

**CHARTER TOWNSHIP OF COMMERCE
PLANNING COMMISSION MEETING**

Monday, August 5, 2013
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
Bill McKeever
Jay Czarnecki
David Law
John Hindo
Absent: Brian Winkler (excused)
Also Present: Kathleen Jackson, Planning Director
Jay James, Engineer/Building Inspector

APPROVAL OF MINUTES

MOTION by Law, supported by Jones, to approve the Planning Commission Meeting Minutes of July 8, 2013, with the following correction: on Page 16, change McKeever comment to read as; *What if they deny it?* **MOTION CARRIED UNANIMOUSLY**

UPDATE OF ACTIVITIES

Bill McKeever – Zoning Board of Appeals

- There were two variances granted.
- One was for a side yard setback encroachment at 9555 Listeria.
- The other was to add onto an existing nonconforming structure that would encroach into the setbacks at 8685 Edgewood Park Drive.

David Law – Township Board of Trustees

- We had a special meeting tonight to discuss the Shapiro development property which has not been approved by the Township Board.
- We had discussions regarding updating the Master Plan.
- There has also been some discussions regarding combining the Building and Planning Departments. We are in the process of figuring out what's best for the Township.

Kathleen Jackson – Downtown Development Authority

- The DDA has a meeting in two weeks.
- We are planning a bus tour. A developer who is interested in the retail portion of the DDA has invited members of the DDA, the Commission and Township Board to tour a similar development that he has done. The date is to be determined.
- We have one signed purchase agreement for the southwest quadrant for multiple, and another two offers for the northwest quadrant for single-family residential. Then another multiple on the northeast quadrant for a senior facility, and again with a residential development on the southeast portion.

Haber – Anything on commercial developments?

Kathleen Jackson – a developer is looking at the southeast quadrant.

Jay James – Building Department

- I believe Kroger is still on schedule for their November 1st opening.
- We have a pre-construction meeting tomorrow for Four Seasons Apartments on the west side of Union Lake Road, behind Wendy's. They will want to get started on building by fall.
- The Township Board authorized us to hire help for ordinance enforcement. If there are concerns in a certain area, please let us know and he will address them.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

MOTION by Law, supported by Jones, to remove Item I, PCZ13-0021, from the table.

MOTION CARRIED UNANIMOUSLY

ITEM I: PSP13-0021 – MARRIOTT TOWNEPLACE SUITES – Tabled from July 8, 2013

Basil Bacall of Commerce MI is requesting Site Plan approval to construct a new hotel located just to the north of the Hampton Inn at 169 Loop Road.

Sidwell No.: 17-36-200-024

Kathleen Jackson, Planning Director gave a review. A letter was also received today from the petitioner that was not included in the packet. It is from Mike Powell's office with regard to lighting and their expert did not feel that additional lighting was warranted. They cited both of the engineering reports in their conclusion.

Mike Powell, Powell Engineering & Associates, LLC, 4700 Cornerstone Dr., White Lake, MI, was present along with the petitioner to discuss the request.

Mike Powell – Kathleen Jackson represented a number of the changes that were made. There were major issues with the revision of the elevations and those are still a big issue.

We added the 8' sidewalks. The landscape and plans were revised. I will point out a mathematical error on the landscape plan which shows that we still owe another 17 trees on site. Otherwise, we meet all of the requirements.

I believe McKenna may have mislabeled a note under the parking lot and perimeter screening. The report shows that this has not been met, however according to our calculations we are over. I would ask that Kathleen look this over.

Signage has been addressed, and ground and building signs are shown on the plans. The traffic study came back very positive.

We know that the elevations are a major concern and this is a building that Commerce Township and the owner will have to live with for a long time. The first time the plans

were submitted, they showed Marriott's standard modified elevations. The colors have been scaled back to be a bit more muted. This is shown in the packet now. One issue at the last Planning Commission meeting was the Hardiboard on the column areas. These have been made all brick to the EIFS top of the building. Another issue was with the canopies over the tops of the entries and exits, which are standard for Marriott. I used to design Fairfield Hotels and they have a specific look for that type of building so that people identify exactly what brand of hotel it is based upon style. These sloped rooflines are one of Marriott's trademarks for the TownePlace Suites, and they did offer a couple of options for these, one of which is a slightly different color. Instead of burgundy, they suggested maybe a more muted, slightly darker gold or bronze be used on the slope. Then also, if the Commission preferred, they were looking at potentially changing the slope of that to reduce the amount of roofline that is exposed. This 1 and 12 would have a much flatter look to match what is on the M-5 side with a shallower canopy along the back.

