

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

Monday, January 10, 2022  
2009 Township Drive  
Commerce Township, Michigan 48390

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

**ROLL CALL:** Present: Brian Winkler, Vice Chairperson  
Chelsea Rebeck, Secretary  
Bill McKeever  
George Weber  
Sam Karim  
Joe Loskill  
Absent: Brian Parel, Chairperson (excused)  
Also Present: Dave Campbell, Township Planning Director  
Paula Lankford, Asst. to the Planning Director  
Mark Gall, Township Fire Marshal  
Jill Bahm, Partner, Giffels Webster  
Rose Kim, Staff Planner, Giffels Webster

**B. APPROVAL OF AGENDA**

**MOTION** by Loskill, supported by Rebeck, to approve the Planning Commission Regular Meeting Agenda of January 10, 2022, as presented.

**MOTION CARRIED UNANIMOUSLY**

**C. APPROVAL OF MINUTES**

**MOTION** by Loskill, supported by Rebeck, to approve the Planning Commission Special Meeting Minutes of December 13, 2021, the Master Planning Session, as presented.

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Loskill, supported by Rebeck, to approve the Planning Commission Regular Meeting Minutes of December 13, 2021, as presented.

**MOTION CARRIED UNANIMOUSLY**

**D. UPDATE OF ACTIVITIES**

George Weber – Township Board of Trustees

- The last Township Board meeting was on December 14<sup>th</sup>. A few items of note for the Planning Commission.
- Dr. Elizabeth Bulat was appointed to the DDA. Dr. Bulat is one of the operations directors for Henry Ford Hospital and she has been appointed to a 4-year term, ending in 2025.
- The Township Board reviewed the introduction of an amendment to the ordinance for property tax exemptions. We expect to see a resolution to that at the meeting tomorrow night.
- We approved all the meeting dates for all of the boards for 2022, including holidays.
- We finalized the last of the budget amendments for the 2021 calendar year.

- Fire Station #3, on Welch Road, is virtually complete. We expect to move into that soon. The station took quite a bit longer as we started that during COVID. A small punch-list remains to be finished.
- Finally, we kicked off the escrow agreements for the Reserve at Crystal Lake. That's the project at Sleeth and Bass Lake Roads. Money is starting to flow on that project and they will be moving dirt in the near future.

Bill McKeever – Zoning Board of Appeals

- Nothing to report from the ZBA.

Brian Winkler – Downtown Development Authority

- The DDA Meeting was December 14<sup>th</sup>.
- A resolution was read recognizing Dan Lublin's over 20 years of service to the Commerce Township Downtown Development Authority and 70 years as a valued business owner within the DDA.
- Insite Commercial Report:
  - Parcel B1, Phase 1 - Aikens Five & Main: The residential component, which will take place first, will be around 250 units. The Planning Commission should see updated plans in the next 90 days.
  - Parcel L - 1.8 acres on Haggerty Road, located behind Merrill Park; A Letter of Intent was received and approved at the meeting.
- The contract for Insite Commercial as broker for the DDA properties was extended for three years to December 31, 2024.
- The Asset and Liability Report, originally reviewed at the November DDA meeting, was approved.
- After interviewing seven candidates, Liz Bulat, MD, who lives in Commerce Towne Place with her family, has been selected as Dan Lublin's successor to the DDA, pending approval of her appointment by the Township Board, and I understand that her appointment was approved.

Dave Campbell – Building Department

- The Building Official asked if he could miss tonight's meeting.
- He does have some thoughts on the Zoning Ordinance text amendment that we will discuss later this evening.
- Other than that, he had nothing to report.

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

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

No comments.

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

## **F. TABLED ITEMS**

None.

## **G. OLD BUSINESS**

None.

## **H. SCHEDULED PUBLIC HEARINGS (1):**

### **ITEM H1. PCZ21-02 – VALVOLINE – CONDITIONAL REZONING – PUBLIC HEARING**

Valvoline LLC of Lexington, KY is requesting a Conditional Rezoning of a parcel of land consisting of 1.2 acres from B-2 (Community Business) to B-3 (General Business) for a new Valvoline instant oil change facility located on an undeveloped outlot at 600 Loop Road. Sidwell No.: 17-36-200-031

Dave Campbell, Planning Director, put the subject site on the overhead and gave a review of the Planning Department's report.

Dave Campbell – This is an undeveloped outlot, in front of the Costco development which is part of the larger Commerce Crossing development along the east side of M-5, between 14 Mile and Maple Roads. The subject property is currently zoned B-2 Community Business. The petitioner this evening, the Valvoline Group, is requesting that the Township conditionally rezone the property from B-2 to B-3 General Business. The rationale for the Conditional Rezoning is that the use proposed, an instant oil change facility, or what we refer to in the Zoning Ordinance as an automotive service center, is only permitted as a Special Land Use and only in the B-3 zoning district. Valvoline is proceeding with the Conditional Rezoning process in our Zoning Ordinance, which is an opportunity for the petitioner to enter into a contractual agreement with the Township. If the Township grants the rezoning, the petitioner agrees to build this and only this. Valvoline would build a building with a land use and layout that is consistent with the Conditional Rezoning agreement. An exhibit to that agreement would be a Conditional Rezoning plan which establishes the location and size of the building, the circulation pattern around the building, the parking, the landscaping and so forth. The Conditional Rezoning plan is not meant to be a final site plan which comes at a later step with more detail. However, the Conditional Rezoning plan is intended to give the Planning Commission and the Township Board a fair understanding of what Valvoline intends to do with the property should it be rezoned to B-3.

In addition, the Conditional Rezoning agreement is a voluntary contract entered into by Valvoline with Commerce Township that offers certain conditions as part of their rezoning request. Their conditions include a better building than what the Zoning Ordinance would otherwise require, better materials and design, along with enhanced landscaping well above and beyond what would be required, particularly the landscaping buffer between their building and the property to the south, which is the Bar Verona restaurant. They're offering operational restrictions in terms of hours of operations, and they're also proposing to not seek any dimensional variances from the Zoning Ordinance.

Procedurally, the Conditional Rezoning comes to the Planning Commission for a formal recommendation, and that could happen this evening following the public hearing that we will hold. The project will then proceed to the Township Board of Trustees who would make a final decision on the Conditional Rezoning. If the Township Board were to approve the Conditional Rezoning agreement, then the project would still come back to the Planning Commission at least one more time for the Planning Commission's consideration of two things; the Special Land Use and the site plan.

As I mentioned, because it is a rezoning, we are holding a public hearing which means the Township is obligated to post a public hearing notice in the newspaper. That went into the Oakland Press in mid-December. Letters, as required, were sent out to every

property owner within 300' of the subject property. The petitioner is obligated to install a sign on the property, "Rezoning Proposed", to alert anyone passing by to contact Commerce Township if they have any questions about what the rezoning petition entails.

The Planning Commission received in their agenda packet the full petition from Valvoline. This is the proposed building. You'll note that it does not have any signage shown. That is by design and we will talk more about what they have in mind for signage. It is worth pointing out that any new building to be constructed on this site would only be permitted to have one wall sign, which would be on the west side of the building facing out toward Loop Road and M-5. The use would also be allowed one ground sign as well, standard for Commerce Township of no more than 6' in height and no more than 32 square feet of sign area.

They're proposing entirely brick or stone for this building. You can see the stone wainscot along the bottom 3-4' of the building, with face brick in all areas above. You can see the overhead doors. Vehicles would enter from the south side of the building, pass through for their oil change, and exit along the north side.

The conceptual landscape plan provided, included as part of the Conditional Rezoning agreement, indicates in black what they are obligated to install, and what is shown in green is above and beyond the requirements.

