

**CHARTER TOWNSHIP OF COMMERCE  
PLANNING COMMISSION MEETING**

Monday, May 3, 2010  
2009 Township Drive  
Commerce Township, Michigan 48390

**CALL TO ORDER:** Tom Jones, Vice Chairperson, sitting in as Chairperson for Larry Haber, called the meeting to order at 7:00pm.

**ROLL CALL:** Present: Tom Jones, Vice Chairperson  
Brian Winkler, Secretary  
Debra Kirkwood  
Dave Spencer  
Absent: Larry Haber, Chairperson (excused)  
Bill McKeever (excused)  
Randy Thomas (resigned)  
Also Present: Kathleen Jackson, Planning Director

Petitioners were advised that there was a quorum, with 4 of the 7 Commissioners present, and that in order to have their request approved, the vote would need to be unanimously in favor.

**APPROVAL OF MINUTES**

**MOTION** by Kirkwood, supported by Spencer, to approve the Planning Commission Meeting Minutes of April 5, 2010, with the following correction as addressed by Jones:

- 1) Page 11 of 12, edit the number 3. condition of the motion to read as "...*No decks **that exceed 30***" in setbacks, add note to the master deed and site plan.

**MOTION CARRIED UNANIMOUSLY**

**UPDATE OF ACTIVITIES**

Debra Kirkwood – Township Board of Trustees & DDA

- A special discussion meeting was held last week.
- Randy Thomas resigned from his positions with the DDA and the Planning Commission.
- Kathleen Jackson has been appointed as the DDA Interim Director.

**PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA**

None

>>Vice Chairperson Jones proposed that Items I & II be reviewed together, with separate motions to be made for each item. There were no objections from the Commissioners.

**MOTION** by Kirkwood, supported by Spencer, to remove Item SU10-02 from the table.  
**MOTION CARRIED UNANIMOUSLY**

**ITEM I: SU10-02 – R & M PLAZA – SPECIAL LAND USE – TABLED FROM APRIL 5, 2010**

Mike Powell of White Lake MI representing Chand Marwaha is requesting a Special Land Use to allow a mixed use for an existing building located at 1545 Union Lake Road and the adjacent parking lot to the east. Sidwell No.: 17-01-226-022 & 015

**MOTION** by Kirkwood, supported by Spencer, to remove Item SP10-01-03 from the table.  
**MOTION CARRIED UNANIMOUSLY**

**ITEM II: SP10-01-03 – R & M PLAZA – TABLED FROM APRIL 5, 2010**

Mike Powell of White Lake representing Chand Marwaha of Bloomfield Hills MI is requesting site plan approval of a request for a mixed use for an existing building located at 1545 Union Lake Road. Sidwell No.: 17-01-226-022 & 015

Kathleen Jackson, Planning Director gave a review of the Planner's report, dated April 28, 2010. Item 1) was corrected as the petitioner did submit the photometric plan prior to the last meeting. Therefore, this could be subject to Administrative approval. It was also noted that Item 8) was an error and need not be considered.

Mike Powell, Engineer & Designer, and Jeremy Powell, Landscape Architect, 110 Autobahn Drive, White Lake, MI, Engineer and Designer for the project, were present along with Chand Marwaha, Owner.

Mike Powell – If you recall, we had a discussion at the last meeting that the dumpster should be located on the southeast corner of the site; however, that prompted the property owner to the south to voice opposition. Upon review, we determined that we can feasibly locate the dumpster at the northwest corner of the lot.

The other item to address is the shared parking agreement. The owner owns the entire lot and there is no provision for any of the site to be sold off. There is no problem with the Dairy Queen utilizing parking for overflow as the business hours are diversified. In our opinion there is no need for an agreement at this time as he is sole owner. If, at anytime in the future this becomes necessary, the owner is willing to allow for shared parking and a shared maintenance agreement.

The architect did review the signage and design.

**Planning Commission Meeting**

**ITEM I: SU10-02 – R & M PLAZA – SPECIAL LAND USE & ITEM II: SP10-01-03 – R & M PLAZA (continued)**

The owner has agreed to do a band of forest green standing seam metal that will wrap around the building where the masonite currently is. We are open to advice and/or, possibly another color.

The plan also replaces the existing signs and provides for black framed 2'x10' enclosed signs, backlit with a light face, which will be standard for every unit. This will give a more professional look.

