

**CHARTER TOWNSHIP OF COMMERCE
PLANNING COMMISSION MEETING**

Monday, August 6, 2012
2009 Township Drive
Commerce Township, Michigan 48390

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

ROLL CALL: Present: Larry Haber, Chairperson
Tom Jones, Vice Chairperson
Bill McKeever
Jay Czarnecki
Peter Pace
Absent: Debra Kirkwood (excused)
Brian Winkler (excused)
Also Present: Kathleen Jackson, Planning Director
Jay James, Engineer/Building Inspector

APPROVAL OF MINUTES

MOTION by Pace, supported by Jones, to approve the Planning Commission Meeting Minutes of July 16, 2012, as written. **MOTION CARRIED UNANIMOUSLY**

UPDATE OF ACTIVITIES

Bill McKeever – Zoning Board of Appeals

- Three variances were granted at the last meeting.
- Two were for signs that encroached into the setback; one at 8800 Commerce Road, and the other at 605 Commerce Road.
- There was also a sign variance for the Union Lake Baptist Church to put an addition onto their existing sign. This will not exceed the ordinance requirements.

Peter Pace – Parks and Recreation Committee

- This Friday is the last outdoor Concert-in-the-Park at 6:15pm.
- The recent outdoor Cinema-in-the-Park was rescheduled due to rain delay. It will now be held on August 17th at the Richardson Center and will be advertised.

Jay James – Building Department

- We continue to see a lot of new houses coming in.
- Several developments that were on hold are now being bought up.
- This progress far exceeds that of last year and it is a good sign.
- Commerce Road should be completed within the next month.
- We have also been busy with ordinance work and building inspections.

Kathleen Jackson – Downtown Development Authority

- The DDA will meet again in two weeks.
- They are looking at two different offers on the property and the developer has requested confidentiality. The information will soon be made public.
- The condominium documents and PUD agreement will come before the Planning Commission for recommendation, and will then go to the Township Board for approval.

Chairperson Haber inquired about removal of railroad tracks on M5. This initiated open discussions of railroad tracks throughout the community.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

ITEM I: SP12-12-10 – KROGER – REVISED SITE PLAN

The Kroger Co. of Michigan is requesting site plan approval to amend their existing approved plan located at 2855 Union Lake Road. Sidwell No.: 17-12-276-008

MOTION by Jones, seconded by Pace, to recuse Jay Czarnecki from Item SP12-12-10.
MOTION CARRIED UNANIMOUSLY

Kathleen Jackson, Planning Director gave a review.

The following representatives were present to answer questions and/or address the Kroger proposal:

- Alan Boyer, Engineer of LSG Engineers & Surveyors, 3135 Pine Tree Rd, Ste D, Lansing, MI 48911
- Rick Ragsdale, Senior Real Estate Manager, Kroger Co. of Michigan
- Mark Millerwise, Applicant for Kroger Co. of Michigan
- Steve Laser, Kroger Co. of Michigan

Alan Boyer – When we were last approved for this request, the Commission specifically asked that we inform you when Kroger arrived at a solution with regard to the Big Lots building. We have made that determination and it is not feasible to keep the Big Lots building there. Removal of the building has allowed us to do a couple of things and therefore improve the overall site plan. Essentially, we have taken the plans and flipped them over, creating a mirror image of the store with the drive-thru pharmacy now located on the north side. We have also shifted the entire building to the north. This will allow for the north to be an expandable side; however, no future plans have been established for any potential expansion. Landscaping has been increased. This is roughly the same square footage, but now Big Lots disappears and the parking expands. As Kathleen Jackson explained, this plan now includes more parking than required by the ordinance as there was parking for the square footage of the Big Lots building. We would prefer to retain the extra parking spaces in anticipation of potential future expansion.

The landscaping is closer to compliance, and virtually everything else remains the same. We acknowledge that we will need to go before the Zoning Board of Appeals for a variance for the second side entrance.

Commission Comments:

Pace –

- I am glad to see that the Big Lots building is being removed.
- I like the greenspace shown on the blueprint.

- Why is the one-way proposed at the pharmacy drive-thru, and why is that drive narrowed at one end?

Mark Millerwise – There is a bypass lane so that they can get out of this area. There are obstructions with the columns for the canopies.

Pace – With the greenspace there, it could be left with the same width all the way along the drive.

