

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

Monday, April 3, 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
Brian Winkler, Vice Chairperson
Joe Loskill, Secretary
Bill McKeever
George Weber
Brady Phillips
Absent: Sam Karim (excused)
Also Present: Dave Campbell, Township Planning Director
Jay James, Engineer/Building Official
Jason Mayer, Township Engineer, Giffels Webster
Mark Gall, Township Fire Marshal

B. APPROVAL OF AGENDA

MOTION by Loskill, supported by Phillips, to approve the Planning Commission Regular Meeting Agenda of April 3, 2023, as presented.

MOTION CARRIED UNANIMOUSLY

C. APPROVAL OF MINUTES

MOTION by Loskill, supported by Phillips, to approve the Planning Commission Regular & Special Meeting Minutes of March 6, 2023, as written.

MOTION CARRIED UNANIMOUSLY

D. UPDATE OF ACTIVITIES

Brian Winkler – Downtown Development Authority

- The following is a summary of the March 21, 2023, DDA meeting.
- LaFontaine Automotive Group (LAG) - Update and Discussion:
 - The PUD for the project was approved by the Township Board at their March 14th meeting. They will return to the Planning Commission at their May 1st meeting for formal site plan approval.
 - Representatives from LAG presented their exterior elevations to the DDA for reference. They are also proceeding with an environmental assessment as well as soil borings.
 - The DDA granted a 60-day extension to LAG's purchase agreement to June 4th to allow enough time for LAG to present their final site plan to the PC at our May 1st meeting. A non-refundable \$10,000 deposit, to be applied to the final purchase price, was paid by LAG.
 - The DDA anticipates closing on Parcel C in June.
- Insite Commercial Report:
 - Parcel B1, Phase I - Aikens, Five & Main: The Township real estate work group meets regularly with Bruce Aikens, especially regarding the Library parcel. Bruce has hired Luke Bonner who has a very strong background in economic development.

- I'm not sure if George or Dave have anything to add about the meetings that have taken place with the Township real estate work group.

Dave Campbell – We are having meetings, every month or month and a half, with Mr. Aikens and now with Mr. Bonner. A big part of the discussion is seeking out creative financing for what he is trying to accomplish with the Five & Main project, which includes looking at opportunities at the County, State and Federal levels for funding to get that project moving.

Brian Winkler –

- Leasing activity on the retail portion of the project is good.
- The DDA still awaits confirmation of the residential partnership for the development.
- Parcels M & N (Five & Main outlots): It was noted that the locations of these outlots are to be finalized once Bruce Aikens completes the site plans for Five & Main. Some discussion took place regarding outlots and easements at the Walmart site and surrounding properties.
- Attorney's Report: Attorney Martella has been working on getting the deed recorded with the County for Parcel L, which is Guidepost Montessori on Haggerty.
- Engineer's Report: Matt Schwanitz has been assisting the DDA in replatting the southeast parcel of the Barrington development.
- Committee Reports – Public Relations, Jose Mirkin: The Walled Lake Schools art exhibition will take place at the Township Library in late May. This will be the first in-person event since 2019.

Chairperson Parel – Thank you, Brian, and thank you for handling things last month. Appreciate it.

Vice Chairperson Winkler – My pleasure.

George Weber – Township Board of Trustees

- The last Township Board meeting was on March 14th. A couple of items of note.
- We approved funding for a complete Township web redesign, which would improve the navigability, as well as incorporating the Library, which presently has its own site, all under one umbrella. We're looking at other municipalities, finding those that we think look, feel and work the best, and we identified a firm to do that. They have a lot of experience on the municipal side.
- We approved the mowing contract for 2 years for Township properties, including all parks.
- We heard presentations from two companies regarding the Lower Straits Lake aquatic weed control. We selected Dr. Doug Pullman as the scientist and biologist associated with that. So that SAD is now moving forward with finding an actual contractor to put the chemicals into the water.
- We had a good discussion regarding Tri-Party funds for our roads. Two months ago, we approved redoing the Loop Road in front of the hotels, which is in poor condition. We had a discussion that we need to be careful how we use those funds. Those are not intended for repaving County roads; that's their job. But we do know that we have areas that need to be addressed, such as the traffic signal

at Martin Road and Richardson. That needs to be upgraded to new technology. We are continuing those discussions. Including County funds, we have \$1.5 million in the account, so we are looking for high-priority, high-impact projects for that.

- We moved forward and made an approval for the Oakland County substation development, which is just outside here at 8585 PGA Drive. The latest bids were approximately \$1.7 million. That will be kicking off this summer.
- We approved the funding and kickoff for the Parks & Recreation 5-year Master Plan. Emily will be working closely with Dave to make sure that we're incorporating the Township's Master Plan into the Parks Master Plan.

Bill McKeever – Zoning Board of Appeals

- No report as the ZBA did not meet this past month.

Jason Mayer – Township Engineer

- There is some construction underway.
- The Reserve at Crystal Lake is a big project that's going on right now.
- The Benstein water main, from McCoy to Glengary, is under construction, and so is Sleeth Road. That's the water main and sanitary sewer to service the Reserve at Crystal Lake.
- Higher Ground and Zainabia Center are supposed to start soon on their utilities.

Jay James – Building Department

- Nothing to report.

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:

ITEM I1. PSP23-02 – MARTIN PROFESSIONAL CENTER

RSM Development of Birmingham MI is requesting site plan approval for the construction of a new medical office building located on the east side of Martin Rd, south of Richardson Rd. Sidwell No.: 17-13-400-062

Dave Campbell, Planning Director, gave a detailed review of the Planning Department's report. He confirmed with Fire Marshal Gall that he had covered everything relative to the fire suppression connection. There was some discussion with the architect for the project regarding the building materials. Color elevations were provided. The building materials are a mix of cast concrete panels on the three portions of the building, the three entry points, but also accenting the center windows along Martin Road. The other primary material is a brick material. Originally, they were proposing a jumbo utility brick. Based on the standards of the Zoning Ordinance, jumbo utility brick can only make up 25% of the face of any building in the TLM zoning district. The architect and the petitioner were agreeable to adjusting to traditional face brick, and that is proposed. There was discussion with Mr. Loskill regarding whether the jumbo utility brick is actually a more desirable material aesthetically.

Loskill – I was just curious as to why it was restricted. It seems it would work well in the industrial district. And a point of clarification; there are jumbo bricks and there are utility bricks. They are two different sizes. What you're looking at would probably be a standard modular brick.

Dave Campbell – That is what they amended their plans to show, to avoid seeking any deviations from the Planning Commission.

Loskill – If the owner is fine with it, I'm fine with it.

Dave Campbell – Otherwise, I'm no architect, but I would argue it's a good-looking building that is consistent with what the Township is trying to achieve with the TLM zoning district.

I did have some discussions with the engineer, Mr. Butler, about the designated loading space and parking spaces. Originally, when this driveway circulating around the proposed building was narrower, before the Fire Marshall had an opportunity to comment on it, they were proposing three parallel spaces around this area, and a loading space along the east side of the proposed building. Once they had to widen the driveway, they had to make some adjustments. Now, they're showing this area to be the loading spaces, and they removed the three parallel spaces. That is relevant because their parking count went from 42 to 39 spaces. Per our Zoning Ordinance, based on the size of the building and our parking standards for medical office, 42 spaces are required.

The Planning Commission can, and oftentimes does, deviate from a strict application of those parking standards. That would be something you would want to make a decision on tonight if the Planning Commission takes action on the site plan tonight. One, whether to deviate and allow three less parking spaces, or two, the alternative is that the Planning Commission could waive the requirement for a loading area. The project development team could speak to whether the users expected in this building really necessitate a designated loading area.

The Zoning Ordinance does require sidewalks for any new commercial development such as this. It's a Planning Commission determination of whether a sidewalk is required. In this particular area, if we go back to the aerial, there is a sidewalk along both sides of Martin Road, up to the roundabout at Oakley Park. But, north of Oakley Park, I don't know that we have any, even small sections, of sidewalk. The discussion the Planning Commission often has is whether it is logical to require this development to

put in a sidewalk that in the near term wouldn't have anything to connect to, or would it make sense for the developer to instead contribute into the Sidewalk & Pathway Fund, in an amount proportional to what this sidewalk would cost.

When we talk about the cross-access points, there would need to be reciprocal cross-access easements. The point was discussed in the letter, and brought up by the Fire Marshal, is whether it makes sense to have cross-access on the east and west sides of the existing and proposed buildings. If that were to be achieved, then a section of the driveway could be eliminated and replaced with additional greenspace. There seems to be some logic of having cross-access both to the east and west.

Phillips – Could they use any of that space to convert to parking, to get the three spaces they're short?

Dave Campbell – I'm not sure how it would lay out if they did it that way. If you have parking, you have to have a drive aisle to access that parking. There doesn't appear to be enough space to make up for those three parking spaces in that area. The idea would be to have better circulation between the buildings and then also some extra greenspace on this development.

I'll pause there to see if there are any questions for me. I know Mr. Butler is here representing the developer and he can answer questions and make a presentation on his own behalf if he so desires.

Chairperson Parel welcomed the petitioners.

Jim Butler, PEA Group, 1849 Pond Run, Auburn Hills, MI, was present to address the request, along with Brian Townsley, Tower Group, 31500 Northwestern Highway, Suite 105, Farmington Hills, MI.

Jim Butler – Thank you for having us this evening. I know Mr. Campbell gave you a lot to talk about. Related to cross-access on the site, we are certainly interested in having that. We think it promotes uniformity between developments. We certainly need to have conversations with our neighbor to the north. We have always intended, and this project was brought back in front of you back in 2015 where we did show that connection at the northwest corner. We think it's a good idea to have the secondary connection that Mr. Campbell spoke of, to the northeast. We actually can gain some parking if we do that. If we eliminate that driveway on the north, we could extend that arm of parking farther to the north.

Jim Butler approached the overhead and explained where additional parking spaces could be added.

Jim Butler – Related to the need for a loading dock, in this type of building being 10,000 square feet, we don't foresee truck traffic in this area. Typically, as you know, in office buildings you have small trucks that show up. In my office, we have FedEx, Amazon, UPS. We don't really have big deliveries, so the need for a loading zone in this area is kind of unnecessary. We can certainly add parking in there. We could do either parallel parking, as previously shown, or we could do angled parking if we need to meet that requirement.

Related to the cross-access to the east, to the drive-in site, if you review Mr. Campbell's letter, there is a great differential between there, about 8-10'. We're building a retaining wall in that area. We would certainly be open to having conversations with the adjacent owner to see where that goes. He is going to have to grant us some sort of grading easement to be able to do that. We will have the conversations, I just don't want to have that as part of our site plan conditions because it kind of ties our hands in that regard. Architecturally, related to the brick ...

