

**CHARTER TOWNSHIP OF COMMERCE
PLANNING COMMISSION MEETING**

Monday, December 6, 2010
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
Brian Winkler, Secretary
Bill McKeever
Debra Kirkwood
Dave Spencer
Absent: Tom Jones, Vice Chairperson (excused)
Also Present: Kathleen Jackson, Planning Director

APPROVAL OF MINUTES

MOTION by Kirkwood, supported by McKeever, to approve the Planning Commission Meeting Minutes of November 1, 2010, as written.

MOTION CARRIED UNANIMOUSLY

UPDATE OF ACTIVITIES

Bill McKeever – Zoning Board of Appeals

- We have not met since the last meeting of the Planning Commission.

Debra Kirkwood – Township Board of Trustees

- Addressed the Resolution authorizing the refunding of the 2010 DDA refunding bonds.
- The job description for the Technology Manager at the Library was revised. The position now covers this department for the Township and the Library as a full-time position.
- The DDA budget was sent back with some adjustments.

Kathleen Jackson – Downtown Development Authority & Planning Department

- Discussion took place regarding rental houses that the DDA currently owns and rents out.
- A marketing packet is being developed. A 1-page ad will appear in Oakland Prosper Magazine in February 2011 for the DDA and Commerce Township.
- We are working hard on economic development programs to assist business owners. We've also had several meetings with the MEDC and OCED regarding these efforts.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

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

Planning Commission Meeting

ITEM I: SU10-06 – CHABAD JEWISH CENTER – SPECIAL LAND USE – PUBLIC HEARING

Chabad Jewish Center of Commerce MI is requesting a special land use to allow a place of assembly in the R-1C One Family Cottage Residential District located at 810 Sleeth Road. Sidwell No.: 17-10-179-024

ITEM II: SP10-10-17 CHABAD JEWISH CENTER

Chabad Jewish Center of Commerce MI is requesting site plan approval to allow a place of assembly in the R-1C One Family Cottage Residential District and add an addition onto the existing home located at 810 Sleeth Road. Sidwell No.: 17-10-179-024

Kathleen Jackson, Planning Director gave a review.

Winkler – The Fire Marshall did not have an objection to narrowing the drive off Sleeth?

Kathleen Jackson – No, he did not object to the 16' width; he could maneuver the emergency vehicles through this entrance.

The petitioner, Rabbi Schneor Greenberg, 4718 Half Penny, Commerce Township, was present along with Mrs. Estie Greenberg to address the proposal.

Mrs. Estie Greenberg – We would like to be here in Commerce and open the center in this central location. The facility will be open to Jews, as well as non-Jews, to allow them to learn about Judaism.

The group currently meets in various locations: homes, office buildings and at Huron Valley-Sinai Hospital where monthly classes are held. I also have a weekly meeting at Coffee Time. We would like to have one location where members can come and feel comfortable to learn.

This will be a Beit Midrash, or a House of Study. Once per month on Saturdays, we will hold religious services for about 20 people. As shown on the drawing presented, it will be very small and simple. We have one room where services will be held, that is the Sanctuary, and there is also a classroom and a bathroom.

Our Civil Engineer from Orman Engineering is also present to answer questions.

Chairperson Haber opened the public hearing and clarified the public hearing process for the residents by explaining that all questions and comments would be heard, but answers would not necessarily be provided this evening.

Ray Golota, 1959 Vanstone Drive, Commerce Township,

It doesn't seem that the lot is suitable for parking spaces on that corner. I've noticed several cars parked there from the garage to the street in the past.

I don't have any objections, I just don't know how the cars will fit unless maybe they are in back.

Planning Commission Meeting

ITEM I: SU10-06 – CHABAD JEWISH CENTER – SPECIAL LAND USE – PUBLIC HEARING & ITEM II: SP10-10-17 CHABAD JEWISH CENTER (continued)

Donigan, 630 Commerce Road, Commerce Township, concerned about the parking at the Jewish Center.

