

**CHARTER TOWNSHIP OF COMMERCE
PLANNING COMMISSION MEETING**

Monday, March 14, 2011
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
Brian Winkler, Secretary
Debra Kirkwood
Dave Spencer
Jay James
Absent: Bill McKeever (excused)
Kathleen Jackson (excused)
Also Present: Amy Chesnut, McKenna Associates

Amy Chesnut was welcomed by the Commission.

APPROVAL OF MINUTES

MOTION by Kirkwood, supported by James, to approve the Planning Commission Meeting Minutes of February 7, 2011, as written.

MOTION CARRIED UNANIMOUSLY

UPDATE OF ACTIVITIES

Chairperson Haber began by thanking staff members and Commissioners for the recent sympathy card he received after the passing of his mother.

Debra Kirkwood – Township Board of Trustees

- The Board accepted Rick Sovel's resignation from the Zoning Board of Appeals. David Law was appointed to fill the position.
- The brief meeting also included discussion on medical marijuana as it relates to the Township Ordinance.

Haber inquired about construction on M5 and the Martin Parkway.

Kirkwood and James replied that construction is scheduled to start in the spring and the outlook is anticipated to be substantial enough that the roadway may open in the fall.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

MOTION by James, supported by Kirkwood, to remove Item Z10-02 from the table.

MOTION CARRIED UNANIMOUSLY

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ITEM I – Z10-02 – COMMERCE TOWNSHIP – TEXT AMENDMENT – Tabled from 12-6-10

An amendment to the Commerce Township Zoning Ordinance No. 3.000, Article XXVI, to add a Section entitled, Wind Energy Conversion Systems (WECS), to establish procedures and standards for the installation and operation of such.

Amy Chesnut gave a review. Kathleen Jackson arranged for Lisa Spaugh, Guest Speaker, Wolverine Power Systems, 3229 80th Ave, Zeeland, MI, to discuss wind energy for the Commission. Following the presentation, questions and comments will be addressed. Kathleen Jackson is seeking direction on the text samples provided in the packet.

GUEST SPEAKER LISA SPAUGH REGARDING WINDMILLS

Lisa Spaugh – I am hopeful that I can provide you with valuable input. I know that Amy Chesnut writes ordinances, and I work through ordinances with my clients, so this offers you both perspectives. Ms. Spaugh then gave a presentation on Wind Energy.

Commission Comments:

James – Is there any wind shear speed where turbines may fall off or be disconnected?

Lisa Spaugh – Every turbine has a cutout speed. They will stop spinning and put on the brakes or they would lose control. At winds of 135mph, they will shut down. If there is a big storm approaching, they can also be manually shut down.

Haber – Have any blades ever separated?

Lisa Spaugh – Yes, you name it, and it has happened, such as a lightning strike causing blades to fly off. These amount to a small percentage, but you can find many pictures and stories about such incidents. All aspects of the units, interior blades and tower, are now required to be grounded with respect to lightning strikes.

Winkler – Have you seen the draft ordinance that Kathleen Jackson prepared?

Lisa Spaugh – Yes, she did send me an early draft, then two revisions. I have not seen the final, but she has put in a lot of time and effort.

Haber – I don't understand how it affects water consumption.

Lisa Spaugh – Producing ground energy affects water usage, and wind energy reduces the consumption as it does not use water.

Haber – What about the other circular turbines? Are you familiar with those?

Lisa Spaugh – Those are horizontal access turbines. There is one being designed in Brighton MI with a grant from the Department of Energy. It is innovative at 300 kilowatts, which is a nice size. It is not for sale yet; they are still testing and developing.

Planning Commission Meeting

ITEM I – Z10-02 – COMMERCE TOWNSHIP – TEXT AMENDMENT (continued)

Another is the Mariah, which is long and skinny, but it is not proven yet either and is not sold in Michigan.

Haber – Some reports show that the blades are more efficient and they work in lower wind situations.

Lisa Spaugh – I do know some installers that have tried them, but they no longer do them. Our company remains focused upon what has been proven to work.

The Commission thanked Lisa for the informative presentation.

ITEM II – Z10-03 – COMMERCE TOWNSHIP – TEXT AMENDMENT – Tabled from 12-6-10

An amendment to the Commerce Township Zoning Ordinance No. 3.000, Article XXXIII, Section 33.02, to establish new language for all types of fences on both street and waterfront required yards. **REMAIN TABLED.**

MOTION by James, supported by Kirkwood, to remove Item SU10-04 from the table.
MOTION CARRIED UNANIMOUSLY

MOTION by James, supported by Kirkwood, to remove Item SP10-25-11 from the table.
MOTION CARRIED UNANIMOUSLY

>>Chairperson Haber proposed that Items III & IV be reviewed together, with separate motions to be made for each item. There were no objections from the Commissioners.

