

**CHARTER TOWNSHIP OF COMMERCE  
PLANNING COMMISSION MEETING**

Monday, March 4, 2019  
2009 Township Drive  
Commerce Township, Michigan 48390

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

**ROLL CALL:** Present: Russ Schinzing, Vice Chairperson  
Brian Winkler, Secretary  
Tom Jones  
Bill McKeever  
Brian Parel  
George Weber  
Absent: Larry Haber, Chairperson (excused)  
Also Present: Dave Campbell, Township Planning Director

**B. APPROVAL OF AGENDA**

**MOTION** by Parel, supported by Jones, to approve the Planning Commission Regular Meeting Agenda of March 4, 2019, as presented.

**MOTION CARRIED UNANIMOUSLY**

**C. APPROVAL OF MINUTES**

**MOTION** by Winkler, supported by Jones, to approve the Planning Commission Regular Meeting Minutes of February 4, 2019, as presented.

**MOTION CARRIED UNANIMOUSLY**

**D. UPDATE OF ACTIVITIES**

Bill McKeever – Zoning Board of Appeals

- We did actually have a special meeting on February 5<sup>th</sup>.
- We voted and approved, granting four variances for 8463 Arlis for a home that would encroach into the minimum side yard setbacks.

George Weber – Township Board of Trustees

- We had a Special Quarterly Meeting on February 22<sup>nd</sup>.
- Bob Mistele was appointed to the Zoning Board of Appeals for their 3-year term.
- We passed the ordinance for the new fireworks legislation, in accordance with State law, which now mandates the dates when fireworks can be shot off.
- On our final item, we spent a great deal of time going through the draft request for quotes for the new trash contract, which will be coming up shortly.

Brian Winkler – Downtown Development Authority

- We had a meeting on February 5<sup>th</sup>, which was the day after our last Planning Commission Meeting.
- We had one item of note, which was that the DDA Board approved the refinancing of the variable rate bonds to fixed rate bonds.

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

None.

**F. TABLED ITEMS**

**MOTION** by Jones, supported by McKeever, to remove Item PSU18-003B from the table. **MOTION CARRIED UNANIMOUSLY**

**ITEM F1: PSU18-003B – WILSON MARINE – SPECIAL LAND USE – TABLED FROM 6-4-18**

Wilson Marine of Brighton MI is requesting Special Land Use for accessory outdoor storage of a vehicle repair establishment located at 4266 Haggerty Road.  
Sidwell No.: 17-13-400-048

David Campbell, Planning Director, gave a review.

Dave Campbell - This has been before the Planning Commission a couple times. Originally in June 2018, a public hearing was held for expansion of the outdoor storage area. Wilson Marine asked to be tabled at that June meeting to review their proposal. They brought the proposal back informally at the February meeting. Direction was provided, and Wilson Marine has now applied that direction to their revised site plan as included in the packet.

Specifically they are proposing to screen the east end of their expanded outdoor storage area with a raised planter bed, which will be planted with 25 arborvitae that are 6' tall at the time of planting. They will of course grow from there and can get to be 12' to 15' in height depending upon how they are trimmed and pruned. The proposal seems to be consistent with the direction they were given at the February meeting. You have the minutes in front of you, and Deb does a great job of transcribing what was discussed. If you agree that their proposal is consistent, you could potentially grant Special Land Use approval for expansion of the outdoor storage area, with this screening as a requirement of that approval.

As part of the conditions that my office is recommending, one is to have a shot clock on this. I talked to Mr. Wilson. We are hoping that as long as Mother Nature cooperates, they could get this done by the end of May. I'm hoping that can be included in any motion you make.

As with landscaping requirements for any project, we typically hold a two-year guarantee to make sure the plantings get through two growing seasons in good health. That is usually 10% of estimated landscape cost. I'm hoping this will also be specifically included in any motion you might make, should you choose to approve this evening.

Ron Wilson, 6095 Grand River Ave, Brighton, MI, was present to address the request, along with David Smith, Surveyor, 8615 Richardson Rd Ste 100, Walled Lake, MI, who prepared the site plan.

**Commission Comments:**

Weber – Dave, just one question. In the proposed language for the motion, it does not specifically state the 3' planter boxes and 6' arborvitae. It has the dates, and refers to

the two-year growth cycle. It does say to the satisfaction of the Planning Director, and we have every confidence in your ability.

Dave Campbell – Thank you. If you want to include in the motion that Special Land Use approval is conditional upon this plan in the packet, and the plan shown on the screen, that would certainly solidify the action taken.

Weber – I would recommend that.

Vice Chairperson Schinzing – I agree. This represents well what we discussed last time. I agree with George. We were very specific with those details, so I think we should just add it to the motion language to make sure that's what we get. Are you okay with that?

Ron Wilson and David Smith confirmed.

David Smith – Mr. Wilson has explained the drainage problem at the back of the site. This type of parking is transient. The screening is green, it's big and it's pretty. We like it. We will sprinkle it. We think it will be an asset to the Township.

