

**CHARTER TOWNSHIP OF COMMERCE  
PLANNING COMMISSION MEETING**

Monday, May 6, 2013  
2009 Township Drive  
Commerce Township, Michigan 48390

**CALL TO ORDER:** Chairperson Haber called the meeting to order at 7:00pm.

**ROLL CALL:** Present: Larry Haber, Chairperson  
Tom Jones, Vice Chairperson  
Brian Winkler, Secretary  
Bill McKeever  
Jay Czarnecki  
David Law  
John Hindo  
Also Present: Kathleen Jackson, Planning Director  
Jay James, Engineer/Building Inspector

**APPROVAL OF MINUTES**

**MOTION** by Jones, supported by McKeever, to approve the Planning Commission Meeting Minutes of April 8, 2013, as written. **MOTION CARRIED UNANIMOUSLY**

**MOTION** by McKeever, supported by Law, to approve the Quarterly Discussion and Joint Meeting Minutes of April 23, 2013, as written. **MOTION CARRIED UNANIMOUSLY**

**UPDATE OF ACTIVITIES**

David Law – Township Board of Trustees

- We would like feedback on the joint meeting.

Haber - The joint meeting gets everyone on the same page. Although a lot of detail was left out due to privileged information, it was good to share. We would like to see this done more often.

Jones - If possible, if there's any information that's not confidential, it might be helpful to share it ahead of time so that we are all better prepared to participate.

Brian Winkler – Downtown Development Authority

- I believe most of the items were discussed at the quarterly meeting.

Kathleen Jackson – Downtown Development Authority

- The Board approved an advance to the DDA of \$800,000 which will be brought through October, depending upon negotiations on the southwest quadrant.
- We are negotiating with a retail developer on the southeast quadrant.
- We do have a couple of offers on the northeast area, but I can't be specific except to say that there is a residential component, possibility with a senior component, and retail.
- Additionally, there is other activity for the corner of Pontiac Trail and Haggerty.

- I have a meeting this week with Randy Thomas and the developer; however, the use is not necessarily what we want for that prominent corner.
- We want something with height and character for that location.
- There is difficulty there with turning movement and it would need to be a right-in/right-out.
- This may be a parcel that we have to sit on and wait for the right type of development.

Jay James – Building Department

- The Department is remaining quite busy and it is encouraging.
- I think so far to date this year, we are closing in on 100 homes. Last year was 104 for the whole year, and that was three times as many as in the last four years. Things are going well and we actually have developments that are breaking ground from scratch.
- Commercial is also kicking in behind the residential.

**PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA**

None

**ITEM I: SP09-16-08 – ISLAND CLUB PHASE TWO – EXTENSION**

Seth Norman of Commerce MI is requesting an extension of site plan approval for Island Club Phase Two development located off Sadie Shore Drive.

Sidwell No.: 17-16-476-032

Kathleen Jackson, Planning Director gave a review. The applicant went to the last Township Board meeting and received an extension instead of an approval. They now need an extension to enable them to go before the Board for approval as their site plan is expiring. It is my understanding that they will be getting a shovel in the ground this summer.

Seth Norman, Fenris LLC, 3250 Old Farm Lane, Commerce Township, was present.

**Commission Comments:**

Haber - Give me the timeline on this, as I think this is the second or third time I've seen this myself. We said last time that it would be the last extension granted, but it also sounds like there are special circumstances here. We could probably grant it for a limited time.

Kathleen Jackson - You do have discretion. The ordinance states that an extension is valid for *up to* 365 days, so the time frame is not automatic.

Kathleen Jackson and Haber discussed the timeline for the applicant's next appearance before the Township Board.

Seth Norman - We will be going for approval next Tuesday. We do plan on breaking ground after approval.

Kathleen Jackson - I would also add that at the last Township Board meeting, there were residents with questions and concerns. The Board directed them to contact the Planning Department and they were also added to the list of notifications so they were informed that this item was on the agenda for tonight's meeting.