Bill Doggett, 840 Commerce Road, Commerce Township, stated that he was aware of the use from the notice but did not know about the addition. He asked if plans were available for review.

Kathleen Jackson – Yes, there are extra copies here of the plans for your review.

Bill Doggett – I have no concerns except for parking and I am curious to see the plans.

Chairperson Haber closed the public hearing.

Commission Comments:

McKeever –

- As long as the Fire Marshal approves the drive, it may not present an issue for the Zoning Board of Appeals.
- It is existing nonconforming, correct?

Kathleen Jackson – Yes. The first variance is for the drive aisle width, the second is for the west side of the site where the curb cut is closer than 25' to the adjacent residential, and the third is for parking off Commerce Road which is closer than the required front street setback.

Kathleen Jackson – I will add that the Fire Marshall did not have a concern with the drive requirements because this is a corner property that can be accessed from all different sides. I wanted to clarify that it wasn't because the Township requirements are too cumbersome. The 16' drive aisle width is not acceptable in all areas – it is only acceptable due to the specific circumstances at this location.

Haber –

- The location does help for getting emergency equipment close. That is a plus.
- A minus is the possibility of parking on the street.

McKeever –

- I did question the overflow parking, how it will be handled and what caveats may be put into place.
- The trash issue also needs addressing.

Kirkwood –

- Parking was also my biggest issue.
- It appears that since there will be entrances on both sides, this may not be as much of an issue.
- If there is excess trash, where would a dumpster be placed?
- The existing shed is being removed.

ITEM I: SU10-06 – CHABAD JEWISH CENTER – SPECIAL LAND USE – PUBLIC HEARING & ITEM II: SP10-10-17 CHABAD JEWISH CENTER (continued)

Haber – Will there be anyone living there?

Mrs. Estie Greenberg – No, it is strictly for educational purposes.

Spencer –

- When will the highest volume of traffic occur?
- On the north side of the property, is there a house adjacent to where the parking will be located? If so, headlights from 7 parking spots would be aimed in that direction. A slotted fence or evergreens would shield the lights.

Kathleen Jackson – There is a house on the north side. A buffer would be required.

Haber –

- It is a busy corner. There are 10 parking spots, therefore you can only have a maximum of 10 cars or less there at any one time.

Winkler –

- My concerns were also centered around parking.
- We can include a caveat for Kathleen Jackson to visit the site during high traffic times to conduct a survey.
- If it becomes a problem, it would need to be addressed.

Haber – What do you suggest if it does become a problem?

Winkler – There could be a means for carpooling to the site. They can plan ahead.

Haber – As for the trash, it is sufficient. A caveat will be included for this also so that if it becomes an issue, it can be corrected.

Winkler –

- It is not a typical commercial use so trash may not be an issue.
- With regard to the adjacent property owners, a dumpster may actually be offensive.

Haber – (To Kathleen) This is a small project and area. We do have a standard for dumpsters, but can we adjust this and make an exception? No 6' enclosure with a 6' dumpster? It's only 30 people for a few hours a day/week. It won't generate a lot of trash.

Kathleen Jackson – One caveat would be to request a trash compactor be located inside. With a use like this, adjacent to residential, if you have a standard dumpster it would sit there for a long time before a pickup would need to be scheduled. That would present problems.

Given the residential area and the fact that it will be less than 2,000 square feet, the typical is not necessary here.

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ITEM I: SU10-06 – CHABAD JEWISH CENTER – SPECIAL LAND USE – PUBLIC HEARING & ITEM II: SP10-10-17 CHABAD JEWISH CENTER (continued)

Haber – And you can work around this administratively?

Kathleen Jackson – Yes.

(To Petitioners) Chairperson Haber has frequently provided a statement in the past on this topic: “If there are complaints with parking spillage onto the streets, the Certificate of Occupancy could be revoked. It becomes a health, safety and welfare issue at that point. We need to be very clear – it is important that we don’t have any offsite parking.”

