

**FINAL  
CHARTER TOWNSHIP OF COMMERCE  
PLANNING COMMISSION MEETING**

Monday, August 7, 2023  
2009 Township Drive  
Commerce Township, Michigan 48390

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

**ROLL CALL:** Present:

Brian Parel, Chairperson  
Joe Loskill, Secretary  
Bill McKeever  
George Weber  
Sam Karim  
Brady Phillips

Absent:

Brian Winkler (excused)

Also Present:

Dave Campbell, Township Planning Director  
Paula Lankford, Planner  
Jay James, Engineer/Building Official  
Larry Gray, Township Supervisor  
Debbie Watson, DDA Director  
Randy Thomas, Insite Commercial

**B. APPROVAL OF AGENDA**

**MOTION** by Loskill, supported by Phillips, to approve the Planning Commission Regular Meeting Agenda of August 7, 2023, as presented.

**MOTION CARRIED UNANIMOUSLY**

**C. APPROVAL OF MINUTES**

**MOTION** by Weber, supported by Phillips, to approve the Planning Commission Regular Meeting Minutes of July 10, 2023, as written.

**MOTION CARRIED UNANIMOUSLY**

**D. UPDATE OF ACTIVITIES**

Bill McKeever – Zoning Board of Appeals

- We actually had an agenda last month.
- We approved an accessory structure in the front yard setback at 4650 Cooley Lake Road. That was a flag lot where the residents had an accessory structure in what is technically their front yard, but the way the house is situated on the lot, it is the side yard to the house, so we granted that variance.
- We approved a variance from Article 33 of the Zoning Ordinance to construct a second story to an existing detached garage that exceeds the maximum height allowed, at 3586 Moberly.

George Weber – Township Board of Trustees

- The Board has had two meetings since the last Planning Commission. We had a meeting on July 11<sup>th</sup>, and then we had our discussion meeting on July 25<sup>th</sup> which was in concert with the Planning Commission.
- At the July 11<sup>th</sup> meeting, we appointed Clarence Mills to an additional 3-year term on the Zoning Board of Appeals, to expire in 2026.
- We introduced an ordinance reflecting the costs associated with advanced life support transportation. We had not made change to the rates for hospital

transportation for maybe 10 years. So, we updated that to be more in line with what the true costs actually are.

- We adopted an ordinance regarding large detached accessory structures that this Commission had recommended to the Township Board for approval, giving the Planning Director administrative authority.
- We allowed the sale of two small lots in residential subdivisions where an adjoining property owner purchased a generally small, unbuildable lot that the Township owned so that they could better advance their own property, with the stipulation that they needed to combine that lot with their existing property, and it could not be divided in the future.
- We approved the special permit for Kickstand Brewery for Oktoberfest.
- We started a discussion on the Oakley Park sidewalk design along the new pickleball courts.

Chairperson Parel – Is that a new sidewalk that's going in?

Weber – It's actually coming back to tomorrow night's Board meeting, but there is a section along the west side of the pickleball courts where there is a gate to get into the courts on that side, but it's gravel. People are tracking gravel onto the new courts, which is damaging the courts, so we're looking at paving that walkway along there, as well as resurfacing the walkway that goes basically from South Commerce heading east on Oakley Park in front of the Richardson Center. It's an asphalt pathway that is in dire need of some TLC.

Chairperson Parel – Thank you so much. Brian is not here. Deb, do we have any update from the DDA?

Debbie Watson – Downtown Development Authority

- At our July 18<sup>th</sup> DDA meeting, Jim Galbraith was in attendance, and we approved his 6<sup>th</sup> Amendment to the CTP Master Deed, to split his Unit 11 into Units 15 & 16, which the Planning Commission saw last month.
- We also had lengthy discussion regarding all things Five & Main, which the Planning Commission also saw last month. Those items will be on our August 15<sup>th</sup> agenda again for final action, after the Township Board makes their decisions at their meeting tomorrow night.

Jay James – Building Department

- Tree clearing at the Reserves at Proud Lake is almost done. We've received a lot of complaints.
- You will see the tree clearing beginning at Shepherd's Grove, on Commerce Road across from the old Hiller's. They're doing the interior first, but when they open up the front, it will be gone suddenly. I'm sure we will get some people asking about that.
- Urban Air will be looking to open up within a couple weeks in the old Hiller's.

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

**Chairperson Parel opened to Public Discussion of Matters Not on the Agenda.**

No comments.

**Chairperson Parel closed Public Discussion of Matters Not on the Agenda.**

**F. TABLED ITEMS**

None.

**G. OLD BUSINESS**

None.

**H. SCHEDULED PUBLIC HEARINGS**

None.

**I. NEW BUSINESS (2)**

**ITEM 11. THE HOME DEPOT – USE DETERMINATION**

Kimley-Horn & Associates, LLC of Vero Beach FL on behalf of The Home Depot located at 355 Haggerty Road is requesting a use determination for accessory uses customarily incidental to principal permitted uses in the B-2 (Commercial Business) zoning district. PIN#: 17-36-400-026

Dave Campbell, Planning Director, gave a review of the Planning Department's report, dated July 24, 2023.

Dave Campbell – The issue the Planning Commission would be considering this evening is relative to the outdoor storage and display activities at the Commerce Home Depot at 355 Haggerty Road. This is an aerial of the site in April of 2022. The reason I bring it up is because part of what we're going to be discussing this evening is the outdoor storage, including this area here which is where they were storing their rental equipment last year; their trailers, trucks, bobcats, woodchippers, log splitters, et cetera. If you move south within the parking area, these are all pallets of mulch, topsoil and materials like that. You can see more of it stored to the west, and in the back of the building along the west side.

The store itself was approved in 1996. When it was approved, it wasn't approved with any designated outdoor storage areas, beyond what was approved within the enclosed garden center, which is this area here. In 2003, the Planning Commission approved an amendment to Home Depot's site plan to allow for seasonal outdoor storage, more or less in this area here. The season defined in that approval was from April 1<sup>st</sup> to July 31<sup>st</sup>. That was intended to be outdoor sales of flowers, shrubs and landscaping materials on a seasonal basis.

Starting around 2014-2015, the area of outdoor storage really started to expand into these areas that I've mentioned, and really anywhere they can fit pallets of mulch, topsoil, fertilizers and things like that. Through the years, and more recent years, this has been an issue for the Township and for our code enforcement staff who this year really started to get more aggressive by issuing citations and violations. That got Home Depot's attention.

To Home Depot's credit, if you look at a comparable aerial from March of this year, you'll note that the rental equipment was removed from the center aisle. You can still see some of the palletted materials, but it's probably a lesser quantity than it was in 2022. This is Home Depot's effort to try to show good faith with the Township in limiting what their outdoor storage activities were. At the same time though, the agreement between the Township and Home Depot is something of a cease fire with the issuance

of any further citations until they could come before the Planning Commission and seek approval for their outdoor storage activities. It took several months for Home Depot to develop their plan for what they are proposing, and that takes us to this meeting tonight. The property is zoned B-2, Community Business, which is a zoning district that does not explicitly permit outdoor storage or outdoor display activities for the most part. When it does allow it, it's typically on a seasonal basis, which is part of how Home Depot got the approval back in 2003 for the seasonal outdoor display. For the B-2 zoning district, we list all the principal permitted uses in the B-2 zoning district, and then at the end of that list, there is something of a catch-all of uses determined to be similar and customarily incidental to the uses described above.

What we call a use determination is the role of the Planning Commission; to make that determination of whether a use is customarily incidental to the principal permitted use. In this case, the principal permitted use is a home improvement store of 100,000 square feet or more, and in Home Depot's case, an indoor lumberyard. The question being posed to the Planning Commission is whether outdoor storage, sales and displays is a use that is customarily incidental to that home improvement superstore, and therefore can be permitted.

That's Step 1 of the question that both the staff and Home Depot hope to get answered by the Planning Commission. Step 2 is for approval of a site plan that clearly defines, if it is to be allowed at all, where that outdoor storage is going to be located, how much space it's going to occupy and if necessary, how it's going to be enclosed and/or screened.

There may have been some miscommunication between the Planning Department and Home Depot. They were hoping to get site plan approval this evening. We explained to them that we didn't want to put them through the site plan review and approval process if the Planning Commission was not agreeable to the use determination. Home Depot did provide a plan for where they want to locate their outdoor storage on the site, and the nature of the various storage locations; some of it would be seasonal, some year-round, some enclosed and some not. However, it was not the Planning Department's intent for the Planning Commission to make a determination on that site plan this evening.

