

**CHARTER TOWNSHIP OF COMMERCE
PLANNING COMMISSION MEETING**

Monday, February 4, 2013
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
David Law
John Hindo
Absent: Larry Haber, Chairperson (excused)
Also Present: Kathleen Jackson, Planning Director
Jay James, Engineer/Building Inspector
Sarah Traxler, McKenna Associates

APPROVAL OF MINUTES

MOTION by Czarnecki, supported by Hindo, to approve the Special Planning Commission Meeting Minutes of December 18, 2012, with one correction: add to the Roll Call that Susan Gross, Township Treasurer was also present.

MOTION CARRIED UNANIMOUSLY

MOTION by Winkler, supported by Czarnecki, to approve the Planning Commission Meeting Minutes of December 3, 2012, as written.

MOTION CARRIED UNANIMOUSLY

UPDATE OF ACTIVITIES

Bill McKeever – Zoning Board of Appeals

- I had a conflict and was unable to attend. I will defer to Kathleen Jackson.

Kathleen Jackson -

- The Zutantas interpretation at 3508 Trentwood is a neighbor dispute over fencing and obscuring vegetation, which was tabled.
- There was an AT&T sign approved at 4212 Haggerty Road in the front yard setback with the caveat that it will be removed at the owner's expense if there are any public improvements.
- There was a shed that was already built in the lakeside setback at 3332 Benstein. It was tabled in order to have the petitioner work with staff to see if it could be relocated as it does not have footings.
- A 2-car attached garage was approved at 2041 Hoeft.
- Tony Semaan's project on the south side of Commerce Road received a front yard setback variance.
- Lastly, a sign at 4375 Pineview, at Oakley Park Road in the Pinewood industrial sub, was tabled as there were issues with easements, et cetera.

Brian Winkler - Downtown Development Authority

- Negotiations continue with the southwest quadrant and there continues to be interest in the DDA property.

David Law – Township Board of Trustees

- The Board was excited to appoint Vanessa Magner as the new Township Clerk. She was sworn in today and will attend her first Board meeting tomorrow night.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

ITEM I: PZ13-0001 – BASIL BACALL – REZONING – PUBLIC HEARING

Basil Bacall of Commerce MI is requesting the rezoning of parcels of land consisting of 3.57 total acres from B-2 (Community Business) & B-3 (General Business) to HOS (Hospitality) located 169 Loop Road and the adjacent vacant parcel to the north. Sidwell No.'s: 17-36-200-024 & 17-36-400-028

Kathleen Jackson explained that McKenna Associates had reviewed this request in order to avoid any conflict with her position as DDA Director. She explained that Amy Chesnut of McKenna had written the report and although she could not be present at tonight's meeting, Sara Traxler was present to give a review.

Sara Traxler of McKenna gave a review of the report for the rezoning petition. She noted one correction to the report, on Page 3 of 6, in the table, bottom right corner, it should read as **2 stories** instead of 1.

Vice Chairperson Jones opened the public hearing.

The applicant, Basil Bacall, 169 Loop Road, Commerce Township, was present along with Michelle Powell, Powell Engineering & Associates, LLC, 4700 Cornerstone Dr., White Lake, MI, to address the proposal.

Michelle Powell explained that rezoning would bring the current use into conformance and would allow for expansion to the property next door.

Jones - Kathleen, one thing that is noted is that the petitioner is not to discuss uses with the rezoning request. That would be discussed at site plan review, correct?

Kathleen Jackson - Correct. This is a request for conventional rezoning and if recommended for approval by the Planning Commission, and approved by Township Board, the property could be used for any one of the principal permitted uses as indicated under HOS zoning.

Jones - I also recall when we previously discussed the nonconformance of the Hampton Inn, there was some question regarding the distance from the building to the wetlands, or something like that. Did someone go out and measure?

Michelle Powell - I believe that was related to building height and the hotel was not allowed in the existing district. The building was higher than what the Zoning Ordinance allowed for.

Jones - I vaguely remember that, and if that is the case, how would this rezoning change the fact that there was a distance problem relative to the height?

Kathleen Jackson - I would have to go back and look at the file. If you recall, there is a current Hospitality Ordinance that was adopted and it was initiated by Mr. Bacall because once the new Ordinance was in place, the hotel became nonconforming. We used to have B-5 zoning but the new Ordinance changed zoning and that changed eliminated the B-5 district. Hotels are currently permitted in the Town Center Overlay and Haggerty Road overlay districts. The hotel became nonconforming and Mr. Bacall brought the Hospitality zoning in for a text amendment.

