

**CHARTER TOWNSHIP OF COMMERCE
PLANNING COMMISSION MEETING**

Monday, January 9, 2017
2009 Township Drive
Commerce Township, Michigan 48390

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

ROLL CALL: Present: Tom Jones, Vice Chairperson
Brian Winkler, Secretary
Bill McKeever
Jay Czarnecki
John Hindo
Russ Schinzing
Absent: Larry Haber, Chairperson (excused)
Also Present: Dave Campbell, Planning Director
Jay James, Engineer/Building Inspector

APPROVAL OF AGENDA

MOTION by Czarnecki, supported by Schinzing, to approve the Planning Commission Regular Meeting Agenda of January 9, 2016, as presented.

MOTION CARRIED UNANIMOUSLY

APPROVAL OF MINUTES

MOTION by Czarnecki, supported by Winkler, to approve the Planning Commission Regular Meeting Minutes of December 5, 2016 as presented.

Discussion -

Jones - Dave, on Page 8 of 28, second large paragraph, third line from the bottom, it says, *(Sylvia Rabban) - ... Randy Thomas did come back in June. He got a conceptual and the board was all onboard with it.* I want to say that the board was questionable. I certainly wasn't all onboard about what he wanted to do, but that's what she said.

Campbell - This is a recording of what her comments were.

Schinzing - You're right, we weren't onboard. We just listened to him and gave input.

Jones - I don't know that there's any need for anything to be added in here to say that's not accurate.

Campbell - If someone came up here in public comment and said today is Wednesday, they wouldn't be correct, but that is what they said and that is what gets recorded in the minutes.

Jones - Okay.

MOTION CARRIED UNANIMOUSLY

UPDATE OF ACTIVITIES

Bill McKeever – Zoning Board of Appeals

- Nothing to report.

John Hindo – Township Board of Trustees

- Nothing to report.
- The next meeting is tomorrow evening.

Brian Winkler – Downtown Development Authority

- Our last DDA meeting in December was routine.

- There's nothing notable, other than we're excited to see the continued activity in the Commerce Towne Place project and it's moving ahead.
- Merrill Park has 10 homes permitted, is that correct Jay?

Jay James - They've had at least 10 houses permitted, and 4 or 5 of the basements are poured.

Dave Campbell - There's a lot of lumber stacked up over there.

Jay James – Building Department

- It's been quiet with the holidays and cold weather, but steady.
- I expect it will pick up again shortly.

(Giffels-Webster submitted an Engineering Status Reports which were included in the packet.)

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

ITEM 1: PSP16-0019 – CUBUD INVESTMENT

Robin Dubuc of Cubud Investment Co. of Commerce MI is requesting site plan approval to construct an addition onto an existing building located at 3170 Old Farm Lane. Sidwell No.: 17-24-228-025

Schinzing - I want to disclose that I am personal friends with the Dubuc family that is represented as part of the applicant here. I would like to give the board the opportunity to recuse me if they think I can't be impartial in this matter.

Jones - Do you feel as if you would be influenced in making a decision?

Schinzing - I don't think so, no.

Jones - Does anyone feel that Russ should be recused?

Hindo - I have no problem with Russ staying on.

There were no objections from the other Commissioners.

Dave Campbell, Planning Director, gave a review of the proposal to expand the south wing of the existing building. This addition would require removal of the old cul-de-sac. The RCOG has jurisdiction over this public road and they would have to vacate that portion of public right-of-way. They would have to dedicate that back to the property owner to allow the proposed extension of the south wing to match the north wing of the building. This will add about 7,200 square feet of potential tenant space. The owner did not have any tenants lined up yet. They are building the three suites on spec. One of the recommended conditions of any approval would be that any potential user be

