

CHARTER TOWNSHIP OF COMMERCE
****SPECIAL** ZONING BOARD OF APPEALS MEETING**

Thursday, August 8, 2013

2009 Township Drive
Commerce Township, Michigan 48390

CALL TO ORDER: Rusty Rosman, Chairperson called the meeting to order at 6:00pm.

ROLL CALL: Present: Rusty Rosman, Chairperson
Clarence Mills
Rick Sovel
Bill McKeever
Absent: Jorge Pacheco, Secretary
Also Present: Kathleen Jackson, Township Planner

Chairperson Rosman introduced the Members of the Board to those present, as well as Kathleen Jackson and Jay James. She reviewed the requirements for receiving a variance from the Zoning Board of Appeals including the fact that all the standards are to be met by the applicant. She assured the applicants present that the sites of the proposed variances have been visited by the members of the Zoning Board. She also explained that if a petitioner's variance request is granted, they will receive their letter of approval by mail. It is imperative that the letter be presented when applying for a building permit. A variance is valid for 365 days from the date of the approval letter. She added that in order to have a variance approved this evening; applicants would need the approval of 3 out of the 4 Zoning Board of Appeals members present.

APPROVAL OF MEETING MINUTES

MOTION by Mills, supported by, Sovel, to approve the Zoning Board of Appeals Meeting minutes of July 25, 2013, as presented. **MOTION CARRIED UNANIMOUSLY**

UPDATE OF ACTIVITIES

Rick Sovel – Township Board, Library, and Parks & Recreation

- A conditional rezoning was recently recommended for approval by the Planning Commission, and was denied by the Township Board. The item was sent back to the Board a second time, and a special Township Board meeting was held this past Monday to allow the developer to discuss the proposal further.
- The proposed apartment complex development is at Beck and Maple Roads.

Bill McKeever – Planning Commission

- I have no other updates since our last meeting with the exception of the item that is before us tonight.
- This variance they're requesting is one of the things they need for their proposed development.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

ITEM I: PA13-0007 – BASIL BACALL – PUBLIC HEARING

Basil Bacall of Commerce MI is requesting a variance from Articles 6 & 24 of the Commerce Township Zoning Ordinance to construct a new Marriott TownePlace Suites hotel with parking that will encroach into the required front yard setback located on the west side of Loop Road, just north of 169 Loop, the existing Hampton Inn Hotel. Sidwell No.: 17-36-200-024

Chairperson Rosman opened the public hearing.

Mike Powell, Powell Engineering & Associates, LLC, 4700 Cornerstone Dr., White Lake, MI, was present along with the petitioner, Mr. Bacall, to discuss the request.

Mike Powell thanked the board and gave a presentation. This site was before the ZBA previously. Mr. Bacall owns the Hampton Inn and is looking to build a Marriott extended-stay facility adjacent to the Hampton on this site. This proposal has been before the Planning Commission and all issues have been addressed except for this one, which involves the parking, and some aesthetic items that are being addressed by working with staff.

Mr. Powell discussed the surrounding businesses, site plan and landscaping. He explained that the reason for the variance request is because the site is extremely unique. It lies sandwiched between M-5 to the east and Loop Road to the west, accessible only from Loop Road. The problem is that there are two frontages and the ordinance defines this as having two right-of-ways. A 20' setback is required for all parking areas that front a right-of-way. This setback requirement has been met on the Loop Road side; however, along M-5, a 15' variance would be necessary to allow for parking within the front yard setback.

This triangular shaped parcel is unique because it is between the two roadways. It presents a major hardship in meeting the setback requirements for two frontages. This site also has substantial landscaping requirements for the right-of-way buffers and parking area. In order to meet those requirements and mitigate the situation, Mr. Bacall has received permission from MDOT to put plantings in the right-of-way. MDOT has requirements for this agreement that coincide with and exceed the ordinance requirements. He will also have to sign an agreement to maintain the plantings in the MDOT right-of-way in perpetuity. This lease with MDOT and all documentation will be provided to the Township to ensure that it meets with their requirements.

