

**CHARTER TOWNSHIP OF COMMERCE
PLANNING COMMISSION MEETING**

Monday, May 5, 2008
2840 Fisher Avenue
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
Connie Holmes, Secretary
Bill McKeever
Debra Kirkwood
Brian Winkler
Absent: Randy Thomas (excused)
Also Present: Kathleen Cassidy, Planning Director
Jeffrey Bowdell, Building-Zoning Director
Michelle Holmes, Parks & Recreation
Jay James, Giffels-Webster Engineers

APPROVAL OF MINUTES

MOTION by Holmes, supported by Kirkwood, to approve the Planning Commission Meeting Minutes of April 21, 2008 as written.

MOTION CARRIED UNANIMOUSLY

UPDATE OF ACTIVITIES

Bill McKeever – Zoning Board of Appeals

- Two variances were granted.
- The first variance was for 4223 Lake Point Lane to construct a 2nd story addition onto a nonconforming home which will encroach into the lake setback.
- The second was for 3227 Newton Road to construct an addition that will encroach into the front yard setback.

Debra Kirkwood – Township Board of Trustees

- There was a presentation for the Wastewater Treatment Plant.
- The ongoing project at the Links of Pinewood was discussed with the DDA.

Debra Kirkwood – Downtown Development Authority

- The road grading is underway.
- Relocated frogs from the ponds to other areas on the site.
- Trees are still being relocated.
- The Links of Pinewood/Township Hall demolition/Township Hall is complete and the project is moving along.

Michelle Holmes – Parks and Recreation Committee

- We are conducting 2nd interviews on the 19th to select consultants.
- The Fall Leagues are out and flourishing.
- One league worked with Waste Management to put in recycling bins at Hickory Glen Park. They are now looking to expand this to other parks.

Open discussion between Kirkwood and Holmes took place regarding additional park activities and timing them with the master plan.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

>> Chairperson Haber suggested a change in the agenda – Item V would be reviewed first. There were no objections.

ITEM I: CZ07-02 PHYSICIANS RENAISSANCE – CONDITIONAL REZONING – TABLED FROM 9-24-07

Physicians Renaissance Real Estate of Waterford MI is requesting a Conditional Rezoning of a parcel of land that will consist of approximately 13 acres from R-1D (Single Family Residential) to B-1 (Local Business) located at 2261 Union Lake Road. Sidwell No.: 17-01-476-005. **Remain Tabled.**

>> Holmes suggested that Items II and III be reviewed concurrently and there were no objections.

ITEM II: SU08-03 – T & C FEDERAL C.U. – SPECIAL LAND USE – PUBLIC HEARING

T & C Federal Credit Union of Bloomfield Hills MI is requesting a Special Land Use to allow a drive thru for a proposed credit union located on the south east corner of Union Lake and Barnsbury Roads. Sidwell No.: 17-01-478-001 & 002

ITEM III: SP08-01-04 – T & C FEDERAL CREDIT UNION

T & C Federal Credit Union of Bloomfield Hills MI is requesting site plan approval to construct a credit union located on the south east corner of Union Lake and Barnsbury Roads. Sidwell No.: 17-01-478-001 & 002

Kathleen Cassidy, Planning Director gave a review. She explained that the cut sheets for light fixtures were not included with the report, but she had them available and distributed them to the Commissioners.

Haber questioned the 5 gratuitous parking spaces mentioned in the report, and requested clarification with regard to Type A Buffering.

Kathleen Cassidy explained the different types of buffer yards and the 5 extra parking spaces.

The petitioner, Tim Affolder, 2525 Telegraph Road, #204, Bloomfield Hills, was present to address the proposal. He stated that the architect was also present to address the architectural aspects of the building, along with Mr. and Mrs. Daw, the owners of the property they are purchasing.

Planning Commission Meeting**ITEM II: SU08-03 – T & C FEDERAL C.U. – SPECIAL LAND USE – PUBLIC HEARING and ITEM III: SP08-01-04 – T & C FEDERAL CREDIT UNION (continued)**

Mr. and Mrs. Daw were not interested in selling their property for commercial use, such as a fast food restaurant, etc. They did not want to see that type of development on their property, but they convinced them that the credit union would be a nicely designed building that would complement the neighborhood and fit into the Ordinance.

All requirements of the Ordinance have been met, and the required landscaping was exceeded. He added that they are amenable to meeting any additional conditions that may be required by the board.