Brian Townsley – I would say, just for the size and scale of the building, our preference would be to use a utility, larger brick, versus the modular brick. We're fine with modular brick if necessary. We don't want to make that a condition of approval either, if we could have that flexibility.

Jim Butler – With that, we're here to answer any other questions you have.

Commission Comments:

Winkler – I have no comments regarding this proposal.

McKeever – Everything I was wondering about was covered in Mr. Campbell's report.

Phillips – They answered my question on parking.

Loskill – Would you rather install the sidewalk or make a contribution to the Township fund? What is your preference?

Brian Townsley – We do not want to put a sidewalk. We'll contribute.

Jim Butler – In our experience, having dealt with the situation where there are no sidewalks, it just deteriorates and has no value. We'd rather pay into the fund.

Brian Townsley – We just want a nice front with landscaping and have that uninterrupted.

Loskill – I have nothing else.

Weber – I'm okay with giving the Planning Director administrative authority regarding parking, whether that is eliminating the loading zone, or the northeast cross-access. I think you have a great-looking building and I appreciate what you've put into that. The only comment I would have is that I would want to keep the modular brick at a minimum, because I think it might actually be less costly than stacked stone, because you're not having to do any mortar joints. I think that would be fine too, but I wouldn't want to see the large brick.

Chairperson Parel – I do still have a lot of questions. I'll try to go through them quickly. Regarding parking, we talked about banking a few spots in the back. Dave, can you bring up the drive lanes? We haven't finalized the parking. You have not leased this yet?

Jim Butler – No.

Chairperson Parel – Is it possible that different medical uses could have different intensities and requirements?

Brian Townsley – They certainly could. I think we will need and want as many spaces as we can. I don't think we're going to want to landbank any parking. We're shooting to get at least 43 spaces here. I think we have some good options here.

Dave Campbell – Your preference is to eliminate the loading zone and replace that with hopefully three parallel spaces?

Brian Townsley – I would say there, and with what we talked about in the northwest corner. It could be either or. We'd like to get a little bit more parking if possible.

Dave Campbell – With the northwest corner scenario, you need some cooperation with the neighbor, correct?

Brian Townsley – Yes, we'd need that easement. We'd have to have that.

Chairperson Parel – I don't think any of us have any opposition to get rid of that loading zone. I think that makes perfect sense and why waste the money, especially if you can increase your parking.

Ingress and egress from the site; mainly, I'm concerned about the left-hand turn out of the site onto Martin Road, especially during certain hours. Have we addressed that?

Dave Campbell – As far as inbound left turns, which was not your question, there's already a shared taper along the west side of Martin Road that would effectively be a passing lane for southbound traffic. As far as exiting, it's certainly a busy stretch of road. Looking at the big picture, I think that's part of why we would want there to be cross-access with whatever develops on the drive-in site. The hope is that someday, this intersection of Union Lake and Richardson Road would ultimately be a roundabout, but if not, there would be a driveway here for whatever develops on the drive-in site. As far as making an exiting left turn, you do have the advantage of having the signal at Martin and Richardson that would create some gaps within the traffic platoons.

Chairperson Parel – I know how backed up that gets in the evening.

Dave Campbell – All of us who work here at the Township Hall are very familiar with how backed up that gets in the evenings.

Chairperson Parel – Just something to think about. Dave, you talked about future plans, 5 to 15 years down the road with a potential roundabout, but at one time we saw a rendering to straighten this out and connect the roads directly.

Dave Campbell reviewed the potential re-routing of the roadways that had been discussed in the past. However, it was a very expensive proposition and so far, the Township has not found anyone who is willing and able to pay for what it would cost to do something like that. Impacts of developments on those tentative plans to re-route traffic were also discussed in relation to the drive-in site.

Chairperson Parel – The dumpster location, I don't love the view from Martin Road. If we were able to get that easement on the north end, would we consider changing the position of that dumpster?

Dave Campbell – I might have to defer to the development team. My guess is that it's easy access for the truck.

Chairperson Parel – My concern is that dumpster doors never stay closed and they always break. They're facing Martin Road and we don't really have a buffer.

Options for rotating and/or relocating the dumpster were discussed, along with the turning radius for the truck, and potential loss of parking spaces.

Chairperson Parel – Is that something that could be handled administratively as we're trying to work out some of the other small details?

Dave Campbell – I would be comfortable if you want to let me and the development team look at that.

Speaking of that, Mr. Butler, you mentioned earlier that having cross-access to the drive-in property is something you hope to do, but you don't necessarily want to commit to it. Help me understand what the concern is.

Jim Butler – We don't want it to be a condition of site plan approval. If we are never able to acquire that easement or that agreement, then we would have to come back, right?

Dave Campbell – So conditioning site plan approval on getting that easement is something you'd want to avoid?

Jim Butler – Yes. We will explore it. We will go investigate it with the Thomas family and have those discussions.

Dave Campbell – Can we condition it upon you making a good faith effort?

Jim Butler – Good faith effort is fine with me.

Loskill – I see you have a retaining wall there. What is the difference in the grade, 8'?

Jim Butler – 8-10'.

Discussion continued regarding the grade difference, the need for grading rights on the drive-in property, and costs for navigating the grade difference.

Chairperson Parel – Do we have the sign plan? Is there a monument sign?

Dave Campbell – I don't remember them showing one on the site plan. I assume they will want a freestanding sign, and some form of wall signage.

Brian Townsley – We haven't done a sign plan yet, but we intend to have a monument sign in the southwest corner, in keeping with the style of the building. I don't want to

make a condition yet of no sign on the building if it is allowed, because it just depends upon the tenants, but the plan is a monument sign.

Dave Campbell clarified the proposed area for a monument sign on the overhead. Discussions took place between Dave, Jay James and the petitioners regarding setbacks for monument signs. The new sign ordinance allows for averaging of the signs on the same side of the road, 1500-feet in either direction, to potentially allow a new sign to be placed a little bit closer.

Brian Townsley explained that they had made the southwest entry point a little bit wider, and moved the access road to the east, to have the sign in the southwest corner and avoid impeding any of the parking in front.

Dave Campbell – We don't want to reconfigure this whole site plan here this evening, just to find space for a sign.

Brian Townsley – I agree. We will meet whatever the requirements are, we're just going to have to figure that out at a later date.

Dave Campbell – Okay, let's not make any major changes tonight.

Loskill – Is there any consideration given that they are giving back part of their setback in order to extend the taper lane for the right-turn lane?

Dave Campbell – It's based on the Road Commission's planned right-of-way, which for this stretch of Martin Road is 120' or a 60' half right-of-way. That is regardless of the road improvements that they're proposing, which by the way I should have mentioned because I think it's relevant to this discussion that we're having about traffic. They are proposing to extend the existing right turn lane for northbound Martin Road, all the way to south of the Sedona Stone driveway. In addition to serving their site, it would be a significant traffic benefit to all of the commuters trying to get from northbound Martin onto east or westbound Richardson.

Chairperson Parel – At least westbound, because eastbound is probably going to be backed up.

Dave Campbell – Eastbound is really driven by the backups at the signal at Union Lake and Richardson, but you're right. I mean if nothing else, it creates an earlier separation between the northbound left and right turns.

Loskill – Us westbounders would appreciate it.

Dave Campbell – I'm one of them, so I'm being selfish.

Chairperson Parel – Any other questions or comments? Hearing none, we appreciate it. Dave, I think we're ready to vote.

Dave Campbell – I think so too. Before anyone makes a run at a motion, what I heard this evening is eliminating the designated loading zone and replacing it with parking.

Weber – Or we give administrative approval to make the determination regarding the loading zone.

Dave Campbell – How you phrase that is different than the proposed motion language on Page 7 of our review letter.

Chairperson Parel – I don't think the loading zone is a necessity.

Discussion took place regarding additional greenspace and relocation of the dumpster. Weber felt that would all be up to administrative approval.

Chairperson Parel – The question is, how do we memorialize that in this motion language?

Dave Campbell – I think you could memorialize it by saying, *A dedicated loading zone is unnecessary*, so that would be a finding and that language has not changed. Then, in #6, *Revised site plan to be submitted for administrative review and approval of the following revisions*, add a Letter C. speaking to *coordination of determining a proper location for at least three additional parking spaces*. The dumpster could be Letter D. *coordination on reorienting the dumpster to minimize the view*.

Brian Townsley – We like the idea of moving that further north anyway behind the building. It makes it more accessible to all of the tenants. I think we will come up with a good solution there if we can handle it administratively. We don't like the idea of seeing a dumpster when you first pull in either.

Dave Campbell – Can I mention one more? Staff's recommendation was to condition approval on, *Cross-access easements to be reviewed and approved, and recorded by the Township Attorney for the adjacent properties to the north (4123 Martin), east (former Commerce Drive-In site), and south (4165 Martin)*. I understand that Mr. Butler is saying that it would be tough to commit to that because they would be depending on cooperation with adjacent property owners that they can't necessarily control. If we could amend that to say, *A good faith effort toward cross-access agreements for the adjacent properties to the north, east and south*.

Jim Butler – We'd be fine with that.

Chairperson Parel – Dave, where would that be?

Dave Campbell - #5.

Chairperson Parel – Okay, so we'd have that modification on #5, the good faith effort to obtain cross-access, and #6, we would add C. and D., which are coordination of the three additional parking spaces administratively with the Planning Department, as well as reorientation of the dumpster. With that, would someone care to make a motion including those items, please?

MOTION by Loskill, supported by McKeever. that the Planning Commission **approves, with conditions,** Item PSP23-02, Martin Professional Center, the request by RSM Development of Birmingham MI for site plan approval for the construction of a new medical office building located on the east side of Martin Rd, south of Richardson Rd. Sidwell No.: 17-13-400-062

Move to approve PSP#23-02, a site plan by RSM Development for the Martin Professional Center, a 10,423 square foot medical office building upon the undeveloped 1.5-acre property along the east side of Martin Road just south of Richardson Road.

Site plan approval is based on the following finding:

1. A dedicated loading zone is not necessary based on a finding that the use does not generate regular deliveries from large vehicles.

