

**CHARTER TOWNSHIP OF COMMERCE
PLANNING COMMISSION MEETING**

Monday, August 18, 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
Randy Thomas
Bill McKeever
Debra Kirkwood
Absent: Connie Holmes, Secretary (excused)
Brian Winkler (excused)
Also Present: Kathleen Cassidy, Planning Director
Jeffrey Bowdell, Building-Zoning Director
Michelle Holmes, Parks & Recreation

APPROVAL OF MINUTES

MOTION by Thomas, supported by Kirkwood, to approve the Planning Commission Meeting Minutes of July 21, 2008, as written. **MOTION CARRIED UNANIMOUSLY**

UPDATE OF ACTIVITIES

Bill McKeever – Zoning Board of Appeals

- No new variances to report.

Debra Kirkwood – Township Board of Trustees

- Budget review will be the foremost item on our schedule over the next four months.
- Renovations at the new Township Hall are progressing. April '09 is the estimated date for completion.

Randy Thomas – Downtown Development Authority

- Nothing new to report. Next meeting is tomorrow.

Michelle Holmes – Parks and Recreation Committee

- On October 7th we will kickoff our Master Planning focus groups, which include the Planning Commission.
- Dodge Park is progressing well.
- We are awaiting the bridgework to connect the pathways. Soil issues presented extenuating circumstances and additional grant funds are being pursued.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

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ITEM I: CZ07-02 PHYSICIANS REN. – 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.**

ITEM II: Z08-02 MAPLE BENSTEIN PARTNERS – TEXT AMEND. – PUBLIC HEARING

Maple Benstein Partners LLC of Warren MI is requesting a text amendment to Article XV, Section 1500, Light Industrial, of the Commerce Township Zoning Ordinance No. 85-12-55-00, to add places of Assembly.

Kathleen Cassidy, Planning Director gave a review. Not included in the Planner's report was the fact that this could be amended as a Special Land Use.

Jim Rosenthal, 24595 Groesbeck Hwy, Warren, MI, was present to answer questions and address parking related concerns. He explained the benefits of assembly use vs. industrial use. He added that a church is already present in the proposed area.

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

No comments.

Chairperson Haber closed the public hearing.

Commission Comments:

Jones –

- I like Kathleen's suggestion for Special Land Use.
- Otherwise, I have no problem with doing this, as long as we are satisfied that adequate parking is provided.

Kathleen Cassidy – They would have to meet the parking requirements whether it be a permitted or Special Land Use.

Thomas –

- In favor of the trend to place churches in industrial buildings. It is a good use for an otherwise vacant building.
- In support of Special Land Use with parking restrictions.

Kirkwood – No problems.

McKeever – Fine with proposed as Special Land Use.

Planning Commission Meeting

ITEM II: Z08-02 MAPLE BENSTEIN PARTNERS – TEXT AMEND. – PUBLIC HEARING Continued)

MOTION by Thomas, supported by McKeever, that the Planning Commission recommends approval, to the Commerce Township Board of Trustees, of Item Z08-02, the request by Maple Benstein Partners LLC of Warren MI for a text amendment to Article XV, Section 1500, Light Industrial, of the Commerce Township Zoning Ordinance No. 85-12-55-00, to add places of Assembly under Special Land Use.

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.

MOTION CARRIED UNANIMOUSLY

ITEM III: Z08-03 COMMERCE TOWNSHIP – TEXT AMENDMENT – PUBLIC HEARING

An amendment to Article XX, Section 2013, Storage of Vehicles, Machinery or like items, of the Commerce Township Zoning Ordinance No. 85-12-55-00, to allow a time period for the loading and unloading of recreational vehicles, travel trailers and like camping oriented vehicles.

Kathleen Cassidy, Planning Director gave a review. Two letters and photos were submitted for the record.

Jones – No permits are required? (No.)

Chairperson Haber opened the public hearing

Kevin McCarthy, 1911 Viking Circle, Commerce Twp., MI stated that he submitted a letter. He was also present at the July 21st meeting and after talking with the staff, he is glad to see some compromise is being made. 48 hours vs. 24 hours is much appreciated.