Haber - And no one is here to speak to this. I am okay with a two-month extension. Let's say the second meeting that we have from this date, if there are no objections.

**MOTION** by Jones, supported by McKeever, that the Planning Commission approves Item SP09-16-08, the request by Seth Norman of Commerce MI for an extension of site plan approval for Island Club Phase Two development located off Sadie Shore Drive. Sidwell No.: 17-16-476-032. **The extension is granted through July 8, 2013.**

**MOTION CARRIED UNANIMOUSLY**

*>>Kathleen Jackson proposed that Items II and III be heard together, and there were no objections by the Commissioners.*

**ITEM II: PSU13-0002 – TIM HORTONS – SPECIAL LAND USE – PUBLIC HEARING**

Versus Development of Bloomfield Hills MI representing Tim Hortons is requesting a Special Land Use to construct a new restaurant with a drive thru located at 2201 Haggerty Road. Sidwell No.: 17-24-476-039

**ITEM III: PSP13-0018 – TIM HORTONS**

Versus Development of Bloomfield Hills MI is requesting site plan approval to construct a restaurant located at 2201 Haggerty Road.

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Kathleen Jackson, Planning Director gave a review. Items addressed were screening mechanical equipment, the need for additional architectural aspects, potential discretion for parking and landscaping, and recommended improvements to the detention pond. She also noted that Mike Labadie, Traffic Engineer, had done a brief informal review and suggested that the curb cut on the east end be stubbed to prevent cut-thru traffic. Frank Arcori, Verus Development Group, 2350 Franklin Road, Suite 210, Bloomfield Hills, MI, was present to address the request. Frank Arcori greeted the Commissioners and introduced the others present, including Joe Paluzzi with Michigan Home Builders, Matt Kuehn, P.E., with KEM-TEC & Associates, and Mark Kellenberger, Project Planner with Tim Hortons, 565 East Grand River Avenue, Suite 101, Brighton, MI.

Joe Paluzzi - We first want to thank you for taking the time to consider Tim Horton's Café and Bake Shop. I would also like to say that Kathleen Jackson and her staff in the Planning Department have been very helpful over the past 60 days since we first visited the counter.

We believe the building lays out quite nicely to the three-quarter acre site. Access to Pontiac Trail was in place when Sonic was constructed. If approved, we will be purchasing the property with a reciprocal agreement in place. This also holds true for

the detention pond which is incorporated to service Sonic, this site, and the site to the north. It accommodates all three sites so it is something that we are inheriting. If there are any specific questions to the site, I am happy to answer them. If any questions pertain directly to Tim Hortons, Mark Kellenberger is here.

Chairperson Haber opened the public hearing.

No comments.

Chairperson Haber closed the public hearing.

McKeever - Kathleen, did we get a sample board?

Mark Kellenberger approached the Commission, provided handouts and presented the sample boards. He reviewed the stone to be used around the bottom of the building and discussed dimensions.

McKeever - Are these sheet materials?

Mark Kellenberger - Yes, this is like a fiber cement stone, similar to Hardiboard. As Kathleen Jackson indicated, if it pleases the Commission, we can trim out the windows and doorway to break that up a little bit.

The addition of light fixtures on the south side are not a deal breaker and we can do something decorative over there. We did add another feature, the faux window with an awning over it. This gives the appearance that the back is usable, but everything behind here is really storage area; the backhouse stuff where you'd rather not have a glass pane.

On the roof materials, we can do a couple of things. The actual shingle is a weathered wood from Timberline, but what we have here is another product that is similar in color. You're probably familiar with these shingles and they are a nice element that we typically don't do. These serve a dual purpose as they meet the architectural style and provide screening.

The handout shows the standard, more prototypical building design. We also have a couple of different elevations to look at that we have been doing over the last couple of years. We feel this design meets the architectural code for Commerce Township and will be unique.