Mr. Affolder provided a background of the business of T&C Federal. He explained their reasoning for providing more parking than is required based upon their experiences at other locations. There would be 6 employees, so there are also 5 spots to the east and 3 on the other side for employee parking.

Eric Salswedel, SDA Architects, 42490 Garfield, #204, Clinton Township, gave a review. He presented a sample board of the architectural and building materials to the Commission, which was also passed throughout the public.

Chairperson Haber opened the public hearing and clarified the public hearing process for the residents by explaining that all questions and comments would be heard, but answers would not necessarily be provided this evening.

Rich DeMatecor, 2485 Gillham Ave., West Bloomfield, stated that he is President of the Board of Directors for the Union Lake Subdivision Property Owner's Association. There are 106 households in the sub which occupies the northeast section of Willow and Union Lake Road. The sub straddles Commerce Township and West Bloomfield.

The residents would like to address concerns with traffic issues that exist already and are increasing due to the construction and traffic from that site. He had several statements from the residents regarding their observations of the traffic flow, and cited a few of them; "People travel down the road like a freeway.", etc.

With the credit union, they feel there will be increased traffic in the sub because of cut-thru traffic. Cars tend to use the middle lane of Union Lake Road as a "merging" lane when making a left turn, which is technically illegal. They feel that motorists will go east through the neighborhood and down Barnsbury to get to Willow to avoid making these dangerous left turns into the heavy traffic on Union Lake Road.

Kevin Akey, 8136 Barnsbury St., Commerce Township, approached the Commissioners and distributed copies of photos and a proposal that he and other residents developed to solve the issues of traffic cutting through their neighborhood.

He stated that the traffic was already a serious problem before the construction, and it has now increased. They feel that the plan he presented would be beneficial for the residents, the credit union, and the adjacent restaurant. There would be no curb cut on Barnsbury, no parking up and down the street – they (the credit union) get 2 curb cuts, the restaurant gets additional parking and we don't get the traffic.

Mr. Akey explained that they are not against the bank at all, they just want more restrictions.

Planning Commission Meeting**ITEM II: SU08-03 – T & C FEDERAL C.U. – SPECIAL LAND USE – PUBLIC HEARING and ITEM III: SP08-01-04 – T & C FEDERAL CREDIT UNION (continued)**

Tom Traynor, Owner of the "It's a Matter of Taste" restaurant and the adjacent property, 8150 Barnsbury St., Commerce Township, where he resides, provided history of the parking situation at the restaurant. He stated that this credit union will negatively affect the property values. He is against the curb cut on a residential street. The busiest time at the bank is also the same time that the school buses are arriving home. This is a fragile lakeside community and the cut-thru traffic is a serious problem. He believes that the commercial development is inevitable, but he stands behind the health, safety and welfare of the neighborhoods.

Kevin Haxter, 8122 Barnsbury St., Commerce Township, provided plot maps and photos to the board. He explained Barnsbury is about one-half the width of Massena and his house is the last house prior to the 90 degree turn. Traffic has increased significantly and the photos show that 10' of asphalt in front of his home is deteriorating because of this. People cut into his yard as they speed around the unexpected 90 degree turn. Trucks cause the concrete to break away. Reflectors placed by the RCOG have been run over and are missing. Drivers run 4-5' over the edge. He feels this will take a bad situation and make it unbearable.

Harold Woods, 8140 Barnsbury St., Commerce Township, said that his children attend Keith Elementary and he has been seeing them off on the bus for 6 years. This site is the corner where they get on and off the bus. The traffic is already horrendous. Since he has lived there, they closed the north end of Union Lake Road, by the Dairy Queen, and he would love to see that go thru in the proposal presented because of the speeding issues.

Frank Orsucci, 2440 Massena Ave., Commerce Township, stated that he is retired and he sees a lot because he is home during the day. The traffic is terrible and a curb cut onto Barnsbury will add to the issue by creating cut-thru traffic.

Eugene Baggett, 8100 Barnsbury St., Commerce Township, owns the property at the end of Barnsbury and his garage faces Massena. When he tries to back out of his garage, he has almost been rear ended on many occasions. He does not want to see the traffic increase.

Daryl Daw, 2445 Union Lake Road, Commerce Township, stated that he has watched Union Lake Road turn into a buzz saw. He cannot get out of his driveway except by waiting for the light.

He feels they are being forced out of their home because of the Master Plan. There is another building going in 20' from their home that is big, and they can't live like that. The credit union seems to be a beautiful building that is well-proportioned and will serve the community well, but he is not sure. He has always used Barnsbury and always will.