Open discussion ensued regarding one-way as opposed to two-way traffic at the drive-thru, traffic in the rear of the building, loading docks and directional signage. Kathleen Jackson explained that this could be part of the motion if so inclined, and could also be addressed at the sign review as directional signage will be integral to this project.

Pace – The store is currently being enlarged by 20,000 square feet (to 88,000). How large would a future expansion be?

Mark Millerwise – If we expanded it to a “Marketplace” it would be about 125,000 square feet. This is a concept that Kroger has developed over the past few years. It is a large grocery store, but one side has soft goods/home goods, picture frames, furniture, expanded health care, kitchenware items, plates, glassware, etc.

Pace – I appreciate the explanation. So there is the possibility that the greenspace may be completely eliminated in the future?

Rick Ragsdale – An expansion could potentially consume half of the greenspace, but it would not all be eliminated.

Jones –

- I had the same question about the pinch-point on the narrow drive. It should be a parallel opening for a number of reasons, including snow, fire, etc.
- On one of the drawings, I saw “S58”. What is this referring to?

Jay James – S58 refers to soil erosion measures.

Jones – Ok. And my other question is regarding the variance from the Zoning Board of Appeals. Is that to eliminate the existing drive by the Burger King?

Rick Ragsdale – No.

Alan Boyer – That drive stays there. It is part of the shared parking and access agreement.

Jones –

- Ok, I want to see it remain.
- The air dispenser bay should be made large enough to accommodate two cars.

- Also, at the current Kroger parking lot, there is a wall. That same edge or curb design will not be incorporated in the new parking lot will it?

Jay James – The new lot has all standard 6” curbing. The other lot had landscaping and a retaining wall.

Steve Laser – Yes, there was a significant grade change at the south end of the lot.

Haber – Do you know what will be done with the existing building?

Rick Ragsdale – We have not started actively marketing it yet. Our first choice is to see if we can continue to get some retail in there. We will try to find something that Commerce is currently missing. But we can't move forward until Kroger is relocated into the new building.

Haber – We just don't want to see it become an eyesore.

Rick Ragsdale – We own that building and it is our objective to have a tenant.

Haber – I would like to thank all of you for working with us. I do like what you have done with the building. It will be a real asset to the community. You listened to our comments and complied with our recommendations. It is nice to work with people like you, and it has been very rewarding for all of us here as we work to make things better for the community.

McKeever – We also need to address their overage in parking. The reason I question this is because I believe that their landscaping still falls short of the ordinance requirements.

Kathleen Jackson – The ordinance gives you flexibility on parking. If a petitioner states a case for having additional spaces, you have the option of approving it based upon their situation. The required is 331. They are proposing 435, which is 37 spaces over the 120% threshold of 398. I recommend that the 18 spaces on the north side of the parking lot and the 14 spaces on the south end be eliminated. Elimination of these spaces would free up 11,200 square feet. Then, flexibility could be exercised to allow any other additional spaces to remain. Their overall landscaping is about 15% deficient. That is left to your discretion and is in consideration of the previous approval.

McKeever – This would be better served by breaking up the sea of asphalt. They have plenty of asphalt and I would like to see more greenspace.

Open discussion continued as the square footage of landscaping was reviewed and elimination of the parking spaces was contemplated. Chairperson Haber suggested Administrative approval of additional landscaping plans in conjunction with removal of these parking spaces. There were no objections.

Kathleen Jackson – And, if they expand, it would have to come back to the Planning Commission at which time we would review the parking again.

MOTION by Jones, supported by Pace, that the Planning Commission, approves with conditions, Item SP12-12-10, Kroger – Revised Site Plan, the request by The Kroger Co. of Michigan for site plan approval to amend their existing approved plan located at 2855 Union Lake Road. Sidwell No.: 17-12-276-008

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 amended site plan, inclusive of all supporting documents, and to the following conditions:

1. The Planning Commission's acceptance of the appropriateness of the north elevation;
2. The addition of a second entrance on Commerce Road or a variance obtained; and,
3. The parking reduction will be Administratively approved, along with additional landscaping revisions accordingly; and,
4. A signage plan will be administratively approved, including directional signage to control access at the one-way drive-thru pharmacy; and,
5. Approval by the RCOC and permitting, including for the plantings in the right of way; and
6. Approval by KER Engineering; and
7. Subject to the Fire Department's report dated May 3, 2012; and,
8. The driveway between the greenspace and the pharmacy drive-thru will be straightened out evenly and parallel as discussed herein; and,
9. The air dispenser bay will be widened to accommodate two vehicles; and,
10. The acceptance of all conclusions in the Planner's report dated August 1, 2012.

