

**CHARTER TOWNSHIP OF COMMERCE
PLANNING COMMISSION MEETING**

Monday, March 1, 2010
2009 Township Drive
Commerce Township, Michigan 48390

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

ROLL CALL: Present: Tom Jones, Vice Chairperson
Brian Winkler, Secretary
Bill McKeever
Debra Kirkwood
Randy Thomas
Dave Spencer

Also Present: Kathleen Jackson, Planning Director
Jay James, Giffels-Webster Engineers
Dean Hay, McKenna Associates

Absent: Larry Haber, Chairperson (excused)

APPROVAL OF MINUTES

MOTION by Kirkwood, supported by Thomas, to approve the Planning Commission Meeting Minutes of February 1, 2010, with the following correction: ***change the Roman Numeral from “I” to “II” for Item II: SP10-03-01.***

MOTION CARRIED UNANIMOUSLY

UPDATE OF ACTIVITIES

Debra Kirkwood – Township Board of Trustees

- A Special Joint Meeting was held between the DDA and Township Board. DDA will meet again tomorrow and the budget will be brought back before Township Board the following Tuesday as it has not yet been approved.
- The road and other projects cannot move forward until the DDA budget is approved.

Randy Thomas – Downtown Development Authority

- We did receive some good news. We were successful with the TEDF Grant – Transportation Economic Development Funding. The full grant has not been written yet.

Bill McKeever – Zoning Board of Appeals

- A variance was approved for the length of the Trilogy building.

Kathleen Jackson – Planning Department

- The Zoning Ordinance will be before the Planning Commission in April, and will be scheduled to go before the Township Board in April also.
- Everyone will be receiving census forms by now, and there has been media coverage.

Planning Commission Meeting

UPDATE OF ACTIVITIES (continued)

- As a liaison, I would like to express the importance of completing these census forms and returning them as soon as possible. For each resident in Oakland County, it is estimated that the State of Michigan receives \$10,000. That's \$1,000 per person, per year for 10 years.
- The census takes about 10 minutes to complete 10 questions.
- Feel free to call the Township for their phone number. Also, if you know of someone who does not speak English, the county has interpreters for every language and they are happy to assist.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

ITEM I: SU10-01 – DMK DEVELOPMENT (Trilogy Health Services) – SPECIAL LAND USE - PUBLIC HEARING

Mike Powell of White Lake MI representing DMK Development is requesting a Special Land Use to construct a senior health care facility located on the south side of Bogie Lake, west of Cooley Lake Road. Sidwell No.: 17-03-100-017

MOTION by Kirkwood, supported by McKeever, to recuse Thomas from the discussion and any motions related to Item SU10-01 per his request, due to his business relationship with Trilogy. **MOTION CARRIED UNANIMOUSLY**

Kathleen Jackson, Planning Director gave a review. Separate motions would be necessary for Special Land Use and the site plan request, and any conditions set forth in a motion on the Special Land Use should also be imported into a motion for the site plan.

Vice Chairperson Jones opened the public hearing.

No comments

Vice Chairperson Jones closed the public hearing.

Mike Powell, 110 Autobahn Drive, White Lake, MI, Engineer and Designer for the project, was present along with Michelle Spencer, and Terry Tracy, Vice President of DMK Development Group, Inc., 802 Stone Creek Parkway, Suite 5A, Louisville, KY.

Mike Powell – We are in full agreement with the Planner's report as presented.

Commission Comments:

McKeever – Fine with the request being reviewed by Administrative staff to ensure all conditions are met.

Kirkwood – Same.

Spencer – No issues.

Planning Commission Meeting

ITEM I: SU10-01 – DMK DEVELOPMENT (Trilogy Health Services) – SPECIAL LAND USE - PUBLIC HEARING (continued)

Jones – No questions regarding the Special Land Use.

MOTION by Kirkwood, supported by Winkler, that the Planning Commission approves, with conditions, Item SU10-01, the request by DMK Development (Trilogy Health Services), for a Special Land Use to construct a senior health care facility located on the south side of Bogie Lake, west of Cooley Lake Road. Sidwell No.: 17-03-100-017 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 following:

1. The conditions as specified in the Planner's report dated February 25, 2010; and,
2. The conditions and elements as specified within the motion to follow on Item SP10-03-01, DMK Development (Trilogy Health Services) site plan request.