administratively reviewed by the Planning Commission to ensure that it's a use that's allowed, either principal permitted use or a Special Land Use in the TLM Zoning District. Dave gave a detailed review of the expansion, including the existing parking lot with a proposed 16 additional parking spaces; however one space encroaches on the required 30' setback from the Old Farm Lane right-of-way. A recommended condition of any approval would be that this proposed parking space be removed. This property is nonconforming in a number of ways as to the existing building materials, architecture and uses which are existing, legal nonconforming and were allowable back when this building was zoned light industrial. This gives the Planning Commission discretion, as part of this proposal, to bring the site into more reasonable compliance with the Zoning Ordinance. The history of parking on the site was reviewed and the lot was never more than half full, therefore it seems a reasonable concession to allow 15 new spaces as this should be more than adequate to service the building. A revised landscape plan is necessary with details for the island noting how many additional trees or shrubs might be put there. If new lighting is added, it is recommended that it be compliant with current standards. Mr. Powell will want to discuss the frontage with regard to our recommendation that the applicant repave at least their portion of Old Farm Lane. They are removing the cul-de-sac, pouring a new curb, patching and repairing the roadway, so the recommendation is to repave at least their portion. It's a public road, but the Planning Department feels that's a reasonable condition of site plan approval.

Jones - Under dimension, you stated that *the existing access aisle is proposed to remain 20 feet wide, where 25 feet is required*. Is the Fire Department in agreement with that?

Dave Campbell - The Fire Department did look at this proposed plan and they did convey verbally that they are comfortable with this layout. Note that the existing access aisle in the parking lot is 20'; they're just looking to extend that and maintain that same dimension.

Mike Powell, Powell Engineering & Associates, LLC, 4700 Cornerstone Dr., White Lake, MI, was present on behalf of the applicant address the proposal.

Mike Powell - David did an excellent job in representing the project. The owners are looking to add further investment in Commerce Township. They have no problems with any of the conditions from Planning or Engineering reports. The only item that is up in the air is the condition of the existing road base. We have had much discussion on that, the owner and myself, and Tom Zoner. They would like to start a Special Assessment District (SAD) to repave all the roads in the entire subdivision. They're a major owner in it and they are sending petitions around to get signatures to establish the SAD for Old Farm Lane. They are very concerned about the condition of their roads. If they cannot get the SAD to improve the roads, they will be improving the road in front of their property subject to RCOC approval. Everything they do needs a permit from the RCOC. They are willing to pave them.

Commission Comments:

McKeever - These are public roads?

Dave Campbell - Yes, at least Old Farm Lane is. I can't say with certainty that all the courts coming off of it are public roads.

McKeever - What's in place to maintain these roads now?

Jay James - It's a public road so it's up to the RCOC at some point in time to pave the road.

McKeever - Isn't that something that the Old Farm Lane occupants' taxes are already being paid toward?

Jay James - No. Just as with my road, which is public and had deteriorated, either I can wait for the RCOC to maybe someday come in and repair it, or all the neighbors can chip in like we did to repave our streets. Even the RCOC will tell you that they don't have the funds, other than just to repair the potholes. They will look for SAD's also, either through the RCOC or through the Township.

McKeever - I'm more in favor of the SAD than requiring one property owner to repave a section of the road. Do they get double-dipped when the SAD is established?

Dave Campbell - That's a good question about the SAD and the double-dipping part specifically. I was thinking about that as Mr. Powell gave his take. I would think that if Cubud was willing to do their part along their frontage, regardless of what happens with the SAD ... it's not a certainty that the SAD would get approved as you need 51% of the signatures of the property owners. If it weren't to happen, certainly there needs to be some attention paid to that road. If the SAD got approved, I would want to talk with the Township Supervisor and Township Attorney to see what is possible as far as them not getting double billed.

Jay James - Mike, I believe they've asked for the SAD and they might have the paperwork. You were indicating that if they can't get enough signatures for the SAD, they are willing to pave their portion of Old Farm Lane?

Mike Powell - I can represent that they are. They're very interested in repairing their roads. The tough part about it is in the SAD, it takes about 6 to 9 months just to get the approval and get the paperwork in place, then the repairs on top of that. Timing the road paving to your approval tonight will be very difficult. They're going to be looking for building permits and other permits to get started on the expansion before the SAD can be consummated and the work being done.

Jay James - If you did do it that way, it would be a condition of the site plan approval. You could still go forward with site plan and the building. I believe by then you'll know if the SAD has gone through or not.

Mike Powell - We wouldn't want it tied to the building permit as that would be a very tight time frame, but at least before the certificate of occupancy.

Jay James - Absolutely, C of O. There's no issue with the time frame.