We wanted to first make a determination on the use itself, and then if the Planning Commission is agreeable to outdoor storage for this particular land use, then have Home Depot come back with a detailed site plan of how they would lay things out. I had a conversation with Mr. Parel earlier this afternoon. He had some thoughts, not just on the use itself, but on the preliminary site plan for how they would lay it out. One of the potentials, if it would save Home Depot a trip back to the Planning Commission, and save the Commission spending another meeting discussing the matter, if the Planning Commission were to make a determination that outdoor storage, sales and displays for a store like Home Depot is permitted, then the Planning Commission could provide their comments to Home Depot, or feedback of how they think that outdoor storage should be allowed, where it should be allowed, how much and how it should be screened, but then leave it to staff to administratively approve Home Depot's plan based upon the comments they receive tonight.

Home Depot is represented this evening by Katie Fitzgerald from Kimley-Horn & Associates. I'm assuming Katie would appreciate the opportunity to approach the Planning Commission and make a presentation on her own behalf on this matter.

Chairperson Parel – Katie, would you like to come up and speak?

Katie Fitzgerald approached.

Chairperson Parel – What is your opinion on what storage is currently allowed per the variance given back in ... ?

Dave Campbell – I meant to include that plan in your agenda packet, and we failed to do so. I can pull it up here, but it will take a minute because it's saved in a different spot. It's really more or less this area here where they have all of the pallets. It was for seasonal storage and displays, and there was a specific number of parking spaces that it could occupy.

Chairperson Parel – Just to understand, in your opinion, the current allowable outdoor storage is confined to approximately the area where your cursor is?

Dave Campbell – Approximately that area, and only within the defined window of item, April 1<sup>st</sup> to July 31<sup>st</sup>.

Chairperson Parel – Am I correct to assume anything along the front sidewalk, under that awning, is not allowable per the current plan?

Dave Campbell – The approved site plan does not allow for any outdoor storage or display, other than that defined area we've talked about.

Chairperson Parel – So currently ... This might be different than what is currently there, but this was from back in March.

Dave Campbell – We can go to June 17<sup>th</sup> which is the most recent we have.

Chairperson Parel – So the additional storage, in addition to what's allowed there right now, is the area in front of the garden center it looks like.

Dave Campbell – This is all their live plant material, and you can see how they've been watering it. As I mentioned, the rental equipment has ... I don't think it's onsite anymore. But there are stacks of pallets to the rear, and over here, and there's still some there.

Chairperson Parel – And there's probably still some items under the awnings.

Dave Campbell – Yes, these are lawn mowers and so forth.

Chairperson Parel – And none of that is really allowed.

Dave Campbell – It is not approved on the site plan that was originally approved in 1996 and amended in 2003.

Chairperson Parel – The amendment in 2003 was when we gave them the ability to do the seasonal storage?

Dave Campbell – Yes. As you're discussing it, I will try to pull up that 2003 plan so we can confirm where the area was.

Katie Fitzgerald – I think he gave us a great overview. Looking at an aerial of the site, we can see that we have definitely outgrown our footprint just a bit. Being in competition with competitors around us has really pushed the footprint of what we offer in the site. The tool rental alone at the site brings in 800 in the year, with 15 staff members it offers jobs to. We do ask, with the beautiful, color-coded plan, you can see that we are including the pink area which was the originally approved temporary area, where the live goods would go, and the purple area would be where you would drive through. I'm sure most of you are familiar with the site itself. That would also be temporary and just seasonal, with color-coding along the front apron to give you a better idea of what would be permanently stored up front as well. The live good tables would be limited to 8 tables in that teal area, and the green would give us room for live goods, grills, mowers and concrete, but that would be the smaller items and they would remain out of the fire lane.

Chairperson Parel – Just to clarify, there's a couple greens up there. The green you just mentioned, is it the green in the middle of the parking lot?

Katie Fitzgerald – It is the darker green right by the front apron.

Weber – What is TRC rental?

Katie Fitzgerald – Tool Rental Center. They offer a little bit of everything. Right where that secondary door is, where the smaller green is, there is a tool rental center. You can walk through and rent smaller tools. Those same people would run the trucks and small excavators, et cetera, that would go in that bright green area. We did choose the location for safety reasons. We want clients to be able to pull in and out without hitting anything else. These are larger trucks and being able to back the truck up to it safely without impending traffic onsite was a big thing.

Chairperson Parel – That includes the box trucks and open bed trucks too?

Katie Fitzgerald – Yes sir, all trucks. The red area would be just for outdoor storage. We are willing to enclose/screen these areas. We realize we have grown and that is going to require some sort of adjustment on our end as well, but we do ask that you take that into consideration. We have had several quotes for fencing types for some of these areas. Also too, at the back of the store, I just want to point out, there is an orange and a dark navy area. The orange we ask to be lumber storage, and the dark navy we ask to be a 24-48 hour staging area, which is a lot of the palletted goods, the racks you see back there.

I was onsite today. I can tell you that the aerial does not match the site's condition now. They have done a great job of trying to clean up and make concessions. When we started this, there were several moving pieces to get that much equipment moved. I appreciate everyone's patience, time and consideration on that.

Chairperson Parel – I apologize for all the questions. This is a little different than most of the items we see and maybe it's just good to have some open dialogue. One of my questions, in regard to the current status, is any of this currently screened?

Katie Fitzgerald – It is not currently screened.

Chairperson Parel – Okay, and I know if you come back a lot of people will head east through that ring road, and you can see straight on to some of the storage in the rear of the building.

Katie Fitzgerald – Yes, but as I said, most of that has been cleared so the maintenance crew can easily reach that side and that ditch.

**Commission Comments:**

Karim – Actually, I don't have any problem storing things. It's Home Depot and it's a hardware store, so I'm expecting to see outside storage. The only thing I had a comment on is, if you can organize more, maybe by marking the floor or the areas where you are storing things outside, it would look a little bit more organized and nicer. Other than that, I don't have any problems.

Katie Fitzgerald – Okay, absolutely. I think that can be taken into consideration. Traffic safety is huge onsite as we're moving forward.

Phillips – I don't have any problem with it. In fact, even with screening, I'm not sure; are we concerned that having equipment in the parking lot is an eyesore? Allowing them to display the items that they have available for rental, I don't have a problem with that.

Chairperson Parel – Maybe I can comment. That red area which you've labeled outdoor storage.

Weber – That's parking spaces lost.

Chairperson Parel – What's planned to be stored there?

Katie Fitzgerald – Palleted goods, the stuff that you would quote as an eyesore.

Chairperson Parel – Sure, so to Brady's point, let's keep in mind ... Dave, is that Applebee's or Staples?

Dave Campbell – They based this on the site plan they got approved back in the 90's.

Chairperson Parel – But that building exists, right?

Dave Campbell – Yes, and that is Staples.

Chairperson Parel – Then where is Applebee's, the next to the north?

Jay James – On the other side.

Chairperson Parel – My point is ...

Phillips – Do the other businesses see that as an issue?

Chairperson Parel – Yes, that would be something I think we'd have to consider.

Dave Campbell – Another consideration, and if the Planning Commission finds that this is an appropriate use, is that we would want it to be specific to this particular land use. The reason why is, otherwise, we've had several instances of different businesses with different outdoor storage challenges, particularly some of our boat storage places. They might take the approach of, if you allow it for Home Depot, then you need to allow for others. We would want any action the Planning Commission takes on this use determination to be specific to a home improvement store of a certain size. We don't want this to be a blanket allowance for outdoor storage in the B-2 zoning district, because that would open it up to a lot of other land uses where outdoor storage might not be appropriate.

The other thing to be considering is that I don't think anyone could argue that there is a shortage of parking at Home Depot, but they would be taking up a significant number of parking spaces with the outdoor storage. That's another consideration. This Home Depot was approved with a certain number of parking spaces. We had a conversation earlier about whether our parking standards do maybe lead to some sites being overparked. These are things that the Planning Commission would want to take into consideration with this use determination, is how it might impact other sites, and are you taking up what were intended to be parking spaces.

Chairperson Parel – To clarify, if we were to allow this, there would only be two properties currently in Commerce Township that would fall under this?

Dave Campbell – If you were to utilize the motion that staff recommended, it would be specific to a home improvement store over 100,000 square feet with an indoor lumber yard. That would be Home Depot and Lowe's. Lowe's is zoned B-3, but anything that's permitted in B-2 is, by default, allowed in B-3.

Chairperson Parel – Would there be any properties in the Township that are yet to be developed, or could be redeveloped that would also fall under this category?

Dave Campbell – The only other name brand I can think of would be Menard's.

Chairperson Parel – Is there anything existing in our Township? Properties meant to be developed?

Weber – 84 Lumber is not 100,000 square feet.

Dave Campbell – That's true. If you're asking if there are any other existing stores, I'm pretty confident the answer is no. Are there other properties that could potentially be developed with another Home Depot, Lowe's or Menard's? Yes, there are properties that have that potential.