MOTION CARRIED UNANIMOUSLY

ITEM II: SP10-03-01 – DMK DEVELOPMENT (Trilogy Health Services)

Mike Powell of White Lake MI representing DMK Development is requesting site plan approval to construct a senior health care facility located on the south side of Bogie Lake, west of Cooley Lake Road. Sidwell No.: 17-03-100-017

Interactive commentary took place as Kathleen Jackson gave a review and Mike Powell delivered a presentation to the Commission.

McKeever – Fine with the site plan, as with the Special Land Use, as long as they meet all of the staff recommendations.

Kirkwood – Same.

Spencer – In agreement with McKeever.

Winkler –

- I noticed the elevations on the Memory Care building are different from those on the Assisted Living and Temporary Care buildings.
- Also, as Kathleen Jackson mentioned, the degree of brick on the gable ends is different.
- Are these deliberately different and, if so, what is the reasoning?

Mike Powell – They did want a different look here, not a mimic of the other two.

Terry Tracy – Trilogy does not like the cupola on the Memory Care building. They tried to somewhat mimic the Assisted Living design and put in good size windows, but this is strictly architectural and not functional.

Planning Commission Meeting

ITEM II: SP10-03-01 – DMK DEVELOPMENT (Trilogy Health Services) (continued)

Winkler – Are the cupolas functional on the larger buildings?

Terry Tracy – Yes, and they allow the natural lighting into those buildings over the indoor courtyard area or town square type scenario; however, in the Memory Care facility, the cupolas are not positioned over areas where this would be practical or feasible. Therefore, they preferred not to open them up for that use in this building.

Jones – On Page 5 of 6, the parking spaces are indicated as 9'x18'. I knew we had 10'x18' but not 9'x18'.

Kathleen Jackson – That should be 10'x18' and that will be corrected.

Kathleen Jackson –

- We do need guidance from the Planning Commission. Mike Powell will present the site plan and discuss the building issues.
- Dean Hay of McKenna is also here. He has worked directly with Mike Powell and he can address detailed landscaping issues. They are asking for some flexibility in this regard, which is permitted within both of the Zoning Ordinances at the discretion of the Planning Commission.

Kathleen Jackson continued with a review of the Planner's report including items to be addressed by DMK, and those that could be included as conditions in the motion, subject to Administrative approval, such as; parking, directional signage, design features, circulation, curb cuts and entrances, photometrics and shielding of fixtures, materials samples, the easement to allow for shared access to the vacant parcel, and no rooftop appliances. She then deferred to Dean Hay on the landscaping.

Dean Hay – After reviewing the landscape plan, I found that most of the items fit the Ordinance, and a few did not. Those have been included in the report, along with recommendations for what needs work.

Mr. Hay continued to give a full review of the report submitted and included within the packet. He addressed concerns and items that could be Administratively approved, if the Planning Commission is inclined, including:

- Mulching of all areas to the required depths.
- Small parking lot islands that would not be irrigated, but would instead be planted with salt tolerant and drought resistant plants. A two year bond would be posted to install irrigation if the perennials failed to thrive.
- The petitioner should present a substitute for the Callery Pear trees due to their invasive status and short life span.
- There has been a slight change around the detention pond where a native seed mix is proposed, and it would need to be ensured that the buffer and geese limitation plantings will be planted.

Jones – So that would require administrative approval and we would add that to the list?

Planning Commission Meeting

ITEM II: SP10-03-01 – DMK DEVELOPMENT (Trilogy Health Services) (continued)

Kathleen Jackson – Right. It could be stated as “Contingent upon administrative approval to ensure that it meets the Zoning Ordinance requirements and is accepted and approved by the Township’s Landscape Architect.”

Mike Powell – The Commission is familiar with the history of this project. Trilogy and DMK were excited to find another suitable site within Commerce Township. They had looked outside of the Township; however, due to the diligence of the staff, they decided to stay, and the staff’s efforts are appreciated.

There was an issue with fitting the buildings in due to the required setbacks, but Trilogy and DMK decided to reduce one of the buildings by 2 rooms, removing 14’ and eliminating the need for another variance. Another part of this process was trying to meet the requirements for the setbacks with the drives adjacent to the property line. The building reduction also solved this issue.

