

**CHARTER TOWNSHIP OF COMMERCE
PLANNING COMMISSION MEETING**

Monday, January 16, 2012
2009 Township Drive
Commerce Township, Michigan 48390

CALL TO ORDER: Tom Jones, sitting in as Chairperson, called the meeting to order at 7:00pm.

ROLL CALL: Present: Tom Jones, Vice Chairperson
Brian Winkler, Secretary
Bill McKeever
Debra Kirkwood
Jay Czarnecki
Absent: Larry Haber, Chairperson (excused)
Dave Spencer
Also Present: Kathleen Jackson, Planning Director
Jay James, Building Inspector

APPROVAL OF MINUTES

MOTION by Kirkwood, supported by Jones, to approve the Planning Commission Meeting Minutes of December 5, 2011, as written.

MOTION CARRIED UNANIMOUSLY

MOTION by Kirkwood, supported by Jones, to approve the Visioning Session Meeting Minutes of December 6, 2011, as written.

MOTION CARRIED UNANIMOUSLY

UPDATE OF ACTIVITIES

Debra Kirkwood – Township Board of Trustees

- The Township budget was passed.
- The raises in question for Township employees were not granted. Raises for the Library employees were approved.
- Jay Czarnecki was appointed to the Planning Commission, and Jay James' resignation was accepted.
- I was appointed to the Negotiation Committee for the Union Negotiations for Paid on Call Firefighters

Brian Winkler – Downtown Development Authority

- At the December meeting, the Public Relations Committee suggested a name for the DDA Property, "Commerce Towne Place". This name originated from Kathleen Jackson and the board accepted it. This will be the driver for marketing and promotion of the property.
- The budget was approved by the Township Board and was accepted by the DDA Board as well.

Jay James – Building Department

- A couple of developers have indicated that they will be starting the next phase of development.
- No roads or utilities are in yet, but they are looking to do a couple different subdivisions. This is encouraging.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

Vice Chairperson Jones proposed that Item II be heard first and there were no objections.

ITEM I: PU04-20-01 – GREENBRIAR PUD AMENDMENT – PUBLIC HEARING

This public hearing is being held to consider an amendment to the existing PUD, Planned Unit Development. The proposed amendment is to modify the previously approved site plan to modify the deck requirements and change the remaining two family units to single family units located at 2250-2298 Calibouge, 3090-3228 Belle Terre, 2232-2350 Brigantine and 2125-2355 Palmetto.
Sidwell No's: 17-20-353-001 through 17-20-353-100

Kathleen Jackson, Planning Director gave a review. This is the second amendment to the PUD that the petitioner has requested from the Planning Commission. The PUD was originally approved in 2004, with 52 duplex units for a total of 104 homes. The amendment was in 2008 for 50 single family homes in place of the attached units and included amendments to elevations. The current request is to convert each of the duplex pads into single family units. The approved shows 50 single family units and 25 duplex, totaling 100, while the proposed is for 80 single family houses. Please note a correction: There are 10 duplex units, for a total of 20 residences. In addition, decks are shown on the rear of all units. The duplexes did show decks, however, the single family did not.

In the Building and Planning Departments, we have been making sure that the decks have a required 35' rear yard setback as with any single family home. But because of the ownership of the condos, this is not a typical single family housing development. It lacks lot lines and some do not meet the requirements for setbacks. Therefore, an envelope has been added on the back of the proposed houses and a maximum of 12'x15' has been set for the decks.

The attorneys have revised the PUD agreement. Any motion should be in the form of a recommendation to the Township Board. If approved by the Board, they can begin construction on the additional homes and decks. Any motion should also include the attached elevations as provided.

John DePorre, Property Owner and Developer, was present along with Bill Anderson, Architect, and Pat Keast, Engineer, to address the proposal.

Vice Chairperson Jones opened public hearing.

Mary Segieda, 3109 Belle Terre, Commerce Township, was present to address the proposal. When I purchased my unit in 2008, it was first addressed that there would be 50 duplexes and 25 single family. Then it was modified in 2009 and it was switched to more single family houses with less duplexes. According to what was stated, there are going to be an additional 10 duplexes, or will they all be single family houses?

Kathleen Jackson – There are no additional duplexes. It remains as is.

Discussion followed about the distance between the proposed units. Ms. Segieda did not want the homes to be “on top of each other”.

Kathleen Jackson – The maximum deck size is 12’x15’. As for the height, all homes do meet the approved elevations and none exceed the Zoning Ordinance requirements. There may be one home that was a walkout, so it may look taller from the back.

Jones – Number 18 is the only one that has a potentially smaller deck on the drawing, if the dotted lines indicate the outline of the deck.

John DePorre – 87 was the old model. If a deck were to be constructed, it would be on the right, opposite the garage where the doorwall is located. 86 is just the opposite and the deck would be on the same side as the driveway, on the right hand side, at the rear of the house.

Jay James – Could you stipulate at least 15’ between the decks?

Jones – On 87, it looks like the deck is nearly touching the house next door.

Mary Segieda – I agree. If you go out and look at it, you would be amazed with how close it was placed.

Jones – That won’t happen as we have requirements and minimum distances.

Kathleen Jackson – Right. Note that in a PUD, they don’t have to meet all of the requirements for setbacks as they would in a typical subdivision. That is the exchange for the PUD. The majority have a 10’ separation, but the ordinance requires a 14’ separation.

Jones – They have to allow space for walking between homes and pushing a lawn mower.