Chairperson Parel – We just have to think about that. Are you all set, Brady?

Phillips – Yes, other than if there are other adjacent property owners that feel this is an issue for them, then I would want to respect their position.

Loskill – I'd like to see a calculation based on your square footage and the ordinance as to how many spaces you've got, and how many spaces you're going to be taking out,



and what you would be left with. I'm not sure I'm a big fan of year-round storage. This is Michigan and in the wintertime, that's never going to be a good luck. It's just going to be tough to deal with. As far as the fenced areas, I'd prefer to see those with some sort of mesh to screen the views inside versus a plain chain link fence. A chain link fence would help keep stuff from being stolen at night, but it will still be very visible, and it does nothing for screening.

Weber – I don't have an issue with outdoor storage for this type of business. If we do move to motion language, I would want to interject the word limited in front of year-round, so it's not just open-ended outdoor storage. We're really talking about limited outdoor storage. I heard the description of what was in red; just to the south, in white, it says 64x140 fencing. What is "See Sheet C-103 for details"?

Katie Fitzgerald – That's the chain link fence. We were initially proposing to do slat.

Weber – What is going in that area?

Katie Fitzgerald – The red area is palleted goods, that would be the fenced in area.

Weber – Two separate areas? I see the red area, and a white area. Or is the white just describing it?

Katie Fitzgerald – That's just the descriptor, to give you a size reference of what that chain link fence would encompass.

Weber – I understand, thank you. The only other comment that I think we need to be cognizant of is, a few years ago, we approved a retail development just to the south and that is going to be overlooking your property. That is the Schafer & Sons...

Dave Campbell – Midtown on Haggerty.

Weber – Midtown on Haggerty; so, I want to be cognizant of the fact that you will have some property owners that are going to be in 3-story buildings looking down on that. Anything that is stored along that south side, we would want to make sure that it is either not there, or that it is screened very well.

Katie Fitzgerald – On the south side, are we talking about the purple area, or where we see palleted goods along the tree line?

Weber – It is along your entire drive. It's screening of the purple, but also any storage that you're going to have to the west of your building out back.

Katie Fitzgerald – The storage to the west would be gone in its entirety.

Weber – To the south would be gone in its entirety except for the purple, and again, if any of the orange or purple on the west side is visible, I would just want to be cognizant of that. People understand they're moving in next to Home Depot, but it doesn't mean they need to see a lot of outdoor storage.

Katie Fitzgerald – Absolutely, I agree. I appreciate your comments.

McKeever – I, on the other hand, am not in favor of this at all. I would rather see them expand the garden center. I have a problem with the way it is spread out all over the grounds. I think they're taking an indoor lumberyard and they're turning it into a traditional lumberyard, where they're putting the sheds in the front yard. It's chaotic with people wandering around, shopping in the parking lot, pushing their carts, with traffic in and out, and everywhere else. Now you're going to add hi-lo's and everything else running in and out. I just don't see where it's a good fit at all. I think we're asking for major problems down the road.

As Joe brought up, outdoor storage for an operation like this doesn't work in the winter. What do you do with merchandise that becomes covered in snow? Where do you pile your snow? That's another thing to add with people shopping in the parking lot. I just think as every vendor tends to do, they try to fit too much into the site that they've designed. I'm just not in favor of it and I wouldn't vote for it. And I don't think the track record leads me to believe that this would be anything different than what we've given them in the past.

Chairperson Parel – I fit somewhere in the middle, but I think I align more with what Bill just said. I do think chaotic is a good word to use. The red area, for me, it just doesn't work. I think what you're asking is, can we store extra inventory of pallets in the middle of our parking lot, within the view of patrons coming to Staples and Applebee's. I'm absolutely against that. The seasonal items, which I think are the pink and purple; your plan may be a little more aggressive than our current seasonal dates. I think you're proposing to start in January.

Dave Campbell – Back in 2003, it was April 1<sup>st</sup> to July 31<sup>st</sup>. They're expanding it by a couple months.

Chairperson Parel – We can talk about expanding it into January, February or March. I'm one vote out of potentially seven. Previously, your trucks and equipment were closer to the door so it could be better managed, and I understand that. Unfortunately though, I think that takes away prime parking and makes it difficult. Moving it out to the back poses other problems. Like Bill said, you've got equipment moving in the middle of a parking lot, and it appears to be closer to other businesses. I don't love it. Outside of the garden center, the tables out there, most of that is seasonal. I understand, and I have no issue there. Within reason, under your overhang, I know that you folks have lawn mowers, et cetera. Personally, I don't want to see anything expanded in the back. I don't want to have that visible. I don't know if there's a way to screen that. Joe made the comment about chain link fences. I don't think that's a solution, and that may not be what your intention was.

Dave and I were on the phone today, and while we were talking on this topic, we pulled up some aerials. Sometimes I like to look at communities that we respect, and Home Depot sits in a few of those communities. I didn't see anything like this at any of those Home Depots. My guess is that it is because it's heavily regulated by the Township, for all the reasons we've discussed. Not that I want to get in your business or over-regulating, but I think this poses a lot of issues with visibility of goods in the parking lot with the things Bill mentioned. I would be in support for giving you the right that you don't currently have to have outside storage, but I couldn't support something like this.

Dave Campbell – The question being posed is a two-tiered question. First, other than the approval that they already got for seasonal storage in 2003, can it be determined that this use is allowed to have outdoor storage, whether it's limited, whether it's year-round, are they permitted to have it? If it's a majority vote of the Planning Commission that they are, then the next step would be, where is it allowed, how much, how is it screened, and so forth. Maybe it would benefit all of us if that first question were answered, and then more discussion about the blues, greens and pinks.

Chairperson Parel – Sure, and I think that is the right cadence to tackle it, but don't they already have the right for seasonal?

Dave Campbell – In that specific area.

Chairperson Parel – Just in that area. I guess your first question is, are we going to give them the right, but then I hear that they do have the right.

Dave Campbell – In a specific area for a specific duration of time. What they're asking for is year-round.

Chairperson Parel – Is the question really, *should we give them year-round parking lot storage?*

Dave Campbell – *Is year-round outdoor storage a use customarily incidental to a 100,000 square foot home improvement store?*

Chairperson Parel – My opinion of that, just on that question, I think we would all agree that the answer is yes, with limitations. Please tell me if anyone disagrees.

Loskill – Not year-round. Some outdoor storage ...

Chairperson Parel – Would you give them any year-round?

Loskill – I would give them some, but not year-round. It's Michigan. If you're going to give them the fenced in areas, those are going to be permanent.

Chairperson Parel – I don't want to get into these areas. I just want to say is there any outdoor storage we will give them year-round, and that includes the back, that includes what they have under their overhang, like if they wanted to have ...

McKeever – I would not.

Weber – I would.

Loskill – I would, with serious limitations.

Chairperson Parel – I think I would. The question is, *Is some form of year-round storage allowable?*

Phillips – I didn't think about some of the comments that Bill made, about the winter, the logistics, and traffic, so I see that as being a problem.

Katie Fitzgerald – I might add in too, most of what you're going to see out in the winter is the TRC equipment; the trucks and larger equipment. She does a great job I think of pulling in as much as she can to be winterized so we don't have anyone roaming, trying to look through snow.

Chairperson Parel – What about sheds, salt, snow blowers?

Katie Fitzgerald – The snow blowers would stay out by the trucks.

Chairperson Parel – Let me just clarify, does anyone want to restrict them from having snow blowers outside under their overhang?

Weber – To your first point, yes or no on outdoor storage. Now you're delving into site plan.

Chairperson Parel – I'm just saying that's one little thing and we reject it, they can't do that. I think it's reasonable to allow them to be able to put snow blowers out for sale. If we say no, they don't have that right.

Weber – It's the same thing with tractors.

Chairperson Parel – What about propane tanks?

Diana Tran – If I may, I've been the Store Manager since 2019. Thank you for having me here today. The concern that you bring up when it comes to winterizing; a lot of our snow blowers, as much as we would love to have a parking lot full to sell, we actually do maintain that within the store most of the time. Some of the communities that you did bring up may be larger snow blower stores. We are not necessarily one of those. I would say a great reference would probably be the White Lake store which tends to be larger in sales for that. We don't necessarily carry those outside. However, when it does come to the tool rental large equipment, absolutely that would definitely be considered year-round, especially for the larger excavators and bigger tools that professional contractors would use that could break ground in wintertime. Of course, riding mowers and seasonal things would definitely come back inside. Outside of your cheery Christmas décor that that are live goods, we don't really carry so much seasonally during the wintertime.

Chairperson Parel – You brought up a good point. Don't you guys sell Christmas trees outside?