As for the remaining items in the memo, there is the sign package. On the elevations, this is what I like to call our designers taking liberty. This is not the intended sign (pointing to rooftop mounted sign). There will be just one and it will be smaller than this; under 19 square feet on the roof. The ground sign is 6' tall and under 26 square feet. It will be compliant and will be located within the 15' setback in the greenbelt.

The parking was determined through operations personnel and I am comfortable with the numbers set at anywhere from 25 to 30 spaces. There is a fair amount of parking with accessibility to the front door. The few inconvenient spaces would be for employees.

As for an additional landscaped island, we could think about it, but if I had a choice, I would rather keep the parking spaces the way they are.

**Commission Comments:**

McKeever - What are the hours for deliveries?

Mark Kellenberger - We restrict all sites to prohibit deliveries between 5:00am and 10:00am as that is the busy time. We don't want distractions, inconveniences or obstacles.

Haber - Is this 24 hours?

Mark Kellenberger - Yes.

Kathleen Jackson - I gave the Commission information from ITE and ULI on parking studies. ITE tended to look at the number of seats rather than at the square footage.

Mark Kellenberger - There is a new interior layout being designed.

Joe Paluzzi - To my recollection there are 26 seats.

Mark Kellenberger - I believe there are 30 inside and 16 outside.

Joe Paluzzi - No, there are 12 outside.

Mark Kellenberger - As for the trash receptacle, the enclosure will match with the stone and brick. The dumpster is standard and trash pickup is not allowed on site between 5:00am and 10:00am. Again, deliveries are also restricted to these times. Trucks vary but are generally a 40-foot tractor/trailer, semi-trailer.

McKeever - Where are you proposing the mechanical equipment?

Mark Kellenberger - It will be mounted on the rooftop. Because of the baking, there is a makeup air unit.

McKeever - And they will be covered by the mansard roof?

Mark Kellenberger - Yes, sir.

McKeever - And you will add lighting?

Mark Kellenberger - Yes, the same type. Also, typically we don't include awnings as we have had interferences trying to bring trailers through the drive-thru, but these will be made similar to match the north side.

McKeever - Kathleen, you mentioned that there is a missing landscape island?

Discussion followed regarding the requirement for a landscape island on the northwest corner.

McKeever - If parking proves to be an issue, do you have a design that would allow you to add parking to the site? Can you land-bank for the missing parking?

Mark Kellenberger - For the one space, it would most likely come at the expense of a landscaping island, but I don't know. Is the greenbelt of 30' required? We could fit it in there or make a parallel spaces.

Kathleen Jackson - The first thing would be to eliminate the outdoor seating and that would be four spaces right there.

Mark Kellenberger - We could do that, but I'd rather not.

Discussion followed regarding the parking requirements.

McKeever - As for the detention pond, who is required to maintain it?

Joe Paluzzi - It is shared by the three sites.

McKeever - It has not been maintained well in the past. Is there any recourse?

Jay James - Under the ordinance, we can send off a letter regarding the maintenance if it gets out of hand. It is up to the three owners to share in the cost of maintenance. All three property owners are responsible, and therefore all three will receive a ticket if it is not in compliance.

Kathleen Jackson - Maintenance is different than what the Zoning Ordinance requires. The Ordinance goes above and beyond by requiring that they provide additional plant materials as well as improving aesthetics. They are talking about probably having the north side developed soon and I don't know what we can do about Sonic.

I'd like to add a couple of things about the parking. In looking at the information that I provided from ITE and ULI, the highest required parking is 13.58 vehicles per 1000 square feet, and that is 28 spaces. So, we have a couple of items to work on if the parking is short. We can eliminate the outdoor seating. Secondly, they can enter into an agreement with the parcel to the north to provide additional spaces. They can enter into a land-bank to provide the space if and when the time comes that it is necessary. That would not be kept in perpetuity, but we can keep an eye on this for a year. We can also do a parking study in the morning during peak hours, which I would guess may be between 7:00am and 8:00am. The study and parking agreement can be arranged in advance for one year.