**MOTION** by Weber, supported by Jones, that the Planning Commission **approves, with conditions**, Item PSU18-003B, Wilson Marine, Special Land Use, the request by Wilson Marine of Brighton MI for Special Land Use for accessory outdoor storage of a vehicle repair establishment located at 4266 Haggerty Road.

Sidwell No.: 17-13-400-048

Move to approve PSU #18-003B, a special land use for Wilson Marine, to allow accessory outdoor storage within the TLM – Technology & Light Manufacturing zoning district at 4266 Haggerty Road.

**Special land use approval is based on the following findings:**

1. The applicant has demonstrated to the satisfaction of the Planning Commission that the proposed use complies with the general standards for special land use approval within Sec. 34.08 of the Zoning Ordinance;
2. The applicant has demonstrated to the satisfaction of the Planning Commission that the proposed outdoor storage meets the standards of Sec. 22.02.K of the Zoning Ordinance.

**Special land use approval for accessory outdoor storage is subject to the following conditions:**

1. The approved screening along the east end of the panhandle shall be completely installed to the satisfaction of the Planning Director by May 31, 2019. Failure to comply without written approval of an extension by the Planning Director shall result in immediate revocation of special land use approval.
2. No outdoor storage shall be permitted in the panhandle area until such time as the improvements have been completely installed to the satisfaction of the Planning Director, OR until a performance guarantee, in an amount to be determined by the Township's Landscape Architect and agreed to by the Planning Director, has been deposited to ensure installation by the May 31, 2019 deadline.

3. A performance guarantee in an amount to be determined by the Landscape Architect and agreed to by the Planning Director shall be deposited upon complete installation, and shall be held for two full years from installation, to ensure the arborvitae remain in good health.
4. In addition, the planter box shall be 3' in height, and the arborvitae shall be 6' in height at time of planting

**AYES: Weber, Jones, McKeever, Parel, Schinzing, Winkler**

**NAYS: None**

**ABSENT: Haber**

**MOTION CARRIED UNANIMOUSLY**

### **G. OLD BUSINESS**

None.

### **H. SCHEDULED PUBLIC HEARINGS:**

#### **ITEM H1: PZ19-0001 – COMMERCE TOWNSHIP – REZONINGS – PUBLIC HEARING**

The Charter Township of Commerce is proposing an amendment to the Zoning Map to change the zoning classification of eleven parcels from B-2 (Community Business) to R-1D (Single Family Residential) as follows: pt. of 619 Commercial, 513 & 613 Commercial, 4775 & 4776 Ponderosa, 4750, 4767, 4772, 4775 Broadway, and two vacant parcels.

Sidwell No.'s: 17-10-259-002, -003, & -004, 17-10-260-001, -003, -006, -008, & -009, 17-10-282-001, -002 & -005

David Campbell, Planning Director, gave a review. This item was brought to the Planning Commission for an informal discussion at the February meeting. The homeowners of the 11 affected properties were invited to that meeting, and there was a decent turnout.

What is being formally proposed this evening is to rezone 11 properties, as identified on the aerial presented on the overhead. The properties are on the south side of Commercial Drive, between Comstock and Broadway in the Commerce Village area. The 11 affected properties are currently zoned B-2, Community Business, within the Commerce Village Overlay zoning district. Most of the properties, 9 I believe, currently have a single-family home on them.

As discussed in February, the Planning Department felt that rezoning the properties to a Single-Family zoning district was more appropriate, given their historic development pattern and land use. These 9 houses are legally nonconforming land uses on the existing properties. If there ever were significant damage to these properties, to where they would have to rebuild their home, more than 50% of their assessed value, because they are nonconforming uses, the Township would probably have to prohibit rebuilding. There is no reason to believe that anytime in the near future this block of properties is going to be redeveloped as commercial land use, therefore it was considered appropriate to rezone them to their current land use, single-family, and specifically the R-1D zoning district which is consistent with the surrounding zoning and adjacent properties.

They will also be zoned consistently with the Township's Future Land Use Map, which designates these properties as Single-Family Cottage Residential. The rezoning would

better protect the existing homeowners, so that they have a conforming use in the appropriate zoning district.

Lastly, if someone goes to purchase a home, the mortgage company issuing the loan checks with the Township to ensure that they are giving a loan for a conforming property. With the current B-2 zoning, the Township staff would have to inform the mortgage company that the properties are legal nonconforming. That could be problematic with getting a mortgage on a property.

For these reasons, staff felt it was appropriate to rezone these properties to R-1D Single-Family.

A public hearing is required. Once that has been conducted, the Planning Commission has the option to make a formal recommendation to the Township Board. If the recommendation is favorable to rezone to R-1D, the Township Board could potentially take action on that recommendation at their March 12<sup>th</sup> meeting, at which point the rezoning would be final.

**Vice Chairperson Schinzing opened the public hearing.**

Nasser Taghavi, 522 W. Commerce Road, Commerce Township – I have the two parcels on either side of the parking lot for former Dr. Davis. I have been purchasing on land contract for ten years.

Mr. Taghavi approached the overhead and identified the parcels he was speaking of.

