

**CHARTER TOWNSHIP OF COMMERCE  
PLANNING COMMISSION MEETING**

Monday, June 3, 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  
Mike Labadie, Traffic Consultant

**APPROVAL OF MINUTES**

**MOTION** by Jones, supported by Hindo, to approve the Planning Commission Meeting Minutes of May 6, 2013, as written. **MOTION CARRIED UNANIMOUSLY**

**UPDATE OF ACTIVITIES**

Jay James – Building Department

- The new Kroger building is under construction. They are hoping to open the new store this fall.
- The Building Department is very busy with many new houses going up and a lot of remodeling by existing homeowners.

Kathleen Jackson – Downtown Development Authority & Planning Department

- The DDA is busy and entertaining a lot of letters of interest.
- Randy Thomas attended the recent convention in Vegas with a lot of restaurateurs and retailers.
- Also looking to line up a speaker for the Planning Commission, regarding training/education for the Commissioners.

Brian Winkler – Downtown Development Authority

- There was also discussion about upcoming events and development in the project area.

Kathleen Jackson discussed potential improvements on Haggerty Road and the use of County Tri-Party funding.

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

None

***>>Chairperson Haber proposed that Item V be heard first and that the agenda items be renumbered accordingly. There were no objections.***

**ITEM I: PCZ13-0001 – M. SHAPIRO – CONDITIONAL REZONING – PUBLIC HEARING**

M. Shapiro Development of Farmington Hills MI is requesting a conditional rezoning of parcels of land that will consist of approximately 28 acres from R-1D (One Family Residential) to RM (Multiple Family Residential) located on the south east corner of Maple and Beck Roads. Sidwell No.'s: 17-33-151-001, 002, 003 & 015

Kathleen Jackson, Planning Director gave a review.

Jim Galbraith of M. Shapiro Development, Farmington Hills, MI, provided a brief history on the property and a review of the project.

Jim Galbraith – If this were a traditional rezoning, the applicant would not have to provide the specifics of the site plan for consideration and there could be several types of developments permitted in the district under traditional zoning. Because this is conditional rezoning, all plans have been submitted and the Township has the opportunity to work with the developer on particular aspects of the plans such as architectural, landscape and lighting, et cetera.

The property has about 1,700 feet of frontage on Maple and about 1,000 feet on Beck to the west. On the south border of the property is the abandoned railroad that is part of the Commerce, Walled Lake & Wixom's Trailway Management Council's project. There are regulated wetlands at the corner which would be incorporated as a buffer into the site plan. Storm water will go into a detention pond where it is then released into the wetland and across Beck Road to the Wixom side of Beck Road.

There is a single-family sub across Maple Road and great care is taken in the site plan to buffer in that location. To the west of the sub is Maple Crossings which is a 360 unit condominium complex. Also to the south is Walled Lake High School and Middle School along with the bus garage. All buildings have 8 units per building with each having at least a one-car garage. Two units have two-car garages. The units are 1,400 square feet on average. This development would have a pool, a community building, a leasing and management office.

There would be no access from the development onto Beck Road except for emergency access. We have been in discussions with the traffic consultant. One recommendation by the traffic consultant was that the boulevard entrance be shifted to the east to line up with the drive across from it.

Jim Galbraith reviewed the specifics provided in the packet. There are 28 buildings for 224 units in the current cycle.

Chairperson Haber opened the public hearing

Richard Rinvell, 2234 White Pine Dr, Wixom – When was the traffic study completed and during what time frame? Did it encompass the high school traffic or were the kids in school because that is our heaviest traffic time.

(Angela Bernelli), resident of Maple Crossing – I am concerned about this becoming like the apartments just down the road along Pontiac Trail. There are problems there and all we need is more apartments in the area. I don't know about others, but I don't think too many people will be happy about seeing this go in there.

Dennis Park, 185 Huntley – Will the proposed development run along the entire Rails-to-Trails frontage?

Jim Johnson, resident of the Meadowbrook sub across the street – We have 47 units in our sub. Also on the west and east side of Beck Road there are condos. My question has always been why not build more condos here and have a solid tax base, rather than apartment buildings? They will later end up being government subsidized and they will not be high-end.

Kathleen Jackson noted that there were three communications received; one letter from the City of Wixom, one from a resident of Wixom and one from Commerce Township. Chairperson Haber reviewed the letters and explained that they were very similar to the comments that were provided here during the public hearing. The letters were entered into the record.

Chairperson Haber closed the public hearing as there were no additional questions or comments.