We want to discuss options. Mr. Bacall wants this to be the pride of the Township, as you and I do. We all have to live with this for a long time and we want to make sure it is right on both sides. Mr. Bacall is here to address any special concerns.

Kathleen Jackson had a list of items on her review that might be able to be done, such as shutters on the sides of the windows.

That being said, we want to address any questions. We believe that we have certainly addressed all of the engineering items that were detailed, and now it is more of a matter of what Mr. Bacall can do to assist the Commission.

Commission Comments:

McKeever –

- I do appreciate everything that's been done in working with Planner.
- However, the one thing that I take away from these elevations is that they are very generic and institutional looking. Nothing about them says "homey".
- I don't know where they get their research from, but this looks like a 1970s hospital. That is what comes to my mind and it's the biggest issue I've had with the proposal.

Hindo – Nothing to add.

Czarnecki – I agree with Bill's comments.

Jones –

- I have no problem with the look of this. To me, it looks fine.
- Except that I do like the idea of changing the angle over the entrances to be less sloped. That would definitely improve it.
- As far as the colors or the roof, I would leave that up to someone else.
- I'm wondering, with regard to the 17 trees that are not shown here, where you will put them. This is a narrow piece of property. Can I assume you have talked to the landscaper about where to place them?

Mike Powell – I apologize. I have not yet talked to the landscaper, but there are open spaces there. We are more than willing to work with the Township on this and to locate trees in nice groups on the front of the site. Again, this site is very unique, triangular and narrow, and we may need some flexibility because it is heavily landscaped. One thing I forgot to mention is that Mr. Bacall has also agreed to put in a trash compactor instead of a dumpster.

Jones –

- I also have another question that was raised in the report and that has to do with snow removal. I see on one of the plans there is a designated area for snow.
- Is this planned to handle heavy snow falls without blocking vision?

Mike Powell – We did identify one area away from the walkways and entrances so it will not block traffic or vision.

Jones –

- If you run into a problem, snow would need to be removed.
- The other issue is the landscaping in the MDOT right-of-way. What is the status on the numerous permits for that?

Mike Powell – Mr. Bacall has to adopt the landscaping plan for MDOT, which will piggyback on the requirements of Commerce Township. MDOT takes this a step further by requiring him to sign a permanent lease for the property and perpetually maintain the trees that are to be put there. He has agreed to do that.

Mike Powell – This is what we will be asking the Zoning Board of Appeals to grant a variance for, and this helps to mitigate what we are asking for. The MDOT greenbelt is 45' and will allow for the landscaping to be spread out and extended. For the permit, Mr. Bacall has about 10 forms to complete, plus bonds and the maintenance agreement.

Law – I'm good, thanks.

Haber –

- Thank you for the trash compactor. That was my suggestion and it is a great way to do things here with all of the trash that is generated by both buildings.
- I have stayed in Hampton Inns many times when I've driven to Florida. Some of them are very nice and some are what we have here in Commerce. I don't think that building is very attractive and I don't really care for the elevations.
- There is work that needs to be done here and I wish Brian Winkler was here because he is the go-to guy. He is talented and has great ideas.
- I think what bothers me on both the Hampton and the Marriott are the windows. This looks like barracks on an army base and it appears that a minimal amount of money is being put into the exterior.
- This will be on M-5 and thousands of cars pass by it every day.

- It just doesn't look right to me. I would like to see some other ideas such as shutters or canopies on the windows. I think that would help a lot as far as the elevations.
- The carports look like a fruit market. Maybe there could be columns on the overhangs there?

Mr. Bacall – Good evening. I am here to tell you that I'm happy to accommodate you and the Township of Commerce, as well as the Marriott. Marriott says this is the prototype and this is the leeway you have, such as changing the colors and the pitch on the canopies. I am happy to do all of that, including looking at options for the windows. I want the best looking building too.