Site plan approval is subject to the following conditions:

1. Review and approval of engineered construction plans by the Township Engineer, Fire Marshal, and Building Department;
2. Road Commission for Oakland County (RCOC) review and approval of the location and design of the driveway approach onto Martin Road and any road improvements necessary, particularly the extension of the existing northbound right-turn lane;
3. A contribution to the Township's pathway fund in lieu of the construction of an 8-foot sidewalk along the property's Martin Road frontage in an amount proportionate to the construction cost of the frontage sidewalk (approximately 300 feet);
4. Wall sign(s) and ground sign to be reviewed by the Building Department under separate permit subject to Article 30 of the Zoning Ordinance;
5. A good faith effort will be made to obtain cross-access agreements to be reviewed, approved, and recorded by the Township Attorney for the adjacent properties to the north (4123 Martin), east (former Commerce Drive-In site), and south (4165 Martin);
6. Revised site plan to be submitted for administrative review and approval with the following revisions:
 - a. Building elevations to be revised to show standard modular brick in lieu of utility/jumbo brick;
 - b. A cross-access connection to the property to the north along the east side of both the existing and proposed buildings if agreeable to both parties, and removal of the east-west circulation aisle along the north side of the proposed building with greenspace in its place;
 - c. Additional parking spaces;
 - d. Dumpster relocation out of view from Martin Road;
7. Site landscaping, street trees, and ground sign design to be coordinated to avoid landscaping obscuring the ground sign;
8. Consideration by the developer of installing fire suppression within the building during its construction in anticipation of future tenants that may require fire suppression.

Discussion –

Parel – Do you have a comment?

Brian Townsley – Our intent is to bring in the main, a fire line, into the building and then decide on suppression from there, based on the tenants, but not to suppress it initially.

Loskill – Right, future tenants that *may* require...

MOTION CARRIED UNANIMOUSLY

ITEM 12. LAKESIDE MARINE – CONCEPTUAL REVIEW

Jon Boboige of Commerce MI is requesting a conceptual review of a proposed outdoor storage area located at the existing Lakeside Marine operation at 3041 Haggerty Road. Sidwell No.: 17-24-200-017

Dave Campbell, Planning Director, gave a review of the Planning Department's report. He explained that a conceptual review is an informal discussion, and neither the petitioner nor the Planning Commission is committing to anything. He asked that the parties avoid rehashing the history of this matter, and he encouraged having a good faith discussion to determine if there is a path forward for Lakeside Marine to be able to operate in this location.

Dave elaborated on the TLM zoning district, outdoor storage as a Special Land Use, the criteria to be met and how those relate to the site. He reviewed the property on the overhead, showing a blue rectangle as a rough representation of what the Zoning Ordinance would allow on the property in terms of outdoor boat storage. It can only be in the rear yard, and only the non-required rear yard, which means it cannot be in the required setbacks to the sides and to the rear. The side setbacks are 25', and the rear setback is 35'. This is the geographic area where outdoor storage could be allowed, but only with Special Land Use approval, and only then if the storage area is screened on all four sides by a masonry wall that is intended to be the height of the material behind it, but no taller than 8'.

Dave reviewed the proposal as submitted by Lakeside, to have outdoor storage extended into the area north of the existing building, and also further north into their rear yard. They propose to screen with a masonry wall along the Haggerty side, and along the first 30' along the north side. From there, the screening would transition to a chain link fence with a fabric screen around the remaining sides of the storage area. They propose to extend storage beyond the rear yard, into what is considered the side yard of the existing building. However, it is within the Planning Commission's authority to deviate from that if they choose to.

What is notable about the masonry wall is that it is anticipated to someday be part of the structure of a future enclosed 13,000 square foot boat storage building, which would be immediately adjacent to the existing building, to take place of the outdoor storage that he hopes to have in the interim. Having a building there would effectively redefine where the rear yard is on the site. He would still be subject to the setbacks on the sides and rear, but this would allow boat storage into an area a little closer to Haggerty Road than what is currently allowed. However, the Planning Commission has to consider the possibility that this proposed building may never be built. He explained the potential future plans if this building were built, along with changes to landscaping and site circulation.

Again, this is meant to be a good faith discussion to determine if there is a path forward for Lakeside Marine to operate in this location, both in the near term with outdoor storage in an area beyond the required rear yard, and with the possibility of an enclosed indoor storage building sometime in the foreseeable future. In conclusion, the questions Dave hoped the Planning Commission would discuss this evening were:

1. Is there a path for there to be legal outdoor boat storage on this location at all?
2. Can outdoor boat storage be allowed in what is considered the side yard, north of the existing building?

3. Is the manner that they are proposing to screen the outdoor storage adequate? Specifically, screening with a masonry wall along the Haggerty roadside, but then transitioning to a fabric covered chain link fence around all of the other sides.
4. When looking at this masonry wall, that would potentially someday be part of the new building, is that the aesthetic in terms of architecture that the Planning Commission would want to see for a new 13,000 square foot building in the TLM zoning district along Haggerty Road? It's hard not to think about the building that the Planning Commission just approved, also in the TLM district, along Martin Road, and consider how that would compare to any other building, for Lakeside Marine or for anyone else.

If Lakeside Marine hears from the Planning Commission that there is a path forward for their Special Land Use for outdoor storage, in any location on the site, then they would have to come back and a public hearing would be held for that Special Land Use. In the meantime, Lakeside Marine is continuing to operate outside of compliance with the Zoning Ordinance. Mr. Boboige is here this evening, along with his attorney and his architect.

Chairperson Parel – Dave, just to clarify, are they currently operating outside of the ordinance?

Dave Campbell – They are, because there is outdoor boat storage currently on the site. As we've discussed at prior meetings, and specifically in October, outdoor boat storage has never been approved on this property.

Phillips – Aren't there other storage facilities along Haggerty Road?

Dave Campbell – Yes.

Phillips – Are they in full compliance? Do they have any variances?

Dave Campbell – The most notable ones are the two facilities owned and operated by Wilson Marine. For their northerly facility, Wilson Marine did come to this Planning Commission, which was before your time, Mr. Phillips. They got Special Land Use for their outdoor storage at the facility closer to Richardson Road. I think Mr. James can attest from his days when he was in charge of code enforcement, that Wilson Marine is no stranger to our code enforcement activities as well, particularly with the other two southerly locations. And Jay, I think particularly with displaying boats for sale out along Haggerty Road when they know that is not something that is permitted. They put boats out and they put a for sale sign on them until such time that the boat is sold or the Township comes and tells them to move it.

Phillips – Okay, I'm just wondering if we need to be consistent with similar uses.

Dave Campbell – It's tough to make an apples-to-apples comparison in a lot of ways. With Wilson's, part of the reason it's tough is because they existed when these properties along Haggerty Road were zoned industrial and outdoor storage was permitted under industrial zoning. I promised I wasn't going to retry this case with

Lakeside Marine, but you're baiting me into doing it. Lakeside was initially a tenant and it's my understanding that they now own it. The distinction with Lakeside is that when they took control of this property, it was zoned Office Research, which did not allow for any outdoor storage. Then, some of you will remember that in 2016, we transitioned from Office Research to the TLM zoning district, which allows for limited outdoor storage. When I say limited, I mean only in the rear yard, only with an 8' masonry wall. Neither during the property's time as zoned OR or as TLM was Lakeside Marine ever granted approval for outdoor storage. That is the key distinction if you try to compare them with Wilson Marine.

Phillips – And indoor storage is fine?

Dave Campbell – It would have to be within an enclosed building. If we consider that to be warehousing, then warehousing is a Special Land Use in TLM. That would be something that we would make a determination on, if and when Lakeside comes back with the 13,000 square foot building.

Phillips – Thanks.

Chairperson Parel – I would welcome the petitioner up if you'd like to speak on the matter.

Jon Boboige, owner of Lakeside Marine at 3041 Haggerty Road, Commerce Township, was present along with Attorney Dominic Silvestri, 37911 W. 12 Mile Road, Farmington Hills, and Architect Joe Novitsky, 3856 12 Mile Road, Berkley.

Dominic Silvestri – We appreciate the opportunity you have allowed us here, to have a dialogue. We also appreciate Mr. Campbell's ability to sit down with us to review everything. Obviously, we don't want to rehash the past. Mr. Boboige wants to move forward with not only enhancing his building and aesthetically improving what has been neglected for years, but also remain in full compliance with the ordinances as is. Obviously, there were decisions and choices made, and with every choice that's made there's a consequence and we have to deal with those consequences. My client would like to move forward with the proper choices, the proper consequences that are consistent with the ordinance.

Hopefully everybody has had a chance to read the letter of intent that I prepared. My goal here is simply to help him navigate an area that he is very unfamiliar with. He's a young man, a young business owner. He finally purchased the building and he's trying to grow a business. It's not that far-fetched to acknowledge that there has been an explosion in the boat ownership industry over the last few years. Whatever covid did, people wanted boats. There's clearly a need for the type of business and services that Mr. Boboige and his company offer, and he's trying to satisfy that niche and those needs. In an effort to do so though, in a very professional and business-like manner, he understands that he has to improve that building. I don't think boat owners want to go someplace that's half rundown, half falling apart and is constantly in trouble with the Township. There are multiple goals that we're trying to accomplish here.

Mr. Boboige has two major goals, and within those goals they filter down into smaller goals. The short-term goal is to establish an area where he can permissively store boats. Right now, he acknowledges that he is not in compliance. He has had to

scramble, and unfortunately he made a choice and there's a consequence to that. He is now spending significant sums to store a lot of boats offsite, and that's revenue that really could be put back into his business and back into this community. By allowing him to use that area north of the building, that revenue stream would then not only satisfy or help him grow his business to make the improvements that he needs, but also long-term, allow him to make the improvements so that a lot of that storage that most people don't want to see outdoors, he can now bring that inside. On a 3 to 5-year plan, the revenue that would be generated without having to pay almost \$50,000 a year for remote storage, on top of the expenses that he has, that would greatly go to help reach that long-term goal that he has of ultimately building a building and using that for indoor storage.

Mr. Campbell is correct. You have no guarantee of knowing if that building will ever be built. But I think Mr. Boboige will tell you, the chances of that happening are significantly increased if he is allowed to use that entire north part of the property. As it stands right now with the Special Land Use, he would only be allowed to use the rear of it. That envelope or footprint is pretty substantially limiting to what he is hoping to do here in order to grow his business. The first area of concern that we'd love to hear some feedback on is whether that's a possibility, because that will really dictate the decisions and choices that are made down the road.

There is also a second ask, and part of that is the masonry wall surrounding all of that. What Mr. Boboige is really proposing right now is doing an 8' masonry wall along Haggerty on the east side of the property, and then an additional 30' to the west along the north side. That combination would effectively prevent any view of boat storage from Haggerty Road depending on what direction you're coming from. Beyond that, as a cost savings measure, Mr. Boboige is asking if it's possible to do an 8' chain link fence with privacy mesh, continuing along the north and west side. I believe that would still provide the privacy that the Township is looking for as part of the purpose and intent behind the ordinance, but at the same time it would be consistent with other businesses in the area, especially as this board has noted, Wilson Marine. It is a material that they used as well, which has been approved by the Township. Obviously this board has to make an individual determination. They're not bound by prior precedent, but as Mr. Phillips indicated, let's try to be consistent here as much as possible.