Mike Labadie, Traffic Consultant, gave a review of the traffic report. He explained that he had just finished and submitted it as a draft. He stated that they counted cars last week and did a lot of analysis over the weekend. The traditional study for residential developments is conducted from 7AM to 9AM, and again from 4PM to 6PM on Tuesday, Wednesday and/or Thursday. This is accepted practice.

He reviewed the simulation in detail. He explained a particular issue at Beck and Maple with traffic stacking on Maple in the left turn lane. The southbound left turn to go east is operating at a poor level of service. This is due to the light timing and also the oncoming traffic. He further described the issues and potential solutions to improve the flow of traffic at this intersection.

He also noted the need to line up the entrance/exit of the new development with Sycamore to the east off of Maple Road. This would prevent a conflict with the left turn lane stacking, but again, improvements to the intersection would still be necessary as more traffic would only lengthen the queue.

He added that this intersection is an existing problem and something has to be done about it. If a right turn lane was built and the signal timing were changed, it would improve the level of service immensely and shorten the queue. Wixom's City Manager is aware of the need for the right turn lane. The developer may agree to work with the RCOC and Wixom to make these necessary improvements.

Richard Rinvelt, 2234 White Pine Dr, Wixom – I noticed that the study is not in consideration of the high school traffic which is at 2:30. If you don't consider that, it will

create more problems. And there are back-ups at the corner now. We have cut-thrus speeding through the neighborhood to avoid the intersection.

Jim Galbraith – I had the opportunity to meet with Mike Labadie this afternoon. Upon reviewing some of his modeling, I also have concerns over the level of service at the intersection.

I have instructed the engineer to do two things. One is to shift the entrance so that it lines up with the entrance to the other sub to the north. Secondly, we anticipate that construction of the right hand turn lane will be coordinated with the RCOC and the City of Wixom. We did not realize the severity of this issue until it was reviewed but we are on board with these two revisions with respect to traffic concerns.

Mike Labadie – In closing, I would add one more comment. Even if you built this development into something that generated fewer trips, such as the single-family that it is zoned for, you would still have the same problem as these are existing conditions.

Jay James – I didn't see the study but as for the counts at the intersections, anyone cutting through or going north would not have been counted. However, if improvements are made to shorten the queue and decrease the time at the intersection, this may dissuade the cut-thru traffic. Also, re-timing the signal for traffic going north/south on Beck Road may further dissuade cut-thrus. It will never stop them completely, but it would help a little.

**Commission Comments:**

Haber – I would suggest that we table this until the traffic report is complete and the RCOC has provided feedback, along with Mr. Galbraith's intentions regarding improving the road.

Open discussion took place regarding having a special meeting as the July meeting is five weeks away due to the holiday. Kathleen Jackson and Paula Lankford would contact the Commissioners and all parties to arrange a special meeting date.

**MOTION** by McKeever, supported by Hindo, to table Item PCZ13-0001, the request by M. Shapiro Development of Farmington Hills MI for a conditional rezoning of parcels of land that will consist of approximately 28 acres from R-1D (One Family Residential) to RM (Multiple Family Residential) located on the south east corner of Maple and Beck Roads. Sidwell No.'s: 17-33-151-001, 002, 003 & 015.

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Law, supported by Czarnecki, to remove Item II, PSP13-0008, and Item III, PSP 13-0018 from the table.

**MOTION CARRIED UNANIMOUSLY**

**>>Items II and III were reviewed concurrently and there were no objections.**

**ITEM II: PSU13-0002 – TIM HORTONS – SPECIAL LAND USE – tabled from 5-6-13**

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 – tabled from 5-6-13**

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

Kathleen Jackson, Planning Director gave a review including the eight items noted in the Planner's report. She added that it is recommended that deliveries and trash pickup times be restricted; they should be prohibited from occurring between 5AM and 10AM.

Mark Kellenberger, Project Planner with Tim Hortons, 565 East Grand River Avenue, Suite 101, Brighton, MI, was present along with Frank Arcori, Verus Development Group, 2350 Franklin Road, Suite 210, Bloomfield Hills, MI, to address the request.

Mr. Kellenberger apologized for delays that were encountered in redesigning elevations. He explained that most of the requested changes were incorporated but that the site plan stayed the same. He reiterated that he is comfortable with the parking as is the operations director. He elaborated on parking studies and demands. He reviewed materials and changes in detail. The brick color was changed and stone was incorporated under the windows. The drive-thru elevation shows the full window, awnings and lights on the south side. The double dumpster enclosure will be brick to match the building. The only item not incorporated was the 45 degree angle entranceway.