The parking lot came out really well. We noted that the lot isn't used very often. At this time, we do not have a detailed floor plan of entire building. Instead of having the architect do an entirely new layout of the site and floor plan, we have deferred additional parking as there is enough room to bank spaces to expand later as necessary.

As for the meter screening, there is really no way to screen them short of having a false front that can be moved for the meter readers. The meters are located on two walls, and we have proposed landscaping in front of each area in an attempt to diminish the impact.

**Commission Comments:**

Jones –

- Where is the land banked?

Kathleen Jackson approached and identified the banked parking area for the Commission.

Kathleen Jackson – We will need to have a recordable instrument on file at the County Clerk's office for the land banking agreement.

Mike Powell – We reviewed the suggested skylights; however they are not feasible with the standard truss design. There's only 16" and it would be very difficult to accommodate skylights in that space except for maybe the circular type that are bendable.

Spencer –

- There is flexible tubing available, or sun tunnels.
- You can also put in smaller skylights so as not to cut off the headers.

Mike Powell – All apartments do have windows so there really wouldn't be any need for skylights.

Kirkwood –

- On the drawings, please explain the locations of doors and windows. Will they all be entering through one door?
- What changes will occur in these areas?

Mike Powell – There is really no way to get windows facing to the west due to the slope of the front peak on the westerly elevation.

Planning Commission Meeting

**ITEM I: SU10-02 – R & M PLAZA – SPECIAL LAND USE & ITEM II: SP10-01-03 – R & M PLAZA (continued)**

The center door goes back to a southeast apartment, but that one also has an exit at the front stairs. The rear northeast apartment has a door on the easterly end and also has a front exit.

Chand Marwaha – The hallway does connect, so there are four doors total.

Kirkwood –

- Lastly, we discussed having a uniform color on the easterly exterior; however, this is not shown.
- The apartments are brown – they stand out and are not very attractive.

Mike Powell – They are currently painted brown. The intent is to allow them to stand out from the commercial portion. The architect is reviewing options for this.

Chand Marwaha – We are doing improvements on the front. The architect is considering green trim as a theme all around. The second floor awning was blown off in the recent storm, so this is being replaced. Instead of replacing what was there, we are looking at this as an opportunity to improve that area and incorporate the new structure into the theme. The peak will also be enhanced. We are meeting with the architect next week to discuss this. I own another center that you could visit to see the architecture on that building.

Winkler –

- In looking over what the petitioner has done since the last review, I'm happy to see the changes and think that it is a good faith effort to bring the building close to the current ordinance, within financial reason.
- I have one concern remaining. At the last meeting, a resident neighbor mentioned the trash blowing onto his property and he suggested a fence be constructed to prevent this, either in lieu of, or in addition to the existing berm. Why was this not addressed?

Chand Marwaha – We are moving the dumpster, so the problem may go away. The trash comes primarily from the Dairy Queen, especially in the summertime.

Spencer –

- Red mulch will be used along Union Lake Road? (Yes.)
- Are there sprinkler systems for the landscaped areas?

Chand Marwaha – Yes, but they break everyday. There are existing sprinklers for the small front area, but they get broken by the mowers.

Spencer – So you are using standing seam metal...

Planning Commission Meeting

**ITEM I: SU10-02 – R & M PLAZA – SPECIAL LAND USE & ITEM II: SP10-01-03 – R & M PLAZA (continued)**

Mike Powell – Yes, on the vertical façade/facia.

Chand Marwaha – We may also add this to the back along with the loft style peak to make the residential portion look more like a home.

Jones –

- (To Kathleen Jackson) Can the Commission tie in the color choices as another thing to be left for Administrative approval?
- Also, couldn't there be fading of the standing seam metal accents, and if so, won't that be difficult to match?

Kathleen Jackson – Yes. And, I'm not opposed to administratively approving the metal with the Planning Commission's approval.

Kathleen Jackson – Please bring samples and spec sheets.

Open discussion continued regarding architectural options, building materials, and maintenance.

Jones –

- On page 3 of the previous minutes, the resident spoke of the front doors – if they are marked exits, they cannot be locked according to the fire code.

Kathleen Jackson – That is in the hands of the Fire Department. I did mention it to Todd briefly and that the item was tabled.

Jones –

- I looked at the meters on the back walls, panels, etc. They're in four places. I could not visualize any way to cover these and also allow for a meter reader to view them.
- I concur with the proposed in this regard.