ITEM III – SU10-04 – DUNKIN DONUTS – SPECIAL LAND USE – Tabled from 2-7-11

Duane Barbat representing Dunkin Donuts of Commerce MI is requesting Special Land Use for a drive thru business located at 3433 E. West Maple. Sidwell No.: 17-25-476-008 & 010

ITEM IV – SP10-25-11 – DUNKIN DONUTS – Tabled from 2-7-11

Duane Barbat of Commerce MI is requesting Site Plan approval for a drive thru business located at 3433 E. West Maple Road. Sidwell No.: 17-25-476-008 & 010

Amy Chesnut gave a review of the Planner's reports. The reports noted several issues that needed to be addressed by the petitioner including deliveries, circulation, parking, landscaping, lighting and photometrics, signage, materials samples and other required plan revisions. Additionally, any approvals by the Commission would be subject to the Township Engineer's letter dated September 1, 2010 and the Fire Marshall's letter of February 4, 2011.

Planning Commission Meeting

ITEM III – SU10-04 – DUNKIN DONUTS – SPECIAL LAND USE & ITEM IV – SP10-25-11 – DUNKIN DONUTS (continued)

The petitioner, Duane Barbat, 5547 Hampshire Drive, West Bloomfield, MI, was present along with Daniel Lublin, 3438 E. West Maple, Commerce Township, MI, and Bennett Lublin to address the proposal and answer questions.

Duane Barbat – I currently own and operate the Dunkin Donuts in the Town Center Plaza at Union Lake Road and Commerce Road.

A few issues need to be addressed with Kathleen Jackson. We have color and rendering samples for review by the Commission. These are not exact to our building, but they are the base that we use for design. We tweak each location as needed. We also have sign specifications. A brick knee wall is proposed to prevent stress to the Dryvit (EIFS). (Samples were presented to the Commissioners.)

A delivery zone is nice to have, but unnecessary as there is only one weekly delivery which occurs between 12am and 4am. We feel there is enough parking on site and there will be plenty of space that it will not present an issue. The truck is small; it's not a full semi.

Haber – Is this a 24-hour operation?

Duane Barbat – Yes, we are planning to begin that way.

Jones – The Union Lake store is open 24-hours?

Duane Barbat – Yes sir.

The monument sign is not a problem. We will reduce it to the proper height. The wall signage is also workable. We will consult with Administration to determine the options to split or combine and just use one sign.

I do need to know more about the berm...

Amy Chesnut – If this were a newly developed site, it would be required to have berms. The Planning Commission has discretion as to berm requirements, so they will decide whether or not the existing meets the intent.

Duane Barbat – Ok, well the project speaks for itself. It appears bright on the rendering. The coffee cup was removed from the plans. The pink and orange awnings shown on the plan will not be present. There will only be a tiny bit of orange, but the rest of the colors are earth tones that blend well with the Haggerty Road corridor. It will be 23' in height, and a beautiful building for the gateway into Commerce.

ITEM III – SU10-04 – DUNKIN DONUTS – SPECIAL LAND USE & ITEM IV – SP10-25-11 – DUNKIN DONUTS (continued)

Commission Comments:

Chairperson Haber clarified that votes would need to be made separately for each item.

Haber – To Daniel Lublin: Wasn't this location to be used for an office?

Daniel Lublin – Yes, we were considering that as we discovered it may be difficult to get another drive thru business approved at the location.

Bennett Lublin – We fully intended to move our office here from across the street. When we began putting in the footings, Duane inquired about the possibilities.

Haber – So you were planning an office, but the new tenant worked out even better. (Yes.)

Kirkwood –

- I have an issue with the site plan.
- It was brought in with a lot of changes previously and it was to be an office. There was a rush to get it approved and done before the building season was over. Now suddenly everything has changed and it is back before us in a rush again.
- A coffee shop was tried here before unsuccessfully.

Haber – Everyone can choose to lose their money any way they want to.

Kirkwood –

- We need to see the final plans.
- The landscape size is not indicated.
- I would like to know exactly what size the signage will be.
- I'd also like to see the colors. The orange trademark color does not bother me. I'm ok with that.