Haber - If this is conditional, we could put a hold on the outdoor seating and see how things went. Then they could pick up the one other space as needed. Would there be four spaces picked up on the outdoor seating?

Kathleen Jackson - Yes.

Discussion continued regarding parking requirements, parking studies and required agreements to be executed in advance. The outdoor seating could be required to be removed and would allow plenty of space for four additional spaces to be added as necessary.

Joe Paluzzi - From the standpoint of implementing the patio, that is a logistical issue. It would be used often. What if we eliminated a table and allowed for a capacity of only eight on the patio? With that condition, and if parking worked out, then we could simply add another table and four chairs.

Haber - I envision putting in the patio but not using it.

McKeever - I would be fine if it is built as designed and they go ahead as planned. If parking becomes an issue, the patio could be eliminated to add parking.

Mark Kellenberger - Absolutely. It is not going to be a problem. We are very comfortable with this.

McKeever - We are trying to avoid burdening the adjacent properties.

Kathleen Jackson - We can do a two-week parking study within four weeks of opening.

Mark Kellenberger - We just did a parking study for the smaller building. We do it by square footage. I could provide you with those numbers.

Hindo - My wife and I frequent the Walled Lake Tim Hortons which has a similar setting. You can enter through Pontiac Trail or through Maple Road. A lot of times you have cars coming in from the two directions and they back up onto the roadway. My concern is with the seven stacking spaces for Pontiac Trail. It will be busy in the morning and the congestion will be similar to Walled Lake. How can this be alleviated? Is there anything we can do?

Joe Paluzzi - I would like to make clear our roles in this. We serve as the developers for Tim Hortons. We go through the process and we are responsible for the site improvement. Then Tim Horton's comes in and builds the building and manages the operations. Mark will need to comment on this when he returns. Unfortunately the easement with Sonic was prior to us. It was in place and is a recorded document, so we have no stance on that. I do hear what you're saying.

Czarnecki - I have the same concerns as Bill and John.

Discussion followed regarding drive thru operations.

Jones - I'm not as concerned with the parking, but land-banking will have to be proposed and employees may be parking back there. I am more concerned with what John said about stacking and timing.

Jones - How many employees are there and what will be the maximum at one time? This could limit the parking further with only 27 spaces available.

Mark Kellenberger - That is typically based on what the owner feels is necessary, but four to five is customary with a restaurant of this size.

Haber - Total?

Mark Kellenberger - Yes. For this size we have the drive-thru people and the baker in the morning. After 10:00am, there is typically two in attendance, or three if there is a lunch crowd. Overnight, there are two employees for safety reasons.

Hindo - Mark, I posed a question earlier regarding the Walled Lake location where you can enter from Pontiac Trail or from Maple Road. Several times, I've noticed cars stacking up onto Maple Road as they are converging into the drive-thru. I've waited in the line myself as I frequent the location. My concern here is with congestion from the two entry points and they're going through the bypass lane which will create congestion at the exit. This also occurs at the Keego Harbor location. I understand there is stacking for seven cars, but it is busy and that it could happen here also. How do we alleviate this issue? If it does not work out, there could be an exit-only on Pontiac Trail.

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Mark Kellenberger explained that the Keego Harbor location is only four-tenths of an acre and it is shoehorned into the space. He further explained that at this location, there would be 17 to 18 cars stacked before they reached the property line, and another 18 before going out onto Haggerty Road.

Jay James agreed with 18 on the Haggerty Road side. There's 200' from Haggerty Road to the last parking space, so there could be another 10 cars there.

Haber - As a consumer, if there are 17 cars stacked, I will either go down the road to the competition or pull into a parking space and go inside to grab a coffee.

Law - My main issue was with the parking. I did see the pictures of the building and it looks nice, but it is boxy. Is there anything that can be done to make it a little more unique, maybe on the entrance portion at least?

Mark Kellenberger - I learned long ago that I don't argue with the architects and the engineers. Architecturally, I think wrapping the windows may help in defining the building. So much of the design comes from the bulkhead and unfortunately we lose the architectural detail here a bit with the mansard roof. That's where I think the



difficulty comes from and I don't know how to break it up in the front. I can absolutely frame these windows, but I don't know how to unbox it.