If approved, this will make the use conforming. It will not change anything that is nonconforming with respect to the height

Vice Chairperson Jones closed the public hearing and there were no additional questions or comments.

Commission Comments:

McKeever – I have no issues with the request.

Czarnecki - No issues.

Hindo - I have no issues. I do know Mr. Bacall from church and the community. I am familiar with his development and he does a Class A job.

Winkler - I have no issues.

Law - No issues.

MOTION by Hindo, supported by McKeever, that the Planning Commission recommends approval, to the Commerce Township Board of Trustees, of Item PZ13-0001, the request by Basil Bacall of Commerce MI for the rezoning of parcels of land consisting of 3.57 total acres from B-2 (Community Business) & B-3 (General Business) to HOS (Hospitality) located 169 Loop Road and the adjacent vacant parcel to the north. Sidwell No.'s: 17-36-200-024 & 17-36-400-028.

MOTION CARRIED UNANIMOUSLY

ITEM II: SP03-06-08 – WILDWOOD COMMONS

Inverrary LLC of West Bloomfield MI is requesting site plan approval for a site condominium project located off Inverrary Lane. Sidwell No.: 17-06-376-001

Kathleen Jackson, Planning Director gave a review. The petitioner's previous approval expired and since their initial approval, the Zoning Ordinance has changed.

The petitioners, Robert Schwartz, 1098 Riverside St, Milford, and Tom Welsh, 6826 Kennsway Ct, West Bloomfield, of Inverrary LLC were present to address the proposal.

Tom Welsh - We have not made any changes to the plans at all. As Kathleen Jackson stated, we do understand the changes that have taken place with the Zoning Ordinance and we will comply.

Commission Comments:

Jones – On page 13 of the report, item 2, can we add that to the approval that decks will not be built that require a variance?

Kathleen Jackson - Yes, that will be noted in the Master Deed documents.

Jones - This will be built with sidewalks?

Tom Welsh - We would rather not put sidewalks in as it is a cul-de-sac and the rest of the area does not have them. I don't know if a variance would be granted on that.

Kathleen Jackson - The Planning Commission has some discretion with respect to sidewalks, but everything in the last seven years before the Planning Commission has required sidewalks even when there are no direct connections, and we don't have an escrow to complete the missing links.

Tom Welsh - Okay, so we will have the sidewalks.

Jones - Is there room to accomplish these sidewalks on the property without having them come right up to the road edge?

Jay James - Yes, there is room.

McKeever - I agree with everything in the report, but we are making approval subject to these documents, some of which are 10 years old. Should anything be put back through the review process?

Kathleen Jackson - Both the Fire Department and Giffels Websters Engineers did review these documents recently and they were still fine with them as presented.

McKeever - That was my only real concern.

Czarnecki - No issues. I'm in agreement with everything in Kathleen Jackson's letter.

Hindo - I am in agreement with the letter and the comments made here as well.

Law - I have no issues.

Winkler - I have no comments to add.

MOTION by Hindo, supported by Czarnecki, that the Planning Commission recommends approval, with conditions, to the Commerce Township Board of Trustees, of Item SP03-06-08, Wildwood Commons, the request by Inverrary LLC of West Bloomfield MI for site plan approval for a site condominium project located off Inverrary Lane. Sidwell No.: 17-06-376-001

Approval is subject to the following conditions:

1. Subject to Fire Department's report of 2-14-03, as affirmed on January 15, 2013; and
2. Subject to Engineer's report of 3-21-03, as affirmed on January 15, 2013; and
3. Subject to Road Commission report of 3-4-03; and
4. Height of structures not to exceed 35'; and
5. Indicate any trees/vegetation to be preserved and the method of preserving such; and
6. Addition of 5' wide concrete sidewalks; and
7. Any entrance signage to be administratively approved subject to in Article 29; and
8. Grass must be either sod, slot-seeded or terra-seeded, in accordance with Article 29; and
9. No decks will be built in the setbacks which would require variances; and
10. Attorney's approval of the Master Deed documents prior to Township Board approval.

Approval is recommended 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.

MOTION CARRIED UNANIMOUSLY

OTHER MATTERS TO COME BEFORE THE COMMISSION

Jones and Kathleen Jackson discussed the director's report which is provided to keep the Commission apprised of new business in the Township on a monthly basis.

The next Planning Commission meeting will be Monday, March 4, 2013 at 7:00pm.

ADJOURNMENT

MOTION by Czarnecki, supported by Winkler, to adjourn the meeting at 7:37 pm.

MOTION CARRIED UNANIMOUSLY



Brian Winkler, Secretary