One of the other issues that Mr. Campbell raised is, what about the south property line? There's nothing proposed as far as a privacy fence along the south property line. I think the difficulty with having a fence along there is primarily that shared driveway with the neighbor to the south, the granite shop. To the extent that a privacy fence is going to be required along that property line, he's basically then going to minimize the amount of driveway that his neighbor can utilize, and I don't think Mr. Boboige or his neighbor would care for that. There is a concern about screening, but I think by that point because of how far back the drive goes, I'm not sure that's a concern from Haggerty Road.

There is also the material being proposed for the masonry wall along the east side, and the potential that it could be used in the future as the front wall or façade of any new proposed building. These are preliminary plans and part of why we wanted to have this dialogue today is to get some feedback. This is not something that Mr. Boboige is married to, but in order for him to make a final decision, he'd love to have some feedback.

Joe Novitsky – Jon, talk about the three dimensional staging of your events. With the 8' wall, it would be a single stage at this point along the north side of the building. With the building, it would allow two or three levels of boats. That won't happen at this stage. We're asking to make enough money with the single screened level of boat storage at this point, on a property that, if there was a building there, otherwise would be legal. If the building was 12' wide, it would be legal. We're looking for a little help here.

Jon Boboige – I would have to agree. Dave did an excellent job explaining it to you guys, and Dominic as well. My sole purpose is to get some feedback on this. I really need some help on that north side of the property. That is imperative to my business and to my goals. Currently, we're working along the south side of the building and we're working in the rear of the building. From the overhead, all of those trees have been removed. It's just a large dirt area. During the time we had the trees cleared, I have not been storing on that new property.

We did go through litigation. We were fined for the boats there. I did remove all of those as soon as I possibly could. I had to scramble to find another lot. It did cost me a large, lump sum of money. I had to move those boats to stay in compliance, and then we were notified that even the existing property behind my building is also in violation. That was just a gut punch to me as far as the ordinance, considering the consistency of storage north of my building to Richardson Road, and in the Commerce area.

As Dave mentioned, yes there was some Special Land Use through Wilson Marine. I actually worked out of that building 15 years ago. It transitioned to Rayner's Sprinklers, and a fellow colleague of mine that was in the boat business tried to store some boats on that property years back. They were actually denied. They were stored there for two years and then once the zoning had changed, they were no longer allowed to store there. I know Wilson Marine moved in afterwards, and then all of the sudden boats started showing up there. That drew my eyebrows raised to say, hey, how did they get approved, but yet I'm in violation.

Back to the building to the south of them, which is close to Oakley Park on the corner. They have storage surrounding their facility, on north/south side buildings, and also they put the boats out for sale in front. I actually passed them on the way here today. They have two boats in there on their Haggerty front, not that it's my concern. My concern is my property and for me to point fingers, it doesn't do me any good. I understand that. I need some reprieve or some type of feedback on transitioning my service area to that north side of the building and where those 10 boats are, I could literally have 10 service boats there at a time. I know you guys consider anything over 24 hours as storage. That's what hurts me the most because I'd like to work in that area. If I moved my service area to that north side of the facility, it would remove all the traffic between the granite shop and mine. Right now, we work around that south side, so I have boats parallel along that side of the building, and the customer comes in and drops a boat, and now I'm in violation of the fire lane. I have to have somebody move the boat that was dropped off, and we have to try to pull the boat to the rear side of the building. I never had that ability where the open area was. Now that it's open, I would love to use it so I can actually not be as congested and I could work efficiently and more effectively, and not have to hire somebody to sit on a tractor for 6 hours a day and shuffle boats around so I can stay in compliance.

Dave made a good faith comment to me, asking me to promise not to put any more boats out there with Home Depot for sale signs. In all honesty, I don't have a problem with that if I could use some of my property. I know that I haven't been the best in the

past, and I thank you for trying to look forward, but as you can see I'm more than serious. I had to get an attorney. I got an architect. I'm doing my best to make the steps. I want to work with you. I'm easygoing. I'm not looking for anything completely out of the ordinary. I just want to work with you if you have some stipulations, I'm open for it. That's what I have to say I guess.

Commission Comments:

Chairperson Parel – Okay, we appreciate it. Thank you to all three of you for coming out. As Dave mentioned, the conversation that we're having tonight is completely nonbinding, and that works two ways. We'll try to see if we can help you out and give you direction one way or another.

I'll start the conversation. Dave, I do agree that your approach that you took in your letter is a decent one. It's probably a creative way to set the past behind us and try to move forward. I think the property looks terrible right now with the trees down. I think it's an eyesore for the Township and we have to get a resolution there.

That said, and I don't want to revisit this, but I personally don't believe what you mentioned earlier. Last time you came in here, you promised you would not put any more boats out there. I had a history lesson given to me prior to that meeting from our Township officials. I think George and I said let's give this gentleman an opportunity to come in front of us, and regardless of what we're hearing from the Township, let's just hear him out. We did that, and contrary to what you just said, you made a commitment to us that you weren't going to put any more boats out there. Then I believe within days, or minutes, more boats were out there. Additional boats were added to the north side of that building and it turned into a situation that was not good for anybody. The lawyers were involved and it's not a good thing.

I think we have to decide on a path forward. I think what you're asking us to do is to look at this as a brand new applicant and see how we would address it. Could we make this work for them? Personally, I don't think we would approve it that way. I think what's being asked of us this evening is for us to make a decision to clean that up in a manner that is not consistent with the ordinances of this Township, just for the sake of cleaning it up to make it look good.

That's my opinion. There are six members here tonight. We'll go down the line and get everybody's opinions. Dave, anything I said that's not true or that you disagree with?

Dave Campbell – Forgive me if I'm repeating this, the baseline question is, can Special Land Use approval for outdoor storage in any form be approved on this property? If yes, then the second question is, can it be approved in areas outside of what the TLM zoning district would typically allow? Which again is anything outside of the rear yard. So specifically, can it be allowed in this area, north of the existing building? Those aren't questions that can be answered officially and definitively this evening, because this is meant to be a nonbinding, productive conversation. I think it's fair to the owner and to the Township staff to hear what the Planning Commission might be inclined to agree to if a Special Land Use application were to be officially submitted and we held a public hearing.

Dominic Silvestri – As the board members are giving their opinions, obviously I'm going to have some questions. Would you prefer that we wait until the end?

Chairperson Parel – No, it's a conversation. I'm good with open dialogue.

Dominic Silvestri – One of the conditions that Mr. Campbell raised is a valid one. Is this something that this Planning Commission would have an opinion on, whether outdoor storage would even be viable? I guess from there, if the answer is yes, the next question is, to what extent? Right now, we are governed by the existing building; however, if Mr. Boboige were to simply build a 10x10' addition to the north of the existing building, well now that rear yard is redefined and technically, he would be allowed to use that entire north side of the existing building, because now it is considered behind. It's something to consider here. It's not this board's duty to clean up this mess. We acknowledge, it's our duty, it's our job. We're just looking for some guidance here and feedback so that we can make the best decision possible.

Dave Campbell – Just to be clear, if you were to build that hypothetical addition to the building, he would still need Special Land Use approval for the outdoor storage behind that building.

Dominic Silvestri – Correct, but now the rear yard would obviously change.

Dave Campbell – It would redefine the rear yard.

Dominic Silvestri – Mr. Parel, if there could be outdoor storage permitted, where then would that line be for you, if you had to take a position on it? Your answer could be, *I don't know right now*. That's fair too, I just want to engage in dialogue.

Chairperson Parel – We've got to talk this through. I just have to get past a few things and we have to consider some of the history here, even though Dave is trying to get us to avoid that.

Joe Novitsky – I may add, it's hard for me not to look at the surrounds and understand this is an isolated island. It's not. As an architect, looking at many communities, I'm looking at what's around us and trying to be like our neighbors and good neighbors. It's hard not to look backwards or sideways. I appreciate the whole fresh eyes look, and if we look with fresh eyes from top to bottom, we might find a middle. I'm hoping that we can.

Chairperson Parel – George, I would look to you. I'm guessing you have some comments on this.

Weber – I do, and I have a question, Dave. Can Special Land Use be time-bound? Mr. Boboige, where I'm going with this is, in your documents you say within 5 years you plan on building the building. I know we can't agree on whether that's going to happen or not, but can we make Special Land Use for a term, or conditioned upon a 13,000 square foot building being built within 5 years?

Dave Campbell – It's a question that I want to consult with my Township Attorney on. I think it's a viable concept.

Joe Novitsky – Special use and seasonal sales, we do that all the time for various different things. Temporary permits that are actually timed relative to seasonal, fireworks, Christmas trees.

Weber – No, this is a completely different concept.

Joe Novitsky – Well, it's a temporal permit.

Weber – We're not giving a permit.

Dave Campbell – Let me look into that. If it helps this conversation tonight, let's assume we could do it.

Weber – That's one question, and I'm not going to rehash because I was pretty fired up after the October meeting. You state that you're going to comply with all applicable ordinances. So even if we were to provide this, the limit for the height of storage is 8'. A wake boat on a trailer is 11'. A pontoon boat, if you've tented it, one that is shrink-wrapped, is 10' if it's on a trailer.

Jon Boboige – If it's on a trailer. The wake board towers are collapsible. That is also something that could collapse to lessen ...

Weber – Not all of them are collapsible, but okay. I'm just saying ... Unfortunately, you have a credibility problem, so when you say these things, I have a hard time taking what you're saying and going with it. I'll cut to the chase. I think there can be ways that we can have outdoor storage in the TLM area. The only way that I would vote for this would be if you have your 8' wall, and it's time-bound on the Special Land Use, contingent upon you building the building, something similar to what you've shared with us. The masonry wall on the north side goes at least 25% of the way down the property line, or roughly just over 100' and it's 8' high. And, I don't trust that things stored there won't be taller than 8', so you plant arborvitaes every 4' along the perimeter of the north and eastbound side.

Jon Boboige – On the exterior wall, you're saying have arborvitaes every 4' surrounding the block wall?

Weber – Yes, and arborvitaes that would start at 8' going in, and would grow to at least 12'. There's a million species of arborvitaes.

Chairperson Parel – I guess with that, George, I think it's a good kickoff point, but even though the trees may grow to 12', the requirement is still there that storage remains under 8'?