Valvoline can speak to the building elevations better than I can, but their typical prototype is a pitched roof building. They're proposing an upgraded building with a flat roof and a parapet along the perimeter of the exterior. Part of that parapet is intended to screen any rooftop mechanical equipment.

When I mentioned the signage; as noted earlier and in their Conditional Rezoning agreement, Valvoline is committed to not requesting any dimensional variances. They're not offering to waive seeking sign variances from the Zoning Board of Appeals. They want to leave the possibility open to seek additional signage on additional sides of the building.

If the Planning Commission is prepared to make a motion this evening, it would be a recommendation to the Township Board, who will make the final decision on the Conditional Rezoning. As part of that motion, the Planning Commission should be prepared to look ahead to Valvoline's return to the Planning Commission seeking Special Land Use approval. One of the criteria for any Special Land Use is that it is incumbent on the applicant to demonstrate to the satisfaction of the Planning Commission that certain criteria are met. Perhaps most key to that criteria is that there is a documented and immediate need for the land use being proposed in Commerce Township and in this market area. That is a step that typically would come at a later date, but because the Conditional Rezoning establishes the land use, in this case an instant oil change, the Planning Commission should be considering the Special Land Use criteria, and particularly the documented and immediate need criteria, as part of their consideration for making a recommendation on the Special Land Use. It would be counterproductive for Valvoline to proceed to the Township Board and potentially get approval for their Conditional Rezoning for this particular use, only to come back to the Planning Commission for Special Land Use approval and have the Commissioners determine that they're not in favor of the land use. To a large degree, I think the Special Land Use has to be considered as part of the Conditional Rezoning process.

The Planning Commission would also need to make a determination that the conditions being offered within the Conditional Rezoning are deemed to be sufficient, are in proportion to the change in zoning the petitioner is seeking, and also take into

consideration whether this is a viable and long-term use. We have heard concerns, especially with the emergence of electric vehicles, there have been questions of whether an oil change is going to be a viable use 5, 10 or 20 years from now. I think that's a fair question for the Planning Commission to ask of the petitioner as part of the discussion.

There is a public hearing scheduled. The Planning Commission, per State law, is to open the public hearing, give the public an opportunity to have their opinions be heard, and once everyone has had an opportunity to speak, the Planning Commission then closes the hearing. Once we get to that portion, there are certain rules the public needs to be aware of in terms of how much time is allocated to each speaker, and what is and is not appropriate.

I will pause there and see if the Planning Commission has any questions. I know Valvoline would like to make a presentation on their own behalf. They got us a copy of their presentation on Friday. That was after your Planning Commission packets went out. I think we copied that presentation and provided it to each Planning Commission member.

Vice Chairperson Winkler invited Valvoline to deliver their presentation.

Robin Peck, Valvoline LLC, 100 Valvoline Way, Lexington, KY, 40509, was present and introduced the Valvoline team.

Robin Peck – I'm a preconstruction project manager with Valvoline. Thank you all for having us here tonight and letting us make our presentation. As David said, we have a few members of our team here.

- Kelly Schwieterman you may recognize as she was here in November to introduce the project to you. She is taking information and making sure everything is in place as we move forward.
- Jared Gell is with us as well, and he is a broker with Mid-America who has worked very hard with our real estate team. He has some insight on that particular lot that he'd like to share with you.
- Tyler Tennant is our legal counsel. He will talk about the Conditional Rezoning that he has been working on with your Township Attorney over the past several weeks.
- Tim Anning is our senior manager of real estate research. He is going to present the data for the immediate need that you've requested.

Jared Gell – I'm the commercial real estate agent that represents the property owner. I've been marketing the property since August of 2017. The owner bought the property in 2015. The biggest challenge that we've had marketing the property is both Costco and Lifetime have many restrictions on the parcel. For example, Costco restricts auto sales, service, repair, car washes, gas stations, educational or daycare facilities, and general offices. Lifetime's restrictions, in addition to Costco's, are health and fitness clubs and any business with drive-up or drive-through lanes, except for financial institutions. This means that the only businesses that can have a drive-through on the property are banks or credit unions.

Over the last 4+ years, the interest has mostly been from auto-related businesses; auto repairs, tire repairs. I get a call or two a week for car washes. We get a lot of interest from daycare facilities, which is also restricted by both businesses. Lastly, fast food

restaurants. We've had interest from some tenants who we couldn't put here, but who have landed in the Township, for example, Culver's and Chipotle. We can't do that because of a drive-through. Just a few others to mention; Starbucks, Taco Bell, Tropical Smoothie, Smoothie King, Panda Express, Shake Shack which now has a double drive-through. There are a bunch of businesses that we can do and that I have chased over the last four years. We see a lot of credit unions going up, but we see a lot of banks closing. Five years ago, credit unions would buy a piece of dirt and build a branch. Nowadays, with banks closing, credit unions are just backfilling bank branches. I want to segue that into another property that I represent the owner on, and that is at Square Lake and Telegraph, the other Costco shopping center. We are leasing a vacant lot in front of Costco that is adjacent to Costco's gas station. It's a similar process. We rezoned a property in Bloomfield Township from B-2 to B-3. That project was approved last year. Hopefully they'll start construction soon. Two lots over, same ownership, we had a Chase Bank. That closed and we re-leased to Huntington. We have one other lot there and it's the same exact interest that we get here; fast food, car washes, tire repair. It's very similar the types of businesses that we're seeing with the synergy of Costco and some of the other big boxes.

One thing I want to impress upon everybody is, if we had another use that was permitted within the zoning, that wasn't restricted by Costco or Lifetime, in the last 17 years, we would have it. I previously represented Taco Bell and we were looking for a site in the market. We looked here and that's when we learned about the fast food restrictions.

There have been concerns about how Valvoline will impact the adjacent businesses. I want to point out, right now the traffic at Costco's gas station stacks and faces south, through our parcel, at the Bar Verona restaurant. Once Valvoline comes in as a buffer, besides all of the additional landscaping, the Valvoline cars cue and face north. The days of having all the lights and glare from the Costco gas station will go away once we have the buffer with Valvoline.

Lastly, in terms of competition, and any concerns of other businesses in the area, I want to point out; Culver's, a burger place, is adjacent to McDonald's, which is one-third of a mile from Red Robin. Culver's wanted to get into this market for years. We had an opportunity to put them here, and restrictions wouldn't allow it, but there's a reason why everybody likes to go together. You're not going to eat McDonald's every day of the week. You're also not going to drive out of your convenience to get your daily needs. The way the world is evolving, in my commercial real estate space, it's daily needs, it's convenience, white table cloth restaurants, and even the big chains, you rarely see a new Olive Garden being built. COVID aside, it's just not the way customers shopping patterns have been. I think we finally have a great user for this site. We've got something that will bring more cars which should help the adjacent businesses. You'll get new traffic that we haven't had. I think it's a great opportunity to get the piece finally developed.

Tyler Tennent – I'm an attorney from Dawda Mann in Bloomfield Hills. I'm a land use specialist and I've been practicing law for about 38 years. Thank you to you and your staff. Mr. Campbell and Paula have been fantastic throughout this process. They've really guided us through. I wanted to make sure you're aware that you do have excellent staff and they're a pleasure to work with.

Regarding the Conditional Rezoning agreement, I think the outline is on the next slide. Very briefly, I'm going to go through the first five points. In respect to the Conditional

Rezoning agreement, we chose to go through this Conditional Rezoning process, rather than a straight rezoning process, to give the Township added assurance that they're going to get what they bargained for. We're not going to be able to have any other B-2 or B-3 uses here. All of our operations, including our landscaping and elevations are going to be in sync with good planning practices and we've worked with the Township to achieve those. Mr. Campbell suggested early on in the process that we do this and I think it's a very viable process as opposed to a straight rezoning process.