Mr. Taghavi – I am hoping that maybe I can use part of that as future parking. There's parking on this side. I'm not sure if this is large enough for anybody to build on it. If it changed to residential, it's going to ruin it for me or anybody else. If I want to expand this in the future, I would use this and part of this as parking. The value of this property, basically it will be useless as residential.

Vice Chairperson Schinzing – Do you own the building down there?

Mr. Taghavi – I have a land contract. This parcel, and part of this parcel, can be used for either storage or parking.

Vice Chairperson Schinzing – Have you purchased that parcel yet?

Mr. Taghavi – These are all together, purchased as a land contract. I should be able to finish the land contract within a year and a half.

Vice Chairperson Schinzing – Okay, anyone else?

Jason North, 4776 Ponderosa, Commerce Township – I border one of the properties that he was just referring to. I'm at the corner of Ponderosa and Commercial. It would really be detrimental for me to have a parking lot next to my house. The distance between the property line and my house is a very short distance. As it is, he's got several parking spots in there. I know he would like to expand, and that's his prerogative

as a business owner, and that is currently how it's zoned right now. It would be bad for my sales and my home value if he puts a parking lot in the back yard.

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

**Commission Comments:**

Winkler – I have no issues with what has been initiated here.

Jones – I have no issues as well, but I do understand this gentleman's issues with regard to parking. I don't know if we need to have further discussion on that regarding a fence or barrier, or something to screen the residential parcel if a parking lot were to go there. I'm concerned about that.

Weber – If we rezone it to R-1D, it would not be eligible for a commercial parking lot?

Dave Campbell – A couple thoughts. The property that's outlined in red, as you can see, it fronts on Commerce Road and it extends back to Commercial. It's what we call a through-lot. This property is zoned B-2. We are not proposing to rezone this property because it is a through-lot and it fronts on Commerce Road.

This portion of this property would remain zoned B-2. I believe the concern is more with these two properties being rezoned to single-family residential, because of the hopes of someday developing one or both of them for an expansion of the parking lot. That would be a discussion point for you as a Planning Commission, whether you feel it's appropriate to leave those properties zoned B-2 such that it leaves open the potential of a commercial parking lot extending back to Commercial Drive.

I had a discussion with one homeowner who mentioned that this particular property was up for tax foreclosure and they had received notice, which is actually part of how this whole discussion started. I don't know if that's necessarily relevant to how it's zoned, but one of the reasons was that there was a property owner looking at the potential for doing residential on that lot.

I think the bigger point is that you as a Planning Commission would have to think longer term of whether you think it's appropriate to have the potential for a commercial use expanded out to the areas that are otherwise residential blocks along Commercial.

Weber – The Master Plan has historically contemplated this as residential, and the next generation of the Master Plan, which will come out shortly, also views that as residential.

Dave Campbell – The Future Land Use Map shows these 11 properties that are up for rezoning highlighted in green on the overhead. As you can see, the entire block is envisioned in the Master Plan to be Single-Family, including the through-lot. If one of the criteria for rezoning a property is whether or not that rezoning is consistent with the Master Plan, and specifically the Future Land Use Map, the answer in this instance would be, yes, it is. I don't know if that answered your question necessarily. If it didn't, give me another shot at it.

Weber – No, that was spot on.

McKeever – I don't have any questions.

Vice Chairperson Schinzing – Dave, can you go back to the other map? Today, is that through-lot allowed to be used for parking?

Dave Campbell – It is zoned for commercial use, and a commercial use typically includes a parking lot. I don't know that the existing parking area was ever formally approved. I'm guessing it's been that way for a long time. If ever someone wanted to redevelop, or do any significant improvements on this property, including the parking lot, then they would likely need site plan approval from you as a Planning Commission, which at that time would be our opportunity to bring that existing parking lot more into conformity with the standards of today. As to the comment I heard earlier about screening it, if that day happens, that would be an opportunity through the site plan approval process to require additional screening, whether it be landscaping, or some sort of privacy fence, or a combination thereof.

Vice Chairperson Schinzing – Then we would have to deal with lighting and screening, et cetera.

Dave Campbell – If they wanted to illuminate the parking lot, correct.

Jones – The narrow lot we were talking about before; that is scheduled to be rezoned to R-1D, right?

Dave Campbell – Yes, this property is one of the 11 properties that we are considering rezoning to R-1D.

Vice Chairperson Schinzing – So if the business owner purchased that at R-1D, could they come back and ask for approval to make it a parking lot?

Dave Campbell – As part of that, one of the possibilities if they wanted to do that would be asking to zone it back to commercial, if that day were to come. But again, one of the things you need to consider is whether you think that would be appropriate, as part of your discussion today.

Vice Chairperson Schinzing – My next question, is it possible to even build a single-family residence on that lot?

Dave Campbell – It is likely too narrow to build a single-family residence. Probably more likely is the possibility of it being combined with the lot next to it, to the west, such that the homeowner could then do an addition, or a detached garage, something like that.

Vice Chairperson Schinzing – If that lot becomes abandoned, and if we make it R-1D, unless the owner purchases that lot, on the other side it has the potential to be a parking lot?