Weber – Yes.

Chairperson Parel – Jay, what's the penalty?

Jay James – It's a civil infraction. It's a municipal ticket.

Dave Campbell – So Mr. Weber, from what you just said, one key difference would be extending this 30' portion of the masonry wall to something closer to 100'.

Weber – 25% of the property line.

Dave Campbell – I think we saw the depth of the property is 430', so a little over 100'.

Weber – And then beyond that would be the chain link fence with screening.

Dave Campbell – And the arborvitae, 8' at planting, every 4' along the Haggerty Road portion of the wall and along the north portion of the wall?

Weber – Yes, and unfortunately, if he hadn't clearcut the trees, like we asked him not to do, that probably would not be required because he would have trees as screening there. Now that it's clearcut, it is a clear line of sight all the way to the back of the property line as you come down southbound Haggerty. It's all open and it looks horrible as you know.

Dominic Silvestri – Just for clarification then, along the north property line, once the 30' masonry wall would end and the 8' chain link privacy begins, the arborvitae would then be on the outside of that as well?

Weber – Yes, arborvitae going down the perimeter to the west property line. I'm not concerned on the south. I don't know what the answer is, but there needs to be some kind of a solution for screening on the south side. I understand it from a business aspect. I think there's probably a creative way to do that where you can still have access to it, but if you're heading northbound, you can still see back down in there. We do want to see businesses succeed, we're just very frustrated with what has been going on for 10 years. Those would be my comments.

Joe Novitsky – Thank you. I want to make one clarification. I heard a discrepancy between counsel and your comment. I heard that you wanted 100' or 25% of the length of the property. The building proposed is about 116' deep. I would say we'd put the two building walls up at that.

Weber – 116' is close enough to 25%.

Joe Novitsky – That's what I'm saying because counsel ... We first offered 30', and I'm hearing that's not acceptable.

Weber – Correct.

Joe Novitsky – So the two walls of the building, the north and the east sides, would be proposed. We build these buildings often, and we put those masonry walls up because ...

McKeever – We're not, in any way, indicating that we would approve the building tonight along the frontage of Haggerty. I don't want there to be any inference that because we agreed to this plan for a block wall, that it becomes part of the building that I don't know that I would be in favor of fronting Haggerty Road.

Joe Novitsky – Well, we're offering a custom made ...

[Crosstalk inaudible 8:37pm]

McKeever – ... more than I'm willing to.

Joe Novitsky – Okay, this is a very expensive wall. If we use it now to satisfy the intent and the whole hope of screening, and then can use it toward a building envelope, we all win.

McKeever – I'm not the one that made this process difficult. Your client made this process difficult. I'm just saying, I just don't want there to be any misunderstandings because it seems like we said one thing, and other things were heard. I don't want any misunderstandings that we're approving any type of building, or even giving you any indication that you would be approved for storage in that yard. This is just informal.

Joe Novitsky – That's correct.

Dominic Silvestri – Mr. McKeever, your position has been made very clear. Obviously, before any intention to use that masonry wall as part of a building, we would still have to come back and get special approval anyway.

McKeever – I just want to be totally clear and I want you to know my position.

Dominic Silvestri – You're clear.

Dave Campbell – Mr. Weber, to your earlier question, I think you were suggesting putting some sort of a 5-year shot clock on that building coming to fruition.

Weber – Getting some kind of site plan approval for a building.

Dave Campbell – In a sense, you are, in some manner, approving a building. You're requiring that the building be constructed, if we do the 5-year shot clock.

Weber – Yes.

Dominic Silvestri – I think Mr. Campbell's point, at least with me, is well taken. On the one hand, there can't be any implication or possible idea that a building could be approved, but by putting the time constraint on that, a building must be built by a certain period, Dave, correct me if I'm wrong, it's almost going back to that. That implies that a building would be approved in order for it to be built at some point, unless I'm misunderstanding. It's setting up a dichotomy.

Weber – If somebody else came to us and wanted to redevelop that property, is there a reason we wouldn't approve a new building?

McKeever – If it didn't meet our ordinance.

Weber – A building that met our ordinance.

McKeever – If they were to propose something that meets all the ordinances, then I don't see any reason why we wouldn't.

Chairperson Parel – But that doesn't?

McKeever – No.

Weber – The building could meet the ordinances.

McKeever – The building could.

Weber – It's the storage behind the building in this case.

Chairperson Parel – Correct me if I'm wrong, if we're calling this warehouse, would this building meet our current ordinance?

Jon Boboige – We haven't even submitted anything yet.

McKeever – And that's what I didn't want to get into.

Joe Novitsky – This is a really good discussion.

Loskill – I don't see how the new building ties into the existing building, or the existing building ties into the new. They look completely different. I would like to see a cohesive architectural statement.

Joe Novitsky – I agree with you. This is just a fast blush for discussion. What Jon has asked us to consider, because of the fact that we can't put stuff outside for sale, he has asked already, can we put a 20' or 16' showroom out front, in front of the barn if you will? The butler building ... It wouldn't be a butler building, but the volume that stores the boats. I said sure, so that would meet the ordinance in terms of materials and image that you're looking for. I think it could meet your intended comment here.

Weber – Let's go back to Bill.

McKeever – My concern is like yours, that this is proposed to move forward and evolve into a building, and 20 years from now, we've got a blocked-in storage yard that looks to be in similar condition as everything is now.

Weber – Can you build something similar to this, a warehouse type structure in the TLM?

Dave Campbell – You can. It has to meet the building design, materials, architectural standards of the TLM zoning district. I don't want to get too far into the weeds on the architecture of this building, but it might be relevant to what the material is for this masonry wall. If it's a split-faced block, there are maximums for how much of any building face in TLM can be made out of split-faced block.

Weber – Which is 25%.

Dave Campbell – That sounds right. If you look at this building, and that masonry wall that will someday be part of that building, if this is meant to be split-faced block, and it

turns out to be more than 25% of this future building, then that might be an issue. My point is, this masonry material that this wall is made out of, we better all make sure that it's a material that could ultimately be part of a building that complies with the Zoning Ordinance.

Loskill – Right, and one thing I'd like to see is what that end result would be rather than just leaving that in the future.

Joe Novitsky – I agree.

Weber – I think that's a good point, having me take a step back with what Bill and Joe have said. I think before we could get more definitive, we'd need to see a true site plan and an elevation of what this is going to look like, and without deviation, that meets the present requirements within the ordinance.

Dominic Silvestri – If then the decision to move forward with that Special Land Use would be based on that proposed design, then I also don't want to put this board in a position where it's basing its decision on a proposed design that may not be approved. It gives the appearance then on one hand ...

Weber – But you can control that if you meet all the requirements in the ordinance.

Dominic Silvestri – Sure, but if a certain design elevation is what's being considered as part of the proposal for Special Land Use then, what if say in the future, 5 years down the road, that's not something that perhaps is still desirable, that style.

Weber – I'm sure our Township Attorney is going to reign over everything I've said, as he probably should. I'm interested in a path forward, but I'm skeptical.

Dominic Silvestri – Okay, I'm hearing that you would like to see something, whether that is the final product or not, as long as it's something that shows that it's compliant with the ordinance, compliant with the maximum coverage percentages that are under the ordinance. As long as there is something that is being shown, in order for you to make at least some determination as to the storage issue, am I understanding that correctly?

Weber – From my standpoint, we have two architects sitting on the board here, and I might defer to them on how accurate the elevation needs to be.

Chairperson Parel – Thanks, George. I think it's smart to have that conversation regarding building materials, but my questions were more tied around things like the height of the building.

Dave Campbell – It's 27' to the midpoint of the peak, and 35' is our maximum in TLM.

Chairperson Parel – It is, okay. That's good.

Jon Boboige – And again though, that's not an accurate description. It very well could be 35' at the peak.

Chairperson Parel – We totally understand. That looks like it has metal siding, and we obviously wouldn't allow that.

Dave Campbell – Since our Fire Marshal is still here, am I correct in my assumption that an enclosed boat storage building would need to be fire suppressed?

Mark Gall – Yes.

Jon Boboige – 12,000 feet and under is the requirement, right?

Mark Gall – If you add that building next to it, that's going to be included.

Jon Boboige – And you have to have the special R-rated wall? The special fire wall on that side?

Mark Gall – [Inaudible 8:46pm].

Jon Boboige – And if it was under 12,000 square feet, from my assumption, it doesn't need to be suppressed if it meets the required R-ratings.

Mark Gall – I'd have to look.

Joe Novitsky – If I may, I have, and he's close. We could have separate facilities there. You only need one door, and it could be a rated door. [Inaudible 8:46pm] If fire suppression is required, Table 506 is pretty clear.

Mark Gall – It's really hard to do without a plan.

Joe Novitsky – You'll have a legitimate plan and a code proof plan.

Dave Campbell – It's probably not something that we need to burden anyone with this evening as to whether or not the building needs to be fire suppressed.

Chairperson Parel – Dave, you made a comment earlier regarding warehousing and how that fits into this zoning. Is it different?

Dave Campbell – On the screen are the Special Land Uses in the TLM zoning district. As you can see, warehouse wholesale establishments within a wholly enclosed building are a Special Land Use. For those of you who were on the Planning Commission, we went through this back when we had Uncle Buck's, the party rental guy. He wanted to build a new building in TLM and most of the building was going to be a warehouse for all his party supplies. He had to get Special Land Use approval for the warehouse component.

Chairperson Parel – So if we went through with this, we would need Special Land Use.

Dave Campbell – I get the impression that these gentlemen might want to argue over whether storing a boat for a winter meets the definition of warehousing, and I suppose we could have that discussion.

Joe Novitsky – It would be nice to know the answer.

Weber – Warehousing versus ... what's the other alternative? Indoor storage?

Jon Boboige – Seasonal storage.

Loskill – Any way you slice that, it's still warehousing.

Chairperson Parel – How does that change things? We need Special Land Use anyway.

Jon Boboige – For everything, the building, the storage, the yard.

Dave Campbell – To Mr. Weber's 5-year shot clock concept, you'd be tying one Special Land Use's approval upon approval and construction of another Special Land Use.

Jon Boboige – I feel like this conversation has really focused and shifted on this indoor storage facility, which wasn't my main priority for today. My main priority is now, and the noncompliance and compliance, firing you guys up after the meeting because the boats are on the property. Our season is right around the corner. I'm starting my first deliveries April 10th, and boats are going to start firing through my shop. We're going to be using that side of the building – not the new side. I swore an oath I wouldn't put another boat on that new dirt from where the trees were removed. There haven't been boats on there since I found the new lot. I do have that lot for my overflow. Before when I was at that meeting, I had no place to put anything, so everything was just crammed into that small area.