Mr. Kellenberger apologized that he did not have the materials board at the meeting, but assured Kathleen Jackson that he would have it in her office the following day for review.

Kathleen Jackson - Mike Labadie has not done a formal study of the site, but he is present if the Commission had any questions.

**Commission Comments:**

Winkler –

- The petitioner has complied with everything except for the entrance.
- And, in all courtesy to the Planning Commission, the rendering that was presented to the petitioner with the corner entrance was, in hindsight, a design for a mall location where there's a number of tenants in a larger building.
- I've got to give them credit for incorporating everything we asked for.

Law – No questions or comments.

Jones –

- I am satisfied.

- I agree with Kathleen Jackson that we should propose a parking study.

Larry – Kathleen, we do need to address parking one more time as we need some options here.

Kathleen Jackson – If there is an issue, the first step would be to eliminate outdoor seating which takes away four of the required spaces. The second option is that the patio area could be removed which would accommodate two additional spaces. The third option would be to have a shared parking agreement with the property to the north.

Mr. Kellenberger – My first option would be to do the joint parking agreement with the property to the north. I think this is the cleanest and easiest way to make the issue go away, although I don't think it will even be an issue.

McKeever – Should there be a problem, we want to know that there is a fix for it.

Mr. Kellenberger – If we go that route and do a study, then I would flip those options around. I would not build the patio in the first place as that may not be a driving part of the business on Haggerty Road.

Haber – You'd be surprised.

Mr. Arcori – I would like to add that there currently is a cross-access agreement in place with both of these properties; however, the intention for Phase 2 is undecided at this time. We are working diligently on the plans for Phase 2 and meeting with Kathleen Jackson.

Haber – The situation is this. This will be part of the agreement and once we do it, then that parking will be made available.

Kathleen Jackson – No they are not. If you are short on parking it will have to be provided.

Haber – Yes.

Kathleen Jackson – The attorney drafts a document that encumbers the property to the north so that it could affect your buildable area. If the site is an office it may have no impact, but if another restaurant were planned it could be an issue unless it does not have the same peak hours. This will all be drawn up so that it is clear.

(Lawrence Swisstack), Northwestern Hwy., Farmington Hills, MI – There is actually a cross-access easement with all three properties and they are permanently linked as all easements run with the land. There is also a common detention area. Linking these two pieces is not a problem because they are all accessed together.

Haber – We don't want to have you come back to develop the north parcel and say that you are short on parking. Thank you for all of the changes that were made.

**MOTION** by Hindo, supported by McKeever, that the Planning Commission approves, with conditions, Item PSU13-0002, 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 Approval is 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. Approval is subject to the items as outlined in the Planner's report as follows:

1. Conditions as stated in the KER Engineering letter of April 21, 2013, the Fire Department's letter of April 24, 2013; and
2. Approval from the Road Commission for Oakland County for all work in the Right of Way; and
3. The materials board to be as submitted to the Planning Department; and
4. The revised landscape plan so that no more than 25% of plant materials are a single species;
5. Administrative approval of directional signage, wall signage and ground signage;
6. Administrative approval of the revised photometric plan that meets the Zoning Ordinance requirements
7. Details provided for the trash receptacle enclosure and that trash pickups be restricted from occurring between 5AM and 10AM.
8. Deliveries to also be restricted from occurring between the hours of 5AM and 10AM.
9. Subject to a parking study being completed over a two-week time period within four weeks of opening, and should the need arise for additional parking, the petitioner agrees to enter into a shared parking agreement with the property to the north which would be prepared by the Township Attorney and executed with funds being deposited in the Township by the developer.

**Discussion:**

Mike Labadie – ITE and ULI accepted practices for a restaurant could be used to develop the parking rate here and I think that is more accurate than using an ordinance.

Kathleen Jackson – We did use ITE and ULI information.

Mike Labadie – So it should be pretty close. Also, if uses vary for each of the parties in the shared parking agreement, there may be different demands at different times of the day and week. If this will be mixed use, the shared parking may make sense here.

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Hindo, supported by McKeever, that the Planning Commission approves, with conditions, Item PSP13-0018, the request by Versus Development of Bloomfield Hills MI is requesting site plan approval to construct a restaurant located at 2201 Haggerty Road.