With regard to permits, they would seem to be a burden upon the people who are trying to comply with the law, whereas those who are violating would still continue to do so.

John LeBlanc, 1605 Spruce, Commerce Twp., MI stated that he also submitted a letter. He speculated that there seems to be a common thread that somehow RV/travel trailer owners will violate the ordinance. He is a boat owner as well as an RV owner. Boat restrictions were relieved and are now permitted for 5 months unlimited. He questioned the reasoning behind changing boat restrictions, for boats of all shapes and sizes, from 24 hours to 5 months. Many boats are self-contained and may include a sleeper, etc. Both are essentially trailers, and some boats are up to 40’.

Don Williams, 3110 Greenlawn, Commerce Twp., MI stated that he hopes the ordinance won’t change with regard to boats. He explained that people come to Commerce to camp, fish, boat and horseback ride. It seems as if a lot is being taken away, and those are the reasons why we are here. He added that it takes him 5 days to prepare his RV for camping.

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ITEM III: Z08-03 COMMERCE TOWNSHIP – TEXT AMENDMENT – PUBLIC HEARING (continued)

Chairperson Haber entered the two letters and photos that were submitted into the record; Mark Willman, 4220 Elizabeth Lane, Commerce Twp., and Vaughn Letenyei, 1579 Spruce Court, Commerce Twp., and then closed the public hearing. One of the letter was in support of the amendment; one was opposed.

Commission Comments:

McKeever – Fine with the amendment as presented.

Kirkwood – Good with the changes as recommended.

Thomas –

- I am a boat and RV owner as well, and I have no problems with the amendment.
- Requested clarification of Item 2. on the text amendment with regard to ownership.

Kathleen Cassidy clarified that this is about vehicles/travel trailers that are not owned by the occupant. In addition, the 24 hours is currently permitted as a courtesy, as it is not provided for in the ordinance.

Thomas – (To Jeffrey Bowdell) How much of an enforcement problem is this?

Jeffrey Bowdell – It's really not a problem. We only get a handful of complaints with a few sporadic problems. It's not something we do daily or weekly.

Thomas – Do you feel you can enforce this?

Jeffrey Bowdell – I have talked about this with Kathleen Cassidy and it was advertised in the paper. Many residents will now read it and call, but it is enforceable.

Jones – In favor of the amendment, but would prefer to have permits. There should be some kind of a record with their name, address, date and time of parking the RV, travel time, etc.

Jeffrey Bowdell – Frankly, the number of complaints does not seem to warrant requiring permits. For the time required to take each permit message, it would be equal to them physically coming in to pay for the permit.

Haber – I agree with Jones. There needs to be some sort of regulation and control, otherwise we don't know the date and time when the parking began.

Kirkwood – Fine with amendment as presented.

McKeever – Against requiring a permit.

Planning Commission Meeting

ITEM III: Z08-03 COMMERCE TOWNSHIP – TEXT AMENDMENT – PUBLIC

HEARING (continued)

Haber – How do you know if you have a problem?

Jeffrey Bowdell – When someone complains and we write a summons, the complainant becomes a witness. We have not really had anyone that violated perpetually.

Haber – Permitting is not intended as a punishment, but there should be some sort of registration.

Jeffrey Bowdell – If we cannot control the situation, we will come back to the Planning Commission for further direction or to change the ordinance again.

MOTION by Jones, supported by McKeever, that the Planning Commission recommends approval, to the Commerce Township Board of Trustees, of Item Z08-03, for a Text Amendment to Article XX, Section 2013, Storage of Vehicles, Machinery or like items, of the Commerce Township Zoning Ordinance No. 85-12-55-00, to allow a time period for the loading and unloading of recreational vehicles, travel trailers and like camping oriented vehicles in the owner's driveways.

MOTION CARRIED UNANIMOUSLY

ITEM IV: SP08-25-11 – UPTOWN GRILLE – OUTDOOR DINING

Uptown Grille of Commerce MI is requesting approval for outdoor dining located at 3100 E. West Maple. Sidwell No.: 17-25-453-009

Kathleen Cassidy, Planning Director, gave a review.