When you say additional stuff was coming and going, frankly, I could have had a boat on the roof at that point. I was exploding at the seams, and there was no property local. I'm looking at Pontiac, down 59 in Waterford, I was looking everywhere. I reached out to every contact I had. It took all of 21 citations, 3 citations per day, these guys coming by regularly, ticketing me, as boats were slowly moving off. I said, "Hey, can you cut me some slack? You can see that there's less boats." "Sorry, I'm doing my job." I didn't cause a fuss. I sat there and I took it. It turned into a point where I had to hire Dominic. At that point, it was out of my control. You guys didn't think I was serious. It got real serious and it cost me a ton of money and it sucks. Excuse my language. It put me in a really bad spot. It cut into a ton of my equity and my savings to put toward my new renovations.

I want to back up and not focus on this facility, although you are really focused on it. Yes, it is a goal of mine. Of course I want to be able to store boats inside. My indoor storage facility, the old Pella windows warehouse, I'm losing that. It has been under construction and it's going to be torn down any year. I've literally lost a significant amount of indoor storage already. I need to focus on now.

Weber – Dominic asked the question, would we approve outdoor storage in the TLM. And I said, the only way that I would be willing to move forward with that is if there is in fact a building going to be built with it. If you were to come in and say, "I want to keep what I've got, and I'm going to build a wall around it." I would say, no. Just to cut to the chase.

Jon Boboige – Okay, sure.

Phillips – I do focus on the building. I'll go back to my earlier comment. What could we accommodate if we applied equally what we do with Wilson Marine? How do they get past the 8' height limitation?

Weber – In their area, in the new portion to the west, we required the arborvitae. I can't remember everything we went through with that.

Phillips – Okay, but we found a solution for that.

Dave Campbell – They are legal nonconforming. They have a protection that Lakeside Marine has never had. The arborvitae and some of the things that Mr. Weber is speaking to were the outcome of when they expanded upon the storage area into what we call the panhandle. Once they did that expansion, they were expanding the nonconformity, and that's where they had to meet Special Land Use approval just for that panhandle area. That's the key difference.

Phillips – Okay. I guess, George, I'm not comfortable with a time clock to put a building in. It seems to me the only way you're going to be able to fully utilize that property is to put a building in first, which my guess is financially that's a problem. So this is really a financial issue.

Jon Boboige – And it potentially becomes one if that's the case. That's what I discussed with Dominic is the city is forcing me to put up a \$2.5 million facility just to allow me to store some boats on my property. You're right, it's going to be a financial situation at that point.

Joe Novitsky – Jon, is it possible in your mind to put that showroom out front? An unheated showroom.

Jon Boboige – Well, now that you guys are focused on the facility, since it becomes a financial situation, I would not put up that indoor storage facility. I would put up something in compliance that perhaps had a glass frontage as the Lafontaine that you guys mentioned, that is some kind of showroom where I could stage boats I have for sale. Then I would apply for the use to store behind there, and I would not put a 3 to 5-year plan on what happens afterward. I would just go with the flow until financially I felt comfortable to build the storage facility on that property. It would change drastically. I would just build something that would meet the requirements and still help me. Correct me if I'm wrong.

Joe Novitsky – Keep going, you're clarifying ...

Jon Boboige – That's where I'm at.

Phillips – I think you need to look at alternatives. I don't have that much experience with you, but I've heard from everybody else, and I've got very little confidence that the warehouse ends up on that property if we don't give it some type of timeline.

Jon Boboige – But we're looking past that, right guys?

Phillips – We're trying, but if there's a different solution that you can accommodate a building now, and better utilize the property, and it meets all of our additional requirements, I would look at that route rather than say someday we think we might do something.

Dominic Silvestri – Short of building a building first, is there a distance then that you would consider to allow the outdoor storage into that north side yard, rather than ...

Phillips – I would want to discuss it with this group. I'm kind of fresh, and that's why I keep looking for the comparison with Wilson Marine.

Dominic Silvestri – Especially with the height issue too. I'm sure they have the height issues that have to be considered.

Phillips – By the way, I'm pleased that you found a solution for storage over the winter.

Jon Boboige – Yes, thank you. It was very difficult. I need to focus on the now factor now that I'm going to start working. I guess, can we ... I don't want to have to apply for two Special Land Uses, or something to utilize at least even the rear yard of what would be proposed to be allowed with the setbacks and stuff, I don't want this property to sit as a dirt hole for another year. From where this conversation is going, it's sounding like that's what's going to happen. That's going to cut back on a lot of things for me. I still plan on having the building painted and that side cleared up because it's absolutely disgusting. It's already in the works. The giant funnel that was over there, if you haven't noticed, it has been torn down and hauled away. I'm working on everything I can. I have the painter in place. The weather is not there. It wasn't my first thing to do. That's why I'm here now. I need to know what I need to put my finances toward now. Am I going to put it toward the storage yard and the grading of the lot? Do I need to sign a long-term deal with another storage lot, because I have no other place to put my boats? I don't want the attorney sending another letter, and now I'm back in court again during the heat of my season, and I'm wasting my day sitting in court, paying thousands of dollars. It just becomes this ongoing thing. As soon as we were done with the litigation, I was already addressed again the next day. They said, "You have new boats there," and I didn't move anything on the property.

Chairperson Parel – Let me ask you a question. That concept that you just threw out of building a small showroom, is that something you'd consider?

Jon Boboige – I mean it's going to be a third or a quarter of the cost of that building. That building is going to be \$2 million without a doubt. A showroom, I thought I could get away for \$300,000, but no, it's going to be \$500,000 or \$600,000. It's not something I really want to put the money into, but if it's something that is going to allow me to stay in Commerce and allow me to operate properly, then I do a lot of used sales. I don't know the stipulations. It's another whole conversation. If I have glass in the front, am I allowed to showcase boats? Is that a problem? I don't even know if that's part of the ordinance. What if I'm not allowed to have a showroom?

Chairperson Parel – That's fair, and we're just trying to find a solution.

Dave Campbell – I'm quickly looking through TLM and I don't know that vehicle sales is a permitted use in TLM.

Jon Boboige – Back to George, I store a significant amount of pontoons, and when you fold the Bimini top down and you store it, those are cut and dry. I could walk next to it, they're 6 to 6.5'. That would be in compliance. Your wakeboard boats, we like to shrink wrap them over the tower, and that would mean it's over 8'. I could fold the towers down to be in compliance. Over 8' could be stored in the back. It's like the consistency with Wilson Marine. I'll tell you right now, the place down the street, every boat is over 8' and they don't have privacy mesh on the front of theirs. Regardless of if it was light industrial before, it's still noncompliant. They had boats surrounding the entire facility. It's hard for me to sit back and understand and take it when I see it every day; Louie's Garage. I can literally drive down and it's like, what do I do? Do we go through the Special Land Use, all my stuff gets denied and then what? Do I move? Do I start calling and complain? These guys are noncompliant. Look at the facility where I'm at behind me, it's a garbage dump-

Weber – Stop. Okay. It's not about what's happening in other places. We will address other places as well. We will address those that are noncompliant. It's not about them. It's about you.

Jon Boboige – I understand that.

Weber – It's about trying to find a path forward.

Joe Novitsky – Is the showroom off the table?

Jon Boboige – He's going to look into that.

Dave Campbell – I'm looking at it. Vehicle sales, whether it's boats, motorcycles or automobiles, are not a use that is allowed in the TLM zoning district.

Jon Boboige – So it's another Special Land Use?

Dave Campbell – No, it's not even mentioned.

Joe Novitsky – We can't even apply for it, so it's off the table.

Dave Campbell – If it's a showroom for the sale of boats, it's not permitted. Now if you're showcasing what a great job you do restoring boats, then that might be a different answer, but if they're actively for sale, I don't see how that fits into the TLM zoning district.

Dominic Silvestri – Is it expressly excluded under that ordinance?

Joe Novitsky – He said yes, it's excluded. It's not on the ...

Jon Boboige – What you're asking is, is it stated in the ordinance that it's excluded?

Jay James – It is not listed as a permitted use. They don't outline everything that is not permitted. They tell you what is permitted, and that is not one of them.

Dave Campbell – If the theory is to build even a small building, and by doing so redefine the rear yard, based on our TLM zoning standards, that building cannot be vehicle sales.

Jon Boboige – So it would just be an extension of my office.

Dominic Silvestri – Something other than a sales facility.

Jon Boboige – I think in reality, if I'm forced to put up something ... I don't want to just put something up. I'm limping in with a small structure that nobody wants anyway, just so I can come back and ask for Special Land Use again, which may not be permitted, which I may or may not battle you guys for. Then it's just a pool full of money going to nobody.

Dave Campbell – The meeting tonight was never meant to be a battle.

Jon Boboige – Correct.

Joe Novitsky – No, this has been great.

Dave Campbell – In the interest of time, I mentioned earlier that we're currently at something of a cease-fire on this whole matter. I need to be able to explain to my Township Attorney and Township Supervisor that we're actively working toward a solution with Lakeside Marine. If we're not, then we're back writing tickets and that's not where we want to be. In the interest of time, I would ask that, whether it's on an individual or a collective basis, we provide this team with direction. If that direction is, we do not see a path forward for there being outdoor storage, or we only see a path forward for outdoor storage if X, Y and Z are offered, I feel that's the only way we can conclude a productive conversation.

Vice Chairperson Winkler – This is a conceptual review, and of course that means we are providing the petitioner with input so that they can respond to our input if they decide to proceed further with the project. With all of the discussion about the need for a Special Land Use, in any shape or form on this site, it just comes down to the ordinance. What the petitioner is proposing isn't even close to meeting the ordinance. That's what we're trying to tell the petitioner. The idea is to listen to what we're saying and then come back with something that meets the ordinance. It's pretty simple.

Dominic Silvestri – On the flipside, I've also asked the question twice. Is there an alternative? Something short of what is being asked versus what is required of the ordinance?

Vice Chairperson Winkler – The ordinance says what is required.

Dominic Silvestri – Okay.

McKeever – We would entertain outside storage, as a Special Land Use, if it meets the ordinance. That means nothing beyond that.

Dominic Silvestri – So basically the blue square.

Dave Campbell – I think what Mr. McKeever and Mr. Winkler are saying is in their opinion, they would consider that blue rectangle on the screen.

Dominic Silvestri – Right, and that's why I had posed the question, because I hadn't heard that answer yet.