The zoning will be conditioned on very narrow parameters, which are being voluntarily offered. I worked directly with your attorney, Hans Rentrop, over the last few weeks. We've developed a Conditional Rezoning agreement which I believe is in your packet. That packet spells out exactly how this agreement will bind all future owners, and will ensure that Valvoline's use will be strictly regulated by those conditions. Those conditions, as Mr. Campbell set forth, were involving restrictions on not only the use, but better landscaping, better elevations, and a restriction on hours. We think those are important to keep in mind.

The packet you got went through methodically each criteria of your Zoning Ordinance. We specifically made a point to address each one. The staff report confirms that the application is complete and that there are no elements of those requirements that are missing, or that are not met.

I also want to point out your Master Plan, which I know you're intimately familiar with, from 2015. It goes without saying that master plans are really the guide for future development and zoning for the Township. It's your wish list. The future land use designation; your Future Land Use Map and your Master Plan says General Commercial about this particular site. The future land use designation of General Commercial correlates to the General Business or B-3 zoning district, on Table 8.1 of your Master Plan, which is exactly in line with Valvoline's proposed use. In fact, as Mr. Campbell pointed out, the B-3 zoning district is the only district in the Township allowing automotive service centers, which covers instant oil change facilities as a Special Land Use. While we believe that your Master Plan supports a straight rezoning to B-3, we tried to narrowly tailor our request only to Valvoline's proposed use through the Conditional Rezoning process. Your Planner's report confirms that our rezoning request is consistent with the Master Plan, so there should really be no question that the intent of the Master Plan is met with respect to this request.

With respect to Special Land Use review, it's accurate to say that we're not here tonight for Special Land Use approval. We will be back before you at another date to go through those criteria. One of those criteria is documented and immediate need for the proposed use. In a good faith effort to address concerns, I know that Valvoline representatives were here in the past. About whether there is a documented and immediate need, we are certainly willing and able to discuss that tonight, although it's not directly part of this process. Understanding those comments from the prior meeting, Valvoline has directed its head of real estate, Tim Anning, to appear before you this evening. He flew in from Chicago today. I'm pleased to introduce Tim Anning who will take it from here and answer your questions regarding the documented and immediate need. Any questions for me at this point, I'm happy to answer them now or come back later. Thank you.

Tim Anning – Good evening. As Tyler said, my name's Tim Anning and I have responsibility for real estate research at Valvoline. I appreciate the opportunity to speak to you tonight.

Vice Chairperson Winkler – Could you move the microphone up a little bit?

Tim Anning – Yes, sorry. I'll repeat myself. Thanks, Tyler. My name's Tim Anning and I have responsibility for real estate research at Valvoline. I appreciate the opportunity to speak to you tonight. My sole responsibility at Valvoline is developing Valvoline's physical stores across the U.S. and Canada. I specialize in network planning, sales, forecasting, financial analyses, and a whole host of predictive analytics. I'm here tonight to show you that all of Valvoline's decision making is data driven. I think we're going to take you through the process of how we analyze sites, how we understand the idea about the immediate need.

I would describe my role predominantly as mitigating risk for Valvoline, which inherently means understanding trade areas, understanding potential, understanding where we believe there is a need for Valvoline instant oil change facilities. As such, my team is very proactive in identifying strategy across the U.S. We don't do it in a reactive way, where brokers might approach us with sites. We go to our preferred brokers and say here are the trade areas that we want to have stores in. We run our predictive analyses across the U.S. to identify areas of unmet demand.

My agenda tonight is just to take you through some of that thought process, some of the data, and some of the predictive analytics we use to show that idea of immediate need. I'll take you through some of the customer data Valvoline uses. I'll take you through some of the third-party data Valvoline uses. We'll look at the competitive landscape. We'll look at how we identify core trade areas, and then we'll show you the modeling approaches we use to highlight that immediate need.

Valvoline is extremely data rich. We capture about 98 to 99% of every transaction that goes through every one of Valvoline's facilities, which is roughly about half a million transactions a week. We put that into a predictive gravity model, the distance decay model, which allows us to identify exactly how far people are willing to travel to actually visit a Valvoline location. Because of the richness of that data, we can start to segment the population and our store set, so we can identify exactly what type of locations will influence how far people are willing to travel to visit a Valvoline location.

You'll see on the screen there, every single census tract in the U.S. is designated a market class, density class. As Commerce is part of the wider Detroit market, it is identified as Market Class 1, so a large market. You'll see on the right hand side of the PowerPoint, there's a density class associated with every census tract in the country as well, which basically shows you how densely populated the areas are. So, a Market Class 1 will be a large market, a Density Class 5 would be a suburban area. We know from our Valvoline data, the 1,500 stores we operate across the U.S., we've got hundreds of stores across the U.S. which identify similarly to Commerce. We know the average person is traveling about 11.3 minutes, which is what you see on the map there. That's our first point of call.

We also look at mobility data, which I will go onto in the second slide. In my universe, mobility data or cell phone data is one of the most exciting movements in terms of site selection and network planning. We can now actually see where people are shopping. What that map on the screen now shows is we geo-fence the Costco shopping center to identify how far people were willing to travel to visit the Costco. We're hopefully going to be next door to the Costco. You can see every single one of those dots on the map represents someone whose mobile phone has been seen within that Costco over the last year.



We use an ensemble approach where we look at two or three different techniques. You can see the blue shaded area is very much in line with the customer dots or the cell phone dots of the households that have been seen in the Costco. Obviously a key part of our modeling at predictive analytics is where the competition is located. You can see from the screen there that there's five dedicated quick lubes within a four-mile radius of the Costco shopping center. My team of dedicated analysts will then put together what we believe a core trade area to be. That's where we believe up to 17% of the store's trade will come from. You can see on the right-hand side, this is census data. That shaded pink area shows nearly 37,000 households, an annual growth rate of 0.8% which is pretty healthy, good median household incomes at nearly \$84,000, a trade area vehicle number, which again is a census driven question; so we know that there's 66,000 trade area vehicles in that pink area. Obviously we mentioned the number of competitors. Then at the bottom of the screen, you can see the wider trade area is approaching 80,000 households. So, a dense area, really good and desirable customer demographics, and you can see that we have taken three or four different ideas toward how we actually identify how much demand there is out there for the quick lube operations.

Finally, I want to show you the way we actually build up our sales forecasting models. Along the left hand side, you'll see a bunch of distance decay codes, which allow us to actually work out how many dollars or how many oil changes come a distance from how far away the store is to how far away the customers live. Using those distance decay forecasts, we'd be forecasting just over 14,000 per year potentially coming to that location. Looking at the census data of 1.82 vehicles per household, that actual trade area we believe is more than 70,000 oil changes, so 14,000/71,000 shows what a small proportion of oil changes the Valvoline will potentially take. If we believe the other five dedicated quick lube operators are trading at that level, still just 44% of that demand would be met. Again, that would be the core trade, so 17% of Valvoline's trade area. A lot more households outside that core trade area that we believe that we're trading to, and significantly under half of the oil changes would be coming to that store. That's the way that Valvoline uses data, our customer data, our census data, to build up an idea of the potential trade area, how we're going to trade into that, and how we really believe the immediate use has been displayed.

Weber – Brian, do you want to have discussion now, or after public comments?

Vice Chairperson Winkler – I'd like to ask the Planning Commission. Do you want to wait until afterward, or ask questions now?

Loskill – I'd like the public's input on this.

Dave Campbell – I would think that Valvoline would want to have an opportunity to approach after the public comments have been closed just to address anything specific that may be brought up here in public comments.

Weber – I think that makes sense, and after public comments we can have our discussion, and then give Valvoline the opportunity, not only to answer our questions, but also to address anything that the public might have as well.

Tim Anning – Thank you.