The parking requirements have been met and the number of spaces has been reduced from 180 to 143. This also permits a continuous drive for fire, delivery and trash trucks around the perimeter, and avoids wasted areas of extra asphalt. As proposed, the parking now meets the requirements of both the current and new Zoning Ordinances.

We also met diligently with Kathleen Jackson and consultants regarding the landscaping, and we are confident that we can work on that Administratively. We have no problems with the changes recommended by Mr. Hay. We are confident that the non-irrigated areas will grow, and we will secure the bond accordingly.

Regarding the design and elevations, I would like to point out that this is a very residential looking development with HardiePlank board and brick trim around the bottom to about 3’ high. I know that Kathleen Jackson was concerned with the size of the 5 gable ends – they looked very obtrusive, while the rest is very low profile. For that reason, we came up with an alternative. (Handouts of this alternative were presented to the Commission for review.)

Instead of so much HardiePlank board, we decided to put an entrance look on this end with columns and a short canopy. We respect Mr. Winkler’s opinion on these architectural features and hope that we have addressed any concerns.

One item that has presented an issue is the boulevard entrance. The RCOC recommended deletion of the west approach, or changing the boulevard to a single entrance. The Fire Department is contradictory to the RCOC as they require two entrances, so the west approach could not be eliminated. We would prefer to see the two entrances, including the single drive and the boulevard.

The boulevard offers more design and landscaping options, and staff has agreed with our recommendation to keep it. If the Planning Commission agrees, we would like to continue to work with the RCOC. We would like to have the ability to ask for the boulevard to be permitted.

Material samples were presented and discussed with the Commissioners.

Mike Powell concluded by addressing lighting. New types of fixtures will be used to prevent light spillage.

Planning Commission Meeting

ITEM II: SP10-03-01 – DMK DEVELOPMENT (Trilogy Health Services) (continued)

Commission Comments:

McKeever – Fine with the site plan and all conditions as included in the staff's conclusion.

Kirkwood – My only concern was with the non-irrigated landscaping areas, but this is not an issue with the bonding secured.

Spencer – Looks great.

Winkler – Everything looks good to me, including the alternative on the gable.

Jones – Can I assume that the white trim shown is high-quality aluminum trim?

Terry Tracy – The freeze board and trim are all wrapped aluminum and maintenance free.

Jones – On Page 3 of 6, the 3rd paragraph no longer applies? On the design elements, we no longer need Administrative approval for the design?

Kathleen Jackson – Correct. I've made notations regarding suggested conditions to be included for your reference which I can provide, including "Approval of the west elevation as submitted on 3/1/10." It will be attached to the site plan.

Winkler – And the 5 locations...

Kathleen Jackson – Yes, the 7 elements are included in each of the gable ends.

Jones – No passing lane is required, but will there at least be an accel/decel lane?

Jay James – Yes the accel/decel land will be included but it may not meet the RCOC criteria...

Mike Powell – It does not meet their criteria. We are working with Trilogy to extend the existing passing lane. It currently tapers down to two lanes.

Kathleen Jackson – Verified that 143 spaces is correct.

Mike Powell – That is the number that was approved by both Trilogy and DMK. I would also like to add one item regarding the recommendation to meet the RCOC requirements. They are specifically not allowing the boulevard, so we would need the ability to work with staff to see if this can be allowed.

Kathleen Jackson – The condition can be revised, but we will keep in the text regarding obtaining the required permits from RCOC and the Traffic Engineer will work with that if it is consistent.

Planning Commission Meeting**ITEM II: SP10-03-01 – DMK DEVELOPMENT (Trilogy Health Services) (continued)**

MOTION by Winkler, supported by Kirkwood, that the Planning Commission approves, with conditions, Item SP10-03-01, the request by DMK Development (Trilogy Health Services), represented by Mike Powell of White Lake, for a site plan approval to construct a senior health care facility located on the south side of Bogie Lake, west of Cooley Lake Road. Sidwell No.: 17-03-100-017

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 all of the requirements and standards of the Commerce Township Zoning Ordinance. Approval is subject to the following conditions:

1. All existing and proposed easements and agreements must be shown and executed copies of such must be approved by the Township Attorney and recorded at the Register of Deeds; and
2. A note that no roof appliance units are proposed; and
3. Entranceway details as described above, subject to approval by the RCOC & Township Engineers; and
4. Approval of not irrigating the small parking lot islands, planting salt tolerant and drought resistant plants in such islands and posting a bond for two years adequate to install irrigation and landscaping/sod if the perennials are not thriving; and
5. All lighting levels to meet the Zoning Ordinance requirements; and
6. Additional design elements on the west elevation; and
7. The letter from Giffels Webster dated February 23, 2010; and
8. The letter from the Fire Marshall dated February 19, 2010; and
9. The letter from the RCOC dated February 1, 2010 and all required permits being obtained from the RCOC; and
10. The recommendation from the Traffic Engineer dated February 25, 2010; and
11. The Landscaping Consultant's letter dated February 24, 2010, contingent upon Administrative approval of any revised landscaping to ensure that it meets the Zoning Ordinance requirements, and is accepted and approved by the Township Landscape Architect; and
12. Administrative approval of any directional signage and wall signage; and
13. Administrative approval of a revised parking lot layout to reflect 143 spaces as proposed by the petitioner; and
14. Approval of the updated west elevation showing additional design elements on the 5 gable ends as submitted on March 1, 2010; and
15. The conditions as specified in the previous motion for Item SU10-01, DMK Development (Trilogy Health Services) Special Land Use request; and
16. The Planning Department's reports dated February 25, 2010, with the conditions as edited and specified here in the motion.

Discussion –

Jones – Somewhere I read there would be a single entrance to be used solely for delivery purposes. Are there any restrictions?

Kathleen Jackson – I believe there is a directional sign proposed that would direct truck traffic to the single entrance, but it will not prohibit use by visitors and employees.

Mike Powell agreed with Kathleen Jackson's statement.

MOTION CARRIED UNANIMOUSLY

Planning Commission Meeting

ITEM III: R & M PLAZA – Preliminary Review of a Mixed Use Request

Mike Powell of White Lake representing Chand Marwaha of Bloomfield Hills MI is requesting a preliminary review of a request for a mixed use for an existing building located at 1545 Union Lake Road. Sidwell No.: 17-01-226-022

Mike Powell was present, along with Chand Marwaha to address the request.

Kathleen Jackson, Planning Director gave a review.

Kathleen Jackson – As you may recall, Mr. Marwaha was before the Planning Commission recently to initiate a text amendment request to permit residential use on the 2nd floor, above a 1st floor commercial use. This is permitted in the new Zoning Ordinance, and the language that was adopted mimics that of the proposed Ordinance. The petitioner would like to receive preliminary input and have an opportunity to answer any of the Commission's questions.

He is proposing 4 apartments on the 2nd floor of the commercial strip located in Union Lake between the Dairy Queen and the florist.

The Special Land Use request will need to be advertised as it is a public hearing. This review is just preliminary.

There are existing non-conforming items, such as the windows which have to be located at 2' above the finished floor level. They are not at 2' – they're closer to 8".

Design elements would need to be reviewed. The utilities and visible mechanicals need to be screened. The parking lot would need to be striped. Parking lot islands may be needed. There is a requirement for a bike rack to be placed in front of the building. The front is canopied and there are street trees.

Mike Powell – Our concern here was that if we did not get preliminary input from the Planning Commission, then we could be put off for another month if it was tabled.

The existing building was built in 1958. There have been some recent updates and architectural work.

There are stairways in the back that access the 2nd floor. These were originally apartments, and then they were offices. The plan is to utilize the 2nd floor for 4 apartments above the commercial area.

As part of the process, Chand would like to upgrade the site, within economic reasonability.

Commission Comments:

Winkler – Do we have a precedent? A past similar project to draw some input from?

Kathleen Jackson – Not really. This Special Land Use is discretionary. Given the age of the building and what we are looking for now, this actually already meets a lot of the goals we are trying to pursue. There is parking in the rear with the business by the roadside, and it includes the sidewalk in the front with a landscaped area.

Planning Commission Meeting

ITEM III: R & M PLAZA – Preliminary Review of a Mixed Use Request (continued)

The Planning Commission is asked to look at the site and to work with the petitioner on items such as how much landscaping needs to be put in to break up the asphalt.

Landscaping will go a long way.