Chand Marwaha – I don't want to build any structure around these as it could create areas where people could hide. This would present safety issues for employees who are there late at night.

Mike Powell – We're actually shielding these areas with the landscaping.

Jason Powell – The plants will break up the wall, attracting your eye to the plant as opposed to the meter. These can be pruned to keep the width down.

Planning Commission Meeting

**ITEM I: SU10-02 – R & M PLAZA – SPECIAL LAND USE & ITEM II: SP10-01-03 – R & M PLAZA (continued)**

Jones –

- As for the trash situation... you said you have a cleaning person who comes every other day.
- If we continue to receive complaints regarding the excessive trash, we will need to readdress the situation.

Mike Powell – If complaints are received, we may suggest a 24" high screen that will stop the trash, but won't be obtrusive.

Kathleen Jackson – This can be secured with a bond for one year. If no complaints are received, then it could be released. It is a performance guarantee.

**MOTION** by Winkler, supported by Kirkwood, that the Planning Commission approves with conditions, Item SP10-01-03, R & M Plaza, the request by Mike Powell of White Lake representing Chand Marwaha of Bloomfield Hills MI for site plan approval of a request for a mixed use for an existing building located at 1545 Union Lake Road.

Sidwell No.: 17-01-226-022 & 015

Approval is for the reason that the information submitted by the applicant and the information presented to the Planning Commission demonstrates that the proposed site plan meets the requirements and standards of the Commerce Township Zoning Ordinance.

The request is approved as submitted, including stipulations and conditions as discussed here, the findings in the Planner's report dated April 28, 2010, and as follows:

1. The issuance of a one-year bond as a performance guarantee to ensure that trash issues are addressed accordingly as deemed necessary by Administration in response to potential future complaints; and,
2. Administrative approval for review of the floor plans, and, if it is determined that landbanking is necessary, the Township Attorney will execute the deed restriction required for landbanking, at the owner's expense, which will be a recordable instrument filed with the County Clerk's office; and,
3. Administrative approval of the photometric plan, meeting Township Ordinance requirements; and,
4. Administrative approval of the landscaping, irrigation, and use of landscaping to shield the utility meters; and,
5. Administrative approval of the signage; and,
6. Administrative approval of the metal roof, replacement for the rear awning, colors and building materials.

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Kirkwood, supported by Winkler, that the Planning Commission approves with conditions, Item SU10-02, R & M Plaza, Special Land Use, the request by Mike Powell of White Lake MI representing Chand Marwaha for a Special Land Use to allow a mixed use for an existing building located at 1545 Union Lake Road and the adjacent parking lot to the east. Sidwell No.: 17-01-226-022 & 015

**Planning Commission Meeting****ITEM I: SU10-02 – R & M PLAZA – SPECIAL LAND USE & ITEM II: SP10-01-03 – R & M PLAZA (Motion continued)**

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. The request is approved as submitted, including stipulations and conditions as discussed here, the findings in the Planner's report dated April 28, 2010, and as follows:

1. The issuance of a one-year bond as a performance guarantee to ensure that trash issues are addressed accordingly as deemed necessary by Administration in response to potential future complaints; and,
2. Administrative approval for review of the floor plans, and, if it is determined that landbanking is necessary, the Township Attorney will execute the deed restriction required for landbanking, at the owner's expense, which will be a recordable instrument filed with the County Clerk's office; and,
3. Administrative approval of the photometric plan, meeting Township Ordinance requirements; and,
4. Administrative approval of the landscaping, irrigation, and use of landscaping to shield the utility meters; and,
5. Administrative approval of the signage; and,
6. Administrative approval of the metal roof, replacement for the rear awning, colors and building materials.

**MOTION CARRIED UNANIMOUSLY**

**ITEM III: SP10-26-06 LULU'S CONEY ISLAND – OUTDOOR DINING**

LuLu's Coney Island of Commerce MI is requesting approval for outdoor dining located at 1001 Welch Road Suite 115. Sidwell No.: 17-26-476-010

Kathleen Jackson, Planning Director gave a review. Coffee Time is an adjacent business to LuLu's Coney Island. They have approval for outdoor dining; however they currently have 2 additional tables and 8 additional chairs outside that were not approved. This permit is under one Sidwell number and address. It is suggested that the entire site be brought into compliance and this can be tied into any approval for a better measure of enforcement.

The petitioners, Kristina Vulaj and Hana Ljucovic, were present to answer questions regarding the proposal.