### **Vice Chairperson Winkler opened the Public Hearing.**

Vice Chairperson Winkler – How many here hope to speak at the public hearing today? Just raise your hand.

[4 hands raised]

Vice Chairperson Winkler – Okay, a couple things. One I mentioned before, if you could please speak clearly into the microphone so the Planning Commission can hear. When you come up to the microphone, state your name and your address for the record. Dave, I know you have some other items you'd like to add.

Dave Campbell – Typically, we ask that public comments be kept to two minutes or less. We ask that you do your best not to restate or repeat comments that have already been made. We ask that everybody be respectful. We're all adults here. This isn't a pep rally, so we're not looking for people to cheer, or boo, or anything in between. Let's treat one another with respect. For the sake of Deb recording the meeting, please provide your name and address for the record. Before we invite the public in attendance to come up, I should mention to the Planning Commission that the Planning Department has received approximately 10 written correspondences on this topic, I think 9 emails and 1 letter. The comments contained within those correspondences have been very consistent. They include comments like, the Township should support local businesses and should support the efforts of local businesses, especially after the challenging past couple years that they have had to survive through. The public has questioned whether there is a need for this use, or whether the existing operators in the Township are sufficient to satisfy the existing market demand. There have been arguments that there are better and more appropriate land uses for this particular property, and there have also been environmental concerns about this particular land use and especially its proximity to some of the adjacent wetlands in the area. All of those written correspondence have been provided to all of you. Most of them were included in the agenda packet that went out last week, Thursday. Some came in over the weekend, or actually today. All of those have been provided to you since, and to Ms. Watson, our Recording Secretary and they will be reflected in the minutes as if the authors delivered their comments personally here at the meeting.

Vice Chairperson Winkler – Thank you, David. I'd like to open the public hearing. Who would like to make a statement?

Sam Hamady, Owner of Top Lube Center, 2205 N. Pontiac Tr, Commerce Township – I have a petition that I'd like to share with all of you. (Distributed to Commissioners)

Klint Kesto – I'm an attorney and consultant. I work for Mr. Hamady and Top Lube. I would like a couple minutes as well after he has completed.

Sam Hamady – I believe this petition consists of over 150 people. Due to the COVID concerns, we tried to restrict how many people showed up to tonight's meeting. I didn't think it would be adequate to bring in an entire town just because COVID is spreading pretty rapid and it would not be fair to all of us to sit here until 10:00 at night. Thank you for hosting us and thank you to each and every one of you for being a part of the

Commerce community. This is a great community. I love it. I've been here for 13 years. I've enjoyed every minute. I wake up at 5:00am, I'm at work till 4:00 or 6:00pm. I service Commerce, Walled Lake, White Lake and surrounding lake areas. I would like to say, to this Valvoline location, some of the data they provided for you is somewhat inaccurate. That location is a goldmine. I actually called the owner myself a year and a half ago and asked to purchase that property myself for that same exact thing. I was rejected because they told me there were some issues with Costco and the Lifetime gym, and it being not suited for the type of business I wanted at that particular time. Having received that rejection, I let it go.

The reason Valvoline is choosing that location is exactly like they had it on that map earlier. They will basically be taking business from every single surrounding lube shop in the entire area. Not just from mine, but out to White Lake, M-59, everyone that goes into that business district is going to be visiting Valvoline at some point. It won't be a 40 car a day type location. It will be more like 100-150. They wouldn't be here in front of you spending this much time on it if they didn't think that it would produce anywhere from 100-200 cars. That brings an ungodly amount of traffic to that area.

Valvoline usually opens from 8am-8pm. That's a longer duration than most of the other businesses open. We usually open 8am-6pm, or 8am-7pm, so then we would have to staff more. Obviously there would be a huge issue with employment as we're facing right now.

Mostly, COVID has taken a huge toll on small businesses in this country. It's not a secret that small businesses are struggling today. Every one of us has had to go through all sorts of different pains to get to where we're at today. Those who have survived have only survived because they had the will to stay in business. Compile the employment issue that we're facing today and you have two major catastrophes that are happening to businesses across the country. Not just in my business, or small businesses in general, but to most of the businesses across the country.

We're facing longer hours as owners and operators. I'm there every single day to ensure that my customers get the right service. I take in young kids that have not had the opportunity to be in that businesses and I teach them the trade. I'm there to oversee the entire operation from morning to day.

Valvoline won't be there. Valvoline is here, they're wonderful people and I have nothing against Valvoline, but they're going to be here for a few weeks a few months. They have 1,100 locations across the country. It's a \$5 billion operation. If Valvoline had interest in the city, they would have been here 10 years ago and watched it being built, not after the city has been built and all the high-end homes and customers are here. They would have been here struggling like I was 13 years ago. I say to Valvoline, if you're interested in Commerce, you should have made your move to Commerce a while ago like we all did. We felt this was the right town to invest in and the right place to grow our business. We've been working hard at it.

That particular location is easy for customers to come in there. It's not a location where you have to work hard for your business. All you have to do is open the door and the business is going to flood in. It's unfair business practice. It's an unfair way for the Township to allow Valvoline ... If you'll allow me to grab some water.

Klint Kesto – Can I step in?

Vice Chairperson Winkler – Yes.

Klint Kesto – I work for a firm called Fraser Trebilcock, we're out of Lansing and Detroit. I've been in the area for many years. I represented this area, and now I'm in private practice. Mr. Hamady called me and I was happy to represent him in this Township because the issue is a large one. I'll speak quickly.

This is a large corporate entity, and you have many small individual, either mom and pop shops, or small individual business owners. We're not trying to pick winners and losers here, but we do have this whole row, whether it be Pontiac Trail or up Haggerty, of oil change facilities. We can go through the list. You can Google it and 15 will pop up, from Top Lube, to Volcano, to Belle Tire, Discount Tire, the new Jiffy on Haggerty, Walmart, and all across Pontiac Trail into Walled Lake. When we're talking about a documented use, are we talking about, there's a need where people are driving out of the area to go and find oil change spots, or is it going to grab the market share that these retailers and independent oil change places already have? That's a thought I think you should be considering when we're talking about a documented use, because that would be a substantial and compelling reason to say, we need it here because everybody is driving out of town. I don't think that was the case when they presented those slides.

The other thing I think is important is that within the Master Plan, this is zoned a certain way, which obviously there was contemplation as to what should be here. That contemplation was not an oil change place, or anything in the B-3 zoning. Otherwise, this Township, at the inception of zoning that area, even when Costco, Lifetime, Red Robin, and the Credit Union, all the way up to Loop Road, would have decided, we may see this in the future. The Township contemplated that and did not zone it in that way. At the same time, the landowners also contemplated what to do with the property. They said we're not going to have fast food restaurants and we're not going to have oil change places. Yet, we're here today, and the attorney from Dawda Mann, I think his name is Tyler Tennent, indicated we're going to bind all future owners. Yes, but you want it to change, so I wonder what the landlord at that time was saying. I want to bind all future owners, unless they want to change it, then they can go to the Township. In terms of consistency, we should look at not only the Master Plan, but also what does the deed say. The deed says that this is a nonconforming use in that area, so it should not be there. It was contemplated by Costco, Lifetime and the rest of them in that area. We look at comparisons between fast food. You may want a hamburger one day, a taco one day, whatever else the next day, but it's a lot different when we're talking about oil change places. You drive in, you put the oil in your car and you leave. You go to a gas station, the price is a little bit cheaper, let me go to that place. That's the concept with these types of businesses. It's not apples-to-apples to say that.

Let's look at all the other Costco's and large centers, whether it be the one in Livonia or the one in Bloomfield. Do they even have an oil change place out front? Or, as I would imagine and assume, they also have deed restrictions on their property which I think the other gentleman had already indicated.

