

**CHARTER TOWNSHIP OF COMMERCE
SPECIAL PLANNING COMMISSION MEETING**

Monday, May 19, 2014

2009 Township Drive

Commerce Township, Michigan 48390

CALL TO ORDER: Chairperson Haber called the meeting to order at 5:30pm.

ROLL CALL: Present:

Larry Haber, Chairperson
Tom Jones, Vice Chairperson
Bill McKeever
Jay Czarnecki
David Law
John Hindo
Brian Winkler, Secretary

Also Present:

Terry Carroll, Community Development Director
Jason Mayer, Engineer, Giffels-Webster
Mark Hanson, Landscape Architect, Giffels-Webster

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

Chairperson Haber announced a correction to the agenda. Item I is incorrect as it is shown as a public hearing and the item will not be heard today. A public hearing was previously held for this item and public comment had been received.

ITEM I: PSU14-001 – WYNCLIFF – SPECIAL LAND USE – PUBLIC HEARING

Randy Wertheimer of Farmington Hills is requesting Special Use approval for the development of approximately fourteen acres as a single family site condominium for property located ½ mile South of Oakley Park Road and West of Martin Road.

Sidwell No.: 17-24-176-005

ITEM II: PSP14-0002 AND– WYNCLIFF SITE CONDOMINIUM – SINGLE FAMILY SITE CONDOMINIUM

Randy Wertheimer of Farmington Hills is requesting Special Use approval and Site Plan Approval for the development of approximately fourteen acres as a single family site condominium for property located ½ mile South of Oakley Park Road and West of Martin Road. Sidwell No.: 17-24-176-005

Randy Wertheimer, Hunter Pasteur Homes, 32255 Northwestern Hwy, Suite 180 Farmington Hills, was present along with Mike Powell, Powell Engineering & Associates, LLC, 4700 Cornerstone Dr., White Lake, MI, to address the proposal.

Terry Carroll, Community Development Director, gave a review.

Terry Carroll - The developer has met with the residents of the neighborhood at your suggestion to work things out. The Engineer and Landscape Architect have also reviewed the compromise. I believe Mr. Mayer has some items to add on the pathway since that seemed to be a concern at the last meeting.

Haber - So the pathways and landscaping were addressed? I want to know that you met with them and everything was okay.

Randy Wertheimer - We met with the homeowners and achieved a resolution that works for us. This has been documented by Giffels-Webster and copies were provided to the Commission, including the landscaping plan showing where the larger trees are to be placed. We used the white pines as suggested by the Landscape Architect at the previous meeting. We have indicated where the landscaping will go and also assured the residents that the trees there will be protected and not affected by construction.

Haber inquired with the residents present for confirmation.

James Hunter, 2872 Duffers Lane, Commerce Township - We met with the team and in good faith the solutions were laid out. The landscaping plan is satisfactory for me.

Henry Meltser, 2852 Duffers Lane, Commerce Township - It's also satisfactory for me. There was one tree in question that was 50/50. The only thing we did not talk about was once the new homeowners come in, they may choose to take down trees on the back of the Commerce Township property.

Haber - There's nothing we can do about that.

Henry Meltser - We hope that a note can be made in the bylaws for the condominium association regarding preservation of trees.

Randy Wertheimer - We can address that.

Haber - I am more interested in knowing that the developer met with the residents. The Commission is here to protect the homeowners. We want this to be developed, but our responsibility is to the residents of Commerce Township.

Randy Wertheimer - We were aware of the issue and Kathleen Jackson had suggested that we put a stipulation into the master deed that states residents cannot take down a tree unless it dies. There is no obligation to replace trees but this will add a benefit for those lots.

Haber - Great. Terry, do we need to vote on this separately or is it a package deal?

Terry Carroll - I believe you are voting on the package.

Haber - Okay, so the landscaping is done and everything is good there. What about the pathway?

Jason Mayer - It is my understanding that they will be keeping the pathway the same as it was presented at the last meeting, which is through the new development.

Haber - Randy, I'd like to hear what you have to say.

Jason Mayer distributed color renderings of the options for the pathway. The Commission reviewed the options and open discussions ensued.

Randy Wertheimer - Right now, there's a red path, a green path and a cement-looking pathway, but that is not cement.

Law - There is a faint line between the red and green. Is that the existing pathway?