**Commission Comments:**

Jones –

- Coffee Time was approved one year ago?

Kirkwood –

- I have one request to require that they put in parking bumpers for the spaces by the tables. We required Coffee Time to do this.

Winkler –

- Great idea.

**Planning Commission Meeting**

**ITEM III: SP10-26-06 LULU'S CONEY ISLAND – OUTDOOR DINING (continued)**

Kristina Vulaj – We've had many requests from customers who would like to sit outside.

Spencer –

- The parking at the south end does not seem to have any congestion issues, so there is room for overflow. The others stores aren't as busy.
- I don't see any problems.
- Will there be any covered area for protection from sun, wind or rain?

Jones –

- What are our options if there are any problems?

Kathleen Jackson – We have money in escrow that was collected when the shared agreement was drafted. If we receive complaints, there are funds available to address the issues.

Jones –

- So that will be done here?

Kathleen Jackson – It was already setup when the shared parking agreement was established, so there is no need to duplicate that here.

**MOTION** by Kirkwood, supported by Spencer, that the Planning Commission approves, with conditions, Item SP10-26-06, the request by LuLu's Coney Island of Commerce MI for approval of outdoor dining located at 1001 Welch Road Suite 115. Sidwell No.: 17-26-476-010.

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 following conditions:

1. The findings and conditions of the Planner's Report dated April 15, 2010; and
2. The addition of parking bumpers in the front of the outdoor dining area where the tables will be located; and,
3. This approval to be made part of the parking agreement; and,
4. Coffee Time's outdoor seating being brought into compliance with their permit.

**MOTION CARRIED UNANIMOUSLY**

**ITEM IV: SP10-24-07 – PONTIAC TRAIL RETAIL CENTER**

Soave Properties Inc. of Livonia MI is requesting approval to amend their existing approval to allow for multi tenants located at 3290 Pontiac Trail.

Sidwell No.: 17-24-476-025

Kathleen Jackson, Planning Director gave a review.

Marco Soave was present to answer questions regarding the proposal.



**Planning Commission Meeting**

**ITEM IV: SP10-24-07 – PONTIAC TRAIL RETAIL CENTER (continued)**

**Commission Comments:**

Kirkwood –

- I have no problem with multiple tenants here.

Jones –

- There are existing parking bumpers. Are they there by your choice and do you want them to stay?

Marco Soave – There is only the AT&T store at this time, which has very light traffic. We may open the lot at a later date; however, I'm unsure of the impact that would have.

Jones –

- The tenants may suggest it.

Kathleen Jackson – We initially requested shared access there. When it became apparent how busy Sonic would be, and the potential for "left-turn cut-thrus", we encouraged the parking bumpers remain.

Jones –

- I would be opposed to any change in the parking setup.

Open discussion took place regarding curbing, barriers, fencing options, trash issues, and parking lot arrangements.

**MOTION** by Spencer, supported by Kirkwood, that the Planning Commission approves Item SP10-24-07, Pontiac Trail Retail Center, the request by Soave Properties Inc. of Livonia MI for approval to amend their existing approval to allow for multi tenants at 3290 Pontiac Trail. Sidwell No.: 17-24-476-025

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.

**Discussion –**

Kirkwood – The curb will remain where it is currently placed.

Spencer – If he wants fencing later, the vinyl black fence is unobtrusive.

**MOTION CARRIED UNANIMOUSLY**

**ITEM V: Discussion on Wind Energy**

Kathleen Jackson proposed that this item be postponed until the next meeting, when everyone could be present, as there is a lot of information to cover.

**ITEM VI: Discussion on EIFS and Farming in Residential Districts**

**EIFS:**

Kathleen Jackson reviewed the Planner's Report dated April 30, 2010.

Kathleen Jackson – These items were brought up at the Township Board meeting. Rick Sovel suggested that the EIFS limitations may be too restrictive.

**Planning Commission Meeting****ITEM VI: Discussion on EIFS and Farming in Residential Districts (continued)**

There are two existing buildings, A Matter of Taste and Steinway Piano, that are primarily EIFS and we've been asked to review the possibility of reducing the current restrictions accordingly.

We researched the design standards of 35 different ordinances for reference. Out of the 35, only one allowed for unrestricted EIFS, and one other allowed for unrestricted above the first floor.

Currently, we have limitations in the Overlay Districts and in the B1-B3 where EIFS can only be 10% of the building.