Haber –

- We appreciate that and you have been good to work with.
- The landscaping and traffic study have been covered.
- Again, the compactor is really nice.
- Kathleen Jackson, is the landscaping where we want it to be?

Kathleen Jackson – I can work with them to incorporate the changes and handle that Administratively, but we will need to get the MDOT permit finalized. I'm glad Mike brought up the easement in perpetuity.

I did have one question on the elevations. Brian submitted an email with regard to breaking up the fenestration a bit. The Dearborn Marriott TownePlace Suites has gable ends and bears no resemblance to this building. Has the prototype changed?

Mr. Bacall – The Marriott prototype has gable roofs and we changed them to accommodate the Township.

Mike Powell – It was not a request by the Township. It was the need for 72 rooms. With the gabled ends, it resulted in a height problem on this building and would have required us to apply for additional variances. Therefore, we had to go back to a flat roof in order to meet the height restrictions.

Haber – Then take a floor off.

Mike Powell – Then it does not make sense economically.

Jones – The sloped roof adds to the height?

Mike Powell – Remember, the average height is from the soffit to the peak, and so it went up about 16 or 18'.

Haber – Are all of the mechanicals covered?

Mike Powell – Oh, yes.

Haber – It is a challenging site, but you're trying to put a size 11 foot in a size 9 shoe and it is starting to bite us at this point.

Mike Powell – Certainly, and that is why we tried to minimize the necessity for any variances. We tried to meet all of the requirements, with the exception of the rear yard setback, and now we are trying to make the building look a little more appealing to residents.

Kathleen Jackson – What is the purpose of the shed type awnings?

Mike Powell – That is strictly a Marriott desired look.

Kathleen Jackson – So it is not utilitarian as much as it is aesthetics?

Mike Powell – That's correct.

Haber – I'm not sure where we go from here. We still need to see the changes here cosmetically on the elevations. I know that you are interested in getting going on this. Kathleen, any suggestions?

Kathleen Jackson – You do have a special meeting next week on the 12th at 6pm. I don't know what the turnaround time will be with Marriott, but if it is ready, we can include it with the packet or bring it back before the Commission that evening. I believe Brian should be back for that meeting.

The petitioner is also going before the Zoning Board of Appeals this Thursday, so you will also have the benefit of knowing their decision at your next meeting.

Haber – Okay, so you can come back next week and get more input.

Czarnecki – I am okay with everything except the elevations.

Haber – Add some shutters or canopies. Are there any objections from the Commission to giving this another week to allow him the chance to do some of the things we've asked?

There were no objections from the Commission, Mike Powell or Mr. Bacall.

Mr. Bacall – I am happy to go back to the Marriott to see if they will consider the shutters or canopies. If at all possible, could we also meet with Brian prior to next week? He seems to be well versed on these things and maybe he could communicate directly with Marriott along with us.

Open discussions continued as staff began attempting to arrange a meeting between the petitioner and Brian Winkler. This would be arranged if at all possible.

MOTION by Law, supported by Jones, to table Item PSP13-0021, Marriott TownePlace Suites, the request by Basil Bacall of Commerce MI for Site Plan approval to construct a new hotel located just to the north of the Hampton Inn at 169 Loop Road.

Sidwell No.: 17-36-200-024.

The item is tabled to allow the petitioner to work with staff and Marriott on improvements to the elevations as discussed herein. **MOTION CARRIED UNANIMOUSLY**

ITEM II: PZ13-0004 – RICK RUSSELL – REZONING – PUBLIC HEARING

Rick Russell of Farmington Hills MI is requesting the rezoning of two parcels of land as follows: 8117 Commerce Road consisting of 0.32 acres from B-1 (Local Business) to B-2 (Community Business) Sidwell No.: 17-12-427-001 And Vacant parcel on Massena consisting of 0.32 acres from R-1D (One Family Residential) to B-1 (Local Business) Sidwell No.: 17-12-427-034

Kathleen Jackson, Planning Director gave a review.