James –

- In agreement.
- When you came before us last time this was an office and there were great comments at the review about what would be done.
- The parking spaces are not correctly reflected on the plans. You currently have only 15 spaces.

Planning Commission Meeting

ITEM III – SU10-04 – DUNKIN DONUTS – SPECIAL LAND USE & ITEM IV – SP10-25-11 – DUNKIN DONUTS (continued)

Discussion followed regarding the actual number of parking spaces.

James –

- As for deliveries and a loading zone, I would say that if deliveries are limited to between 2am and 4am, it would not be a problem.

Duane Barbat – They would be between 12am and 4am and there would usually be 1-2 employees and 1-2 customers during that time frame. We would want to limit delivery times to avoid scaring off customers and impacting business. All franchisees are part of the board that has the power to control these aspects.

James –

- No problem having the landscaping approved by Administration. Some of the trees are in rough shape and Kathleen Jackson will check them to determine if replacements are necessary.
- In agreement with Kirkwood on signage and colors. Work with staff on the wall signs.
- What about the dumpster location? It's an odd spot with stacking, yet I don't really see where else it could go unless you convert these to parking spaces and move it to the end. It's difficult to get a truck in.

Duane Barbat – It is an odd configuration. I would put the dumpster in this corner if we started from scratch; however, just as the deliveries will be scheduled, we expect trash pickup to be very early morning before the rush begins so stacking would not be affected. There is enough area here to pickup and drop-off the container.

Haber – You should consider moving the dumpster to the west end to open up the parking spaces there. It will create a better traffic flow. There is a real circulation issue here no matter what.

James – You may even pickup an extra parking space with this effort.

Jones –

- They may be less than 10' if this is to scale...
- The berm is unnecessary in my opinion.
- Previously, there was talk of removing the old drive thru windows from the building.
- Will there be tables and chairs, and what are the requirements?

Duane Barbat – The drive thru windows will be new. There will be only 4 tables as it will be a high-volume drive thru. We wanted 14 seats but agreed upon 10. The same architect who worked on the office plans is now working with us.

Planning Commission Meeting

ITEM III – SU10-04 – DUNKIN DONUTS – SPECIAL LAND USE & ITEM IV – SP10-25-11 – DUNKIN DONUTS (continued)

James – The parking requirements are based upon the usable square footage.

Amy Chesnut – Yes, the requirements are based upon square footage and not on the number of seats, unless there is outdoor seating which they do not have. 15 spaces are required per 1,000 square feet of gross floor area.

Jones –

- I agree that signage has to conform to the requirements.

Spencer –

- No questions different from those already addressed.
- It is great to take this old building and make it useful.
- The colors are trademark.
- Delivery and trash trucks can hurt your business, so schedule and control these issues.

Winkler –

- I agree that the dumpster should be moved to the west.
- I would also suggest putting the front door on the east elevation which puts more parking at the front entrance of the building.
- Agree with Jones and James on landscaping. Trying to implement within the current ordinance is unrealistic due to physical limitations of the site.
- It is common to have signage handled by Administration, and it should comply with the ordinance.
- As for elevations, Kathleen Jackson expressed concern in her report about the use of the startling orange color. I've seen the prototype entrance. I would suggest maintaining the orange at the east end, or even behind the west, and eliminating the stripe instead. This is useful and still incorporates the orange in with the signage and the new entrance.

Haber –

- The Fire Department asked to have 20' on the east entrance and it is only 18'. There will be no debate on the required 20'.
- Although there will be directional signage, I can guarantee that people will try to turn left. Cut-thrus were not addressed, and I have concern about it, although there's not much you can do. The circulation may be an issue.
- Any approvals will be subject to all items included in the Planner's Report.
- Lighting was addressed.
- All mechanicals need to be hidden on the rooftop so they are not visible.
- No opinion on the berm either way.
- Moving the dumpster may increase parking and you should consider this.
- Parking spot sizes and total spaces need to be clarified and confirmed.

ITEM III – SU10-04 – DUNKIN DONUTS – SPECIAL LAND USE & ITEM IV – SP10-25-11 – DUNKIN DONUTS (continued)

- Landscaping needs to be defined. Administration can tell you what to do and you need to comply.
- We don't like to address things after the fact. We need to discuss them beforehand so that we are all on the same page.

Duane Barbat – Mechanicals will absolutely be hidden. The left turn will be prohibited by the sign and a “pork chop” deterrent.

James – It will have to be a dominant “pork chop” to deter left turns.