Finally, I think we have to consider what the future holds. This is a project that does involve potential contamination. We saw contamination happen multiple years back over at Carroll Lake and Commerce when there was a gas station there. We're the township of the lakes; we have our rivers, our lakes, our watersheds, and we should be cognizant of how we protect them. I'm sure they'll tell you that technology is out there and we're able to seal everything, and I'm sure whenever the spill was years ago, they said we have the technology to be able to protect it. I think it's a very important consideration on the environmental aspect.

Lastly, the viability. As we move toward cars that are more efficient and need less oil changes, as we move toward cars that don't need fuel and gasoline, as that market shrinks, then you will see these other mom and pop and independent folks also start to drop off because cars won't need them. There will be some on the road, but they will continuously be reduced. I remember having to get an oil change at least once a month, and now with the efficiency of vehicles, it's once every three months. These are important things to understand. You do have small, independent mom and pop shops, people grinding every day, that invested in the Township. At the same time, this would be like giving somebody a present by saying we will cater to your interests, and we're going to rezone, and oh, by the way, I know we're doing this Conditional Rezoning, but they also don't want to tell you how many signs they have and come back to you. They don't want to tell you whether they are grabbing the instant market share that's already here, or is there an actual substantial need because the residents of Commerce and the surrounding area don't have an oil change place to go to. Thank you for your time. We're happy to take any questions either now or later.

Weber – I think we've heard...

Sam Hamady – One last comment from me. With the Jiffy going up, and if this proposed Valvoline goes up, this sets precedent across the city of Commerce. I may want to put one right next to Red Robin to compete with them because now you've basically compelled me to seek that. I'd have to almost do that. If you allow them to change and rezone, then you're going to allow many other businesses to do the same thing. Legally, you've already done it. By allowing that Jiffy to be put on the Meijer's pad, that has set precedent for future arguments. This will do the same thing.

Look, I was a landowner at one time too. I bought property that I couldn't really do much with, but I bought it from a guy who had sat on it for 20 years, and another who sat on it for 5 years. That's ownership of land; you take risks just as we buy into stocks or anything else. That's why we're investors. It's not, feel sorry for the guy who has the land and give it to him because he can't do anything with it. No, we wait until that project comes through that knocks us off our boots.

Our downtown development is coming in here soon. It won't be too long before all these different entities come in. Then we could have great use for that property. I really think the wetlands there are a treasure in this state. They're one of the 47 most protected areas in the State of Michigan. That's your aquifer there. There was a case dismissed at the Supreme Court, but a young man went to work for Valvoline. The manager at the site accepted 27 gallons of gasoline to be poured into their waste tanks. The manager, instead of having the young man inspect the tanks to see if they were full, he handed him a lighter. The young man blew himself up, along with the site. That would be placed right next to a gas station.

Weber – Mr. Hamady, please, don't go there.

Vice Chairperson Winkler – You've been talking for 15 minutes.

Sam Hamady – Thank you. I appreciate it sir.

Klint Kesto – Thank you.

Vice Chairperson Winkler – Would somebody else care to speak as part of this public hearing? State your name and address please.

Marcie Everly, 2521 Grove Circle, Commerce Township – This is not something I often do, but in defense of Mr. Hamady, we have decided to come here and show our support. We have not seen an individual that has supported our school system ... my daughters went to Walled Lake Schools. We are in support of small businesses. We've come from families that have had small businesses and it's not easy. With all due respect to all of these folks here ... immediate need for an oil change. Mr. Hamady has been amazing. I will just share a small story with you folks. I'm a single parent. I purchased a vehicle not too long ago. For the mere fact that I didn't have anybody to put my license plate on for me, literally, I thought to myself, I'm going to chance it and drive over to [Valvoline] [sic]. Without even asking, they simply said, don't even worry about it, pull in. They put my license plate on, at no charge whatsoever. That meant the world to me. I can tell you, I know Mr. Hamady is pouring his heart out to you folks because this is his livelihood. What I've seen him do for the school systems, if we had a couple more men like him, honestly, the school systems would not be suffering in the manner that they are. Please take into consideration the small business owners and this immediate need for a new oil change. I appreciate you listening to me. Thank you for your time.

Cameron Everly, 157 Shorebrook Ln, Walled Lake – Thank you for allowing me to speak today. I was a student at Walled Lake Central High School. I graduated the Class of 2017. I was involved in the WLC Varsity Pom Program throughout my entire time at the school. After graduation, I returned to my alma mater to serve as head coach of that team, and it's safe to say that Mr. Hamady has been an awesome support system for our program. He has allowed us to host our car wash fundraisers two times throughout the summer, almost every time, earning over \$1,000. Even on days when his business was not open itself, he has opened up to allow us to host fundraisers there.

Another small story; upon my senior year, we were about to go off to our national competition in Florida. We had a fundraiser in which we were about \$400 short. Mr. Hamady himself donated to fill that gap to allow us to compete.

I think when coming to your decision about this, it's important to seek out the ways that small businesses do have a way of helping programs serve and keep them afloat. That's something that you don't really find in large corporate businesses. We've appreciated everything he has done for our community. I think he really is an individual who continues to serve for this community. Thank you for your time and hearing me today.

Vice Chairperson Winkler – Who else would like to speak to this?

Aaron Newman, 2105 Newport Court, Wolverine Lake – I'm a local tool retailer and distributor for the area. I service most of the shops in the area. I get to have conversations with these local business owners every day of the week. I have 122 clients that I stop and see and visit every week. I get a good feel for what their idea is in the business atmosphere. Currently, bringing up the conversation of having Valvoline move into our town, I get the general consensus that it would not be a positive thing for those local businesses at this time. They all feel the constraints trying to rebuild from these last couple years. The timing would be more than detrimental to some of these local businesses. It would kind of shoot myself in the foot not wanting another potential

customer in the town, but I think it would benefit the greater good currently to hold off on this development at this time. I get to see these gentlemen and ladies who operate in the local area, in this actual field. It's pretty common that now would not be an appropriate time.

Vice Chairperson Winkler – Thank you for your comments. Would somebody else like to speak?

There were no additional comments.

There were 9 correspondences received, all in strong opposition to the Valvoline proposal. Their comments and concerns are summarized as follows:

1. Mark Collins, 2070 Marble Ct - Jiffy Lube is opening soon; Commerce resident for 30 years; adding another oil change shop is a bad idea; especially a national chain which will take business away from the local shops that support the community and schools.
2. Janine Bradbury, 3269 Brookneal Street – Support Sam Hamady and Top Lube; against Valvoline; in support of small business relationships and a healthy sense of community; there are plenty of places to service cars already in the area.
3. Renee Yaroch, 6115 Borowy Dr, Commerce Township – Request that proposed Valvoline be denied; B2 zoning should not be changed; maintain “community” planning concept; many oil change businesses already serving this area; support businesses surviving COVID.
4. Austin Pothast, Resident, Business Owner (no address provided) – (quoted much of the petition statement shown below) Strong opposition to proposed Valvoline; zoning, use need and environmental considerations; protected wetlands; zoned B2 to comply with “community” planning concept; documented need for another oil service center?; many options in a 5-mile radius.
5. Jeff O’Boyle (no address provided) - (quoted much of the petition statement shown below) Strong opposition to proposed Valvoline; zoning, use need and environmental considerations; protected wetlands; zoned B2 to comply with “community” planning concept; documented need for another oil service center?; many options in a 5-mile radius.
6. Jimmy Bossu, Concerned Commerce Resident (no address provided) - (quoted much of the petition statement shown below) Strong opposition to proposed Valvoline; zoning, use need and environmental considerations; protected wetlands; zoned B2 to comply with “community” planning concept; documented need for another oil service center?; many options in a 5-mile radius.
7. Dennis & Monica Moore (no address provided) – Strong opposition to proposed Valvoline; surprised that another oil change facility would be entertained; Commerce does not need; watch out for health and viability of existing small businesses; avoid duplication of services.
8. Chase Comer (no address provided) - Strong opposition to proposed Valvoline; surprised that another oil change facility would be entertained; Commerce does

not need; watch out for health and viability of existing small businesses; avoid duplication of services.