McKeever – Well, and that's what Mr. Weber was trying to say. We may consider expanding it to the front, with the stipulation that it's going to become a building. I hate to keep bringing up track records, but there's nothing to make us feel comfortable with the fact that there is going to be a building there.

Jon Boboige – So Bill, let's say it's not. We're just going to go through with just this square here. Say, you know what, forget it. I'm just going to settle with this. What do you guys expect out of me there? Do you expect an 8' block masonry wall?

Weber – Yes.

Jon Boboige – From my rear side of the building?

McKeever – You'd go by the ordinance.

Jon Boboige – And it has to go around the entire storage area.

Chairperson Parel – I don't know if it's relevant, but I think if those trees were there, we'd have a different conversation.

Jon Boboige – Yeah, I'm not even going to explain myself. I understand.

Chairperson Parel – To Bill's point, the ordinance is an 8' block wall.

McKeever – The only thing I'm comfortable committing to, without seeing anything concrete, is that (referring to the blue square on the overhead). That's just me.

Jon Boboige – I have to ask this question. What if I just decided that I'm not going to do anything? I need to operate here. I'm going to put my building up for sale now. I still need to do something with that lot, now that I'm moving. Obviously I don't want to leave it that way. I'm still operating my facility, I guess illegally, with my boats that are already in the back that I've been using. What do I do now so I can work tomorrow?

McKeever – There's nothing we can tell you tonight that would allow you to do anything.

Jon Boboige – I'm going to have to apply for Special Land Use to become a boat facility and operate my normal day-to-day operations, is that right, Dave?

Dave Campbell – To satisfy my Township Supervisor and Township Attorney that we are actively working toward a solution, there would need to be an application for Special Land Use approval for outdoor storage sometime in the near future. I don't have a deadline in mind.

Dominic Silvestri – And servicing?

Jon Boboige – And the servicing of boats is what you said. I believe you said I have to have two Special Land Uses for vehicle repair.

Dave Campbell – Yes, vehicle repair and outdoor storage are both Special Land Uses.

Jon Boboige – Okay, and since that area is not fenced in, even if I was granted the use to work, I have to put up the block wall.

Dave Campbell – That would be a decision of this Planning Commission. The Zoning Ordinance says you have to have a masonry wall on all sides of an outdoor storage area in the TLM zoning district. If there is to be a deviation from that, it would be this Planning Commission that would provide that deviation. The baseline is a masonry wall on all sides. You would have to convince this Planning Commission to deviate from that.

Dominic Silvestri – Would it be fair to say that's fairly consistent with the opinion of every member on the board? That your ceiling is basically what the ordinance requires.

Weber – Yes.

Chairperson Parel – I don't completely understand the south end, but at least on three sides for me, and the trees aren't there. I think you'd have a tough time.

Weber – Dave, can you pull up NearMap without the trees?

Dave Campbell – The trees came down in August or September. They have not flown it since July. I could take the leaves off the trees by going back to April. If there were to be any deviation on the masonry wall, is there any logic to that deviation being along this westerly side? I'm not going to argue that this isn't the prettiest property in Commerce Township either.

McKeever – I'd be open to that.

Weber – I would too.

Chairperson Parel – What's the solution on the south side?

Jon Boboige – What do you do with it? Do you put grass seed and irrigation?

Dave Campbell – You have to stay 25' off your south property line, so your storage area starts there.

Jon Boboige – Yeah, it cuts everything. But if it moves north ... either way it's not going to work to be honest, guys. I don't know what else to say.

Loskill – Bing maps has an updated photo.

Chairperson Parel – You mentioned fixing things up before a sale.

Jon Boboige – At this point, I'd probably just clean up the property, paint it and just list it. I hate to say it, but that's going to be what's going to happen. This isn't going exactly how I would have hoped it went. There's zero reprieve at all on that other side, and there's a couple opinions that are really strong that I'm not going to waste my money on. That's the whole point of this meeting. I appreciate all of your time and input. Unfortunately, it's just not looking good. The only thing now is that's going to put me in a bad spot with Dave and Jay, because I need to work, and my boats are not in compliance, even on my existing pavement. Am I just going to be ticketed all year, until I move? Or do I get a year?

Dominic Silvestri – Let's at least discuss privately what the possibility could be to still file Special Land Use for what I'm going to call the "blue section". I don't know what else to call it, Dave.

Dave Campbell – Okay.

Jon Boboige – But a block wall is required and I'm not going to spend \$70,000 on a wall.

Dominic Silvestri – I understand, but let's at least explore that option to the best that we can before we make that final decision here tonight.

Chairperson Parel – That's a wise decision.

Jon Boboige – Yes.

Dominic Silvestri – Thanks.

Jon Boboige – Gentlemen, thank you for your time.

Dominic Silvestri – Dave, anything else?

Dave Campbell – We should probably talk this week.

ITEM 13. PLANNING COMMISSION ANNUAL REPORT

Dave Campbell – As its name implies, this is something we do every year. It's required by the Planning Enabling Act, that you as a Planning Commission submit an annual report to your Township Board. This is the annual report for 2022. You have the option to either approve it tonight so we can get it to the Board at their April meeting, next week Tuesday, or if there are revisions to be made, then let's discuss them and make those revisions. If you are inclined to approve it, I would need signatures from Mr. Parel, Mr. Winkler and Mr. Loskill as the officers of the Planning Commission.

Chairperson Parel – Does anyone have any comments or questions?

There were no comments.

Dave Campbell – If you are so inclined, I would need a motion.

Chairperson Parel – Dave, when we chatted this afternoon in regard to the ordinance amendments, I think you and I have to have some further conversation on signage, but that's for another time.

Dave Campbell – Always a fun topic.

MOTION by Loskill, supported by Phillips, to approve the 2022 Planning Commission Annual Report. **MOTION CARRIED UNANIMOUSLY**

ITEM 14. Article 29 – SCREENING AND LANDSCAPE BUFFERS – TREE REPLACEMENT ORDINANCE DISCUSSION

Chairperson Parel – This is a topic near and dear to my heart. This is just a discussion, Dave?

Dave Campbell – It is, although if we think it's prudent, we could talk about scheduling a public hearing for this. I got an email late in the day from the Township Attorney, answering the question that I posed, which was, *Help me understand why what we're proposing is different than the tree protection ordinance that Canton Township faced litigation on for the better part of the last couple of years, and ultimately lost in circuit court?* Their tree protection/tree replacement ordinance was found to be unconstitutional. The Township Attorney sent me a long answer to that question and I still need time to digest it.

One of the key differences he noted in that email was that the trees that are protected are not every tree on a developable piece of property. The trees that are meant to be protected are those that are shown on an approved site plan as preserved vegetation area. When you as a Planning Commission, and the Township Board on projects that require their approval, approve a site plan that shows areas of existing vegetation that won't be impacted, and if that developer and their contractor then disturb those areas during construction, it's at that point that they are required to replace the trees that were not meant to be removed.

Chairperson Parel – We don't currently have recourse with folks who do that now?

Dave Campbell – It would be a site plan violation. If you approve a site plan that shows a cluster of trees preserved, and for whatever reason, those trees get removed, then you can argue that is a site plan violation.

Chairperson Parel – This would just be stronger language?

Dave Campbell – And it applies some math to it as well. Now we know what the sizes and species of the trees were that were taken out, because they had to provide that information as part of the site plan. Now that the trees are removed, we have a formula for what needs to be replaced. If that is contrary to the intent of the Planning

Commission when we started down this road, we will have that discussion with the Township Attorney.

Chairperson Parel – I think it is. Maybe it's a question to Jay. Are we currently having that problem?

Jay James – At the corner of Wise and Carroll Lake, and that goes back probably 25 years, Augusta Woods. We had that happen one time where trees were to remain ...

McKeever – We had a couple incidents down Richardson Road.

Jay James – That was on a much smaller scale.

McKeever – Much larger trees though.

Jay James – Yes, and more visible. And also in Huron Hills.

Weber – Wasn't Larry's original intent that if you cut a tree down, you have to plant a tree?

Jay James – I hope not.

Chairperson Parel – I think that's what we were saying. We had that conversation with a developer. I think what the Township Attorney is proposing is not consistent with our intent. It may solve a problem, but it may also cause more work for Jay and his group.

Dave Campbell – Deb just asked an important question. What you're saying is the intent here is actually what Canton Township tried to do and where they wound up losing.

Weber – What kicked this whole thing off was if a developer cuts a tree down, somewhere in Commerce Township, he plants another tree.

Chairperson Parel – We had a developer in front of us and he mentioned that. The question came up, why don't we have a tree replacement ordinance?

McKeever – It's unconstitutional.

Chairperson Parel – It could be, and we may have found that out.

Dave Campbell – I'm not saying we shouldn't pursue something here, but we have to be wary of what happened with Canton Township.

Chairperson Parel – Can I suggest that maybe we go back to the attorney and tell him this wasn't our intent? Mention what our intent actually was and see if there is some kind of common ground in between.

Dave Campbell – I'm happy to do that. I'll make sure I understand what the intent was when I explain it to the attorney. We're not looking to apply this to single-family

properties, a homeowner that wants to cut down trees for whatever reason; they're not healthy, or they want to put in a pool, whatever it might be.

Loskill – Why not, because that affects ...

McKeever – Because it's my tree.

Loskill – It's your tree for the amount of time you own that piece of land. If somebody comes in and makes a decision that affects that land for the next hundred years ...

Chairperson Parel – I also don't think we have the staffing to go tracking all of these trees and monitoring.

Weber – What is the definition of a tree, is it 3 inches, 10 inches?

Dave Campbell – That's part of what's in here.

Weber – If the homeowner were to cut it down. I think the term was diameter at breast height? I'd never heard that term.

Loskill – That's how they measure trees.

Dave Campbell – Yes, that's pretty standard.

Jay James – Dave and I have had this discussion. What is the intent? If your intent is directed to me as a homeowner; I move into a brand new house on a brand new developed lot which is required to have two street trees. I move in and decide, I would love to have a couple trees in my rear yard, and I plant those. Then 5 years later, I want to put in a patio, and now I want to cut that tree down that I planted. It wasn't required. I want to cut it down, but now the Township is going to make me replace that with 3 other trees that weren't required in the first place.

Chairperson Parel – My opinion when I brought this up, I believe it was the church parcel ...

Dave Campbell – Union Lake Baptist Church.

Chairperson Parel – Yes, and we saw that there was a huge buffer of trees in the front. I think we had that conversation about pulling out those trees. At the time, there was a lot of talk about the Walled Lake Schools parcel as well, and people were online voicing their opinions.

Dave Campbell – I know with the Wixom and Glengary project, Oak Hills that Pulte is doing, there was a bit of shock when a lot of those trees came down.