McKeever – But then it's pushing the parking lot into the residential.

Jones – What is the width of that lot?

Dave Campbell – 40'. You couldn't build a single-family home on that lot. I suppose you could, but it would probably be very narrow, and probably not very marketable.

Vice Chairperson Schinzing – Any other questions?

Marlene Bowers, 4775 Broadway, Commerce Township – I'm on the corner of Broadway and Commercial. He mentioned he would like to use the back yard for a parking lot, the property behind me on Commercial.

Vice Chairperson Schinzing – Yes, he mentioned that.

Mr. North began direct discussions [inaudible] with Mr. Taghavi regarding potential parking on the properties that are under land contract.

Mr. Taghavi – If it can't be used for parking, it is useless, and I've been paying taxes on it for the past 10 years.

Vice Chairperson Schinzing – It might be useless anyway because the odds of us approving a parking lot in that area are probably slim to none as well.

Mr. Taghavi – I'm just talking about expansion of parking. There is existing parking .

Vice Chairperson Schinzing – It's nonconforming parking. It's parking, but today, it's nonconforming.

Mr. Taghavi – It's been there for 60 years.

Vice Chairperson Schinzing – Correct, so you're still allowed to do it, but to expand that, you'd be under some significant requirements to bring that more into compliance.

Mr. Taghavi reiterated his previous comments regarding the properties, parking and paying taxes for 10 years.

Vice Chairperson Schinzing – So in front of us is the proposal to rezone all of these properties. The owner of that property always has the right to come back and ask for a rezoning.

McKeever – We are making a recommendation to the Township Board.

Vice Chairperson Schinzing – That's correct. The owner of that property can always come back to request a rezoning with a plan of how to shield the parking lot.

McKeever – Or he could show up at the Township Board Meeting.



Vice Chairperson Schinzing – Or he can show up at the Township Board Meeting to state his case at that time also.

Dave Campbell – There is recommended motion language on Page 5 of the summary letter.

**MOTION** by Weber, supported by McKeever, that the Planning Commission **recommends approval**, to the Commerce Township Board of Trustees, of Item PZ19-0001, Commerce Township, Rezoning, the proposal by The Charter Township of Commerce to amend the Zoning Map to change the zoning classification of eleven parcels from B-2 (Community Business) to R-1D (Single Family Residential) as follows: pt. of 619 Commercial, 513 & 613 Commercial, 4775 & 4776 Ponderosa, 4750, 4767, 4772, 4775 Broadway, and two vacant parcels.

Sidwell No.'s: 17-10-259-002, -003, & -004, 17-10-260-001, -003, -006, -008, & -009, 17-10-282-001, -002 & -005

Move to recommend the Township Board approve PZ#19-0001, a petition by the Commerce Township Planning Department to amend the Township's Zoning Map for eleven properties within the northeast quarter of Section 10 of Commerce Township from B-2 (Community Business) to R-1D (One-Family Neighborhood Residential). The Planning Commission's recommendation is based on a finding that the proposed rezoning meets the criteria for a Zoning Map amendment contained within Article 3 of the Zoning Ordinance, that the proposed zoning is consistent with the Township's Master Plan, and that the appropriate land uses for the eleven subject properties are those permitted within the R-1D zoning district.

**AYES: Weber, McKeever, Winkler, Jones, Schinzing, Parel**

**NAYS: None**

**ABSENT: Haber**

**MOTION CARRIED UNANIMOUSLY**

Weber – Just for clarification for everybody here; the Planning Commission is recommending to the Township Board that they take this action. The next Township Board Meeting will be next Tuesday, March 12<sup>th</sup>, where this information will be reviewed again. The Township Board will then vote on it and make their final determination.

Vice Chairperson Schinzing – Will they have opportunity to speak at that meeting?

Dave Campbell – There are always public comments at the beginning of any Township Board meeting. It would be the Township Board's prerogative, when they get to this particular agenda item, whether or not they want to open it up for additional public comments.

If someone does want to be heard on this item, their best bet is to speak during public discussion at the beginning of the meeting.

## **I. NEW BUSINESS**

### **ITEM 11: PSP19-0001 – CREATIVE BRICK PAVING & LANDSCAPE**

Stephen Bonamy with Creative Brick Paving & Landscape of Keego Harbor MI is requesting site plan approval for an outdoor storage facility located at 1165 Rig Street. Sidwell No.: 17-27-351-009

Dave Campbell, Planning Director, gave a review. He provided an overview of the property location, its history and usage. The site has essentially been a junkyard for a number of years. It had been cleaned up recently, although the junk is beginning to accumulate again.

Part of the history is that the property was approved for an enclosed outdoor storage yard back in 1995. That is what was developed, although what was approved was outdoor storage of building materials, and what wound up being stored there is whatever is inside the storage containers shown on the overhead in the picture. This is a legal, nonconforming site plan for an enclosed outdoor storage yard on this property, which is now what the current petitioner, Creative Brick and Landscaping, would like to use it for. They would like to clean the site up and use it for outdoor storage of the materials that they use for outdoor patios; primarily pallets of brick, bins with gravel, stone, sand, mulch, aggregate, all materials they use for back yard improvement projects for their clients.

