time?

Brian Rief - We never had to go through site plan approval for a building purchase before.

Czarnecki - Will we require a bond for the dumpster screening also?

Jay James - Absolutely.

Czarnecki - My other question is that you mentioned everything will face toward Union Lake when the retail is split, is that correct?

Brian Rief - Yes, that's the plan.

Czarnecki - Or could it possibly face toward Kroger?

Brian Rief - Ideally, we would like a big box retail tenant facing Union Lake. If someone wanted to carve off the corner, it's a possibility, but we would be back before the Planning Commission to discuss what makes the most sense.

Hindo - I agree with requesting that a bond be posted for the dumpster enclosure, but it sometimes takes a very long time to find tenants. How long do we wait for that?

Jay James - You can put a time limit on it, such as June of next year to provide them a chance to find a tenant.

Dennis Cowan - I would suggest one year after opening. That would be fair.

McKeever - It might be fair to you, but it's not necessarily fair for the adjacent residents. This site has been a nightmare for the residential properties since it was built. I'm not in favor of waiting for the enclosure. You are smart business men. You can put a plan in place, pick a spot for the dumpster and build the enclosure before the certificate of occupancy is issued. I see no reason to wait and I could not vote in favor of this unless it includes the dumpster enclosure immediately.

Dennis Cowan - It's up to your discretion. I certainly understand some of the issues that have developed here over the years. I can assure you that none of those issues will be the situation with Planet Fitness.

Hindo - I think we need the enclosure and it needs to happen relatively quickly, if not immediately, for the sake of the neighbors. This site has been a problem and it's our goal to make sure it is not a problem anymore. Kroger has created issues.

Dennis Cowan - We will be glad to put in the enclosure promptly. We want to be good neighbors, and they will be our customers. Again, I assure you we will never had problems even close to what you've had with Kroger. We will make this work.

Jones - I agree with Bill that it should be built immediately. Our Chairperson, Larry Haber, also inquired about the size of the dumpster. Why is it so large?

Brian Rief - It's an 8-yard dumpster.

McKeever - Was he concerned about the construction dumpster on the site?

Jones - I don't know.

Terry Carroll - In our estimation, the 8-yard dumpster is not far out of line for the square footage of this building.

Jay James - They are the best to judge what size they need and they wouldn't want to pay for more than is necessary.

Brian Rief - I believe she was concerned with the 40-foot roll-off but that is there only during construction.

Jones - What is the size of the 8-yard? Is it 10x10x10?

McKeever - It's not even that big. It's 6' high and 8x8.

Jay James - It's like what you see behind most businesses and here at the Township.

Brian Rief - We will have pickups twice per week.

Dennis Cowan - If it were smaller, then there would be more pickups.

Jones - Is this for you and the tenants?

Brian Rief - The 8-yard would be just for us.

Jones - When a tenant occupies the remaining space, what is the plan then?

Brian Rief - They would provide their own, or the landlord would.

Jay James - You might end up with a couple of compartments. You could place one right next to the other with a separating wall.

Terry Carroll - And they would be coming back to you when the new tenant comes in to establish these details at that point.

Jones - Are we looking at only the site plan, or the engineering too?

Terry Carroll - The engineering remains the same. We are looking at the site plan approval for re-occupancy.

Jay James - The building footprint is not changing. Nothing is changing on the exterior of the site except for parking and staff has addressed that. There is nothing else to look at with engineering.

Jones - Are there safety issues to be addressed?

Jay James - We review that as part of our building inspection for the site itself. Also, just so you know, they have asked to use a portion of the other entrance temporarily, while the building is under construction, to allow people to sign-up for memberships. It may appear like the south side is open, but it is only the corridor and it's temporary.

Dennis Cowan - One other thing so there are no surprises. Planet Fitness is a 24/7 operation.

MOTION by Hindo, supported by Law, that the Planning Commission approves, **with conditions**, Item PSP 14-0038, Re-occupancy of 2733 Union Lake Road, the request by PF Michigan Group – Planet Fitness to occupy one-half of the 63,000 sq. ft. building located at 2733 Union Lake Road, North of Commerce Road and South of Willow. Sidwell Nos.: 17-012-276-007

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 subject to the Planner's Report dated October 30, 2014, and the following conditions:

1. Proposed landscaping, including a species list with quantities provided to the Planning Department and administratively approved as well as bonded for prior to a certificate of occupancy being issued. Removal of the two dead trees on the north end of the site and new trees, similar in species and caliper should be planted.
2. Location and screening of the proposed (existing) 8 yard dumpster in the rear of the site, to be administratively approved and constructed immediately, prior to the certificate of occupancy being issued.
3. A sign plan submitted and administratively approved that addresses all items in the Planner's reports.
4. Submittal of a color sample for the exterior trim.
5. Replacement of the "no parking, fire lane" signs.
6. The requirement of a bond to be posted for the landscaping to be completed in the spring.

Discussion -

Winkler - I suggest that the irrigation be confirmed.

Dennis Cowan - It is installed and we will make sure that Ms. Jackson is comfortable.

Mr. Rief spoke to the company and they assured him that it is all irrigated.

Hindo - Irrigation, signs and colors are all subject to administrative approval.

Law - Yes, along with the landscaping.

MOTION CARRIED UNANIMOUSLY

OTHER MATTERS TO COME BEFORE THE COMMISSION

Permit Report & New Business Update

Terry Carroll gave a review of the report in the Commissioners' packets outlining new business throughout the Township. The report included all permits issued since September and this information would be provided on a monthly basis. He explained that permits are not always issued for new businesses, but he would work to keep the Commission informed.

One new business that is being fast-tracked is a Blazing Bagels which will occupy the old gas station on Commerce Road, across from Clark. They will probably not be able to do all of the required improvements yet to make them compliant. A building permit has been issued for the interior to allow them to work on preparing the inside for the bagel store. The proposed site plan is expected to come before the Planning

Commission on December 1st and will include a recommendation that, if approved, bonds are to be posted for all improvements that can't be made now due to the weather. Mr. Powell has been involved in this project as well and he's been very helpful in informing the owner as to what's necessary to get the business moving forward.

Discussion on Medical Marijuana Facilities

The Commission discussed medical marijuana facilities with Terry Carroll and Jay James. There are 44 in the Township and they are regulated into the industrial zoning district. These businesses are inspected for electrical, plumbing and mechanical and it is proposed that annual inspections will also take place. Discussion covered several topics, including the size of the business spaces, subdividing of the space, the number of plants grown and permitted, odor control with carbon-based filter systems, video surveillance, monitoring by the authorities, the state law guidelines, the moratorium in other communities, whether patients pickup or if it is transported, and the potential need for additional guidelines in the Township Ordinance, especially for annual inspections similar to liquor license reviews. Terry would also check the Ordinance to see if this particular use was actually spelled out. Discussion continued addressing concerns with disposal of materials and the need for any regulations to prevent fertilizer from being dumped into the sewers. Jay James reported that no issues have been detected at the water treatment plant. He also discussed building inspections and the safety issues that have now been addressed and brought up to code in these industrial buildings.

The next regularly scheduled Planning Commission meeting will be Monday, December 1, 2014 at 7:00pm.

Law stated that he would not be in attendance at the December meeting.

ADJOURNMENT

MOTION by Czarnecki, supported by Jones, to adjourn the meeting at 8:01 pm.

MOTION CARRIED UNANIMOUSLY



Brian Winkler, Secretary