Open discussion took place regarding architectural aspects. Mark Kellenberger explained how a soldier course could be used as an alternative to break up the expanse of brick, but he wasn't sure how to incorporate both the soldier course and the stone accents.

McKeever - We want you to have a fabulous looking restaurant.

Winkler - It's to the credit of the petitioner that they have incorporated Kathleen Jackson's suggestions, with one being the extension of the stone around all four sides of the building. I think the petitioner's comments about the soldier course around the window openings will break up the elevations a bit. That's an advantage. Most of the windows are to grade. I also might suggest having a stone sill that comes up a bit from the grade so it does not run glass-to-grade. That would also help to get rid of some of the boxiness.

Kathleen Jackson - Similar to the picture that Larry distributed where the stone goes up and there is a sill?

Winkler - And from a placement standpoint, I will mention one item. You have a loading zone along the back of the building and a man door on the west elevation, but I didn't see any concrete leading up to the man door or loading space. I might suggest pavement here up to the exterior door so there is not a trail in the grass there.

Joe Paluzzi - That is an excellent point.

Mark Kellenberger - Yes, and maybe it can be a ramp on the western end with concrete, along with a concrete flag into the back of the building.

Winkler - Also, I'll defer to Larry on the color.

Haber - Mark, I've been doing this job a long time and I like the way you handle yourself. You've gotten answers and you present yourself and come prepared. I could even write a letter to incorporate in this regard.

Did you see this picture of the Niagara Falls location and color scheme? Are you familiar with the location?

Mark Kellenberger - I saw the picture but I am not familiar with the location.

Mark Kellenberger - I think that those colors are reasonable. It may not be standard but we are working out-of-bounds already so I don't think it will be a big deal. The trim would then be in a dark brown to match the red brick.

Haber - Is it possible for you to bring this back into us for review?

Winkler - Is it possible to do the diagonal entrance on this building? That would address the boxiness and helps the site plan and outdoor seating.

Mark Kellenberger - That is a big deviation and I would have a hard time selling it. I can't tell you yes on that because I don't think it will fly.

Haber - You can try.

Joe Paluzzi - That would also affect the interior floor plan.

Kathleen Jackson - That option would not take out more than 10 square feet in the vestibule.

Open discussion continued regarding the possibility of the angled entryway, how to achieve this with the mansard style roof and a possible overhang.

Haber - I would like to see the canopies, and the color of the brick is very important.

Mark Kellenberger - I think the color of the brick can be done, and the soldier course. The bulky awnings on the drive-thru side would give me heartburn though.

Mark Kellenberger - The angled entrance makes me nervous. I can see what we can do with the stone. We want to build something we can all be happy with.

Haber - We are asking for a lot of changes here and we want to work with you so that you can get into the building.

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Mark Kellenberger - We are committed to move forward to where we could break ground in July maybe. That is how our timeline is structured now.

Jones - Could there be a special meeting held two weeks from now?

Open discussion took place regarding scheduling of a special meeting, possibly within a week or two.

Haber encouraged the petitioners to work with Kathleen Jackson to implement the suggested changes.

Kathleen Jackson added that the special meeting date could be left as "to be determined" and she would work to arrange the date with both parties.

**MOTION** by Jones, supported by McKeever, to table Item PSP13-0018, Tim Hortons, the request by Versus Development of Bloomfield Hills MI representing Tim Hortons for site plan approval to construct a restaurant located at 2201 Haggerty Road.

Sidwell No.: 17-24-476-039. **The item is tabled until a meeting date can be determined by both parties.**

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Jones, supported by Hindo, to table Item PSU13-0002, Tim Hortons Special Land Use, the request by Versus Development of Bloomfield Hills MI representing Tim Hortons for a Special Land Use to construct a new restaurant with a drive thru located at 2201 Haggerty Road. Sidwell No.: 17-24-476-039. The item is tabled until a meeting date can be determined by both parties.