Rick Russell, 6747 Scotch Lake Dr, West Bloomfield, MI, was present to address the proposal. He explained that this is an unusual site. He reviewed an aerial shot of the property and several existing businesses with curb cuts on Massena. He addressed potential egress onto Commerce Road but thought that MDOT may still allow a curb cut so as not to land-lock the site. He discussed lot 034, a residential site with a vacant, deteriorated white house on it, and he considered using it as a retention basin if the Commission wants it to remain as residential. He added that the AT&T building has another retention basin across the street.

Upon review of the adjacent sites, he surmised that there really is no residential there with the exception of the home that is being used as a daycare center.

He concluded by noting that it is an odd deal here because there is residential on business zoned property, and businesses on the residentially zone property.

Kathleen Jackson – Lot 001 is required to be 100' wide.

Rick Russell – Yes, and I would have to get a variance.

Kathleen Jackson – The Commission cannot grant that.

Rick Russell – Then if it is rezoned, I can then go see about the variance.

Kathleen Jackson – The Commission cannot intentionally rezone a lot that does not meet the Zoning Ordinance requirements.

Rick Russell – So with the 70', I cannot get a B-2 zoning? Should I see the Zoning Board of Appeals before coming here?

Kathleen Jackson – Bill, correct me if I'm wrong, but it would be a difficult variance to receive for the lot width for something that is going to B-2 zoning.

McKeever – Yes, it would be difficult because it is a use increase.

Rick Russell – Well, I know that you are always looking forward. These other businesses here are on 70' lots. You've got three in a row next to it. I don't know if it gives me any help or not, but they are obviously doing okay. And with the way it looks now, it is not what you want. There is no tax base and no business. I am trying to bring something to the Township if I can get that parcel in shape for what I need.

Haber – We always like to see stuff cleaned up. If you are through, I will proceed to opening the public hearing.

Rick Russell – Yes.

Chairperson Haber 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.

Carol Wagner, 8101 Commerce Road, Ste A, Commerce Township, MI – I live in West Bloomfield, but I love to be in Commerce. I actually own Travel Plus, Inc., in the chiropractic building immediately to the east of the rickety white house. I called the Township to see what was going on. If I understand, this would be a drive-thru coffee place in the front and retail on the back. I would be thrilled to death to see something here, but traffic is the biggest concern with the drive-thru.

Chairperson Haber noted that an email was received from Ron and Joyce Kilbourne of 3223 Melmoor, Commerce Township, MI, expressing that they were against this issue.

Chairperson Haber closed the public hearing.

Commission Comments:

McKeever – To me, this seems to be intruding too much. I don't know that it makes any sense at all. Jay, can a parcel be used for retention by a business under residential zoning?

Jay James – Yes.

McKeever – Okay. Then, what is the absolute worst case scenario we would see here if it were rezoned?

Kathleen Jackson – I provided the principle permitted uses in the report. The most intense use would be a drive-thru type restaurant.

McKeever – Through a neighborhood ...

Kathleen Jackson – B-2 cannot have a drive-thru with less than 100'.

Hindo – I don't like it at all. I am against it and it does not make sense.

Czarnecki – No comments.

Jones – I am not in favor.

Law – I have concerns with encroaching that far into residential.

Haber – It should stay as master planned at this point. Please work with Kathleen Jackson on any further proposals and she will be more than happy to talk with you.

MOTION by Jones, seconded by Hindo, to recommend denial, to the Commerce Township Board of Trustees, of Item PZ13-0004, the request by Rick Russell of Farmington Hills MI for the rezoning of two parcels of land as follows: 8117 Commerce Road consisting of 0.32 acres from B-1 (Local Business) to B-2 (Community Business) Sidwell No.: 17-12-427-001 And Vacant parcel on Massena consisting of 0.32 acres from R-1D (One Family Residential) to B-1 (Local Business) Sidwell No.: 17-12-427-034 Denial is recommended for the reasons outlined the Planner's Report and is in consideration of the Finding of Fact. **MOTION CARRIED UNANIMOUSLY**

OTHER MATTERS TO COME BEFORE THE COMMISSION

- **Special meeting** of the Planning Commission: **Mon., Aug. 12, 2013 at 6:00pm.**
- Next regularly scheduled meeting: **Mon., Sept. 9, 2013 at 7:00pm.**

ADJOURNMENT

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

MOTION CARRIED UNANIMOUSLY



Brian Winkler, Secretary