MOTION CARRIED UNANIMOUSLY

ITEM II: SP12-10-23 – COMMERCE PARK – FLEXIBILITY IN PARKING

Commerce Park LLC of Bloomfield Hills MI is requesting approval to utilize the Flexibility in Parking application located at the Commerce Park Plaza on the north west corner of Commerce and Carroll Lake Roads. Sidwell No.: 17-10-284-007

Kathleen Jackson, Planning Director gave a review. One item not included in the report was with regard to site compliance. Per the previous approval by the Planning Commission, the fencing area around the trash compactor was to be repaired and grease trap screening was to be added. In addition, the previous agreement was never executed. This will need to be negotiated with the attorney, executed between the property owner and the Township, and recorded at the county within 30 days.

Arkan Jonna, 4036 Telegraph Road, Suite 201, Bloomfield Hills, MI, was present along with future tenants, Joseph and Peggy Anicka, 10010 Sedlock St., White Lake, MI.

Arkan Jonna – I believe that the previous agreement was not signed due to an issue with the title and mortgage on the property. Counsel went back and forth on some items and this could not be put on the title at the time. The mortgage comes up again in mid-2013.

Kathleen Jackson – Yes, I believe you are correct that there were lender issues.

Arkan Jonna – As for the parking spaces, we would not do this if we thought there would be a problem. We are very confident that the parking spaces will be adequate. This restaurant (“Dickey’s Barbecue”) is a fast-casual café type service. Everything is pre-made and it is similar to a Boston Market. The need for parking will not be as great as it is at Leo’s where you order and have to wait for your food to be prepared.

Kathleen Jackson – I’m not sure if any of you had the opportunity to visit the web site, but the franchise is based out of Texas.

Commission Comments:

Pace –

- How many seats are there?
- How many staff members will there be?

Kathleen Jackson – The parking is based upon the square footage for this type of restaurant. It is north of the 7-Eleven by two spaces.

Peggy Anicka – We have seating for 62-64. This will be quick-serve with no waiting, similar to Subway where you “move with the food”. The average time that guests are at a table is about 20 minutes. We expect 50% of our customers to be dine-in and the rest to be carryout and catering.

We will have 10-12 staff members total. There could be up to 5 during the busy lunch hour time.

Pace – I see a big difference between the spaces required of 333 and the proposed of 197.

Kathleen Jackson – The ordinance has basically three different distinctions. Carryout only, or sit-down dining with alcohol and sit-down without alcohol. Sit-down without alcohol has parking based upon square footage, whereas with alcohol it is based upon occupancy.

Arkan Jonna – The “Curves” location is vacant and there is also space by Leo’s that is being absorbed. When we look at the parking on our previous developments, we see 100 spaces that have never been used. We feel that because everything comes prepared here, the turnover is faster; therefore, less parking is needed.

Pace – What if you rent out the other vacancies to similar restaurants?

Arkan Jonna – I think we are done with food service in this center.

Peggy Anicka – We also went out and did our own parking study prior to proposing this. We wanted to know the type of business draw and what issues to expect. We did not see any issues at breakfast, lunch or dinner times. Only once was the parking lot busy at Leo's on the north end, but not once was the entire parking lot full. On the south end, there were numerous spaces available, as well as in the back of the lot. I don't think the back lot is utilized except by employees.

Our site is just two doors down from the breezeway. If we need to use the overflow and walk-through breezeway, it would be feasible. We have not found that there will be a problem or we would not have chosen that location.

Kathleen Jackson – Yes, if you are in agreement it will be conducted over a fourteen day period of time. We have already been to the site a dozen times. The parking agreement lists the remedies available, and directional signage could be included so that patrons are aware of parking that is available in the rear of the building. Employees could be required to park in the rear lot. The petitioner is aware that if issues arise remedies go as far as revoking their certificate-of-occupancy. These stipulations can be part of the motion, and are part of the agreement.

Jay James – Is the Commission ok with this request if the parking study is conducted?