Open discussion ensued regarding a left-turn only at the credit union exit.

Planning Commission Meeting**ITEM II: SU08-03 – T & C FEDERAL C.U. – SPECIAL LAND USE – PUBLIC HEARING and ITEM III: SP08-01-04 – T & C FEDERAL CREDIT UNION (continued)**

Bill Cheal, 8135 Barnsbury St., Commerce Township, stated that his home is directly east of the proposed building site. He is concerned with drainage, light pollution, and he feels the landscaping should be Type B or C. Traffic and speeding is a problem on the road as it is too narrow.

John English, 2400 Massena Ave, Commerce Township, stated that his wife submitted a letter in opposition to the proposed. He wanted to add that in the wintertime, cars come so fast down the icy road that they slide on the 90 degree turn and end up on Kevin Haxter's front lawn.

Frank Orsucci, 2440 Massena Ave., added that he has called the police regarding the speeders on many occasions but received no response. He is not against the bank; just the curb cut.

Chairperson Haber entered the letter from Mrs. Linda English, 2400 Massena Ave, Commerce Township, into the record. The letter addressed traffic cut-thrus by motorists avoiding the traffic light; street parking by employees or patrons at the restaurant; safety concerns for families; and her opposition specifically to the curb cut on Barnsbury.

Chairperson Haber closed the public hearing.

Commission Comments:

Winkler –

- Struggling with what I've heard from the public. Circulation is currently an issue, separately from the proposed credit union.

Holmes –

- Concerned with residents comments and a 2nd curb cut on a residential street.
- Can this be done with just one curb cut on Union Lake Road? Can you comment on this – is it technically possible?

Kathleen Cassidy – It would cleanup a portion of the site. I checked to see if a traffic study was done there when it was rezoned, but there wasn't. I would defer to the traffic engineer.

I am not debating the cut-thru traffic in the neighborhood, which is exasperated by the restaurant although they have tried to lessen it. We have had a large outcry from the citizens in that area, but eliminating that curb cut is not likely to help.

Will this exacerbate the situation to the point of unbearable? I don't believe so as long as it is signed properly as a left-turn only. I would defer to a consultant, and to the RCOC, as this is not a Township owned road. I spoke with Matt Gaberty of the RCOC, but he was unable to attend the meeting.

The proposed plan presented by Mr. Akey actually takes the petitioner's property and this would require consultation with the experts.

Planning Commission Meeting**ITEM II: SU08-03 – T & C FEDERAL C.U. – SPECIAL LAND USE – PUBLIC HEARING and ITEM III: SP08-01-04 – T & C FEDERAL CREDIT UNION (continued)**

Jay James – I am the Township Engineer, and this is my first time seeing this (Mr. Akey's) plan. In concept, it is a good idea, but it would not happen within the next year or two. Barnsbury is a public road. In order for this to take place, it would require vacating road right-of-ways and taking property from the bank's land to build a cul-de-sac. The Township would have to abandon their rights also, which is difficult because of the utilities. The road may be closed off, but that is another process and it would likely take more than 12-24 months. It would also require the bank to recalculate the area for the detention pond as that is where the cul-de-sac would be.

Jones –

- I especially don't like the idea of a commercial property exiting onto a residential street, whether it is public or private.
- If they want to start construction, then they need to live with one entrance.
- I don't know if the RCOC would go along with the spacing shown on the plans for the 2 curb cuts at the credit union. Can they have 2 within that distance on Union Lake Road? (Open discussion of distance.)

McKeever –

- Is there a specific need for 2 curb cuts? Can they circulate with only one?
- It should be designed within the Ordinance and I don't know that we have ever allowed a curb cut onto a residential street.

Jay James – Circulation would have difficulty with the drive-thru, but it could be redesigned.

Kirkwood –

- Agree with McKeever. They need to come back and show a different circulatory plan with one curb cut on Union Lake Road.
- The building looks great.

McKeever – No problem with developing the site; just with the curb cut on Barnsbury.

Haber –

- The signage would need to be there for left-turn only.
- I do feel for the people that are here to express their opinions and they do have a problem, but I agree with Kathleen Cassidy – this won't add or take away the issues with traffic.
- Vacating the road may be the best thing to do.

Jay James instructed the residents to contact the RCOC directly to further discuss their plan to vacate the road.