This hardship is not self-imposed and again, this property is unique. If the variance is granted, it certainly will not impact any adjacent properties, and further, it will not set a precedent whatsoever as the surrounding parcels are already developed.

The footprint meets the requirements for the basic layout, but if the 15' variance is not granted, it would make it impossible to build a hotel on this particular site.

There were -0- returns and -0- letters.

Chairperson Rosman closed the public hearing.

Board Comments:

McKeever –

- The Commission was fine with the overall site itself, they just didn't want to overstep their boundaries.
- The only issues are with the elevations and appearance of the building.

Rosman –

- I have no questions, other than about the hotel itself.
- I read that the two hotels will be sharing employees. How will that work exactly?

Mr. Bacall – Marriott does have two extended-stay facilities; one is the Residence Inn and the other is TownePlace. The price points are a little different and vary by about \$20, with the Residence Inn being more expensive.

Employees could be shared between the facilities for efficiency and management. Cleaning crews and breakfast staff would be among the shared employees.

Sovel –

- If approved, would you have any objections to a condition that would prohibit billboards on the property? You would not install a billboard, or lease any of this property for that purpose?

Mr. Bacall – I would be more than happy to agree to that condition.

Sovel – Other than that, I think it's a great location for this. I am surprised that the Hampton is doing as well as it is. I did not know that Commerce would attract that many people.

Mills – To go along with Rick's condition, should we have any restrictions regarding cell towers?

Kathleen Jackson – Cell towers are typically only on Township owned property, unless they are located on an existing tower that was built prior to the current ordinance requirements. Cell towers do have to meet certain restrictions.

Sovel – Is there still a need for two variances?

Kathleen Jackson – No, it is actually just for the one for the reduction of the required parking setback from 20' to 5'. In the application, they had included the berm, but the Planning Commission has discretion over that and the license will be obtained from MDOT.

Sovel – Have the details of the sidewalks been worked out?

Mike Powell – Yes, there will be 8' sidewalks along Loop Road and along the entire south side of the Hampton Inn to the end of the triangular portion of the site. You will be able to cross right into the parking lot of the United Artists Theater.

Sovel – And the sidewalk will be along the roadside?

Mike Powell – Yes.

MOTION by Sovel, supported by Mills, to approve, with conditions, Item PA13-007, the request by Basil Bacall of Commerce MI for a variance from Articles 6 & 24 of the Commerce Township Zoning Ordinance to construct a new Marriott TownePlace Suites hotel with parking that will encroach into the required front yard setback located on the west side of Loop Road, just north of 169 Loop, the existing Hampton Inn Hotel.
Sidwell No.: 17-36-200-024

Approval is subject to the following conditions:

1. No billboards, either permanent or portable, will be installed on the property by the owner, or through a lease for anyone else to install; and,
2. Receipt of the MDOT permit; and,
3. Site plan approval by the Planning Commission.

Approval is for the reason that the proposed will not be materially detrimental to the public health, safety and welfare, and it will not be materially injurious to the property or improvement in such zone or district in which the property is located. Approval is also in consideration of the Finding of Fact as stated within the Planning Department's report.

MOTION CARRIED UNANIMOUSLY

Chairperson Rosman and Mr. Bacall discussed the other hotels that Mr. Bacall owns, and the facilities that will be available at the new TownePlace Suites.

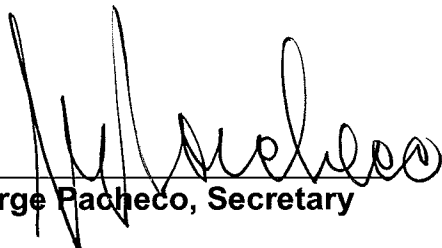
OTHER MATTERS TO COME BEFORE THE BOARD

NEXT REGULAR MEETING DATE: THURSDAY, SEPTEMBER 26, 2013.

ADJOURNMENT

MOTION by Sovel, supported by Mills, to adjourn the meeting at 6:30 pm.

MOTION CARRIED UNANIMOUSLY



Jorge Pacheco, Secretary