9. Troy & Laura Guist, Commerce Township Resident (no address provided) - Strong opposition to proposed Valvoline; surprised that another oil change facility would be entertained; Commerce does not need; watch out for health and viability of existing small businesses; avoid duplication of services.

The petition submitted by Mr. Hamady contained signatures of 123 people and is included herein on the following pages. The petition reads:

*Petition summary and background: I am signing to express my strong opposition to the proposed Valvoline business that was discussed as a "Concept" during the November 1<sup>st</sup> planning meeting. While the corporate Valvoline pictures may pass the planning department's standard aesthetically, there are zoning "use need" and environmental considerations that would make this type of planning decision undesirable for our community.*




*Action petitioned for: We the undersigned, are concerned citizens who urge our leaders to act now to not allow a proposed Valvoline to be built in area zoned for B2 to comply with the original "community" planning concept. The residents of this community deserve to experience the lifestyle benefits of a completed B2 area, which, given the delayed downtown, could benefit from immediate retail/restaurants.*



## Petition to stop proposed corporate Valvoline

Petition summary and background	I am signing to express my strong opposition to the proposed Valvoline business that was discussed as a "Concept" during the November 1 <sup>st</sup> planning meeting. While the corporate Valvoline pictures may pass the planning department's standard aesthetically, there are zoning, "use need" and environmental considerations that would make this type of planning decision undesirable for our community.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to not Allow a proposed Valvoline to be built in area zoned for B2 to comply with the original "community" planning concept The residents of this community deserve to experience the lifestyle benefits of a completed B2 area, which, given the delayed downtown, could benefit from immediate retail/restaurants

Printed Name	Signature	Address	Comment	Date
Ryu Hultun		414 Commerce Woods drive	Small business is the best	11/21/21
Rex Spoutz		749 Polaris Dr Commerce Twp MI 48382	Support Small Business	11/24/21
Nathan R. Tores		2974 Welch Rd Commerce Twp, MI 48390	Do not make zoning exceptions for large company that will erode the local market.	11/24/21
Tracie M Schriber		3875 Commerce Commerce Twp MI 48382	Keep community in the Community Support Small	11/24/2021
Megan D Schriber		3875 Commerce Rd Commerce Twp MI 48382	Business Support Small	11/24/2021
Seff OBoyle		1599 W. Ridge Dr. Commerce Twp MI 48382	Supporting Small Business	11/24/21
Lucas Nash		1569 Middle Trail Rd. Commerce Twp MI 48340	Support Small Business	
Natalie Bycraft		4738 Bala Road CA. Commerce Twp. MI 48382	Support Small Business and protect the environment.	11/24/2021
Brian Chisholm		2805 Blue Stone Commerce Twp MI 48390		11/24/2021

Printed Name	Signature	Address	Comment	Date
Raajid Yono		1830 Welch Rd	Support Small business.	11-24-21
Thair Yono		1273 Loon Ridge	Local over Big Chains	11-24-21
Ramiz Yono		1273 Loon Ridge	support local!!!	11-24-21

















Printed Name	Signature	Address	Comment	Date
Christie White	<i>Christie White</i>	8985 Campbell Creek Commerce Twp, MI 48390		11/23/21
Dominic Patena	<i>Dominic Patena</i>	1086 Andover Cir. Commerce, MI 48390	Keep small businesses	11/24/21
Justin Fox	<i>Justin Fox</i>	1542 Tule Hollow Drive Commerce Twp, MI 48392	Keep small businesses	11/24/21
Matt Dresden	<i>Matt Dresden</i>	5050 W. Newwood Ct Commerce Twp, MI 48392		11/24/21
Roger Denn	<i>Roger Denn</i>	156 Annot Ct, Commerce Twp, MI 48382		11/24/21
Jeanne Dean	<i>Jeanne Dean</i>	1156 Penarth Ct Commerce Twp, MI 48382	Small businesses are what Commerce Twp is about	11/24/21
Arma Boshossian	<i>Arma Boshossian</i>	4343 Kelsey Farm Dr Commerce Twp, MI 48390	Small businesses grow towns, NOT corporations	11/24/21
Bob Row	<i>Bob Row</i>	3500 Buss Dr Commerce Twp, MI	Keep All Small Bus. going	11/24/21
Chris McFarlane	<i>Chris McFarlane</i>	2515 Grove Ave Commerce Twp, MI 48382	Support small businesses	11/26/21
Katrina Calabro	<i>Katrina Calabro</i>	2515 Grove Circle Commerce Twp, MI, 48382	Support small businesses	11/26/21
GABRIELA CAVANTEE	<i>Gabriela Cavansee</i>	4386 Pittillip Commerce Twp, MI, 48382	Support small businesses	11/26/21
Mariette Perrod	<i>Mariette Perrod</i>	3162 Swan Oak Dr Commerce, MI 48390	SUPPORT SMALL BUSINESS	11-26-21
Thomas Raftery	<i>Thomas Raftery</i>	2408 Metzner Rd Commerce Twp, MI 48390	Support small businesses	11/26/2021
Lipany Rock	<i>Lipany Rock</i>	3266 Kewcott Dr. Wooded Lake, MI 48390	Support small businesses	11/26/21
Charlief Schaefer	<i>Charlief Schaefer</i>	2875 Currite Pl, Commerce Twp, MI 48382	Over corporate support local businesses	11/26/21
Brent Schroeder	<i>Brent Schroeder</i>	3875 Currite Commerce Twp MI 48382	support small local business	11/26/21

Printed Name	Signature	Address	Comment	Date
Wile Zamboni	<i>Wile Zamboni</i>	2307 Rebel Dr Commerce	Need to promote small business not big corp. etc.	11/26/21
Parvona Bell	<i>Parvona Bell</i>	363 Sterling St Commerce	Need to promote small bus. To be gives excellent customer service	11/26/21
Math North	<i>Math North</i>	3109 Ivy Hill Dr. Commerce	lets allow our small businesses to thrive.	11/26/21
Brandy Carson	<i>Brandy Carson</i>	2501 old stone road ce.	leave small family businesses!	11/26/21
Samantha	<i>Samantha</i>	3541 Flamingo Ct Commerce	Small business owners!	11/26/21
Beverly Curtis	<i>Beverly Curtis</i>	1071 Woodhaven 48390	America was built by the small business.	11/26/21
Dore Hudspeth	<i>Dore Hudspeth</i>	8336 Timbercove 48332	Keep small business ground	11/27/21
Randy Hudson	<i>Randy Hudson</i>	2651 Tritium Hills 48382	Keep small business	11/27/21
Matt Claster	<i>Matt Claster</i>	850 Albatross St 48390	Let small businesses thrive!	11/27/21
Tiffany Henderson	<i>Tiffany Henderson</i>	950 Albatross St. 48390	Let small businesses thrive!	11/27/21
Andray Zebor	<i>Andray Zebor</i>	462 Linden Ct, Commerce 48390	Let small businesses thrive!	11/27/21
Katherine Actry	<i>Katherine Actry</i>	3008 Rosekron Commerce 48390	Let small businesses thrive! We need them!	11/29/21
Gary Zozo	<i>Gary Zozo</i>	1355 Jeweesten Ct Commerce 48390	Let small businesses thrive! We need them!	11/29/21
Robin Herman	<i>Robin Herman</i>	6276 S. River Drive 48390	Let small businesses thrive! We need them!	11/29/21
Jacob Swick	<i>Jacob Swick</i>	1786 Winthry St. Commerce 48390	Screw big business	11/30/21
A Rose	<i>A Rose</i>	2068 D-Hidden Meadows	We need him here	