Dave Campbell - In terms of having to remove that old cul-de-sac, pour the new curb and tie in the new driveways, how much of the road is going to need to be patched back together regardless?

Mike Powell - About a third of it. During that process, they could go ahead and take care of that. The idea of double-dipping is very important however, because the SAD is that you're paying for your share of the entire road. If you take care of yours, and you take yourself out of the SAD process, that road will never be done as they are the majority property owner. You can't have them do the work because then there's no reason for them to sign their part of the SAD.

Jones - They're putting the curb back in, or leaving it out where the cul-de-sac starts and ends?

Mike Powell - They'll be putting in brand new curb all along their frontage where the pavement will be taken out, and repaving the road, at least where the cul-de-sac used to be.

Hindo - I have no problems with any of this.

Dave Campbell - Jay and I were talking and we are thinking that if the Planning Commission is agreeable, condition #4 could say something more to the effect of, *The applicant's participation in a road improvement SAD. If that SAD fails, then prior to any occupancy permits for the building addition, the applicant would be responsible to improve their portion of the road frontage.*

Jones - Would you be putting something in there that they're going to extend the frontage?

Jay James - That's already shown on their plans.

McKeever - So they're working property line to property line, to the center point of the road?

Dave Campbell - I didn't specify the center point of the road. That could be another point of discussion as well. Are they responsible for repaving the whole 25' width of the road, or just their easterly half of it?

Mike Powell - The concern then, as you know, is that if we get the SAD, it's everyone that fronts the roadway. If you do the new pavement for the people on the west side of the road, all of the sudden they don't want to sign the SAD either. If you make it

mandatory that my clients have to replace all of that roadway, then nobody on either side of the road is going to sign that SAD.

Jones - I think we're all in agreement. Dave, one question; in Jay James' report, the second bullet, *The plat for the existing Haggerty Road Industrial Park plat must be amended prior to any work being performed.* Where is that in your conditions?

Dave Campbell - That's is included as part of #3, the new legal description for the parcel recorded with Oakland County. I want to verify it with Oakland County, because based upon a conversation I had with them, they were not of the opinion that the plat had to be amended. This could be what they consider a correction for Oakland County Equalization, which is much easier than amending a plat.

Jay James - If the County is willing to accept that, I wouldn't argue it.

Dave Campbell - Even if they do say the plat has to be amended, I would say that's encompassed within condition #3.

Schinzing - Nothing to add.

Winkler - No comments.

MOTION by Czarnecki, supported by Winkler, that the Planning Commission approves, with conditions, Item PSP16-0019, Cubud Investment, the request by Robin Dubuc of Cubud Investment Co. of Commerce MI for site plan approval to construct an addition onto an existing building located at 3170 Old Farm Lane. Sidwell No.: 17-24-228-025 Move to approve PSP16-0019, a site plan for Cubud Investment Co. at 3170 Old Farm Lane, based on a finding that the proposed building addition and parking lot expansion comply with the applicable standards of the Commerce Township Zoning Ordinance, and further that the plan brings the entire site into reasonable compliance with the current standards of the Zoning Ordinance. The Planning Commission further finds that the proposed building materials are consistent with Sec. 27.04 of the Zoning Ordinance, and the proposed parking expansion is consistent with Sec. 28.09 of the Zoning Ordinance. Site plan approval is conditional upon the following:

1. Administrative review of any proposed tenants prior to occupancy to determine whether the tenant is a permitted use in the TLM zoning district;
2. Approval of construction plans by the Township Engineer based on the comments included in his Dec. 18, 2016 review letter, and by the Township Fire Marshal;
3. Approval of the vacation of a portion of the public right-of-way of Old Farm Lane by the Road Commission for Oakland County, a dedication of that right-of-way to the subject parcel, and a new legal description for the parcel recorded with Oakland County;
4. The applicant's participation in a road improvement SAD for Old Farm Lane. If that SAD fails, then prior to any occupancy permits for the building addition, the

applicant would be responsible to improve their portion of the road frontage, (approx. 430 feet);