McKeever –

- I feel it would be, but there are also questions with the issues from the previous agreement.
- The compactor and grease traps must be fenced/screened.
- You will need to confirm that requirements are met before a certificate-of-occupancy will be granted.
- Also, the north/south traffic crossing gets hazardous. This intersection should have a stop sign.
- I am ok with the request if a parking study is conducted and the previous items are taken care of.

Haber –

- You know the breezeway was one of our ideas for access to the rear parking, but no one uses it. Very few people park back there.
- Last Sunday was a disaster at Leo's.
- I would love to see you here, and once we see that the parking study indicates this will be fine, it should not be a problem.
- We would like to see the signage improved and the addition of a stop sign. The signage needs to clearly notify patrons of the availability of rear parking.

Arkan Jonna – I noticed the rear parking full at times, but we will take care of the signage. This layout was originally designed so that people using the park would have parking accessible.

Haber – Does Leo's have a rear access?

Arkan Jonna – Yes.

Haber – You may want to consider that here also if possible.

McKeever – There is a sidewalk with access from the back parking lot to the front.

Kathleen Jackson – This may also be an opportunity for the Parks and Recreation Committee to get involved.

Pace – There is a lot of parking back there that is not necessarily utilized for the park. A few use it for Mill Race, but there's no heavy traffic. I will bring it up to the Committee.

Haber – What is your timetable for opening?

Peggy Anicka – We plan to open in October which is a good time to start just prior to the holidays. We pushed back the opening due to this issue, but would like to open as soon as possible.

Haber – How soon could this move along?

Kathleen Jackson – We can start tomorrow.

Jay James – And they can submit their building plans concurrently with the survey.

Discussions continued regarding the parking study, emailing results to the Commission, and Administrative approval if the study indicates that this is feasible. Designated parking spaces for each restaurant was also addressed and it was agreed that this is undesirable. Kathleen Jackson pointed out that the agreement allows only for designation of handicap spaces, while all others are open for any tenant's customers. In addition, all employees should be notified to park in the back lot.

MOTION by Jones, supported by Pace, that the Planning Commission approves, with conditions, Item SP12-10-23, Commerce Park – Flexibility in Parking, the request by Commerce Park LLC of Bloomfield Hills MI for approval to utilize the Flexibility in Parking application located at the Commerce Park Plaza on the north west corner of Commerce and Carroll Lake Roads. Sidwell No.: 17-10-284-007

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 allowing for the Commission to exercise discretion and Flexibility in Parking.

Approval is subject to the following conditions:

1. The Planner's Report dated August 3, 2012; and,

2. The agreement will need to be negotiated with the attorney, executed between the Township and Property Owner, and recorded with the county within 30 days; and,
3. A parking survey to be conducted Administratively over a fourteen day period of time at both lunch and dinner hours to ensure that there are no problems on site; and,
4. The parking will be Administratively approved only after the survey has been conducted satisfactorily and the members of the Planning Commission have received and reviewed the results of the survey by email; and,
5. The site will be brought into compliance with the previous agreement, including but not limited to the items discussed herein, such as the fencing around the trash compactor, grease trap screening, etc.; and,
6. Signage will be administratively reviewed and approved, including but not limited to the stop sign and the directional sign(s) discussed herein.

MOTION CARRIED UNANIMOUSLY

OTHER MATTERS TO COME BEFORE THE COMMISSION

McKeever initiated discussion regarding changes to a building's façade. Kathleen Jackson explained that the ordinance does not currently have language to preclude property owners from changing a façade. An upcoming discussion will be scheduled regarding an ordinance amendment to include such language, along with relative guidelines and percentages.

Pace and Kathleen Jackson discussed fence ordinance guidelines and restrictions.

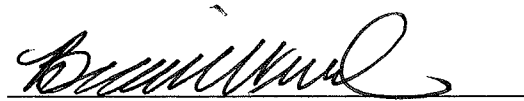
Haber discussed Michigan Bike Week and the two accidents that occurred at the recent event. He is awaiting details on these incidents, and pointed out that he was not in favor of the event.

The next Planning Commission meeting will be Monday, September 10, 2012 at 7:00pm.

ADJOURNMENT

MOTION by Pace, supported by Jones, to adjourn the meeting at 8:29pm.

MOTION CARRIED UNANIMOUSLY



Larry Haber, Chairperson
(On behalf of Brian Winkler, Secretary)