Kathleen Jackson – I am uncertain of the condition of the fence behind the building, but the Zoning Ordinance can require additional buffering. Plantings can also offer a more opaque screening. (Quoted the 29-6 Matrix Buffer Yard Types required)

Haber – And we will stay on top of the overflow parking. Signage can be administratively addressed. And on the landscaping suggestions made here, we could also include arborvitaes.

MOTION by Kirkwood, supported by McKeever, that the Planning Commission approves, with conditions, Item SU10-06, the request by Chabad Jewish Center of Commerce MI for a special land use to allow a place of assembly in the R-1C One Family Cottage Residential District located at 810 Sleeth Road.

Sidwell No.: 17-10-179-024

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 in consideration of the finding of fact and the recommendations provided by the Planning Director, and is subject to the following conditions:

1. All caveats as specified in the Planner’s Reports, for special land use and site plan, dated December 3, 2010, including but not limited to the following:
 - a. Giffels Webster review letter of October 11, 2010; and
 - b. The Fire Department’s review letter of October 26, 2010; and
 - c. The RCOC review letter of February 5, 2010; and
 - d. Administrative approval of the sign plan; and
 - e. Variances received or the plans changed with respect to the access drive off of Sleeth Road being closer than 25’ to an adjacent residential district, parking spaces within the required streetside front setback and a drive aisle less than 22’ in width; and
 - f. Administrative review and approval of the method for trash disposal, and addressing/correcting related future issues; and
2. Review of the parking situation by the Planning Director, with a study to be conducted during the busiest times. If parking becomes an issue, the Certificate of Occupancy could be revoked.
3. Suggestions provided by the Planning Commission regarding landscaping, fencing and buffer options.

MOTION CARRIED UNANIMOUSLY

Planning Commission Meeting**ITEM I: SU10-06 – CHABAD JEWISH CENTER – SPECIAL LAND USE – PUBLIC HEARING & ITEM II: SP10-10-17 CHABAD JEWISH CENTER (continued)**

MOTION by Kirkwood, supported by McKeever, that the Planning Commission approves, with conditions, Item SP10-10-17, the request by Chabad Jewish Center of Commerce MI for site plan approval to allow a place of assembly in the R-1C One Family Cottage Residential District and add an addition onto the existing home located at 810 Sleeth Road. Sidwell No.: 17-10-179-024

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2. Review of the parking situation by the Planning Director, with a study to be conducted during the busiest times. If parking becomes an issue, the Certificate of Occupancy could be revoked.
3. Suggestions provided by the Planning Commission regarding landscaping, fencing and buffer options.

MOTION CARRIED UNANIMOUSLY

ITEM III: Z10-02 – COMMERCE TOWNSHIP – TEXT AMENDMENT – PUBLIC HEARING

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.

Kathleen Jackson, Planning Director gave a review. This text is modeled after the ordinance found for Monitor Township, MI, but is not dissimilar to Commerce. Large WECS are not provided for – only building mounted and small and medium tower systems. It is unlikely that we will have a request for a large tower.

The maximum height in residential would be 10' above the highest point of the house. Although we don't have an opinion from the attorney yet, I don't believe there is a problem with not allowing the towers in residential if the Planning Commission is so inclined. However, keep in mind that some architectural features are actually allowed to exceed this height.

Setbacks for building mounted are 15' from property lines. They cannot be affixed to the wall on the street side. Guy wires are not permitted. Compliance is required with

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ITEM III: Z10-02 – COMMERCE TOWNSHIP – TEXT AMENDMENT – PUBLIC HEARING (continued)

sound pressure level, construction codes and decommissioning. A lien will be placed upon the property for removal.

Tower mounted WECS or windmills will be 60' or less. If they exceed 60', 5 acres is required and the maximum height is 120'. The medium range ends at 120' and this is the limit as large are not permitted.

All requests will go through site plan review with the Planning Commission and the restoration plans for the site will be covered.

Discussion followed regarding windmills and solar panels as well as enforcement.