Commission Comments:

McKeever –

- Initially, I didn’t have issues with the request once it was set on density.
- However, after driving through the site, it was a disaster. The silt fence and filter fabric need to be in place. The streets need to be swept. I don’t see how the existing residents aren’t in an uproar.

- I would be in favor of tabling, or at the very least, making any approval contingent upon the site being cleaned up.

Jay James – We can do that, but there are other options. We can start writing tickets. I have been in constant contact with the site supervisor for the last month.

McKeever – If that is the case, the site should not look like it does.

Jay James explained the site conditions and mud issues that the developer has been dealing with. He recommended that they be given a week to improve the site.

McKeever – That would be the bare minimum. I am not in favor of approving until some control is exercised.

Jay James – We can shut them down for soil erosion issues. They have brought out the broom truck.

McKeever and James continued discussing the detention and overflow situation on the site. The rain currently stays in the pond, but if it overflows, it will flow into the roadway. No soil is leaving the site, but it is going into the pond. If they turn over ownership to the association, they are required to clean out the pond of all silt and debris.

Kirkwood –

- I did visit the site a couple weeks ago in anticipation of this request.
- I have the same concerns as Bill. The site is a mess.
- I could see where they have gone right through the lots and it did not look good.
- I am in favor of Jay cracking down.

Jay James – They will have the silt fence up along the roadways, except at the stone drive, by this time next week. At that time, we will issue tickets daily if necessary. A week later if issues are not addressed, we can shut it down.

McKeever – Are they required to have stormwater inspections?

Jay James – They are supposed to have inspections by stormwater operators.

John DePorre – We do have those. For what it's worth, you have my word. I just got back and I know that we have to do the right thing, especially getting the streets clean.

Czarnecki –

- I am familiar with the site.
- I am in agreement with Bill and Deb.

Winkler –

- I am also in agreement.
- I have no additional comments.

Jones –

- Pinnacle homes has a certain reputation, and this does not agree with that status.
- I do not recall any complaints from neighbors with previous developments.
- I fully support Jay James' plan of action. If you don't comply, enforcement will be necessary.

Mary Segieda – Regarding the construction, people have called the construction crews and complained. They are unable to get by on the residential streets because there are so many construction trucks blocking the path. We have also complained about the terrible mess on the roads.

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

MOTION by McKeever, supported by Kirkwood, that the Planning Commission recommend approval, with conditions, to the Commerce Township Board of Trustees, for Item PU04-20-01, Greenbriar PUD Amendment, the request by John DePorre, to amend the existing Planned Unit Development to modify the previously approved site plan to modify the deck requirements and change the remaining two family units to single family units located at 2250-2298 Calibouge, 3090-3228 Belle Terre, 2232-2350 Brigantine and 2125-2355 Palmetto. Sidwell No's: 17-20-353-001 through 17-20-353-100

Approval is recommended contingent upon the following conditions:

1. All soil erosion measures and site cleanup must be complied with in the next 7 days; and,
2. The building envelope for units 86 and 87 will be corrected; and,
3. Language will be included in the PUD to stipulate that a minimum 10' setback will be maintained between all decks; and,
4. There will be a minimum 10' separation between all structures; and,
5. The attached elevations are included as recommended; and,
6. All conditions as addressed in the Planner's report dated January 12, 2012.

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 for a Planned Unit Development.

MOTION CARRIED UNANIMOUSLY

ITEM II: SP10-10-17 & SU10-06 – CHABAD JEWISH CENTER

Schneor Greenberg is requesting an extension of both site plan and special land use approval to allow a place of assembly located at 810 Sleeth Road.

Sidwell No.: 17-10-179-024

Kathleen Jackson, Planning Director gave a review. One motion may be made for both the site plan and Special Land Use. The extension would be from the date of the original site plan approval, 12/06/2010, to 12/06/2012 to allow for an additional year.

The petitioner applied for building permits and indicated on the plans that he intends to get started prior to January 27th, before the variance expires. Therefore, they would not need to go before the Zoning Board of Appeals.

MOTION by Kirkwood, supported by McKeever, that the Planning Commission approve Items SP10-10-17 and SU10-06, Chabad Jewish Center, the request by Schneur Greenberg for an extension, through 12/06/2012, for both site plan and special land use approval to allow a place of assembly located at 810 Sleeth Road.

Sidwell No.: 17-10-179-024

Approval includes all of the special conditions as stipulated within the original site plan and Special Land Use approvals.

MOTION CARRIED UNANIMOUSLY

ITEM III: MASTER PLAN DISCUSSION

MOTION by Kirkwood, supported by McKeever, to table Item III, Master Plan Discussion.

MOTION CARRIED UNANIMOUSLY

OTHER MATTERS TO COME BEFORE THE COMMISSION

McKeever discussed removal of the sign at the library with Kathleen Jackson.

Open discussion took place regarding the proposed speed limit for Martin Parkway. The RCOC is recommending 45mph to the state; however, Kathleen Jackson will oppose this. For safety, 35mph has been suggested and supported. The road was designed accordingly for a slower speed with a downtown appeal, meandering boulevard, treeline, etc. Curb cuts may help to influence reduction of the speed and protection of wildlife also needs to be considered. The Planning Commission concurred that 45 mph is too fast and 35 mph is a more appropriate speed limit given safety concerns and the desired end users

The next Planning Commission meeting will be Monday, February 6, 2012 at 7:00pm.

ADJOURNMENT

MOTION by Kirkwood, supported by McKeever, to adjourn the meeting at 7:45 pm.

MOTION CARRIED UNANIMOUSLY

Brian Winkler, Secretary