Printed Name	Signature	Address	Comment	Date
DENNIS MURPHY JASON SNEKTER		2602 HAVANA ST 26104 Barrington Cir Commerce Twp, MI.	WE DON'T NEED MORE SUPPORT CORPORATIONS - SMALL BUS	11/30/21
RITA DALLEY		41630 KENILWORTH AVE		12/1/21
GREG OVIATZ		1918 DAWN REDWOOD, WOOD LAKE	NET LANDS ARE TO EMPOWER! !!	12/1/21
TROY GUIST		2500 BATUSPEL ST Commerce Twp.	DO NOT DISTURB WETLANDS	12/2/21
MICHELE WILK MADISON KEMMEL		1914 W. Ridge Dr. Commerce 48390	We support small businesses!	12/2/21
MICHELE BISON		4080 EMERALD PINES DR., WOOD LAKE MI 48390	I support small businesses!	12/4/21
JAN TEAL		4080 Emerald Pines Dr. Wood Lake, MI 48390		12/4/21
LUKE ZATHORANSKI		5067 ELKIN ST Commerce, MI	Supported	12/4/21
ANTHONY DORCHER		283 WISCONSIN Hill		12/6/21
ARNE DREHER		8627 Cobble Lake (Lodge Unit 312 Commerce Twp MI 48382	fully support small businesses!	12/17/21
CAROL LASSIA		5036 Edgar Rd Clarksford, MI 48346	We need small businesses	12/7/21
MICHAEL KAPETANSKY		4114 A Junt Lane Commerce, MI 48390	We don't need anymore in the area	12/7/21
DONALD GREGG		4885 Whitlow Blvd. Commerce Twp. MI 48382	The area is saturated with Lube options. We need it more, we keep green.	12/07/2021
REBECCA OKREFE		6000 Pecanwood way Commerce MI 48382		12/7/21
		1821 Dequand Tr. Commerce Twp MI 48390		12/8/21

Printed Name	Signature	Address	Comment	Date
Wendy Jones		3828 Deems, Commerce, MI		12/9/21
Debbie Baprawski		1704 Lyka Commerce Twp MI	keep commerce twp beautiful	12/9/21
Kyle Sparks		2311 Benstein rd Commerce Twp	Don't mess with watered eco systems	12-9-21
Alicia Watkins		2854 Abington Twp Commerce	KEEP IT CLEAN! TODAY many buildings	12/6/21
Susan Gillison		983 Mendenhall ms Commerce	Support Small Business	12/9/21
Adam Grankemeyer		473 Ruffert st Twp, MI	Support Small Business	12/9/21
Sarah Strachan Jana Strachan		215 Meadows Circle Commerce	Support Small Bus	12/9/21
Brian Convey		1405 Chesapeake Circle 48396 Commerce	Support Small Bus	12/9/21
Jaye Seese		2401 Jackson Lane 48370 Commerce Twp	Support Small Bus	12/9/21
David Thomas		1859 Ashstar 48390 Commerce Twp	Support Small Business	12/9/21
Lorraine Holt		525 Wolverine Dr 48390	Support small business	12/9/21
Danny Holt		525 Wolverine Dr 48390	Support small business	12/9/21
Joseph G. Horacki		2039 Alpha St. Commerce 48397 Commerce	Support small bus	12/9/21
Dona Siero		3249 Lochmore Ct Commerce	support our sm bus	12/9/21
Tyhone George		1935 Applebrook Dr	Support sm Bus	12/9/21
Michael Catgill		2557 N. Trail Ct	Support our small business	12/10/21

Printed Name	Signature	Address	Comment	Date
ARTHUR HOWARD	<i>Arthur Howard</i>	1710, S ADIE STAGE	Small Bus Support	12/16/21
ROBERT BARNETT	<i>Robert Barnett</i>	1720 Commerce Drive, small business support 48380	Full Support	12/16/21
Krista Sluiter	<i>Krista Sluiter</i>	790 W. River Dr. 48382	Support	12/15/21
JOSHUA PIKE	<i>Joshua Pike</i>	3235 GATEWAY LEDGE 48390	SMALL BUSINESS SUPPORT	12-15-21
Kandice Ziegner	<i>Kandice Ziegner</i>	103 Legato Drive 48390 Commerce	Small Business Support	12-15-21
John Gresslin	<i>John Gresslin</i>	1736 Radcliffe Ln	Small Bus Support	12-15-21
Kate Dubois	<i>Kate Dubois</i>	543 N. INDIAN COMMERCIAL W-48373	IF making Support small business!	12/15/21
PAUL ESPACE	<i>Paul Espace</i>	2030 WACDOR Commerce 48390		12/15-21
SUE KALINOWSKI	<i>Sue Kalinowski</i>	5014 FAIRGROVE LANE Commerce	We need to support our Small Business!	12/15/21
PATRICK KALINOWSKI	<i>Patrick Kalinowski</i>	5014 FAIRGROVE LANE 48382	WE DO NOT NEED ANOTHER OIL CHANG IN THIS AREA	12-15-21
KATHIE KALINOWSKI	<i>Kathie Kalinowski</i>	5014 FAIRGROVE LANE 48382 Commerce	NO MORE OIL CHANGES Support our small business!	12.15.21
KEVIN KALINOWSKI	<i>Kevin Kalinowski</i>	5014 FAIRGROVE LANE Commerce 48382	Support small business	12-15-21
Mark Nowostelska	<i>Mark Nowostelska</i>	2145 Helmsford DR 48390	Keep Small Business during	12/18/21
ROS LARSEN	<i>Ros Larsen</i>	1894 ALTON C.I., Commerce 48370	Keep small b.z going	12/18/21

Printed Name	Signature	Address	Comment	Date
Mitchell Smith		2273 Cicero St	Support Small Business	12/22
Alicia Villages		2127 Pavis Way	SABMW	12/22/21
Lori Morgan		29108 Barrington Circle	Support Small Local Business	12/22/21
DAVID CHARNEY		3665 Oullont, 40324		12/22/21
Randy Yotama		1853 Applebroke 48382		12/23/21
Jane Alexander		241 Wisard	Responsibility management	12/24
Bill Nash		1869 Middle Trail		12/24
Dore Kueser		697 Eisenhower Ct	Support Family Local Bus.	12/27/21
Laura A. Kreible		697 Eldobegs Ct	Support Family Local Bus	12/27/21
Cathy Burtzoff		1752 Carriage Hill	Support Family Local Bus	12/27/21
Ken Heff		8520 Buffalo P Commerce Twp MI	Support Family Business Local	12/29/21
James MacLellan		9298 Prestead, Commerce Twp MI		1/3/21
Don Erhardt		6102 Birchcrest Ln 48382		1/3/22
Philip Wesley		2151 Decker Rd. MI	Protect small businesses	1-3-22
Sarah Henderson		1520 CARPENTER CT	Support Small Business!	1/3/22
Dawn Beauty		2909 Sleeth Rd	Support Small Business	1/4/22



### Petition to stop proposed corporate Valvoline

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**Action petitioned for**  
 We, the undersigned, are concerned citizens who urge our leaders to act now to not Allow a proposed Valvoline to be built in area zoned for B2 to comply with the original "community" planning concept The residents of this community deserve to experience the lifestyle benefits of a completed B2 area, which, given the delayed downtown, could benefit from immediate retail/restaurants

Printed Name	Signature	Address	Comment	Date
Scott Lynn		1477 Spina Dr		11/24/21
James Johnson		5721 Bingham Dr.	I support Small Business AND Small town Fee! No Big Business	12/18/21
Dwight Deery		1730 Traditonal Dr		12/18/21
Sandy Deery		1730 Traditonal Dr.		12-20-21
MARK LYNN		2604 WINDASSO St.		12/20/21
Eliot Grassky		2527 Red Maple Rd		12/22/21
Jon Winn		6284 Silvercreek West	Support Small Business!	12/22/21
Thomas Taylor		803 Las Arboles	support small business	12/22/21



## **Vice Chairperson Winkler closed the Public Hearing.**

### **Commission Comments:**

Vice Chairperson Winkler – Should we talk amongst ourselves, or let Valvoline respond?