Ryan Adams, Applicant, 33921 Chelsea Street, Farmington, MI was present to answer questions.

Commission Comments:

McKeever – The request is for 39 seats?

Kathleen Cassidy – The original request was for 60 chairs, but the final occupancy load had not yet been determined. The plans have been changed accordingly to reflect 39 after the report was written.

Ryan Adams confirmed that the plans were adjusted and the request revised to show 39 chairs.

McKeever – Fine with this as written in the report.

Kirkwood – Fine.

Thomas – Fine.

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ITEM IV: SP08-25-11 – UPTOWN GRILLE – OUTDOOR DINING (continued)

Dan Lublin, Commerce Twp., MI stated that if they need more spaces, there is land next door. There are buildings that may have 30 spaces available during evening hours.

McKeever – We can't grant shared access to someone else's property.

Dan Lublin – No, but we could come back with an agreement.

Kathleen Cassidy – Time is of the essence; there's probably no more than 4-6 weeks left for outdoor dining this year.

We did discuss that option, and they are aware, however they wanted to remain consistent with the way this was already presented to the Township Board.

Jones – On the application, Ryan Adams' name appears repeatedly, and then Dan Lublin also appears. What is your interest in this matter?

Dan Lublin – I am the property owner, and Ryan is leasing from me.

MOTION by Thomas, supported by McKeever, that the Planning Commission approves, with conditions, Item SP08-25-11, the request by Uptown Grille for outdoor dining located at 3100 E. West Maple. Sidwell No.: 17-25-453-009

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. The number of chairs outside is limited to thirty nine (39); and
2. Final approval by the Michigan Liquor Control Commission

Discussion –

Jones – Screening, landscaping, etc. will be administratively approved?

Kathleen Cassidy – There is a gate and a partial wall. The area is quite hidden due to the grade drop to Maple Road and it is located at the corner of the restaurant overlooking the marshy area.

Haber – It should be kept at a level that is consistent with what is in the restaurant in an effort to be a good neighbor.

MOTION CARRIED UNANIMOUSLY

ITEM V: SP08-01-12 – SHOPS AT COMMERCE

Shops at Commerce of Farmington Hills MI is requesting approval to utilize the flexibility in parking application located at 2220-2256 Union Lake Road.

Sidwell No.: 17-01-402-029

Kathleen Cassidy, Planning Director, gave a review.

John Spain, Attorney, 21127 Lochmoor, Harper Woods, MI was present on behalf of the applicants as legal counsel. He introduced Rick & Leslie Golding, Owners, Glen Wilson, Tenant, Bill Wilson, Glen's brother, and Matthew Jonna, Property Owner.

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ITEM V: SP08-01-12 – SHOPS AT COMMERCE (continued)

Mr. Spain explained that the restaurant itself is strictly for lunch and dinner. Previously, this was a morning/breakfast restaurant. They do not feel that there will be a problem as there is excess parking available.

Leslie Golding, 687 Vinewood, Birmingham, MI, stated that the current tenants there are suffering due to the lack of a restaurant in the center.

Commission Comments:

Jones – How many of the spaces are currently vacant?

Open discussion ensued and it was determined that there are a total of 4 vacancies at this time.

Jones – If that many are vacant, what sort of restrictions would they have on the types of future tenants if all the parking has been taken? There is a need to allow for parking or the other spaces may not get leased.

Kathleen Cassidy – That is based upon requirements for retail, which was the original purpose of the building. They have to come before the Planning Commission for shared parking and for flexibility. It is then subject to the agreement.

Thomas – So a Jimmy John's or an ice cream shop would be prevented?

Kathleen Cassidy – Those would not be permitted uses.

Thomas –

- No problem with it.
- Mill Race is doing it, but if parking becomes a problem, it will be a problem for everyone. The other tenants are here along with the owners, and they understand that there will be no other food use or it will cause more issues.
- As with Mill Race, parking should be monitored, at the owner's expense, over a 12 month period. If issues arise, they will be addressed.

Kirkwood – Covered. Those were my thoughts exactly.