I do feel that it's possible to have a very nice looking EIFS building. Brian Winkler has also researched this topic on his own and he will explain from an architectural standpoint.

The reason that we restrict EIFS at 10' or above is because it is more susceptible to both impact and water damage at a lower level.

Chris Doozan had indicated that it could appropriate t 3' above grade, but it cannot be at grade due to the impacts of salt and moisture, etc.

The proposed change suggests the limitation of 10% be increased to 25% in the B-2, TC, O, and OR Districts. B-1 and CV, the historic Village area, are set at 10%.

It was suggested that the underlined language be inserted for the Overlay Districts of Union Lake, Haggerty and the Town Center.

Winkler –

- I'll cover the points addressed in my email.
- EIFS is susceptible to damage. If it is close to grade, heavy rain spatter from landscaped areas splashes dirt onto the surface, and it's hard to clean. It should be kept high.
- EIFS is used when the initial construction budget does not support more traditional building materials. It is commonly used in small areas, such as the eave of a house or against a flat building in an area that is hard to support.
- In 2000, EIFS was applied without drainage channels and water got behind the insulation. The materials delaminated and pulled off.
- EIFS requires more frequent maintenance every 4-5 years, such as recoating and/or repainting and correcting sealant joints, while brick is every 7-10 years.
- Keep in mind that owners propose EIFS on buildings due to financial constraints, and then they may not take care of it down the road for the same reasons. Brick will traditionally stand the test of time.
- The base for EIFS is insulation which improves the thermal performance of the building.
- The EIFS at A Matter of Taste and Steinway is scored to appear as another material other than having just a plain façade. I was actually surprised to discover that Steinway was not block – it was skillfully scored and is very attractive.
- I would have language tied in where EIFS is proposed in the ordinance that stipulates it be “architecturally treated or scored to improve the aesthetics.”

**Planning Commission Meeting**

**ITEM VI: Discussion on EIFS and Farming in Residential Districts (continued)**

Kathleen Jackson – What about having the percentages based upon the different zoning?

Winkler – Maybe we want to consider giving the Planning Commission discretion for EIFS in excess of the ordinance if it is scored or patterned.

Kathleen Jackson – And as for moisture and other issues, should it be kept above grade at 10' or 3'?

Winkler – I would stay at 10'.

Jones – Yes, I agree with 10'. That was my only question as I noticed references to 3' and 10'.

Kirkwood – I also agree with 10' as it would eliminate some of the problems associated with moisture.

Kathleen Jackson confirmed that it was the pleasure of the Planning Commission to keep the height limitation at 10' for EIFS, and that EIFS may be allowed to exceed 10% at the discretion of the Planning Commission if it is scored or otherwise architecturally treated.

Kathleen Jackson – Keep in mind that the ordinances I reviewed may have been written and adopted prior to the year 2000, before drainable EIFS was available on the market. What I hear and see at planning conferences is an emphasis on high-quality materials. In an economy like this, buildings made out of EIFS don't get painted or repaired, and brick can certainly take more abuse as opposed to synthetic materials. This point needs to be driven home.

In addition, EIFS may be better suited for some parts of the country in drier climates, but this is not one of them. Basically the biggest problems are related to improper installation.

Open discussion continued regarding issues with EIFS, T1-11 lap siding, and other building materials.

**Farming:**

Kathleen Jackson reviewed page 2 of the Planner's Report as it related to farming and the definition of agricultural uses within the ordinance.

Kathleen Jackson – The other suggestion at the Township Board meeting was that farming could be an appropriate use in various other districts other than only R-1A as proposed in the new Zoning Ordinance. They held a discussion over what other areas may be appropriate for farming such as the other residential district and industrial districts. Currently, agricultural uses are only regulated on sites of 5 acres or more. Residential and small community gardens are not subject to these restrictions provided they do not exceed 5 acres.

**Planning Commission Meeting**

**ITEM VI: Discussion on EIFS and Farming in Residential Districts (continued)**

Discussion followed and it was the consensus of the Commission to leave the agricultural language as presented, which only permits it in R-1A District.

**OTHER MATTERS TO COME BEFORE THE COMMISSION**

The next Planning Commission meeting will be Monday, June 7, 2010 at 7:00pm.

**ADJOURNMENT**

**MOTION** by Kirkwood, supported by Jones, to adjourn the meeting at 8:34pm.

**MOTION CARRIED UNANIMOUSLY**

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Brian Winkler, Secretary