MOTION by Holmes, supported by McKeever, that the Planning Commission table Item SU08-03, T&C Federal C.U., the request by T & C Federal Credit Union of Bloomfield Hills MI for a Special Land Use to allow a drive thru for a proposed credit union located

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ITEM II: SU08-03 – T & C FEDERAL C.U. – SPECIAL LAND USE – PUBLIC HEARING and ITEM III: SP08-01-04 – T & C FEDERAL CREDIT UNION (motion continued)

on the south east corner of Union Lake and Barnsbury Roads. Sidwell No.: 17-01-478-001 & 002. The item is tabled to give the petitioner an opportunity to return with a different circulatory plan.

MOTION CARRIED UNANIMOUSLY

MOTION by Holmes, supported by McKeever, that the Planning Commission table Item SP08-01-04, T&C Federal C.U., the request by T & C Federal Credit Union of Bloomfield Hills MI for site plan approval to construct a credit union located on the south east corner of Union Lake and Barnsbury Roads. Sidwell No.: 17-01-478-001 & 002. The item is tabled to give the petitioner an opportunity to return with a different circulatory plan.

MOTION CARRIED UNANIMOUSLY

ITEM IV: PU04-20-01 – GREENBRIAR – PLANNED UNIT DEVELOPMENT AMENDMENT

Pinnacle Homes of Orchard Lake MI is requesting site plan approval to amend their planned unit development to include single family units located on the south east corner of Loon Lake and Wixom Roads. Sidwell No.: 17-20-300-011

Kathleen Cassidy, Planning Director gave a review of the changes to the plan. She also explained that decks can encroach into the setback if they are less than 30” in height. If they exceed 30”, then they are included as part of the structure and they have to be set back 35’.

The petitioner, John Deporre, was present to answer any questions.

Commission Comments:

Jones – If the decks are in the setback, what are the rail requirements?

Jeffrey Bowdell – Unless it has changed recently, the rule is that 27” must have a rail, so at 30”, a rail would be required. There will be a new building code issued in August.

Kathleen Cassidy – This will meet new Zoning Ordinance requirements.

Mr. Deporre – When I build decks, they always come with railings. They may have a step-out or a garden area, but they are governed by code.

Haber –

- The first is all brick on 4 sides? (Yes.)
- In the purchase agreement, will you advise purchasers of the deck restriction?

Kathleen Cassidy – Yes. This will be added to the Master Deed.

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ITEM IV: PU04-20-01 – GREENBRIAR – PLANNED UNIT DEVELOPMENT

AMENDMENT (continued)

MOTION by Jones, supported by Holmes, to approve Item PU04-20-01, Greenbriar, the request by Pinnacle Homes of Orchard Lake MI for site plan approval to amend their planned unit development to include single family units located on the south east corner of Loon Lake and Wixom Roads. Sidwell No.: 17-20-300-011

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. No decks in setbacks, which will be a note added to the Master Deed; and,
2. Attorney's approval of the Master Deed documents prior to Township Board approval; and,
3. All conditions of approvals as previously stipulated in the original P.U.D. of June, 2005.

MOTION CARRIED UNANIMOUSLY

ITEM V: SP05-01-02 – WILLOWS OF UNION LAKE

John Schlicht of Orchard Lake MI is requesting an extension of a site plan approval to construct a golf course clubhouse/restaurant facility located at 8295 Wise Road.

Sidwell No.: 17-01-451-010

Kathleen Cassidy, Planning Director gave a review.

Holmes – Should he not proceed by this time again next year, can he request another extension?

Kathleen Cassidy – Although there is nothing in the Ordinance limiting this at this time, I did explain to him that our Zoning Ordinance is changing and so it becomes dependent upon turning dirt. He has a vested interest in the property and it may be necessary to go for another site plan review.

Mr. Schlicht, the petitioner, was present. He explained that the road closure and the economy have caused delays in construction.

Chairperson Haber – We do understand, however it may be out of our hands by next year.

MOTION by Jones, supported by Holmes, to approve Item SP05-01-02, Willows of Union Lake, the request by John Schlicht of Orchard Lake MI for an extension of a site plan approval to construct a golf course clubhouse/restaurant facility located at 8295 Wise Road. Sidwell No.: 17-01-451-010. The extension is granted for one year.

MOTION CARRIED UNANIMOUSLY

OTHER MATTERS TO COME BEFORE THE COMMISSION

None

The next Planning Commission meeting will be Monday, May 19, 2008 at 7:00pm.

ADJOURNMENT

MOTION by Kirkwood, supported by McKeever, to adjourn the meeting at 8:17pm.

MOTION CARRIED UNANIMOUSLY

Connie Holmes, Secretary