Chairperson Haber opened the public hearing.

Jerry Largent of Miacom Construction Services, 24289 Indoplex Circle, Farmington Hills, MI 48331, was present to address Item V, but asked to comment on the WECS text amendment.

Jerry Largent – I am an electrical contractor for the State of Michigan. I have installed these systems in Lansing and East Lansing.

The higher the tower, the better quality of electricity you will get. Tower systems need to have 10-20mph winds. At 40mph, the wind turbines will break down, so they do not exceed 40. The device can provide 10 kilowatts based upon 10mph. If higher, it jumps to 30 kilowatts. Therefore, the higher the tower, the better the wind as it is not obstructed by roofs and treetops that create vibrations and wind turbulence. The higher you go, the better the wind pressure with less turbulence.

Towers are built to withstand wind shear at 175mph, so they would not blow over. There are vertical and horizontal wind turbines. The vertical can be as small as 1.2kw requiring 2-4mph winds. They are easily mounted but don't generate much electricity.

Chairperson Haber closed the public hearing.

Commission Comments:

Spencer - Does the wind turbine store power or does it have to turn to generate energy?

Jerry Largent – It has to turn, but the energy can be brought into batteries for storage. This presents an extraordinary backup UPS data storage center. The power comes into the battery charger, then back to an inverter. It can be taken from the roof, to the inverter, then back in. If there is no electricity available in remote areas, then one could operate off of these batteries.

Winkler commended Kathleen Jackson and the Planning Department on the text as presented. It is a great start and will certainly involve a trial and error process.

Haber – We will tweak the text as it develops.

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ITEM III: Z10-02 – COMMERCE TOWNSHIP – TEXT AMENDMENT – PUBLIC HEARING (continued)

MOTION by Kirkwood, supported by McKeever, that the Planning Commission table Item Z10-02, Commerce Township Text Amendment, until additional information is provided. **MOTION CARRIED UNANIMOUSLY**

ITEM IV: Z10-03 – COMMERCE TOWNSHIP – TEXT AMENDMENT – PUBLIC HEARING

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.

Kathleen Jackson, Planning Director gave a review and presented a diagram to the Commission clarifying what is allowable and what is excluded with regard to fences for street and waterfront yards.

Chairperson Haber opened the public hearing.

No comments.

Chairperson Haber closed the public hearing.

Commission Comments:

Winkler –

- Can we specify that fences should be “ornamental” on letter a. in front of the word fences?
- Larry’s concern is that fences are done haphazardly and this term may discourage that.

Kathleen Jackson – Is chain link ornamental? (No.)

Winkler – We should stay away from chain link.

Kathleen Jackson – I can add the word “ornamental” and we can table this amendment so that the definition of ornamental can be added to Article II, Definitions in the Ordinance.

An ornamental fence could include wrought iron or wood, but would not be a pile of stacked wood or chain link fencing. It cannot be a privacy or stockade type. It should be non-obscuring.

How do you feel about this on the waterfront?

Winkler – It still needs to be non-obscuring.

Haber – And nothing should run parallel with the waterfront.

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ITEM IV: Z10-03 – COMMERCE TOWNSHIP – TEXT AMENDMENT – PUBLIC HEARING (continued)

McKeever – I have a two-rail parallel to the street. It's 4x4.

Kirkwood – That's a split rail.

Haber – We need a way to differentiate.

Kathleen Jackson – We can do that. We will specify that chain link is not ornamental.

Winkler – The first requirement is not just to include or exclude styles. The fence should be part of the design that is intended to complement the house. That will also help to limit what is permitted and it will be functional.

MOTION by Kirkwood, supported by McKeever, that the Planning Commission table Item Z10-03, Commerce Township, Text Amendment, to allow for the definition of ornamental to be established, and so that the suggestions can be brought back before the Commission at the next meeting. **MOTION CARRIED UNANIMOUSLY**

ITEM V: Z10-04 – COMCAST – TEXT AMENDMENT – PUBLIC HEARING

Comcast Greater Media Cable of Commerce MI is requesting an amendment to the Commerce Township Zoning Ordinance No. 3.000, Article XI & X, to allow public utility buildings in a residential district as a special land use.