Diana Tran – We do, but we carry the majority of it inside and as of late, since 2019, because of our community demand, we display each Christmas tree and decorated them just so families knew exactly what assortments we had inside the building.

Chairperson Parel – I'm trying to help you here. Let's say right now, you go there, and you have some lawn mowers on display, right under your overhang as you walk in. If we

were to disallow any outside storage year-round, you would no longer be able to have those, correct?

Katie Fitzgerald – That’s correct.

Diana Tran – Correct.

Chairperson Parel – That’s just my point. I don't think that is the intention of this Commission, unless I'm wrong. Bill?

McKeever – My concern is lawn mowers, snow blowers and barbecues and everything else on the sidewalk, then people wander through the parking lot because all of the equipment is chained up along the front of the store. I would not necessarily have a problem with vehicle type equipment being in their rental area, but the sidewalk is for pedestrian traffic. That’s how I look at it. Being somebody who is always on a time schedule when I need to get something from Home Depot, dodging pedestrians is just another thing to add to the list.

Chairperson Parel – I think we are going to take a vote to see if we will allow outdoor storage, on an anytime basis, and then we can clarify where at a later date. We can give some input to come back, whether it’s administratively or otherwise.

Dave Campbell – I think it’s to everyone’s benefit that the first question get answered first. *Is outdoor storage a use customarily incidental to a store like this?* In the recommended motion language, we do call it *year-round accessory outdoor storage*. I think it was Mr. Weber who said he might want to revise that to limited outdoor storage, replacing the year-round reference.

Chairperson Parel – I've got no problem doing that, and limiting it in the language, but I'm not sure I'm comfortable leaving it to administrative review to get sorted out after the fact. I think we have a lot of opinions up here.

McKeever – Could we make it subject to site plan approval?

Dave Campbell – Yes, you could. You could have them come back. The administrative option was, if nothing else, to maybe save Katie another trip.

Katie Fitzgerald – I do love virtual, just saying.

Dave Campbell – Katie’s office is in Florida.

Weber – To move this forward, I’ll make a motion and then we can chime in if we want to change it.

**MOTION** by Weber, supported by Loskill, to determine that limited accessory outdoor storage/sales/display areas are considered an accessory use customarily incidental to a home improvement store over 100,000 square feet with an indoor lumber yard, a principal permitted use in the B-2 (Community Business) zoning district, consistent with Section 14.01.L of the Commerce Township Zoning Ordinance, subject to site plan approval relative to the location, size, and manner of screening for the accessory outdoor storage/sales/display areas.

**MOTION CARRIED UNANIMOUSLY**

Chairperson Parel – Next question is, how do we take it from here?

Dave Campbell – We did not include site plan approval on our agenda tonight, and therefore I don't want to take action on the site plan. Either they would come back to you at the September meeting seeking site plan approval, based on some of the comments that they've already heard and any additional comments you want to provide, or the option Mr. Parel seems to be ruling out is, provide all those comments and let staff incorporate those into an administrative review.

Chairperson Parel – I would prefer the first, but I'm open to suggestions.

Loskill – I'm with you. I think we should have them address some of the concerns that we brought up and present us with a site plan addressing some of those issues. I don't think anybody has an issue with the stuff right in front of the store, but there's some stuff out in the parking lot that we'd like to see moved or rethought out.

Dave Campbell – Another thing we've done to save time, but still keeps the Planning Commission's input, we could have a 3-person work group. We could get together, have Katie on a Zoom call and go through the thoughts that way and then do administrative approval that way, rather than waiting until the September meeting for a full review by the Planning Commission.

Chairperson Parel – I don't know if anyone has a preference for that. Does anyone want to be in that work group?

McKeever – I would still like to see the site plan showing traffic patterns, pathways, the width of the sidewalks that are left that do not have equipment on them. Just something concrete.

Chairperson Parel – Bill, to your point, if you look at what's on the screen and look at the north end, if you leave the garden area and head north, there's a lot of stuff in your way to get in that front door and you have to walk into a drive lane.

McKeever – Exactly. That's just it, you can't enter anywhere along there. Sometimes you have to park at one end, and go to the other end of the store, but checkouts are only located at one end of the store. So, you're always exiting from the same place, you have to traverse the parking lot, and there is no sidewalk along the front of the store. It's chaotic, that's the best word I can't think to put to it. Pedestrian safety is something that they need to address in their site plan that I would like to see.

Chairperson Parel – Has there been any consideration to expanding the garden center and utilizing some of that space for storage?

Katie Fitzgerald – Unfortunately, at this time, Home Depot as a whole is pushing back on any large recommendations and as such, full enclosures have been denied by corporate due to them having concerns with the market at the moment. It is a fair concern.

Dave Campbell – It sounds like this needs to come back to the Planning Commission for site plan approval, and it's probably good that we didn't try to do it tonight because I feel like I've heard enough concerns with what has been submitted that it probably would not have been approved tonight.

Chairperson Parel – I definitely agree with that. Is there some point in time between now and then where we should touch base with a few of us to have a conversation once we get the site plan.

Dave Campbell – I'm happy to do that. We can only do it with three of you.

Chairperson Parel – We want to help you guys do it and be successful here. But, if you look at the aerials I looked at today, there are some pretty clean Home Depot parking lots out there. They don't look like this.

Dave Campbell – Are there any suggestions that the Home Depot team would want to incorporate into their site plan that they haven't heard already from the six of you?

Weber – I think there were a couple of things. I give Bill credit. He made me think of a lot of things that I didn't see when I first reviewed it. It sounds like the red area has significant heartburn, not just because of where it is with other businesses, but because of the jockeying of equipment, meaning heavy equipment is going back and forth. That truly is outdoor storage that you're going to be running right through the middle of the parking lot. The other thing I think was the snow factor, and the plowing. I don't think it makes sense to have seasonal starting January 1<sup>st</sup>. I would think you would want seasonal, flower storage and your garden center outdoor storage to be more in line when people are actually buying those items, and you're not blocking the parking lots during those months full of snow.

Chairperson Parel – The neon green where they're proposing to put the equipment and trucks, is that the best place to put it? Was there a thought other than to get it away from the front of the store?

Katie Fitzgerald – Yes, just getting it out of that main traffic pattern, due to people who were not necessarily used to driving trucks, or having trailers, et cetera. We wanted to give them room to be on their own, and it's a little isolated, but also still within eye view of the front of the store.

Dave Campbell – There's a theft concern with some of that equipment, correct?

Katie Fitzgerald – Yes. And it being under a main light pole was another big reason.

Chairperson Parel – To me, it just seems like it's in the middle of the development, and I don't love that. A lot of people drive down that main street between Staples and Home Depot.

Weber – What is the issue with moving the TRC rental due south to line up with the seasonal storage area? Then you would have all of your outdoor storage devoted into one geography within the parking lot.

Katie Fitzgerald – I think that would be chaotic. I think putting the drive-through side by side to more of a contractor type of client is going to get messy. Just personal opinion from other sites we've seen.

Diana Tran – As we get suggestions from the store, and definitely traffic flow and how much we've grown since 2019, the way that our consumers shop between a normal DIYer and a professional contractor is two completely different businesses, and how fast they move, and how cognizant they are of safety as well. With heavy machinery, we were concerned about safety, so that was definitely something I voiced.

Katie Fitzgerald – That is why they were split.

Chairperson Parel – That's a good point. We're just trying to think of some options.

Katie Fitzgerald – I'm here for the comments and we appreciate it. It definitely helps us to come back with a better option.

Chairperson Parel – Apologies for making you do that, but we want to support you and we want to make sure we get it right.

Katie Fitzgerald – I would rather you support me than outright deny me.

Diana Tran – I did get a chance to write down some of the concerns that the panel definitely had. If now is an okay time, maybe I can address some of those just for some perspective. One thing that was brought up is whether or not we have taken into consideration the traffic flow and taking away from parking spaces. One of the major things we did as a store in looking at what we have as 137 associates, which did grow from 100 previous associates. On any given business day, the best perspective we can have is Memorial Weekend. It is our busiest weekend and a great snapshot for aerial views. When I took a survey of that in the past 3 years, we actually took up a maximum of 50 parking spaces from associates alone. One of the easy fixes is that we sacrificed those spots for customers, and we made that adjustment immediately upon communication from the Township. We have since moved our associates to the very back lot. We utilized those spaces closer to Staples for associate parking. We actually would be adjacent to what would be the potential outdoor storage or red area. The other concern brought up was safety. I hear you on that for driving hi-lo's, heavy lift equipment, and for moving pallets. The beautiful part of having the team that we do is that we work 24/7. Our awesome freight team is the only ones that would be touching the heavy equipment and moving or utilizing anything that would potentially be in that red area. That would be a pallet of mulch, ice, or 16-foot bundles of lumber. That is definitely a best practice that Home Depot has. In just years past, we've actually even



changed our safety culture from a 10-foot to a 20-foot radius where no customers or associates can be allowed in that area.