Because this is an existing, legal, nonconforming use, the role of the Planning Commission is to find the balance to bring the site into reasonable compliance, which takes into account what the petitioner wants to do with the property, and finding a proportionate amount of improvements to be made to the property to bring it into compliance with what would be required if this project were started from scratch by the standards of today.

Dave brought up the proposed site plan on the overhead. There are two driveways on the south side of Rig Street, although it is uncertain as to whether either was ever a technically legal driveway onto the public road. Rig Street is under the jurisdiction of the RCOC. Creative Brick is proposing to keep the easterly of the two drives as their main point of access.

The storage bins for their landscaping are shown around the perimeter. On the south side of the property are more container bins, although these would only be 4' tall. The ones on the north side would be 8' high. In the middle would be the pallets of brick and stone that they use for paving jobs. The rest of the site would be for parking their equipment and vehicles.

When they originally submitted their site plan, they were hoping to use the westerly driveway, but given how close that driveway would be to the corner of Rig and Claranton, the RCOC said they would only permit the easterly drive. Therefore, Creative Brick flipped their site plan and reversed the rotation of trucks traveling their property. They're proposing to keep the existing fence and repair it, or maybe replace it where necessary.

Stephen Bonamy and John Ketty of Creative Brick Paving & Landscape Inc., 3195 Orchard Lake, Keego Harbor, MI, and 1165 Rig Street, Commerce Township, MI, were present to address the proposal.

Stephen Bonamy – This will be our 26<sup>th</sup> season in business, so we are well established. Dave explained everything pretty well. We are a full service landscape construction company. We have our trucks and equipment that will run out of this yard that we're proposing. Our main office is in Keego Harbor. We also have a yard in Milford, but we're looking to move it closer to better manage it.

In the packet, the photos on the bottom show the existing storage yard at Suburban Landscape. It's very similar to the material shown on the main road there. The way I have it designed, we have a few vans with our logo parked along the west side, where they are more exposed by the road. Basically that's so you won't really see into the area. Also, the bin boxes along the north side will be 8' tall, and the back of that is just white concrete, so there's nothing to really see.

We will remove all of the debris from the site, as well as clean up along the fence around the perimeter, and obviously maintain the lawn to the best of our ability without having irrigation.

We're also working with the RCOC for the driveway access, whether we are required to install asphalt or brick pave it, and potentially create a small display or staging area outside of the fence area to bring some more interest. Maybe we can set up a retaining wall on display as well. It will be a big change from what you see overall with the existing conditions, and it fits with some of the other businesses in the area.

Vice Chairperson Schinzing – So you're saying the north and west walls, the orange areas, will be 8' tall?

Stephen Bonamy – Correct. The fence now is actually 8' tall. I noticed in the plans it says 6'.

Weber – The wood fence is 8'. The chain link is 6'. Do you own the property right now?

John Ketty – I'm the owner of Creative Brick. I'm going to be purchasing it.

Dave Campbell – We did get an email from the current property owner authorizing them to apply for site plan approval.

Weber – Based on the previous use, is there any kind of a first step EPA?

Dave Campbell – That would be their prerogative. It is something we've discussed. If I played for their team, I would certainly push for one to determine if there were any kind of contamination, given the storage on that site over the years. It's my understanding that what you get with a baseline assessment is establishing a baseline, which then indicates that anything that is there has been there and it is not from the current owner, so they can't be held responsible for anything that is currently existing. If they don't do the assessment, then in theory, fault for contamination issues could be upon them in the future.

Weber – I wanted to make that clear before you buy it; it's not as clean as the picture you have right now. There is a big oil tank sitting on there.

Dave Campbell showed additional pictures on the overhead.

Weber – If you move forward, it says that you're going to repair or replace the wood fence out front. I don't know that there's anything in that wood fence that is salvageable, but maybe a couple sections of it. The rest is rotted or half falling down.

John Ketty – Well in theory, we're trying to make it look nice.

Weber – Along that west wall, depending upon what happens across the street from you, would you be willing to screen that chain link fence? Right now it's just open chain link. Would you be willing to put screening around that, maybe the mesh material that is common for that, to provide some screening?

John Ketty – We might use that area for our landscape plan, but I don't know how to get water there. Right now, we can use our landscaping on the inside, where the old bins are, in the area of the nursery.

Weber – I'm assuming you don't have any electric there either.

John Ketty – I need to make sure of some things before I purchase.

Weber – To Dave's point, we want to be reasonable, but I would like to see mesh along that area. It doesn't have to be on the south side, and I think there's an empty lot on the other side, but along the street, however deep that is, it should be screened with mesh on the chain link.

John Ketty – What about putting spruce in there, every 10-15'?

Weber – I'd be fine with anything that is going to hide that lot, the trucks and storage.

Dave Campbell – Mr. Weber, you may have just answered my question. I was going to ask if the mesh fabric you're suggesting; is the intent to screen what's behind it inside the yard, or more to screen the look of a fence that has seen better days?