Chairperson Parel – That is how this formulated. We started this conversation and we included Larry in it. He said he would help us to try to solve this. I don't think the intent was ever single-family homes. I think it was when a developer comes in with a site where there is a lot of tree cover and they're just going to tear it down and throw in

houses. How do we help protect those trees and what we love about Commerce Township?

Loskill – That would be a great start. I'm just asking about it because I've seen it happen. It happened to the house adjacent to one I lived in previously. The homeowner came in and decided he didn't want to rake leaves, so he cut down 12 large trees. It really changed the dynamic of that area. That person moved out a year later. He spent all that money to cut those trees, lost the house and was gone, but they affected that property for the next 50 years.

Chairperson Parel – I think that's a good point, Joe, but that gets more into personal property rights as opposed to a developer who comes in front of us.

Loskill – They're two completely separate things. I'm just wondering if there's any feelings on the board for doing something of that nature.

Chairperson Parel – Just to go back to the developer concept. If this gets passed and a developer comes before us, that doesn't mean we can't work with them, does it?

Weber – We can ask them to voluntarily do it.

Chairperson Parel – I think the developer himself made that comment to us, like a strict tree replacement is sometimes anti-development for a community. That's not what we're trying to be. We're just trying to protect our trees.

Dave Campbell – All right, so I go back to the Township Attorney. None of us wants the Township Attorney to spend all your money rewriting this. What I think I'm hearing is, this does not meet what the Planning Commission's intent was, in the sense that the Planning Commission is not just looking to protect those clusters of trees that were shown on an approved site plan. The intent is to protect the trees that exist on a developable property.

Weber – Maybe of 5 acres or greater. For consistency, we say that anti-monotony is for a development of 10 homes or more. So, something to hang our hat on that says we're already restricting what somebody can do for developments of a certain size. I don't know if that helps with the attorney discussion, and I don't know if 5 acres is the right answer.

Dave Campbell – I certainly am taking Mr. Loskill's story into account, but for the purpose of at least starting down the road of having a tree protection ordinance ... I think Jay has told me for a long time it was something that was not to be discussed – it was a non-starter in Commerce Township. There was an opinion of, if I own a piece of property, I own the trees on that property. Those are my trees and if I want to cut them down, it's my right. That opinion is certainly shifting. If I go back to the Township Attorney, it sounds like we're talking about only those sites that are 5 acres or greater, or whatever the number is, and only when they are a development that requires site plan approval, as opposed to the guy putting in a pool.

Chairperson Parel – The guy with the pool is not coming in front of us.

Dave Campbell – Correct. I don't want to speak for Jay, but he would struggle to manage the guy who is putting in a pool.

McKeever – But there are instances where there is an approved landscaping plan that goes with the development. I could see where, if a house is required to have 2 street trees and 3 yard trees, and down the line somebody removes one or all of those, they would be required to put them back, because part of their approved site plan was that those trees exist. A lot of houses in Commerce Township do not have any type of site plan because they've existed before we had an ordinance.

Dave Campbell – So usually for new single-family developments, we only require street trees. We don't required yard trees because it would be difficult to determine placement of them and so-forth. So yes, I think if someone were to remove required street trees, that that's different than Jay's example of cutting down trees in your backyard to put in a patio.

Chairperson Parel – Who is currently managing that process regarding street trees?

Weber – Isn't it usually in the bylaws of the HOA?

Dave Campbell – It is.

Weber – So really, we're not managing that.

Jay James – Yes, a lot of times we don't have to.

Dave Campbell – It doesn't come up often. What comes up more often is we get quibbles between developers and the HOA's regarding the species of the trees. We get those figured out.

Chairperson Parel – I personally would appreciate it if you'd go back to the attorney with those comments and see if we can come up with a solution. We heard from a developer that sometimes it's habit. Is it legal? I don't know.

Dave Campbell – I'm not an attorney. West Bloomfield certainly has not just tree protection but all sorts of environmental protection ordinances. I know the City of Novi has a tree protection ordinance.

Chairperson Parel – I don't want to be unreasonable or anti-development. If they're coming in asking us for something, we want to protect our trees and greenery. Every time there's talk about development in our community, we all hear about it. I think that's a step in the right direction. I mean you can't stop people from developing their property.

McKeever – If you listen to people talk, we're supposed to.

Chairperson Parel – They think that, right. Yes, it's very difficult to tell them that people have a right to develop their property. That's America. But we can do small things to make it better and more tolerable. I think this is one of them and I think these trees and

our lakes are things that are unique to Commerce Township and we've got to try our best to keep them the way they are.

Weber – Just one more question on the document you sent to us, and on the diameter of trees. If somebody takes trees down that they're not supposed to, what we're telling them to replace it with is an 8' tree with a 3" caliper. I don't know what a caliper is.

Jay James – It's the diameter.

Weber – So that's a weed.

Dave Campbell – It's breast height.

Weber – So somebody cut down a 50' tree, and you have to put a weed back in.

Jay James – It's not 1:1. They have to put in multiple 3".

Loskill – If you cut down a 12" diameter tree, you have to put back 4-3" diameter, or at least 50%, or 2-3" trees.

Weber – Oh, so that's what the 50% rate is. Okay. I did not understand that.

Dave Campbell – And just the distinction between whether it's a 3" caliper or 8', the 8' is for evergreens, and 3" is for deciduous.

Weber – A 3" tree that's 5' tall, you have to put in 4 of them.

Dave Campbell – I think by the time you have a 3" trunk at breast height, it's going to be more than 5' tall. It's still a young tree.

Weber – I just didn't understand the logic.

Debbie Watson – Dave, are they planting the trees, or are we putting their money into a fund and we plant the trees?

Dave Campbell – I think it's an option.

Debbie Watson – That's something to think about too. I'm just thinking along the lines of public benefit with a lot of the developments that come in. They have to figure out some way to benefit the public, and a contribution to that fund could be helpful too.

Weber – But then we're managing it.

Jay James – And what about when a developer comes in, such as Oak Hill where they were going to remove a lot of trees, and where they would not actually have the physical room to put all those trees back in? Is it something where the Township could set up a fund, similar to the sidewalk fund, where they could put in trees elsewhere in the Township, or donate to the fund for tree replacement elsewhere in the Township?

Weber – Maybe this is a conversation with Emily for Parks because we have a lot of trees that we're taking down in our parks now. The red pines are beyond their life span.

Jay James – Yes, and they're diseased.

Weber – That could be a partnership where they just get planted back in our parks, to replace those that are coming down naturally.

Debbie Watson – Yes, it's mitigation.

Dave Campbell – The way I'm reading this, the trees would have to be planted on the property where they came down. But, I think there's some logic to, if you can't replace them on that property for whatever reason, then yes, you pay into a fund and we go plant them in a park.

Weber – Or you have them plant in a park, rather than us getting into the management of buying and planting trees.

Chairperson Parel – But then we're in the management of making sure they fulfill their obligations, and they're maintaining the trees, and the trees last for two years. It's complicated.

Phillips – Does anybody have the responsibility to look at the trees for disease and take some control and action? We're seeing a lot of issues with red and white pines in our subdivision, and it's just spreading through.

Weber – We do that in the Township. Emily works closely with an arborist, not just that we hire, but also one from the county. They look at invasive species of trees.

Phillips – But that's only on Township properties?

Weber – Correct.

Phillips – Again, in our sub there are a lot of diseased trees that we're going to lose, and they're going to spread elsewhere.

Chairperson Parel – Do you have an association?

Phillips – Yes.

Weber – To me, the association would hire the arborist to come in and do a study.

Dave Campbell – What's drafted here does not speak to the health of the trees. This is strictly based on the size of the tree, regardless of how healthy it is.

Phillips – But controlling disease is another way to save other trees.

Chairperson Parel – Did we give you enough to go back?

Dave Campbell – Yes, and these are significant changes. I think we need to bring this back for another discussion like this in May. I don't see having a public hearing on this until maybe June.

Chairperson Parel – We want to get it right if we can. There are two sides to this; there's the future and the past. The future is when a developer comes in and wants to take down trees, and we say we have this ordinance and here's what you need to do to replace a lot of them. That's one scenario, but the other is what's written here which is, if they've already approved it, and they come in after the fact and tear them down, now there is a new penalty, or stricter enforcement of it.

Dave Campbell – What I'm hearing tonight is that's not enough.

Chairperson Parel – I agree it's not enough, and it's not the intent, but should that piece of it still remain in here? I think so, but we also have to be cognizant of Jay's time too.

Jay James – That would be the ordinance enforcement department.

Weber – If we start with developments of 10 homes or more, as with other requirements, then in my mind it doesn't go too far in encroaching on personal property rights.

J: OTHER MATTERS TO COME BEFORE THE COMMISSION:

None.

K: PLANNING DIRECTOR'S REPORT

- **Just a note that we are having a Special Master Plan Meeting scheduled for April 10, 2023 at 5:30pm.**
- **NEXT REGULAR MEETING DATE: MONDAY, MAY 1, 2023 AT 7:00pm.**
 - We expect to see the final PUD site plan for Lafontaine (LAG).
 - We expect to see the condominium site plan for the Cove at Benstein Crossing; the duplexes on Benstein Road.

Chairperson Parel – Do you think LAG will meet some of the tweaks we requested?

Dave Campbell – They did come to the DDA meeting and they talked about the changes the Planning Commission requested, particularly on the Hyundai building and they said they have every intention of doing that. They have to run it up the chain of command at Hyundai.

Chairperson Parel – And it sounds like they want to proceed pretty quickly with the Dick Morris building as well, but I don't know if they have a plan yet.

Dave Campbell – They don't have a plan yet. What they've said is that because that one is not going to be branded by the manufacturer, then they don't have to comply with the demands of a manufacturer. They think that will be an easier process for them as they decide what the site will look like.

Chairperson Parel – It will be great to get that building cleaned up too.

Winkler – I wanted to mention, I will miss the July and August meetings.

Phillips – I successfully completed the Planning & Zoning Essentials Workshop. Also, I'm not here for the May 1st meeting.

Loskill – I might also be absent in July.

Weber – I will not be here in September.

Dave Campbell – Please email Paula with all of those known absences.

Chairperson Parel – Is there a meeting at 5:30 on May 1st, before the 7:00pm meeting?

Dave Campbell – I will talk to Giffels and confirm. For now, assume that there will be.

L: ADJOURNMENT

MOTION by Loskill, supported by Phillips, to adjourn the meeting at 9:43pm.

MOTION CARRIED UNANIMOUSLY

Joe Loskill, Secretary