5. Administrative review of a revised site plan addressing the following:
 - a. The parking lot expansion to meet the 30-foot front setback requirement for the TLM zoning district;
 - b. The landscape plan to include the expanded landscape island between the north and south parking areas;
 - c. Driveway returns for the extension of the north driveway to be curbed;
6. Verification by the applicant's engineer that the parking lot expansion does not require new barrier free spaces;
7. Any new exterior lighting – including wallpacks - to comply with the design standards of Article 41 of the Zoning Ordinance;

AYES: Czarnecki, Winkler, McKeever, Hindo, Jones, Schinzing

NAYES: None

ABSENT: Haber

MOTION CARRIED UNANIMOUSLY

In closing, Mike Powell thanked the Commissioners and expressed his interest in delivering a presentation in the future as to why private roads are just as good as county roads, because the county is not repairing roads. Jones stated that Mr. Galbraith has also made that point in his presentations.

ITEM 2: DISCUSSION ON PENDING ZONING ORDINANCE AMENDMENTS:

Dave Campbell stated that he wanted to make the Commissioners aware of the upcoming Zoning Ordinance amendments, and discuss as necessary.

- **Article 41 – Zoning Board of Appeals Standards and Procedures**
These are housekeeping amendments to make the article more consistent with the Michigan Zoning Enabling Act.
- **Sexually Oriented Businesses**
This was precipitated by interest from gentlemen's clubs in finding a location along M-5. It's never gone very far along in the process, but the Zoning Ordinance should be reviewed in this regard. The Township Attorney has drafted an amendment to the Zoning Ordinance to address that. It's likely the Commissioners will see this in February or March of this year.
- **Off Premise alcohol sales**
This has been discussed both by the Planning Commission and the Township Board, and both felt that it would be appropriate for the Township to have additional regulatory authority over the locations of off-premises alcohol retailers.

ITEM 3: DISCUSSION ON UPCOMING PC-TB JOINT MEETING – JAN. 24, 2017

The upcoming joint meeting between the Planning Commission and the Township Board, which is their quarterly discussion meeting, will include discussion of off-premises alcohol sales. Other expected topics of discussion are gas stations, liquor licenses and Conditional Rezoning requests.

ITEM 4: OTHER MATTERS TO COME BEFORE THE COMMISSION:

McKeever and Jay James discussed the development at Richardson and Newton, Ashton Park. Jay stated that they are still working on site utilities. Mike Powell is the engineer for that project and he stated that the site has shut down for the winter. The RCOC final permits took a long time, but they are ready to proceed and the Newton Road entrance was approved. They will be working again in the spring. McKeever asked when basements might be going in. Mike Powell replied that the developer was hoping to dig basements last fall, but he will probably wait until he gets a heavy road base in.

ITEM 5: PLANNING DIRECTOR'S REPORT

- We are expecting to have a public hearing on February 6th for a Conditional Rezoning at the southwest corner of Commerce and Newton. That would be the proposal to demolish the existing U-Haul station and the existing office building, and replace it with a gas station with retail.
- I'm hoping to have a draft of the Planning Commission's annual report at the February meeting, and hopefully have you approve it for submission to the Township Board.
- I received data from SEMCOG relative to the crashes at the roundabout at Pontiac Trail and M-5. According to preliminary data, it appears that crashes have leveled back off to their pre-2015 levels. We think that part of the reason for the spike in 2015 was due to the closures along Haggerty which diverted additional traffic to the roundabout. While there are a high number of crashes at that roundabout, they are predominantly property damage only crashes and everybody walks away. We haven't had any fatalities or serious injuries.
- At tomorrow's Township Board meeting, the revised proposal for K&S for the Clark Station is on the agenda. They were tabled on December 13th at the applicant's request to make revisions to their plan. This is their Conditional Rezoning request to expand their existing operation. If approved by the Township Board, then the site plan and Special Land Use will come back to the Planning Commission.

ITEM 6: NEXT MEETING

- NEXT REGULAR MEETING: Monday, February 6, 2017
- NEXT SPECIAL MEETING: Tuesday, January 24, 2017, Joint meeting with Township Board, Quarterly Discussion

ITEM 7: ADJOURNMENT

MOTION by Schinzing, supported by Czarnecki, to adjourn the meeting at 7:35pm.

MOTION CARRIED UNANIMOUSLY