As far as safety concerns, Bill, you brought up some great concerns for pedestrians. As much as I would love to control them, if you have a secret, let me know. We will utilize it, absolutely. Because of that, that's where we took into consideration where we would have the driveway for the seasonal areas referenced in the purple and the pink. Those would definitely be for our springtime customers. We have the capacity for three cashiers there and two different entrances, with the possibility of three. We haven't been that busy yet to open the garden gates to three, but the gates are able to open up three lanes and entrances.

In season, we do not block it. I know it is hard to see in the aerial view because it looks like there's product in front of the entrance ways, but there actually is not. We've worked pretty closely with the fire chief to ensure that we are always maintaining those fire accessible doors. The other things we have considered as well along the front apron is making sure that we keep our self-checkout areas readily available and open and that none of our merchandise is blocking that as well. If you add all entrances together, we have three in garden alone. There's one adjacent to it that most customers use as the main entrance. There are two in the center which includes the tool rental, and then four additional doors down by the lumber end, and none of those areas are blocked in.

Propane, great question. That was another point brought up as well. As of recent, with the push from the Township, we were able to get approved automated propane machines so no longer do we have the manual cages. That actually helped us minimize our footprint from six manual 5-foot cages to now, we currently have two and two more on their way. That will minimize and go underneath an awning right by the door. It's out of the fire lane, out of the sidewalk, and definitely not in the customer's way, and also in clearance from the door as well too, to make sure we're complying with safety code. It's in use 24/7, so come get a propane tank if you need it.

As far as expanding from the dates to January. Ultimately like everybody else in the country, we had some concerns logistically with truck drivers being able to bring us enough product to supply for our customers. Covid did quite a number on us in a lot of great ways, but that was a concern we had last year that we did not have enough to fulfill for our contractors, especially our landscapers. That's definitely something we can review.

Chairperson Parel – We will be available if you need anything. I have some additional comments. You mentioned that it was difficult to get seasonal items over the last few years. I understand. My counterpoint to that would be, if you're having to secure them, store them somewhere else, in a warehouse somewhere as opposed to the parking lot. My guess is that this Commission is not going to look highly upon giving a 6-month seasonal pass for that.

The other part of it is, and Bill, I'd appreciate your thought on this, but that truck equipment area, you talked about how potentially during the wintertime that could be a particularly bad situation. What if that area, depending upon how it's screen, what if that area was to move to the seasonal area during the winter months? Does that solve any problems?

McKeever – They're going to have to propose some sort of screening. I don't know that we would necessarily require it for the vehicles.

Dave Campbell – If it's a plated and operational vehicle parked in a parking spot, then that's what a parking spot is for. But, when you're talking about trailers ...

McKeever – And pallets, and carts ...

Diana Tran – I will add to that, please keep in mind that people are not fantastic drivers. If we try to screen in any kind of rental equipment ...

McKeever – Right. I didn't have that in mind, but it's the storage of items.

Diana Tran – Okay. I'm still open to comments.

McKeever – Has anybody consulted with the fire marshal regarding the storage of lumber against the exterior of the building?

Diana Tran – Yes, we have.

McKeever – And he was fine with that?

Diana Tran – Absolutely.

Dave Campbell – That said, when site plan is submitted, the fire marshal is one of the individuals that we will ask to review it.

Weber – The only comment I have on moving it, if it is going to be allowed in its location, just keep it there so that way everybody knows.

Chairperson Parel – Just a suggestion when the snowplows are coming in.

Diana Tran – That was part of the reason for that red. We kept it as an above ground fence that can be moved for plowing.

Dave Campbell – Diana, a lot of what got us here today was discussion of the rental equipment and outdoor storage. At a corporate level, how does Home Depot determine which of their stores are going to be a rental store versus those that are not. Is it the size of the store itself?

Diana Tran – It's a couple of different factors. Store volume, or the size and sales. I'm sure there are projections as well, but of course they analyze the market in general. Also, they look at competitiveness to see if there's a lot of opportunity for rental. Around our area, there really is not, especially when it comes to our larger excavators. Briefly, someone mentioned Schafer & Sons. They do happen to be a very large contractor of ours. We have helped with a couple of their developments. A lot of times, if their machine is down, they can run right over and grab it. That had been in discussion and consideration for the past couple years, and why we have the assortment we have.

Chairperson Parel – You're talking about the assortment of vehicles and equipment in the parking lot that you're proposing to store.

Dave Campbell – Not every Home Depot has a rental, even on the interior where you can rent a tool.

Diana Tran – Correct. If you look at our store, one of the projections to consider too, and I bring up 2019 because as I took over the store, we had a lot of opportunities for growth. Commerce is growing like crazy. Corporate gave us an opportunity in 2019 to see what we could do. In 2021, we proved ourselves as the Top Regional Tool Rental Store in all of the Midwest region. Therefore, that's where we started to expand more tools.

Chairperson Parel – Do you have a percentage of how many stores in Oakland County have outdoor equipment?

Diana Tran – Roughly it's about half, if that, if you're talking about Metro Detroit, because we are so incredibly pro-saturated with that business. In general, if you're talking about the whole Midwest region, we are out of 94 stores, and it's roughly about 25% of our stores.

Chairperson Parel – And I'm sure there are some communities that just don't allow it at all.

Diana Tran – Absolutely, because they would not have a market for it.

Dave Campbell – I might look to the two of you. Is there anything you did or didn't hear that you need to know so you can revise your site plan?

Katie Fitzgerald – I think we got our initial commentary. If you do meet separately, can you please send me any further comments that you would have. I would greatly appreciate that, especially on that red area. It sounded like we had limitations on certain areas; the TRC sounds like it could be discussed. The red area concerns me as it sounds like it gave everyone heartburn. So, if we can minimize that and move it, where we would move it, if it is going to be allowed at all. I would also like to mention further that it's not meant to be utilized during the day or by clients. That is just for overflow.

Chairperson Parel – To me, that almost makes it worse.

Katie Fitzgerald – That is with us trying to clean up the back of the store and that corner.

Chairperson Parel – It's just storage in the parking lot. There's no need for it. If you had room under your roof ... but I understand. Okay.

Katie Fitzgerald – Thank you. I appreciate your time.

Diana Tran – Thank you for your time.

Chairperson Parel – Dave, obviously the next step is site plan. If that gets approved, then that other store would come before us wanting site plan approval.

Dave Campbell – In this case, they kind of let Home Depot be their guinea pig with this use determination. Now that it has been decided, then we need to have a conversation with Lowe's that they are in the same situation as Home Depot, and they need to submit a site plan. Home Depot and Lowe's understand that we are in something of a cease fire. Home Depot has been working with the Township on getting this resolved. If we can't come to a resolution, we're back to writing tickets.

Chairperson Parel – And they understand that.

Katie Fitzgerald – Yes.

Diana Tran – Yes.

Chairperson Parel – Okay, thank you ladies.

Katie Fitzgerald – Thank you.

Diana Tran – Thank you.

## **ITEM 12. COMMERCE DRIVE-IN PROPERTY – CONCEPTUAL REVIEW**

Insite Commercial on behalf of the Thomas/George Family is requesting a conceptual review of a proposed mixed use development located on the former Commerce Drive-In site, south off of Richardson Road just west of Union Lake Road.

PIN#: 17-13-400-038 & -039

Dave Campbell brought up the site on the overhead and gave a review.

Dave Campbell – This is a conceptual review for the former Commerce Drive-in site. It is approximately 17 acres on the south side of Richardson Road, bookended by Martin Road to the west and Union Lake Road to the east. Bay Pointe Golf Course is kiddie corner. The site has sat undeveloped for several years, but Mr. Thomas and his family decided that the time has come to put it into productive use. They have created a conceptual plan and they would like some initial feedback from the Planning Commission so that they know whether or not they are moving in the right direction. These are non-binding conversations. The property owner and the developer are not necessarily committing to anything. The Planning Commission is not necessarily committing to anything. It is meant to be a good faith effort for all involved to ensure that we are heading down the right path.

What is being proposed is a mix of uses, anchored by an independent living facility at the south end of the property. This would be an independent living facility in a brand that the Planning Commission is familiar with which is Clover Development. For those of you who were around a few years ago, Clover was initially looking to build this same development along the south side of Oakley Park Road, between Haggerty and Martin, across the street from the Detroit Gun Club. When they brought that proposal to the Planning Commission early in the process, there were a number of concerns with whether it was the right location for a residential land use, given its proximity to the gun club, and with industrial to the south. The Planning Commission was concerned whether that was an appropriate location.