McKeever – In agreement with Thomas.

Jeffrey Bowdell – We have discussed this thoroughly with Mr. Wilson and Mr. Jonna. They understand that they will need to pursue low impact tenants, such as an insurance office, etc. that will not require much parking.

Haber –

- Also in agreement with Thomas.
- If the agreement is violated, you stand to lose your Certificate of Occupancy. You will have to make other arrangements for parking. I want to make sure you

Planning Commission Meeting

ITEM V: SP08-01-12 – SHOPS AT COMMERCE (continued)

understand this completely. You may need to utilize valet parking, or reduce the number of seats, etc.

Mr. Jonna questioned the agreement and what types of issues may arise.

McKeever explained that the parking will not be the Township's problem, it will be his.

Haber explained the details of the Mill Race agreement.

Kathleen Cassidy also clarified that this is subject to the execution of a shared parking agreement between the Township and the Owner. If, upon review, Mr. Jonna does not agree, then he is not required to sign, but the use would not be permitted. An escrow account is held to cover the costs of counting cars/parking spaces and to ensure that cars are not being parked on adjacent streets or other sites. Overflow is not permitted. She further explained the remedies that the business could be subject to.

Open discussion continued regarding the stipulations of shared parking agreements, etc. The goal is to prevent massive parking lots, but also to ensure that businesses are in compliance with the ordinance and have ample parking for customers. The Township wants to help by allowing flexibility, but there is a compromise – if issues arise, they must be addressed.

Mr. Jonna stated that he had originally misunderstood the shared parking agreement. He thought they meant with Walgreen's or another adjacent property.

Kathleen Cassidy – And again, no one is forcing you to sign. If you want to go into that space, this is the agreement.

Haber – The agreement protects everyone concerned.

John Spain requested clarification – after 12 months of monitoring the parking, are they off the hook? And what about if we get a parking agreement with Walgreen's? Also, what type of violations may put them in trouble?

Kathleen Cassidy – They will still be responsible for providing adequate parking at any time. We can discuss all further details after the meeting and I will show you examples of violations.

MOTION by Thomas, supported by Kirkwood, that the Planning Commission approves, with conditions, Item SP08-01-12, the request by Shops at Commerce of Farmington Hills MI is requesting approval to utilize the flexibility in parking application located at 2220-2256 Union Lake Road. Sidwell No.: 17-01-402-029

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ITEM V: SP08-01-12 – SHOPS AT COMMERCE (continued)

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 conditions:

1. The execution of a parking agreement being entered into between the Township and the Property Owner, as drafted by the Township Attorney, and including additional conditions as required by the Attorney; and
2. Monitoring of the parking situation is to be conducted, at the owner's expense over a period of 12 months after opening, and periodically thereafter. In the event that issues arise with the parking situation, at any time, the restaurant could be subject to any or all of the following conditions as indicated in the parking agreement to be drafted by the Township Attorney: a reduction in overlapping hours, the purchase of additional parking, and/or potential revocation of the Certificate of Occupancy, etc.

MOTION CARRIED UNANIMOUSLY

ITEM VI: LAKES AREA HAWKS CONCESSION/STORAGE BUILDING

Kathleen Cassidy, Planning Director, gave a review and presented plans for this building which will be located in the Hickory Glen Park.

ITEM VII: MAPLE GLEN PARK CONCESSION BUILDING

Kathleen Cassidy, Planning Director, gave a review and presented plans.

Michelle Holmes also gave a review of Items VI and VII. The local leagues have been working to raise funds for over two years for these projects. The Parks & Recreation Committee will now begin working with the Building Department.

OTHER MATTERS TO COME BEFORE THE COMMISSION

Discussions:

- Enforcement issues; signage, storage, etc.
- Upcoming Michigan Planner's Conference
- Road Construction in Commerce Township

The next Planning Commission meeting will be Monday, September 8, 2008 at 7:00pm.

ADJOURNMENT

MOTION by Kirkwood, supported by McKeever, to adjourn the meeting at 8:16 pm.

MOTION CARRIED UNANIMOUSLY