**MOTION CARRIED UNANIMOUSLY**

**ITEM IV: PZ13-0003 – COMMERCE TOWNSHIP – TEXT AMENDMENT – PUBLIC HEARING**

Charter Township of Commerce is requesting an amendment to the Commerce Township Zoning Ordinance No. 3.000, Article II Definitions, to add the definition "Outdoor Storage".

Kathleen Jackson, Planning Director gave a review.

**Commission Comments:**

McKeever - Is this allowing for things to be stored outside in the yard, within reason?

Kathleen Jackson - Such as boats?

Kathleen Jackson - The ordinance states that they cannot make a fence out of logs and lumber. This text amendment is geared more toward commercial ticketing and will help to clear up some issues that are occurring on commercial properties.

Open discussions continued regarding issues with outdoor storage and the need for this amendment to ensure that the ordinance is clear and enforceable.

**MOTION** by McKeever, supported by Jones, that the Planning Commission recommends approval, to the Commerce Township Board of Trustees, of Item PZ13-003, the request by the Charter Township of Commerce for an amendment to the Commerce Township Zoning Ordinance No. 3.000, Article II Definitions, to add the definition "Outdoor Storage". Approval is recommended with the language as submitted.

**MOTION CARRIED UNANIMOUSLY**

**ITEM V: ANNUAL REPORT**

Kathleen Jackson - This is a new report that will be done annually.

Haber - It was done very well. Keep it up.

Winkler - I am listed twice, and Jay Czarnecki needs to be listed.

Kathleen Jackson - I apologize, Jay. This will be brought back at the next meeting and we will review the goals. It would be helpful to get a couple ideas for text amendments or items to be added to the goal list. We would like to get input at the next meeting before this goes to the Township Board.

Kathleen Jackson also reviewed a page she included in the packet about the Commission's educational budget. She suggested bringing in an educator to a meeting to cover a topic such as defensible denial motions. There is \$6,000 in the budget and education should be taken advantage of. Haber was in favor of the idea. Kathleen Jackson also suggested bringing in other boards to get more bang for the buck.

**ITEM VI: Discussion on privacy fences on major thoroughfares.**

Kathleen Jackson gave a review and requested a straw vote or consensus. Residents have inquired, therefore the topic was being brought to the Commission for review. A public hearing could be set if a text amendment is necessary; however, this was taken out of the ordinance by the Commission for a reason and it was the consensus at that time. The subdivisions that would be affected by any changes were listed in the report.

**Commission Comments:**

Czarnecki - What was the reasoning behind taking this out of the ordinance before?

Kathleen Jackson - Correct me if I'm wrong, but I think it was the general consensus that there should not be any privacy wooden fences on a major thoroughfare and that the view should not be broken up by such fencing.

Jay James - In an area such as on Commerce Road by the hospital, at Huron Hills and Birkdale Pointe, you might have a corridor of fences along the roadway.

Kathleen Jackson - We could provide for a solid arborvitae buffer, or require that the fences be landscaped.

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McKeever - The fences become forgotten and they are not maintained, and the landscape is left dying.

Haber - That is why we did what we did.

McKeever - I understand that people would want their backyards isolated from a major thoroughfare.

Winkler - Our charter won't allow fencing and we have some people who do want it. A privacy fence will not look good no matter what we do, whereas decorative or split rail may be okay.

Haber - If we open it up, it gets abused. What is the consensus?

McKeever - I don't think we can police it.

Hindo - No.

Czarnecki - No.

**OTHER MATTERS TO COME BEFORE THE COMMISSION**

The next Planning Commission meeting will be Monday, June 3, 2013 at 7:00pm.

**ADJOURNMENT**

**MOTION** by Law, supported by Czarnecki, to adjourn the meeting at 8:58 pm.

**MOTION CARRIED UNANIMOUSLY**



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Brian Winkler, Secretary