The other concern there was the size of the property and the proposed density for the number of dwelling units within Clover's building. So, Clover pulled that proposal at the time, but now they are back and working with the Thomas family on potentially building their development within the Commerce Drive-in site. That is the H-shaped building you see here. The remainder of the property would be up to four commercial outlots along the south side of Richardson Road. I don't think any of the uses within those outlots have been defined. I think Mr. Thomas has mentioned the potential for one of them being a gas station, but I don't know that that's definitive yet.

All of the above would be accessed by two points of access along the south side of Richardson; one being the primary driveway which would effectively be the fourth leg of the existing signalized intersection of Union Lake and Richardson Road. If you picture it, it is currently a three-legged intersection, and they would be adding a fourth leg that would align with Union Lake Road.

The second point of access would be between outlots C and D. I've had conversations with Mr. Thomas on how the RCOC might treat that point of access. We're all very familiar with the traffic concerns along this stretch of Martin, Richardson and Union Lake Road, particularly in the afternoon rush hour. It's very possible that the RCOC might want to limit the operation of that driveway to only a right-in/right-out scenario. As you can imagine, left turns around 5:00pm would be challenging maneuvers.

What Mr. Thomas has envisioned in our preliminary conversations, both with him and with the representatives from Clover, is to do this as a PUD. Part of the rationale there is that you have a mix of uses between the residential and the commercial. The property is currently zoned B-2, which is community business. That is a zoning district that does not typically allow for a residential use, whether it be independent or attached, both of which are proposed here. As the Planning Commission is well aware, the PUD process provides flexibility, both from the Township's perspective, and from the developer's perspective; flexibility from the strict application of the Zoning Ordinance, with the intent being a better project than could have otherwise been achieved under the B-2 zoning. Another thing that has been discussed that may be discussed this evening, and again it comes back to traffic, as I have said to Randy a few times; all of the conversations about this property are always going to circulate around traffic. The Planning Commission may recall that about six months ago, a site plan was approved on this property along the east side of Martin Road for a medical office building. The way that site plan was developed, it left open the potential for cross-access for whatever might develop on the Commerce Drive-in property, which at that time was an unknown. The intent was for there to be cross-access, which would hopefully help both properties to have direct access onto Martin Road, and maybe minimize traffic concerns with folks coming and going to this property having to come and go via Richardson.

Mr. Thomas' concern with that, and it's understandable, is the potential for cut-through traffic. We had conversations about the design of the Clover building. Again, independent senior living, 55 and older, and it is true senior living. My understanding is that there is no commercial kitchen, and there is no restaurant on the ground floor as you often see with facilities like this. The folks who are living here are truly independent. They come and go as they please, they run their own errands and cook their own meals. It is effectively an apartment that is limited to the 55 and older market.

I know Randy provided some materials on the history of this property and some of the different concepts that he has kicked around through the years on what could be done here. The Planning Commission likely saw a concept plan that the Township worked on with the RCOC and their engineer which is Hubbel, Roth and Clark, on taking Martin

Road and swinging it through this property and to the southwest and lining it up with a big roundabout at Union Lake and Richardson, effectively creating a bypass through the property and lining it up here. We can bring up the preliminary design of how that would have laid out. The Township has discussed that with the RCOC, with Oakland County, with the State of Michigan, and even with our representatives in Washington D.C. That would be a very expensive proposition and there doesn't seem to be any entity looking to step up to fund a road improvement project such as that. As much as it seemingly makes sense and would help with what we think is a regional traffic issue of M-5 dumping all of that northbound traffic into Commerce Township and onto a network of roads that were never meant to accommodate those volumes of traffic, there doesn't seem to be a clear path forward for ever seeing that road project come to fruition. Barring that happening, Randy and his family are looking to make use of this property. I'm happy to answer any questions, and I know Randy wants to come up and speak on his own behalf.

Randy Thomas – I would like to thank everybody for taking the time to give me some thoughts and comments on this review. I'll start with background on the history. The property was acquired by the family nearly 50 years ago. My grandfather was a theater operator. It was later managed and continued by the family; my aunt and uncle, my father and my mother.

When the drive-in ceased to be in operation, they were fairly patient to see what was going to happen. We knew the location was good. Obviously, things have changed over time. We recognize that traffic is something that really needs to be thought out and dealt with when developing this site, particularly where it's at. Dave, can we go to some of the plans?

Dave Campbell – Yes.

Randy Thomas – The plans you're going to see are concept plans. Some of them fit the current zoning so you'll have an idea of what could be done. We had Kroger interested in the property at one point. That potentially could have been a whole different shopping center, which would have driven a lot more traffic I believe than what we're proposing today.

Dave Campbell – Any particular order for these plans?

Randy Thomas – Just pick them.

Dave Campbell – Golf dome site plan.

Randy Thomas – So again, this is just to give you an idea. This is a group that we were approached by. They wanted to put a golf dome that had more entertainment components to it, and then they were going to have a restaurant that was not attached to the building. We didn't get too far down the road, but we had a fair amount of discussions and we did waste some of Dave's time with that.

Back in the day, this would be a typical shopping center configuration that would fit the site. It had several different retail boxes and a series of outlots. That was 127,000 square feet.

Loskill – Isn't that last one the shopping center that's there, at the corner of Haggerty and Richardson?

Randy Thomas – No, these are all the drive-in site that you're looking at. This one had retail up front, and it had multi-family in the back. We had other concepts that we played with over time, stealing a little bit of the M-1 and making it the M-5, without the racetrack, but having the man caves in there.

We have looked at various different scenarios. The family, because there's a whole bunch of us, we will act as the master developer in this, but we're not going to actually develop the site. Our intention is to work with you from a PUD aspect, in conjunction with Clover today who has a proposal on the table, and the other uses that will appear. I don't know who they're going to be. Certainly, we will work within the parameters. I think Dave and Paula can tell you, I communicate with them on a regular basis about what's coming to the community. They know that even I have concerns about things that are brought to me before I can bring it to you.

The roadway that Dave had mentioned, which is part of the reason why we were patient, it's really what should happen on this site quite honestly. But, if you look at the study that was done, it's a cost of \$26 to \$29 million.

Dave Campbell – And that was 5 years ago, too.

Randy Thomas – Right. Just to give you a time frame, I started on that vision back with Tom Zoner. It has gone through Tom Zoner, Dave Scott, and now with Larry. Larry, are we any closer to this happening?

Supervisor Gray – No.

Randy Thomas – If you drive by the site, they just put the new signals up. I just don't foresee that happening.

Dave Campbell – I told Randy we'd name it after him if he pays for it, the Randy Thomas Parkway. He won't go for it.

Randy Thomas – Back to the site plan, Dave had mentioned the medical building that just got approved about six months ago. If it's something you want to consider for fire and safety, with a break away gate, we can work with that. But I think by creating a secondary access to the property, you'll have cars piled up on a road that had no intention for that. Under the right circumstances, we have no issues with fire and safety. There is a deep grade issue there that needs to get dealt with. That's why we really looked at the two points of ingress/egress off of Richardson. I agree with Dave that getting any left-hand turn movement out of that western point is going to be nearly impossible and unsafe. If we utilize the main drive and main intersection to get in and out of the property at the light, this ends up becoming the fourth extension of an intersection, no different than you would have at Union Lake in Commerce.

That's an overview of where we have been. I'll try to answer some of your questions if I can, before you ask them. I know one of the comments will be, *I don't like the residential*, or *I don't like the use*. I think this is probably one of the softer uses you could put on the property to manage the traffic. I got some information from Clover. The first chart shows what they have determined with their other 45 properties. This is a study that was done, and you can see by each day, those are the peak times that cars are

coming in during the AM hours, and you can look at the peak times in the PM hours. These aren't people who are jumping in their cars going to work everyday and getting into those early patterns. They're going after the peak hour, going to the doctor, taking care of their shopping, et cetera. The weekend peak is interesting; that's when family comes to visit, and they go out to dinner.

The counts are in there. How does it equate? It's a total of 364 trips generated by that facility, which would be equivalent to a 40-home subdivision. All that traffic is controlled by the light. When you look at, why this use, I think it should be considered, at least for a challenged intersection such as this. It's much lighter than any of those site plans we've looked at beforehand. If you throw an equivalent box out there, then you're talking about a big parking field and consistent traffic. From a traffic standpoint, I think that particular use makes sense.

Next is the parking ratio because these people do drive. They're not the people paying the big rent like Barrington. These are people that live in the community, average about 3.5 miles, most are single, widowed or widowers, 55 and older. They come and go as they please. There are no central services. It's an option for people who would not be attracted to Barrington, and there's nothing else out there that's readily available. This is what their market determination is for who they're attracting on the site.

