

**CHARTER TOWNSHIP OF COMMERCE  
PLANNING COMMISSION MEETING**

Monday, January 4, 2010  
2009 Township Drive  
Commerce Township, Michigan 48390

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

**ROLL CALL:** Present: Larry Haber, Chairperson  
Tom Jones, Vice Chairperson  
Brian Winkler, Secretary  
Bill McKeever  
Debra Kirkwood  
Randy Thomas  
Dave Spencer  
Also Present: Kathleen Jackson, Planning Director

**APPROVAL OF MINUTES**

**MOTION** by Kirkwood, supported by McKeever, to approve the Planning Commission Meeting Minutes of December 7, 2009, with the following correction: on Page 3 of 7, change McKeever's comment to a question to read as follows, "***Could it be as simple as concrete parking bumps?***". **MOTION CARRIED UNANIMOUSLY**

**UPDATE OF ACTIVITIES**

Bill McKeever – Zoning Board of Appeals

- No meeting since the last meeting of the Planning Commission.

Debra Kirkwood – Township Board of Trustees

- Nothing to report at this time.

Randy Thomas – Downtown Development Authority

- I was not present at the last meeting.

Kathleen Jackson – Planning Department

- The Township had several unfortunate layoffs, which included Jeffrey Bowdell. The Building Department is now basically down to two people - Tom Craycraft, who will be heading up the department, and Judy Dombrowski. Any questions for the Building Department can go to Tom Craycraft, Judy or through the Planning Department.
- Jay James will be assisting the Building Department with water and sewer issues three days per week.
- The Assessor was also laid off and most assessing is now being handled through the county.
- We ask for your patience at this time as roles are being redefined.
- A 5% cut was also made to the Planning Commission budget, and the education portion of the budget was reduced.

Planning Commission Meeting

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

**ITEM I: Z09-04 – CHAND MARWAHA – TEXT AMENDMENT – PUBLIC HEARING**

An amendment to the Commerce Township Zoning Ordinance No. 85-12-55-00, Article XIII, Section 1301, B-4 Restricted General Business, Special Land Uses Permitted, to allow for mixed uses.

Kathleen Jackson, Planning Director gave a review. She noted one correction to the report of the text with redline changes: Page 7 of 25, Item 17. B. Façade Design, 3. Architectural Guidelines: change “Union Lake Road Overlay District” to read as “**B-4 Restricted General Business District**”.

Kathleen explained that the text is consistent with that in the proposed Zoning Ordinance, with few exceptions. Editing was necessary with regard to references to sidewalks and cross access agreements. These procedures are not in place yet as they are part of the proposed Zoning Ordinance that is still being finalized.

If approved, this text amendment will be added under Special Land Uses and will provide flexibility and discretion by the Planning Commission to include conditions. As a side note, the Planning Commission will be receiving the entire Zoning Ordinance again at the first February meeting. The attorneys made some changes and although most were not substantive, there were extensive formatting changes – enough to have the Planning Commission take a final review. A summary of the changes will also be provided and Christopher Doozan will be present to answer any questions at that meeting.

Jones – I have one question regarding item 17. In the first paragraph, 2<sup>nd</sup> sentence, what were your thoughts behind the wording here?

Kathleen Jackson – It’s worded that way to provide for existing buildings. When we look at the B-4 District, there are a lot of existing buildings that will be retrofitted. This will allow you additional discretion to modify the terms as necessary. You will find that this additional discretion and flexibility is built-in throughout the new Zoning Ordinance.

Jones – So this is intended for the existing structures rather than brand new...

Kathleen Jackson – Yes, when addressing existing conditions, we refer back to the statement “...consistent with the spirit and intent of the Zoning Ordinance.” This gives you latitude to allow for changes to items such as landscaping, glass, etc. As in the past, items that do not meet the requirements and areas where discretion can be exercised will always be pointed for the Commission in the Planner’s reports.

The petitioner, Chand Marwaha, was present, along with Mike Powell, 110 Autobahn Drive, White Lake, MI, Engineer and Designer for the project, to address the proposed text amendment.

Planning Commission Meeting

**ITEM I: Z09-04 – CHAND MARWAHA – TEXT AMENDMENT – PUBLIC HEARING  
(continued)**

Mike Powell gave a review. He thanked the Commission for being proactive in their efforts to address the B-4 District.

He began by asking if the wording was specifically proposed to preclude a new, freestanding apartment building on an existing campus, such as the R&M site. It does not appear that the text allows for a new apartment building to be placed in the B-4 mixed use.

Kathleen Jackson – The text is specifically for mixed use, with the 1<sup>st</sup> floor as retail space and the 2<sup>nd</sup> floor as residential. This would not permit a new, freestanding apartment building.