Kathleen Jackson, Planning Director gave a review.

Commission Comments:

Kathleen Jackson – I did speak with Tom Jones. He addressed the 35% maximum lot coverage for the industrial zone district. This is allowed for in the Zoning Ordinance. He indicated that he would prefer no more than 10% lot coverage. It would still meet the requirements as it is a large lot.

Chairperson Haber opened the public hearing.

Jerry Largent, Miacom Construction Services, 24289 Indoplex Circle, Farmington Hills, MI 48331, addressed the request.

Chairperson Haber closed the public hearing.

Commission Comments:

McKeever – Is the 10% just for the structure itself, or does that include equipment, other structures and parking too?

Kathleen Jackson – It would not include parking.

McKeever – So this would not affect Edison?

Planning Commission Meeting

ITEM V: Z10-04 – COMCAST – TEXT AMENDMENT – PUBLIC HEARING

(continued)

Kathleen Jackson – No, I don't believe it does because that is a public utility. Edison electric, Consumers natural gas and AT&T phone services are considered essential public utilities; however, Comcast cable/internet is not.

McKeever – 35% is not that outlandish.

Kathleen Jackson – What if the lot is an acre?

Kathleen Jackson – 10,000 would allow for a 3,500 square foot building.

Kirkwood – Where did the 35% come in?

Kathleen Jackson – It is most often used for the maximum lot coverage in all residential districts. It could be based upon the required setbacks. We could actually take it out altogether if you are comfortable with the setbacks, or we can give the threshold and use the sliding scale if you prefer.

McKeever – Fine with the way it is written.

Winkler – I turn to Kathleen Jackson for her recommendation.

Kirkwood – No problem with 35%.

Haber – 35% is ok.

Kathleen Jackson – Then we will keep that in and this would be in the form of a recommendation to the Township Board.

MOTION by McKeever, supported by Winkler, to recommend approval of Item Z10-04, Comcast, Text Amendment, the request by Comcast Greater Media Cable of Commerce MI for an amendment to the Commerce Township Zoning Ordinance No. 3.000, Article XI & X, to allow public utility buildings in a residential district as a special land use. The text amendment is recommended for approval as presented.

MOTION CARRIED UNANIMOUSLY

ITEM VI: APPROVAL OF THE 2011 PLANNING COMMISSION MEETING SCHEDULE

- *The January 3rd meeting will be moved to January 10th.*
- *The March 7th meeting will be moved to March 14th.*

MOTION by McKeever, supported by Kirkwood, to approve the 2011 Planning Commission Meeting Schedule as amended. **MOTION CARRIED UNANIMOUSLY**

Planning Commission Meeting

ITEM VII: ELECTION OF OFFICERS FOR 2011

MOTION by Winkler, supported by Kirkwood, to retain Larry Haber as Chairperson for the Planning Commission. **MOTION CARRIED UNANIMOUSLY**

MOTION by Winkler, supported by Kirkwood, to retain Tom Jones as Vice Chairperson, for the Planning Commission. **MOTION CARRIED UNANIMOUSLY**

MOTION by McKeever, supported by Kirkwood, to retain Brian Winkler as Secretary for the Planning Commission. **MOTION CARRIED UNANIMOUSLY**

OTHER MATTERS TO COME BEFORE THE COMMISSION

Kirkwood – Will there be a new Commissioner appointed soon?

Haber – Yes. It will be addressed at the next Township Board meeting and I believe there are several nominations.

The next Planning Commission meeting will be Monday, January 10, 2010 at 7:00pm.

ADJOURNMENT

MOTION by McKeever, supported by Winkler to adjourn the meeting at 8:37pm. **MOTION CARRIED UNANIMOUSLY**

Brian Winkler, Secretary