They determined about 1.25 parking spaces per unit. They have average occupancy of 1.18 in each unit, so they're mostly single occupied. There are some that have two rooms. An older couple whose house is getting too much for them, it's an option for them to go to.

Dave Campbell – Randy, where it says number of units ...

Randy Thomas – This is reflective of their portfolio. The proposed project is 119 units. You're roughly talking 130 residents tops. I'm speaking on their behalf because they couldn't make it today.

Their rent is all-inclusive; cable, electric, et cetera. It's easier for seniors to just pay one single bill for their occupancy. Most residents come from a 3-5 mile radius of the property. It allows them to keep their doctors, restaurants, stores, places of worship, friends, et cetera. They're staying in the community instead of leaving. They also ascertain that it frees up existing housing stock in older communities, which pushes renovation when new people come in.

One other question that always comes up and it's a valid question; *Is this going to cause an increase on the services that the Township provides for fire, emergency, et cetera?* These people are coming from the community already. It's either that an event happens in their home, or in an area where they're more congregated.

They pay full taxes and will come to an agreement for not seeking a tax abatement for a period of time. We had that discussion with them. They don't impact the schools. Clover are owner-operators. They are long-term players.

I'm sure you're also going to ask what happens with the sign. I'm not prepared to tell you what happens with the sign. What I can tell you is that we're going to do anything and everything we can to maintain that sign. It may not be in the same spot. It may be somewhere else in the Township, but our intent is that the sign will remain part of the Township. I know it's near and dear to a lot of people and it has its own Facebook page. The plan would be to rehabilitate that and relocate it within the Township.

Dave Campbell – I was going to bring up the elevations.



Randy Thomas – Sure. The orientation from where you would see the building would be from one of these sides, and not the massive building you see up front. Those aren't necessarily the materials. As Dave says, and he will back me up, I always say, *The Board has a position; give me a really good looking building, and I could care a little bit less about what happens on the inside. Just make it look really good on the outside.*

Dave Campbell – In our discussions with them, I think they're willing and able to make adjustments to materials and facades, but I think the actual plant of the building is standard with the H-shaped building, 3-stories, 119 units. That's what they consistently build everywhere that they build it. Randy, any thoughts on the prospective users for the four outlots?

Randy Thomas – We have other sites that I've tried to get medical office in, but we haven't been able to do it. There's not a demand for any more medical office. We've looked at that. I don't think that's viable. Your traditional office is not going to be viable unless it's user driven. You'd probably looking at things normally in your B-2 uses. Maybe something service oriented, retail oriented, restaurants, et cetera.

Dave Campbell – Obviously you're involved in the Five & Main project. Is there any concern of cannibalization? We've used that word before. Is there any concern that the uses that could locate here would be uses that might otherwise be more appropriate at Five & Main?

Randy Thomas – I think the two sites are just two different animals. I don't think we'd be fighting over tenants. If anything, we'd benefit from the overflow tenants that want to be there and can't be serviced. You're assuming I'm getting out of the ground before Bruce.

Dave Campbell – As I mentioned earlier, the hope is that we can get some preliminary feedback, good, bad or indifferent, from the Planning Commission on the prospective uses, the layout, access and just a sense of whether this is a project that could get some legs under it. Again, the Planning Commission is not guaranteeing anything, nor is Mr. Thomas. This is just meant to be a good faith effort to see if things are on the right track.

**Commission Comments:**

Chairperson Parel – That's right, completely non-binding, an informal conversation. I always like to look at what is the current use allowed, so we all have an understanding of that, because we're asking for something different. My question to you would be, this is B-2.

Dave Campbell – B-2, Community Business.

Chairperson Parel – And for the record, what uses are allowable there?

Dave Campbell – As we just talked about with Home Depot, big box stores are permitted in B-2, along with most retail uses. Where you get into B-3 is more the high-intensity land uses, specifically a gas station. Gas stations are only allowed in B-3. But B-2 does allow drive-through uses as a Special Land Use. Again, because there is this mix of which uses are allowed in which districts, I think that's why Mr. Thomas is looking at this as a prospective PUD development, because there's that flexibility from the

Zoning Ordinance of what is not allowed under the underlying zoning. Speaking of gas stations, I think that's a potential for one of the outlots.

Randy Thomas – We've been approached. We wanted to get an idea here of what we can do. It certainly is something that's under consideration.

Chairperson Parel – But that would either require a variance, or that could be handled by the PUD.

Dave Campbell – It would be part of the PUD.

Chairperson Parel – Sam, any questions or comments?

Karim – Actually I'm in favor of having this residential building and the use of the site. The only problem I have is Richardson Road. It needs to be widened. Without getting into doing a project like this, right now when you go from Martin and you turn right heading east, and it's a nightmare. By doing a project like this and putting commercial building at the front on the outlots, it's going to be an even worse nightmare. Is there anyway that somehow you fund widening the roads or you do something about it as part of this project.

Randy Thomas – I've already reached out; this concept plan is at the RCOC. I wasn't able to get anything back from them at this time. I'm sure in their recommendations, they're going to want tapered lanes to come down, to provide for those cars that want to pull off. I totally agree with you, you're standing in line right there.

Dave Campbell – I'll mention too, the project will require a traffic impact study. A project of this scale certainly will. Analyzing traffic impacts is one of the requirements for a PUD. Another requirement of a PUD is a recognizable public benefit. That's where we talk about the give and take between the developer and the Township, with the outcome being a better project. If there are opportunities, any recognizable public benefit I would think, one way or another, has to revolve around the traffic concerns of this corridor. I might look to my boss; the RCOC is schedule to upgrade the signal at Richardson and Martin to a SCAT signal, now that they've made the upgrades at Richardson and Union Lake, correct?

Supervisor Gray – Yes.

Dave Campbell – So SCAT is an acronym, and the point being, the signals are coordinated with one another. With the upgraded signals, hopefully that will at least help in that those signals will now be communicating with one another and adjusting their timing based on the traffic volumes.

Karim – Is there a possibility of getting an exit through Martin through the vacant lot?

Dave Campbell – I think Randy is saying they'd be open to having an emergency connection, but he thinks having a full access connection would invite cut-through traffic.

Karim – I know what you're talking about, the possibility of people using that to go north to Union Lake, but that can be solved by having that road curved instead of straight. But this needs to be developed. I like the senior housing there. My only concern is the traffic.

Randy Thomas – We recognize that whatever gets developed here, traffic is always going to be the issue. Quite honestly, the real big issue is going north where you can't really widen the road right now.

Karim – If you solve the problem of Richardson, north would not be a problem. I live on Richardson, so I know the problem. I experience it.

Phillips – I pretty much had the same concern on the traffic pattern. I would be more in favor of having at least a third entrance/exit for the property, rather than everything on Richardson.

Chairperson Parel – Yes, I think the exit out of the south for folks continuing to head north could be interesting, but it's something the RCOC has to look at. It gets so backed up heading north on Union Lake, even if you had a green light coming out of this parcel, I don't know if the cars would have anywhere to go. But that's not an issue for right now.

Loskill – For these outlots, were you looking at access being from the internal road or from Richardson?

Randy Thomas – We want to limit the access points onto Richardson, so it's just the two points to get into the property. If you're going westbound or southbound, you're going to utilize the lighted intersection. If you're driving eastbound, on this plan, you'd have the opportunity to turn off and avoid the intersection.

Dave Campbell – You don't anticipate any of the outlots having direct access to Richardson? They'd all access the shared drives?

Randy Thomas – I don't think RCOC would agree to it. It would be too many curb cuts on a burdened road.

Loskill – Any time you give people a chance to turn left, it would just be an absolute disaster. Just a couple comments of things that I think would be helpful. It would be nice if you create a walking path from the senior building over to the shopping center on the corner of Haggerty. That would give them an opportunity to get out and do things. I noticed there are no outside amenities planned for the senior building. I don't know if that hasn't been developed yet.

Randy Thomas – This is purely concept. When and if we get to that point, we can address those details.

Loskill – Okay. My concern is the view we're going to get from Richardson Road. You're going to look at this line of garages along the building. I don't think that's a real attractive look. I'd rather see the garages on the east side of the ring road rather than on the north and south. Your building is entirely vinyl siding, which doesn't fall in line with the

Township Zoning Ordinance. There is almost no interest in this building. I would like to see some articulation going on, different materials, natural materials, and something that falls much closer in line with the Township Zoning Ordinance.

Randy Thomas – I don't think that's the building they intend. That's how it masses up. We met with Dave and both of us made it clear; the building is not going to look like that. You're going to have to dress it up with stone, brick, break up the building, et cetera. Correct me if I'm wrong, Dave, they seemed to be open to doing that.

Dave Campbell – They were.

Loskill – That's fine. I'm just looking at what you're presenting.