Weber – To screen what's inside the fence.

McKeever – It definitely needs to be in proper repair.

Dave Campbell – Yes, and John, what I think I heard you ask this evening is that instead of doing the fabric, you're thinking you could do trees along the fence?

John Ketty – Right.

Dave Campbell – Is that an acceptable alternative?

Weber – It is to me.

Vice Chairperson Schinzing – Can you zoom in on the map? How far away is residential, and in between, is that all still industrial?

Dave Campbell – Everything along the west side of Claranton is vacant industrial lots. This is residential here, Benstein Crossing, and to the north is Scotland Yard which is also residential. As far as what's immediately adjacent to them, it's all zoned industrial.

Weber – It's just to block the view from the folks to the west. I know that what you will be doing is better than what's there today. It's our responsibility to make sure that this is brought more into the spirit of what we're trying to accomplish, and to protect the residential. Whether it's landscaping, or anything to block that 200' from view, or at least semi-block it.

Stephen Bonamy – Are you talking about the entire length?

Vice Chairperson Schinzing – That orange is 8' tall.

Weber – That's 8' cement block?

Dave Campbell – That would be the backs of these things.

Weber – Yes, so I think those would be blocking, so it would be the entire area within the red.

Stephen Bonamy – If we were to design the blocks to extend further along that length, would the barrier potentially not be necessary?

McKeever – Blocks aren't necessarily as attractive as a tree.

Weber – We need to figure out how to block the view for the people living to the west.

Vice Chairperson Schinzing – I was there today and you could see those houses, so they could see the site.

John Ketty – If you look at the orange bin blocks that stop right there, the rest of this could just be landscaping. It's only about 6-8' wide, but we can plant a tree every 20' where we cut all the dead trees out.

Weber – I'm not sure if a tree every 20' will screen.

John Ketty – Spruce grows, wider and upward every year.

Weber – You're looking for width.

John Ketty continued discussing landscape options with the Commissioners. The concern was how long it would take for growth to properly screen the entire area.

John Ketty – If you prefer, we could put up the mesh.

Weber – For me, green is better, trees would be better. I'm not an expert on spruces, so I'm not sure what kind grow at what rate. As you're doing this, try to figure out how to be neighborly to the people to the west.

Discussions continued regarding the location of adjacent outdoor storage, nearby empty vacant parcels, fencing and screening requirements.

Weber – Maybe the right answer is just mesh there.

McKeever – What screening was required in 1995?

Vice Chairperson Schinzing – No one knows, and Tom came on the Planning Commission two years afterward.

Dave Campbell – There was no requirement that it be screened or landscaped beyond what actually got done, which is the 6' or 8' fence around the perimeter.

McKeever – In any realm of our Zoning Ordinance, does plastic mesh qualify as screening?

Dave Campbell – Probably not specifically. Usually when we require outdoor storage areas to be screened, it's usually with an opaque, masonry wall, or something equivalent to it.

Jones – Don't we have some areas that do have that screening?

Dave Campbell – The mesh fabric?

Jones – Yes.

Vice Chairperson Schinzing – The roundabout.

Dave Campbell – I can't think of any specific examples, Tom. I know we also see the slats between the chain link, but I've also seen where those get busted up in the wind.

McKeever – I believe the slats are specifically outlawed.

Dave Campbell – It might still be allowed in the industrial district.

Vice Chairperson Schinzing – I drove around here this afternoon. When you go down every street, there's outdoor storage on every one of these roads with just chain link fencing. I think the difference here is because there's nothing on the other side of the road today, there's an unobstructed view all the way to residential.

McKeever – They wouldn't be required to screen for the residential because they're not adjacent to it. They're screening for road frontage and the industrial property across the street. Their buffer technically is the street, and the vacant property.

Vice Chairperson Schinzing – If you go down the other streets, there's chain link fence, unobstructed. I told Dave, it's like the Wild West out there, but when I did go down some of the streets, even the outdoor storage that is probably nonconforming, it was all done very neatly; things were on racks and people weren't just throwing anything. If you go

on the other side of Ladd, there's a landscaping company that has chain link fence and no screening, with these same types of structures.

McKeever – Given the fact that we have no record of anything on the initial approval, I think we just require that everything be in good repair and maintained. That would be fine with me.

Dave Campbell – It's mostly a question for you as a Planning Commission of what is reasonable as far as bringing it into some semblance of what we would require if they were starting from scratch today.

McKeever – I would love to see some vegetation planted along there, but as you've said, it's 8' wide. A spruce is going to get 20' in diameter, and half of it would be in the road.

John Ketty – We can clean up the site, hydroseed and call it a day, and leave the chain link fence the way it is.

Vice Chairperson Schinzing – The wood fence is awful.

John Ketty – The wood is gone, I'll get rid of that. In the front, I'd like to get that paved so my guys could park in the front. What do you think of that?

McKeever – That would be site plan.

Dave Campbell – Let's have that discussion another time.

John Ketty – Okay.