Jones – Wasn't there a lighting pole on the west side to be removed as suggested by Kathleen Jackson?

Daniel Lublin – There was a pole on the west end. It is still standing. It was cut down, and we planned on removing it.

James – Overall, I love the idea of a Dunkin Donuts there. It's an optimal use for the area. However, I am not personally thrilled with all of the loose ends.

Duane Barbat – How about if we agree to what Winkler suggested. We can remove the band from the back side of the building, and move the building to the far west side. We will comply with the landscaping, lighting, signage, and parking in compliance with the ordinance and we'll work with Administration. This is a critical time and we are working toward approval this evening.

Jones – We are used to seeing much more on the plans...

Kirkwood – I'm also in favor of having you bring it back for final approval.

James – We appreciate your desire to move quickly but there are other things that you can address in the meantime. You can get your construction plans through to engineering. This will run concurrently and therefore will not hold up the progress. As I looked again at the plans, I realized that you are changing the ponds and storm water runoff which you were not doing before with the office. The Commission meets again in April and we would like to see you return with the changes discussed here tonight.

Jones – You should return in three weeks.

Winkler – Ok with having them return at the next meeting.

Spencer – In agreement with James.

ITEM III – SU10-04 – DUNKIN DONUTS – SPECIAL LAND USE & ITEM IV – SP10-25-11 – DUNKIN DONUTS (continued)

Haber – I don't see a problem going forward if you work with the suggested changes.

MOTION by James, supported by Kirkwood, to table Item SU10-04, the request by Duane Barbat representing Dunkin Donuts of Commerce MI for Special Land Use for a drive thru business located at 3433 E. West Maple. Sidwell No.: 17-25-476-008 & 010. The item is tabled until more detail can be provided for review by the Commission as discussed herein. The next meeting of the Planning Commission is scheduled for April 4, 2011, at which time the petitioner may choose to present the item again.

MOTION by James, supported by Kirkwood, to table Item SP10-25-11, the request by Duane Barbat of Commerce MI is for Site Plan approval for a drive thru business located at 3433 E. West Maple Road. Sidwell No.: 17-25-476-008 & 010. The item is tabled until more detailed plans can be provided for review by the Commission as discussed herein. The next meeting of the Planning Commission is scheduled for April 4, 2011, at which time the petitioner may choose to present the item again.

ITEM V – SP09-16-08 – ISLAND CLUB #2 EXTENSION

Seth Norman with Fenris, LLC of Commerce MI is requesting an extension of his site plan to construct 11 single family units located in the Island Club Condominium off Benstein Road. Sidwell No.: 17-16-476-032

Amy Chesnut gave a review and explained that the item would not require a new review as it was originally reviewed under the new ordinance. If the Commission is inclined to approve, it will then be forwarded to the Township Board for final approval.

Seth Norman, Fenris, LLC, 3130 Old Farm Lane, Ste 1, Commerce, MI, was present to address the request. He stated that the plans have been submitted for engineering approval; however, for economic reasons, they had not moved forward on the project. He added that his father owns the property.

Commission Comments:

Kirkwood – I recall when this came before the Commission that there was a special agreement with Oakland County regarding the septic bills.

Seth Norman – We are hooking into the sewer.

James – The existing island club has a community septic field. The agreement stated that these homes could connect when it became available, but it did not require it. In this phase, the new homes will connect to the sewer, and the pump system is being designed large enough to accommodate future hookup of the existing homes. When the septic field fails, they will be required to hookup.

Planning Commission Meeting

ITEM V – SP09-16-08 – ISLAND CLUB #2 EXTENSION (continued)

Jones – No problem with the request.

Winkler – No issues

Spencer initiated discussion about the homes being built on pylons and the water table.

MOTION by Kirkwood, supported by James, that the Planning Commission approve Item SP09-16-08, Island Club #2 Extension, the request by Seth Norman with Fenris, LLC of Commerce MI for an extension of his site plan to construct 11 single family units located in the Island Club Condominium off Benstein Road. Sidwell No.: 17-16-476-032. It is noted that if a future extension request is necessary, the petitioner will need present the plan again before the Commission. **MOTION CARRIED UNANIMOUSLY**

OTHER MATTERS TO COME BEFORE THE COMMISSION

None

The next Planning Commission meeting will be Monday, April 4, 2011 at 7:00pm.

ADJOURNMENT

MOTION by Kirkwood, supported by Winkler, to adjourn the meeting at 8:37 pm.

MOTION CARRIED UNANIMOUSLY

Brian Winkler, Secretary