Dave Campbell – It reminds me of a question that came up in that meeting. They're orienting their building where their front entrance is facing westward and not northward. I feel like they had a reason for that. Do you remember? That might speak to Mr. Loskill's concern about the garages being more prominent from Richardson, whereas if the building was rotated, then the garages would seemingly be on the sides.

Randy Thomas – Part of it has to do with the original detention. The water wants to settle there naturally at the low point. But we can take a look at the different orientations.

Weber – My views haven't changed from last week. I'm not a fan of placing a 3-story, 120-unit apartment building on the property, and specifically though where that is, where it's bordering on two sides with industrial. Everything coming off Goldie right there is industrial. The thought of a gas station scares me to death. I can't think of a higher car count business. I'm struggling to see how the four-way intersection wouldn't make things substantially worse. Just knowing that intersection, as we all do, all it takes is one person to pull out there and not be able to turn, and we exacerbate the problem. In a nutshell, it's hard for me to get past the traffic. It's hard for me to get past a 120-unit, 3-story apartment building on that property.

Randy Thomas – In your opinion ...

Weber – What should go on there? Right, I knew that was coming. Obviously something that is low impact, an office building, which I know is not probably feasible in the short-term. I would think almost something TLM oriented might be a better fit, a lower impact. And something that was more destination oriented. Your golf dome concept I think would have been interesting as a place that is low traffic impact where people go to and spend a fair amount of time. It's not a churn. Also, based on some of the other senior facilities that have been built, I'm not sure I buy all of the traffic numbers. Just from what we've seen at some of the others. I don't know that we're seeing seniors camped out in their place and not going anywhere. Now, that is just anecdotal from when I'm there, so I have not seen raw data such as what Clover has provided to you.

Randy Thomas – When you say TLM, would you support more industrial buildings?

Weber – I'm looking at it purely from how to mitigate traffic on what is just the biggest disaster we have in the Township, and we don't have a solution for it. It is off the cuff, but it is less impact than what retail and apartments would be.

Randy Thomas – It's just the reality of this site. Anything you put on here is going to cause traffic. Even if we look at TLM, now we're impacting the two busiest times when people are driving to work and when they're leaving work. That's why we thought that senior living was not impacting those times as much as you're suggesting, but I'm here to listen.

Chairperson Parel – If it was just senior living, we would not be having the full conversation about high traffic impact with other businesses that would accompany that.

Dave Campbell – If we proceed with the PUD process, would there be value in having Randy develop a parallel plan of what could be developed by right on a property zoned B-2 and what the traffic generation would be for that, and compare it to the traffic generation for what's being proposed?

Weber – A comparison is always valuable, and I think we know that there's no silver bullet with this. Anything that goes there is going to have a significant impact on a lousy intersection.

Chairperson Parel – I don't know if I have much to add. I don't want to call them apartments, but to me, they feel like apartments with the senior living.

Dave Campbell – I think apartments is fair. They're age-restricted apartments.

McKeever – Is that something that comes with the PUD, the age restriction?

Dave Campbell – It certainly could, but that is Clover's business model, correct?

Randy Thomas – Right.

McKeever – I'm just wondering because we have built a lot of senior centers in the last few years. Is there the possibility would just cease being senior centers and become multi-family housing?

Chairperson Parel – Apartments?

Dave Campbell – I suppose that potential exists. If the market can't fill an age-restricted building, then maybe they repurpose it as just a general apartment. I don't know if that's happened with them before.

McKeever – I'm not picking this one out. I'm asking the question over all the other agreements that we've approved over the past few years.

Dave Campbell – I would have to give it some more thought and look at each one, their zoning and so forth.

McKeever – And should it be something that we address moving forward.

Dave Campbell – But you said it earlier, as a PUD, that could be written in the PUD agreement if everybody was agreeable, these shall be age-restricted, 55 and older is their threshold.

Randy Thomas – Correct.

McKeever – I do understand the sharing of traffic, the peak times being in between rush hours for a development like this. Other than a self-storage unit, I don't see where we could get anything that would be less traffic generated.

Chairperson Parel – I'm not sure I disagree with that. I think we gave you a little bit of direction, but what else could we give you today?

Randy Thomas – A green light. I'll take your comments back. I'll follow up with the family and the users. Honestly, I know traffic is going to be the issue and it doesn't matter. I don't know what else we could do here to make something less impactful. McKeever – And it's something that you would need to take into consideration, it does make them hard to lease. You don't want to be stuck with buildings that nobody wants to move into because they can't get to it.

Randy Thomas – Clover is fairly sophisticated in their approach. Believe it or not, they initially came to this site. We weren't able to come together to make a deal, and then they went to the 8 acres on Oakley. They made a determination, they want to be the market. They feel it's a market that they're going to get to turn on the 55 and older, and people want to stay here. And it's 119 units. It's not a thousand.

Dave Campbell – Have they provided, or have you seen what their average tenancy is? Once somebody moves in, how long do they stay?

Randy Thomas – Most of them until they pass.

Weber – They gave us that information. I remember seeing it when they were looking at the Oakley Park property.

Randy Thomas – It's one of two circumstances. They leave because they have a health issue and need more care, or they end up passing. They've told us and we represent them on other sites, full disclosure, they're a client as well. When people come in, they're 65, and in 10 years they're 75, and then 85. It's a segment they have been very successful in, and they made the determination. To answer some of your questions, and Joe, they're not opposed to doing some screening that would block some of those views. I've encouraged, and I agree, no one wants to look at carports or garages.

Loskill – I thought you could stick them behind the building.

Randy Thomas – I agree with you. Anywhere they can do screening between the other buildings, I'm sure they would want to do it as much as the Planning Commission would want them to.

Chairperson Parel – I think it's a circumstance where they're a developer who has a right to develop their land a certain way. They come to us with an option is maybe less intensive because they know of the issues. If it was just the senior living, I think it would be an easier path for us. I think when we start talking about gas stations and drive-throughs, for me it becomes a little more difficult to swallow, especially at this intersection.

Dave Campbell – I'm not asking Randy to commit to anything tonight, but again, we're talking about a PUD and negotiation, and give and take. Could some of the negotiation be restrictions on certain uses? Or limits on the number of those uses? We talked about drive-throughs; could there be a limit on the number of drive-throughs that could occupy those outlots.

Randy Thomas – We're open to discussion. I understand how the PUD works and what it's intended to do. Our intention is to put this in production, and make sure this is going to be here for a long time, it's going to be something that will serve the community and it will look good. So, I think the answer is yes, Dave.

Chairperson Parel – Is there anything else we can answer for you tonight?

Randy Thomas – No. I'm sure you'll see me again. Thank you very much. I appreciate it.

Chairperson Parel – Thank you, take care.

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

None.

**K: PLANNING DIRECTOR'S REPORT**

Dave Campbell discussed the following with the Commissioners:

- The Township Attorney drafted a Zoning Ordinance amendment that I hope is a housekeeping amendment. Mr. McKeever gave us a summary at the beginning of this meeting of the ZBA meeting that was held at the end of July. There was a variance there that would be helped by this amendment. It has to do with existing nonconforming accessory structures, and whether they can be expanded in a manner that does not increase their nonconformity. Right now, we have language in our Zoning Ordinance that allows a nonconforming dwelling to be expanded, so long as that expansion does not increase its nonconformity. However, it does not allow that same logic for accessory structures. We think that Article 39 of our Zoning Ordinance, if you read it, that's what the intent was, but it was not structured that way. You have not seen it yet as the Township Attorney just sent it to us today. You may be seeing that as part of a public hearing at the September Planning Commission meeting.
- Tomorrow night at the Township Board meeting, the Board will be seeing the same components of the Five & Main project that this Planning Commission saw at your July meeting. You heard me mention the three tracks:
  - Amending the PUD for Five & Main
  - Creating a new condominium for Five & Main
  - Amending the Commerce Towne Place condominium to accommodate Five & Main

- The Planning Commission recommended approval on all three of those tracks at their meeting last month, and the Township Board has the option to take final action on those at their meeting tomorrow night. The other thing that the developer, Mr. Aikens, will be seeking from the Board tomorrow night is an extension on his option to purchase what we call the Library parcel, which is currently owned by Commerce Township. He has had an option to purchase it for at least five years. That Library parcel would be part of the Five & Main development; specifically, that's where the hotel would land.
- Other than Home Depot potentially coming back in September, I can't think of anything else we expect to see.
- **NEXT REGULAR MEETING DATE: MONDAY, SEPTEMBER 11, 2023, AT 7:00pm.**

**L: ADJOURNMENT**

**MOTION** by Loskill, supported by Phillips, to adjourn the meeting at 9:08pm.

**MOTION CARRIED UNANIMOUSLY**

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Joe Loskill, Secretary