Winkler – I commend the petitioner for taking on that site to clean it up after years of blight. Dave looks to us for direction regarding what is reasonable. I hate to put it back on Dave, but I have confidence that he will come up with reasonable landscaping direction, given the input provided by Bill and George. Otherwise, I'm glad to see the site cleaned up.

McKeever inquired about the proposed drive surface and expressed concerns with tracking mud. Stephen Bonamy explained that the site and equipment would be cleaned regularly, and they typically use crushed concrete or other aggregate, so they don't track mud out into the street.

Jones – I like Brian's comments. We have something in the recommended motion language that addresses Administrative Approval of a revised site plan to include reasonable landscaping improvements. Dave, do you mind if we put that on you?

Weber – I think we need to give direction on something, whether it's what's required for outdoor storage, or something that's outside of what is presently required for outdoor storage that does not border upon residential. I don't think we want Dave to be guessing, and we should make a call one way or the other.

Dave Campbell – I'm fine with that too. Wherever we land on this, are we mostly concentrating on the west side?

Vice Chairperson Schinzing – Yes, as long as he's going to clean up the north side wood fence, which he says he is going to, I think the issue then is the west side.

Dave Campbell – Is there anybody who thinks that covering the fence with a mesh fabric screen would be the wrong answer?

Jones – I'm not opposed to it.

Winkler – I'm not opposed.

Weber – I'm not opposed to it, but would we require anybody else to do this? If it were a different lot with outdoor storage?

Dave Campbell – The difference with anybody else is their outdoor storage yard would have to be behind the building. They don't have a building, and compounding it, they are on a corner. It's tough to compare it to anybody else.

McKeever – Is there the ability to require that it remain in a state of repair at all times?

Dave Campbell – Yes.

McKeever – We all know how it ends up.

Dave Campbell – Do you guys want to go on record right here and now saying that you will have the cleanest landscape yard in Oakland County?

John Ketty – No.

Stephen Bonamy – Can you go back to the aerial? If you zoom out, you can see boats on this site.

Weber – There is a chain link fence there.

John Ketty noted an area where there is no chain link at all.

Jones – That's not on the road. You're facing the road.

Stephen Bonamy – I can see this from the road. This guy doesn't have to have screening on the back of here, because I can see from this vacant lot all the way across to there.

McKeever – It's miserable to look at, isn't it? We're just trying to clean it up.



Dave Campbell – I don't think we want to point out where someone else didn't have to do something just to justify not doing something on this site.

Stephen Bonamy – I'm not trying to do that. I'm just looking at everything.

Dave Campbell – Fair enough. We're all trying to find a reasonable answer here.

John Ketty – We're trying to clean this lot up. We come from Bloomfield Hills. We're a very reputable company, renowned for 23 years.

Weber – No doubt, we trust that.

John Ketty – I think what needs to happen, on the side of the 6', grade it down, get all the dead trees and brush out of there, clean it up, and hydroseed it. I don't know where to get water from. If we can get water, maybe we can put some grasses there. Those grow about 5' tall and would block half the fence. They're not harmful and won't get too big. During spring, summer and fall, it's fully covered, but the problem with those is that you have to cut them down late fall.

Parel – Outside of these container areas on the west side, you said that's 200' that remains unscreened, where the yellow bins are?

Dave Campbell – 200' is probably a decent guess for conversation purposes.

Parel – I want to make sure; are you guys opposed to screening here?

Vice Chairperson Schinzing – If you're okay with doing some mesh screening or whatever.

John Ketty – Or landscape is better.

Vice Chairperson Schinzing – Or if you want to do landscaping, if you can figure out how to do it.

Weber – Can we leave that up to Administration to decide what's best for screening?

Dave Campbell – If you want to trust me with that, I'm pretty sure I can figure something out. I mean they're a landscaping company. They'll come up with something.

Parel – You know what we're trying to accomplish.

Vice Chairperson Schinzing – We appreciate what you've done and what you've proposed here for sure. We want to work with you going forward.

**MOTION** by Jones, supported by Winkler, that the Planning Commission **approves, with conditions**, Item PSP19-0001, Creative Brick Paving & Landscape, the request by

Stephen Bonamy with Creative Brick Paving & Landscape of Keego Harbor MI for site plan approval for an outdoor storage facility located at 1165 Rig Street.

Sidwell No.: 17-27-351-009

Move to approve PSP19-0001, a site plan for Creative Brick Paving & Landscape for an enclosed outdoor storage yard at 1165 Rig Street, based on a finding that the proposed plan brings the entire site into reasonable compliance with the current standards of the Zoning Ordinance in proportion to the scale of the operation the applicant proposes.

**Approval is made in good faith that the applicant will maintain a clean and orderly outdoor storage yard, and intends to expand on their proposed operation with further improvements in the near future.**

**Site plan approval is conditional upon the following:**

1. Approval by the RCOC for the proposed Rig Street access, or confirmation from the RCOC that the existing driveway was legally permitted.
2. Improving the existing easterly driveway from the curb of Rig Street to a point 50 feet south, with pavement, curb, and gutter.
3. All materials and equipment shall be contained inside the fence enclosure, and the area outside the fence and the public right-of-way shall not be used for storage, parking, and/or staging.
4. Administrative review and approval of a revised site plan to include reasonable landscape improvements between the fence and the public road as directed by the Planning Commission.
5. Administrative review & approval of any exterior lighting including security lighting to ensure compliance with the Zoning Ordinance.
6. Approval of a Sign Permit by the Building Department for any proposed signs.
7. Administrative Approval of improvements to the west side of the property to better screen it from view.