Approval is 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. Approval is subject to the conditions of the Special Land Use Item PSU13-0002 as indicated herein. **MOTION CARRIED UNANIMOUSLY**

**ITEM IV: PPR13-0001 – RALPH HAAS – ACCESSORY STRUCTURE – PUBLIC HEARING**

Ralph Haas of White Lake MI is requesting approval as provided for in Article 33 of the Commerce Township Zoning Ordinance to construct a thirty four hundred (3,400) square foot detached accessory structure located at 5530 Rivers Edge Drive. This parcel is 5.67 acres. Sidwell No.: 17-06-300-056

Kathleen Jackson, Planning Director gave a review.

Ralph Haas, 5530 Rivers Edge Drive, Commerce Township, was present to address the request. He explained that he would like to store his large motor home trailer.

Chairperson Haber opened the public hearing

No comments.

Chairperson Haber closed the public hearing.

**Commission Comments:**

Kathleen Jackson – Two items will need to go before the Zoning Board of Appeals; however, Rick Sovel recently stated that this portion of the ordinance needs to be looked at as it relates to the height of accessory structures. He felt that the height should be allowed to exceed 14' to allow for storage of boats or RVs. You can send a recommendation to the Zoning Board but you can't approve something that does not meet the ordinance.

Haber – So we can approve it at 14' and then he can ask for a variance to build it higher if he wishes.

McKeever – It will be contingent upon his receiving a variance.

Kathleen Jackson – Yes it can be contingent upon that or the text amendment.

**MOTION** by Jones, supported by McKeever, that the Planning Commission approves, with conditions, Item PPR13-0001, Ralph Haas – Accessory Structure, the request by Ralph Haas of White Lake MI for approval as provided for in Article 33 of the Commerce Township Zoning Ordinance to construct a thirty four hundred (3,400) square foot detached accessory structure located at 5530 Rivers Edge Drive. This parcel is 5.67 acres. Sidwell No.: 17-06-300-056



Approval is 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 with the exception of the height of the structure.

Approval is subject to the conditions as outlined in the Planner's Report including the deed restrictions, and to the petitioner receiving either a variance or a text amendment to the ordinance with regard to the height of the accessory structure as discussed herein.

**MOTION CARRIED UNANIMOUSLY**

**ITEM V: PPR13-0002 – MATT SMITH – ACCESSORY STRUCTURE – PUBLIC HEARING**

Matt Smith of Commerce MI is requesting approval as provided for in Article 33 of the Commerce Township Zoning Ordinance to construct a fourteen hundred (1,440) square foot detached accessory structure located at 4051 Heatherwood. This parcel is 3.2 acres. Sidwell No.: 17-06-153-004

Kathleen Jackson, Planning Director gave a review.

Greg Banish was present on behalf of Matthew Smith, 4051 Heatherwood, Commerce Township, to address the request. He stated that the siding would match the existing house and that the height would not exceed 14' at the peak so no variances would be necessary. They would also be adding landscaping between the street and the structure to obscure the view as well.

Chairperson Haber opened the public hearing

No comments.

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Chairperson Haber closed the public hearing as there were no additional questions or comments.

**Commission Comments:**

No comments.

**MOTION** by Law, supported by Jones, that the Planning Commission approves, with conditions, Item PPR13-0002, the request by Matt Smith of Commerce MI for approval as provided for in Article 33 of the Commerce Township Zoning Ordinance to construct a fourteen hundred (1,440) square foot detached accessory structure located at 4051 Heatherwood. This parcel is 3.2 acres. Sidwell No.: 17-06-153-004

Approval is 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.

Approval is subject to the conditions as noted in the Planner's report including the deed restrictions.

**MOTION CARRIED UNANIMOUSLY**

**ITEM VI: PSP13-0022 – TNT FIREWORKS**

Charles Friese with TNT Fireworks of Mendon MI is requesting approval for a temporary outdoor sales event located in the Meijer Store parking lot located at 1703 Haggerty Road. Sidwell No.: 17-25-426-012

Kathleen Jackson and Jay James explained that this item did not need to come before the Planning Commission. The ordinance only requires that the request be reviewed administratively. Jay James will do this.

**ITEM VII: ANNUAL REPORT**

Chairperson Haber requested that the report be reprinted for review at the next meeting as some of the pages were accidentally omitted.

**OTHER MATTERS TO COME BEFORE THE COMMISSION**

Haber inquired about the recent Rotary Carnival. Jay James stated that they don't know the final figures yet but there were no issues with the exception of one noise complaint.

**The next Planning Commission meeting will be Monday, July 8, 2013 at 7:00pm and there may be a special meeting scheduled prior to that.**

**ADJOURNMENT**

**MOTION** by Law, supported by McKeever, to adjourn the meeting at 8:43pm.

**MOTION CARRIED UNANIMOUSLY**



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Brian Winkler, Secretary