Randy Wertheimer - Yes, it looks like cement. The red line is what we are suggesting to build and that goes up through the fronts of the houses. We are planning to make it narrower so that it is the same size as the sidewalk to prevent people from parking on it. The green line is what Giffels-Webster has suggested we do to make an additional pathway with more accessibility. We are not opposed to that, but we wanted you to be aware that it raised two red flags. One is that we would be putting the pathway between two wetlands and that presents logistics with the DEQ. Two is that it is not practical as it will not be usable when it rains being located between two wetlands and the forebay drainage.

We would like to see the existing pathway brought up to connect full circle instead. This would be practical from a connection standpoint and we would not be dealing with wetlands.

The Commission reviewed these options in further detail as Randy Wertheimer approached to explain.

Randy Wertheimer - I believe the existing pathway is woodchips.

Henry Meltser - It is pebbles.

Randy Wertheimer - We will make sure that the new pathway is the same, whatever it is.

Jones - That's not a bad idea.

Haber - Would there be additional landscaping here?

Randy Wertheimer - This is open space so the vegetation would look the same as it does now.

Haber - Are there any other comments?

Jason Mayer - We drew this so the Commission could review the alternates. The green pathway does not present any issues with the DEQ permits. The berm here also functions so that water will not be an issue.

Mark Hanson - There will not be any issues.

Jason Mayer - We designed the berm. Loren Crandall walked the property yesterday with Mark.

Jones - So you don't think it will flood out?

Jason Mayer - No, I don't think there will be any issues.

Mike Powell - The forebay is designed to prevent water issues. Only in a major storm could it possibly become inundated, but on a yearly basis it would be dry.

Commission Comments:

Winkler - No comments at this point.

Henry Meltser - Can we comment?

Haber - This is not a public hearing, but if you can keep it short we will hear your comments.

James Hunter - There were two parts to our discussion and those were shielding and access. There are still three houses that will be cut off from the pathway.

Haber - We discussed this at the last meeting and there is no way to make everybody happy.

Winkler - I would prefer to see the pathway kept where it currently is on the plans, with the red line.

Law - I have no objections to the plans. I am good with the gray line.

Jones - I like the owner's suggestion to add something from the current pathway so that it connects, and also loops up through the subdivision as well.

Czarnecki - I'm okay with the pathway through the fronts of the homes.

Hindo - I'm okay with the pathway. I would add a comment regarding the neighbors access. They were used to cutting through the backyard to jump on the trail. They never really had access in the first place, they were just cutting through. I'm okay with any of the options Randy has proposed.

McKeever - I agree with John.

Haber - I do have a problem. This is a nature pathway that goes through a subdivision. It does not work and is in direct contradiction with the name. If I lived there, I would not

want people walking through my lawn or behind my house. I don't know what can be done and I can't see any way around it. It's unfortunate.

James Hunter - We had discussed buying a parcel of land for access.

Haber - That was certainly an option. We have had this come up before with other people and we have told them, if you don't want it in your backyard, purchase it. Then it is yours to do with as you please. We can't go back at this point unless you make him an offer he can't refuse.

Personally, I still have a problem with walking through the sub. I would go with the green line option, or connecting the pathway to the south, then go north to connect with the other pathway.

MOTION by Czarnecki, seconded by McKeever, that the Planning Commission approves, with conditions, PSP14-0002 Wynclyff Site Condominium - Single Family Site Condominium, the request by Randy Wertheimer of Farmington Hills for Special Use approval and Site Plan Approval for the development of approximately fourteen acres as a single family site condominium for property located ½ mile South of Oakley Park Road and West of Martin Road. Sidwell No.: 17-24-176-005

Approval is subject to the following conditions:

1. The red line pathway as presented to the Commission, at the size and width as recommended by Giffels-Webster; and,
2. The landscaping per the discussion; and,
3. The Planner's Report dated April 3, 2014.

ROLL CALL VOTE:

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

NAYS: Haber

Discussion –

MOTION CARRIED

OTHER MATTERS TO COME BEFORE THE COMMISSION

The next regularly scheduled Planning Commission meeting will be Monday, June 2, 2014 at 7:00pm.

ADJOURNMENT

MOTION by Hindo, supported by Jones, to adjourn the meeting at 5:56pm:

MOTION CARRIED UNANIMOUSLY



Brian Winkler, Secretary