**Discussion –**

John Ketty – With the bin blocks there, do we need to put another fence or anything there?

Dave Campbell – I think they're saying they don't want the existing wood fence to stay there.

John Ketty – No, that's coming down.

Dave Campbell – We're all in agreement with that.

Vice Chairperson Schinzing – Yes, we're okay with that.

**AYES: Jones, Winkler, McKeever, Weber, Parel, Schinzing**

**NAYS: None**

**ABSENT: Haber**

**MOTION CARRIED UNANIMOUSLY**

Weber – I would really get that EPA Level 1 done, for your own protection.

**ITEM I2: DISCUSSIONS:**

• **2018 Annual Report**

Dave Campbell – This is the time of year that we approve the annual report from the previous year. I would like to have had it to you this evening. Paula did submit to me a rough draft, but I did not finalize it to get it to you for tonight. You will have it in front of you in April.

The Annual Report is something that State law says a Planning Commission shall submit to their executive body. It's also within the bylaws.

- **Possible Zoning Ordinance Amendment**

Dave Campbell discussed businesses that sell alcohol, including gas stations, party stores and other retailers. He discussed the past concerns that the Planning Commission and Township Board have had with a proliferation of alcohol retailers, which resulted in reclassification of alcohol retailers as a Special Land Use. One of the criteria of the Special Land Use was that, *there shall be no more than two alcohol retailers within any one-mile stretch.*

Since then, a number of existing retailers who only offer beer and wine have applied to the State of Michigan to add liquor or spirits to their inventory. Staff has always replied to the State when copies of those letters are received that the Township considers that to be an expansion of the land use, therefore triggering Special Land Use approval, and this particular retailer never applied for, nor received said approval, and therefore the Township objects to the State giving them a license to add liquor sales. Even if they did apply for the Special Land Use, they likely would not get approval because they do not meet the spacing requirement limitations of two retailers per any one-mile.

The objections have been sent to the State for two locations; one is the Shell station on the west side of Union Lake Road, and the other was for the Marathon station (formerly Clark) along West Commerce Road.

Discussions continued regarding several alcohol retailers in the one-mile areas of the Shell and the Marathon stations, some of which were grandfathered in.

Dave explained that the attorney for the Shell gas station wants to amend the Zoning Ordinance, to amend certain provisions that would say, *the Special Land Use requirements do not apply to existing alcohol retailers that wish to expand upon their license.* They will be coming to the Planning Commission with a Zoning Ordinance text amendment. If that change were to be made and adopted, it would impact not only this location, but also the Marathon station, and any store that currently has beer and wine, and wants to add spirits.

Discussion took place regarding the potential claims of the retailers, including competition, unfair advantage, sales of beer, wine, liquor, gasoline, et cetera.

The Planning Commission would be seeking counsel and direction. Staff would be consulting the Township Attorney on this topic. Weber discussed the steps of the process. If the Planning Commission denied the request, the petitioner would go to the Township Board. If the Township Board denied it, then the recourse is the court system. Dave Campbell agreed, and clarified that the Planning Commission is a recommending body on any amendment to the Zoning Ordinance, and the Township Board makes the final decision.

Dave Campbell also noted that another store is interested in adding liquor to their license; Marz Deli. Although they have not yet formally applied to the State of

Michigan, they have expressed this verbally to staff. Marz is not a gas station, if that makes any difference to the conversation. It is within a mile of other retailers, including Walmart, and nearby gas stations. It would not meet the spacing criteria either. Weber noted that gas stations versus other retailers should not be differentiated in the Zoning Ordinance. Dave Campbell agreed and noted that currently, the Zoning Ordinance does not differentiate. McKeever asked if the Zoning Ordinance is defensible. Dave Campbell replied yes, the attorneys went through the Zoning Ordinance thoroughly in this regard.

Dave Campbell added that he would want the Township Attorney present at the meeting when the amendment is proposed to answer any questions that the Planning Commission may have.

**J: OTHER MATTERS TO COME BEFORE THE COMMISSION:**

None.

**K: PLANNING DIRECTOR'S REPORT**

- **NEXT REGULAR MEETING DATE: APRIL 8, 2019 @ 7PM**
- Dave Campbell – The Annual Report and the potential Zoning Ordinance Amendment may be in front of you at your April meeting.
- The April meeting was moved to the 8<sup>th</sup> to avoid conflicts with spring break.
- There are no other definitive items on the April agenda at this time.

**L: ADJOURNMENT**

**MOTION** by Jones, supported by Parel, to adjourn the meeting at 8:21pm.

**MOTION CARRIED UNANIMOUSLY**

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Brian Winkler, Secretary