Mike Powell – I wanted to point this out and make sure that it was clear to the owner. I also had another question, under item 17., F. 1. Front Yard Parking. This particular site may not front a major thoroughfare. I wondered whether there should be a definition of the “front of the building”.

McKeever – Isn't the definition in here? The front is the street in which the address is on.

Haber – I think that the text should be left the way it is as it gives us the discretion.

Haber – I prefer to keep this more general than specific to prevent trouble.

Mike Powell – Also in 17. F. 5., Maximum Number of Spaces, the text refers to the 120%. I'm assuming that this is what the Township Ordinance requires...

Kathleen Jackson – The 120% is consistent with the references in the new Zoning Ordinance.

Mike Powell – And the Planning Commission has the ability to waive this if the applicant brings forward an acceptable proposal?

Kathleen Jackson – If the Planning Commission is inclined to do so, but it is up to them. I will remind the Commission that this applies to the entire B-4 District.

Mike Powell – One last question on 17. F. 8. Collective Provision of Off-Street Parking, in sub-section c.; the language here appears to provide Commerce Township with maintenance of the parking lot. I didn't understand the text as that would be a private matter.

Thomas – That refers to an easement between the two parties.

**Planning Commission Meeting**

**ITEM I: Z09-04 – CHAND MARWAHA – TEXT AMENDMENT – PUBLIC HEARING  
(continued)**

Kathleen Jackson – The Township has no interest in performing the parking lot maintenance. This text means that the Township needs to approve the agreement between the two parties, which may only be provided when collective provisions have been approved by the Township Attorney. The Attorney needs to approve the agreement, and he generally drafts the agreement. This way, all parties are protected, including the Township, by the agreement. If the owners request shared parking, the Township asks that they make a guarantee to the neighbors that they will in fact maintain the easements. This is proactive to ensure that lots are maintained, as well as properties, and the language is written to enable enforcement.

Chairperson Haber opened the public hearing

No comments

Chairperson Haber closed the public hearing.

**Commission Comments:**

McKeever – No questions.

Kirkwood – No comments.

Thomas – How much of what we have here today will deviate from the Ordinance that we will be seeing a month from now?

Kathleen Jackson – The sidewalks and cross access procedures are not yet setup, but are included in the new Ordinance. There were references to the “Township sidewalk standards”, however, these are not in place yet. With a few other changes, the text is consistent with the proposed zoning ordinance.

Thomas – And the rest would be handled at the site plan review?

Kathleen Jackson – Yes, and I will go over the requirements on the site plan review for the site plan. As with Homedics, which was in the overlay, we went through each requirement and provided a list of the items you have discretion over, such as variances and allowable changes.

Discussion followed re: signage.

Jones – No questions.

Spencer – No questions.

Winkler – No questions.

Planning Commission Meeting

**ITEM I: Z09-04 – CHAND MARWAHA – TEXT AMENDMENT – PUBLIC HEARING (continued)**

Thomas – I'd like clarification in Item 17. H. Building Height; is this consistent at 3 stories or 42'? I can't remember exactly what was discussed, but I don't think it was 42'.

Kathleen Jackson – That language was approved back in 2007.

Jones – How did it affect the building next to the motel?

Kathleen Jackson – There was a separate text amendment for that parcel.

Haber – So the height is consistent?

Kathleen Jackson – Yes. It would only be that height if the petitioner elects to develop under the guidelines of the overlay. It does not change the maximum height allowable.

**MOTION** by Thomas, supported by Jones, that the Planning Commission recommends approval, to the Commerce Township Board of Trustees, of Item Z09-04, Chand Marwaha, a Text Amendment to the Commerce Township Zoning Ordinance No. 85-12-55-00, Article XIII, Section 1301, B-4 Restricted General Business, Special Land Uses Permitted, to allow for mixed uses.

The recommendation for approval includes the notation to correct the proposed text as follows: Page 7 of 25, Item 17. B. Façade Design, 3. Architectural Guidelines: Change "*Union Lake Road Overlay District*" to read as "***B-4 Restricted General Business District***".

**MOTION CARRIED UNANIMOUSLY**

**OTHER MATTERS TO COME BEFORE THE COMMISSION**

Kathleen Jackson – Again, the Zoning Ordinance will be reviewed at the February 1<sup>st</sup> meeting. You should be receiving copies of it within the next 10 days.

Kirkwood – Will the Township Board also see this again in February?

Kathleen Jackson – No, they need more than two weeks notice, so at the earliest it will be in March. April will then be scheduled for adoption of the entire Zoning Ordinance.

Township Board meets once per month, and holds quarterly discussion meetings.

**The next Planning Commission meeting will be Monday, February 1, 2010 at 7:00pm.**

**ADJOURNMENT**

**MOTION** by Kirkwood, supported by Thomas, to adjourn the meeting at 7:34pm.

**MOTION CARRIED UNANIMOUSLY**