We understand that he wants to make the space usable. There is room to dress up the building. We need your ideas as to what is most important when redoing an existing site. The Ordinance does not require that the entire site be brought into conformance, and if it did, no one would pursue it.

Winkler – Thank you. I would need to go to the site. We should visit it, collectively or individually, and then make our recommendations.

Mike Powell – Could the comments be forwarded to Kathleen Jackson and then sent to us? That would enable us to present a much more developed plan.

Spencer – When will you develop these apartments on top?

Chand Marwaha – The plumbing is already existing to accommodate the 4 apartments.

Spencer - Are you looking at updating them?

Chand Marwaha – When it comes to the landscaping, there is not much room for it.

Spencer – But will you update what you do have, including replacing trees and irrigating?

Chand Marwaha – Yes, I do want to make it look nice. The building will be painted. There are new panels along the front. The awning and lighting would be updated in the long-range plan. Lighting would be shielded so that it will not shine into residential areas.

These apartments will help me to regain income to offset the empty spaces. The residential will be convenient for seniors as there are many amenities nearby.

McKeever – How do you get around the ADA requirements for this?

Mike Powell – There are provisions in the code that don't require existing buildings to be brought up to code for upstairs apartments. ADA requirements may need to be met in one of the apartments. The Building Department will specifically address that. But, it may have to be appealed all the way to Lansing.

McKeever – Are there any plans to upgrade the parking lot other than re-striping? It seems to need maintenance and repair/patching.

Chand Marwaha – We do maintenance at least once per year. It's nice, but it's not the best. If the board decides this is necessary, I will do it.

McKeever – There are no plans for islands?

Planning Commission Meeting

ITEM III: R & M PLAZA – Preliminary Review of a Mixed Use Request (continued)

Chand Marwaha – If you do those, you take away parking.

McKeever – But you have extra parking.

Chand Marwaha – Islands also make it more difficult to plow.

McKeever – They would be required if it were a new development. I was originally under the impression that this would not be thrown together. I was expecting high quality.

Chand Marwaha – If it has to be done, we will attempt to comply.

McKeever – You have the Zoning Ordinance so you are aware of what we could require. It is now upon you to come up with something that is agreeable.

Chand Marwaha – We would like to do the minimum for now, considering the economy. We have considered putting in a patio, and we will look at any recommendations the Planning Commission has.

McKeever – How big are the apartments?

Chand Marwaha – They are about 800 square feet each. I build apartments – it's what I do. We will also have a long-term plan.

Kirkwood – I didn't realize that the apartments were fully existing already. Will the roofline remain a flat roof?

Chand Marwaha – Yes. We would like to add a functional decorative front, with panels to match the front of the building.

Kirkwood – I agree with Winkler. We need to go by and look at the site.

Thomas – It is difficult to comment on it if I don't see it first. I would suggest that you do not try to come back before the Commission with the minimum. Work with Kathleen Jackson to incorporate the necessary elements.

Chand Marwaha – I will give you the very best.

Jones – I have two questions. One is regarding the safety of people getting up to the units, and the other is about trash. Will the trash location be upgraded?

Mike Powell – There is currently a dumpster in the back right corner of the parking lot. It is a wood enclosure but I'm unsure if it complies.

Planning Commission Meeting

ITEM III: R & M PLAZA – Preliminary Review of a Mixed Use Request (continued)

Jones – If I were to ask for anything, that area would need to be upgraded and look good. Also, safety and access are priorities.

Mike Powell – There are just steps.

Jones – Upgrades would need to be done on the front with lighting, some improvements to the landscaping, and cleanup in back. Handicap parking needs to be included.

Chand Marwaha – The lot is all asphalt and cement, but we can put in landscaping on the front to improve it.

Jones – When would you need our comments by?

Kathleen Jackson – I would like the Commission's comments by next Monday. You can call or email me and I will get back to Mr. Powell and Chand to incorporate the input. I will also place the ad for the public hearing.

OTHER MATTERS TO COME BEFORE THE COMMISSION

None

The next Planning Commission meeting will be Monday, April 5, 2010 at 7:00pm.

ADJOURNMENT

MOTION by Spencer, supported by Kirkwood, to adjourn the meeting at 8:40pm.

MOTION CARRIED UNANIMOUSLY

Brian Winkler, Secretary