Weber – I've got questions.

Vice Chairperson Winkler – Okay, as do I. Bill, can I start with you?

McKeever – I really don't have any questions. I appreciate everything that has gone into design of the project, but I feel it was originally zoned B-2 for a reason. In fact, I was part of that initial process. The thought was to restrict automotive uses and service centers. I just don't see anything compelling, to me, that would lead me to be in favor of a Conditional Rezoning or a rezoning for that matter.

Weber – Mr. Anning, could I get you to the podium or the table?

Tim Anning – Yes.

Weber – Maybe a comment for the public. One of the things the State of Michigan, or the Michigan Township Association will counsel you on as you're going through Planning Commission continuing education or certification is to be careful with competitive conversations, and/or picking winners or losers. It's still a free market and we're supposed to let that sort itself out and not have us direct that.

Now, having said that, I think the majority of the people at least within the last several years that I have been on the Planning Commission, we do take that into consideration. We do take the community and all of the businesses into consideration, but also in relation to our Master Plan and how certain places fit. If I look at this piece of property, I see it as a perfect location for a quick lube. If I was in the quick lube business, as Mr. Hamady said, this would be the place I'd love to have one on.

Having said that, that doesn't necessarily mean that it meets the first criteria for Special Land Use. For Special Land Use, there are 8 criteria, and the first one is the documented and immediate need, which has been what most of the conversation has been on. Some of that is where, Mr. Anning, I'm going to get into. For better or for worse for you, automotive parts and service maintenance is my area of expertise, as well as market rep and real estate planning for automotive. I understand the data and I understand where you're coming from. I do challenge, though, some of the data that you've chosen to use. In your letter, you state that you use several data sources, but you really didn't define what those were. Now, with the presentation, you did help define that down, but it appears as though most of the data that you've used is national Valvoline data, outside of residences and census data. Here's my concerns, and I'll just go through the way that you have it laid out.

You've got your trade area as you identified and showed us, and it's 11.3 minutes, which is roughly a 5-mileish circle. You identified 5 competitors to that. My question is, why wouldn't you list Belle Tire, Discount Tire, or Walmart? If I look within your trade area, I find 15 places that do oil changes. I understand you want to compare yourself to just drive-through's, but from a standpoint of understanding immediate need, it's really, where are people getting their vehicles serviced in totality and not just drive-through's.

Tim Anning – I understand the question. I'll be transparent with you. Trying to establish the exact universe for oil changes is very difficult, given the different uses that offer oil changes as part of their wider service. When I'm doing my predictive analytics, I do take into account the tire shops and the auto repair services that are offering oil changes, but not as their primary offering.

What I showed on the screen are what I believe are dedicated quick lubes, so key competitors to us. Across the country, we locate next to tire operators, next to auto repair operators, and form equally next door to them as we would do anywhere else.

Weber – Help me understand. Again, the language being, *an immediate need*. Somebody can get it done. People are getting it done in those other locations. The universe is larger than 5 from an immediate need standpoint.

Tim Anning – I think what I'm trying to show in terms of immediate need is obviously those 5 quick lube operators operate within the same immediate area as us. There's 36,000 households there. It's a very simple, easy math, but what we believe is, in terms of dedicated quick lube operators, in conjunction with other services that are offering oil changes, that we need about 5,000 households per quick lube for us to be successful. We're ahead of those ratios, which is why my modeling suggests that Commerce is an area of potential, untapped demand.

What we also know about the location in particular, because it is a regional hub, is that trade area is different to some of our competitors. I know you mentioned not to talk to competitors, but I think it's important to note, some of the locations are much more neighborhood locations and will trade strongly in a smaller area. We're expecting trade from a wider area. I think we will penetrate that core area at a lesser rate and pull trade, which is basically a Costco customer. I think the immediate need is actually larger than that immediate 5-mile ring or 11-minute drive time. Our data suggests less than 50% of the total oil changes are being served by dedicated quick lubes, which means more than 50% is going elsewhere to the auto service and repair shops, or to the dealerships. I think compared to everywhere else around the country, those ratios are very much lower than we see, which is again, why we've identified Commerce as an area of untapped potential.

Weber – My view is, there's a difference between whether or not this location can be wildly successful, versus an immediate need. They're really two distinct concepts. Let me ask a couple of other questions. I'm assuming you got to the 66,000 vehicles by using census data, saying there's an average of 1.8 vehicles per household. I guess I'm slightly disappointed that you wouldn't have used actual registration data, which I'm assuming you probably have access to that database, to see exactly how many vehicles are here. To be honest, I think it probably is bigger, but taking that and driving down to the 166,000 oil changes per year; I struggle with that number. Again, I believe you used your national data that say the average is 2.5 oil changes per vehicle, versus using Metro Detroit data. Being from Chicago, you probably don't have the same sense, but Commerce Township in particular has an inordinate amount of Ford, GM and Chrysler employees, family members, friends of family. A large percentage of our vehicles, a larger percentage than the national average, are short-term leases because they are from the family purchase plans.

Vehicles since 2010-2013, I'm sure you know better than I do, most manufacturers are recommending an oil change every 10,000 miles. Therefore, the 2.5 oil changes per

vehicle in this demographic is something that's significantly less. If we're peeling this onion back to taking your number of vehicles to the number of oil changes that are out there, in the universe of places that could do oil changes, I think it's a smaller amount than what is represented here on the data. The only way to truly do that would be to use specific data within Southeast Michigan, which is maybe a long-winded comment of saying, with the data you've provided, I don't see that you have crossed off answering the immediate need question, from the competitive database, the competitive set that you're using, down to the number of oil changes within our area based upon the demographics of age of the vehicles that are within Commerce Township, as compared to national figures.

My partner was much more succinct, but I don't think you've crossed the threshold for me for the immediate need. I understand that this meeting is for something else, specifically talking about zoning, but there is no sense in everybody spinning their wheels if we can't get past that one question first.

Tim Anning – In response, you're actually right. The 1.82 vehicles is census driven. However, the 2.5 oil changes per year is taken from our 21 corporate stores we operate in the Detroit Metro area. That is actual Valvoline data.

Weber – It is not a national number then, it's local.

Tim Anning – Yes, we operate 21 corporate stores in the wider Detroit market, and that is actual data from those stores over the last year.

Weber – On average in Southeast Michigan, people are having their oil changed 2.5 times per year?

Tim Anning – In our Detroit stores, yes.

Weber – Okay. I stand corrected. I appreciate that.

Loskill – My companions have pretty much laid out their concerns. The only thing I would like to add, we do have quite a few ... obviously, I used Google maps and there were quite a few red dots that popped up. My other concern is how long we're actually going to need oil change places, with the number we've got currently. It seems like every time I turn on the news, it seems like I hear another auto company is planning on increasing their electric vehicle production in the next 10 years, which is going to reduce the demand for oil changes. I don't really see the need for another oil change place right now. We have so many currently, so many places that are dedicated to it, but also do it as a side service; gas stations, tire places, and other mechanics. I'm just not convinced that we need additional oil change places right now.

Karim – I don't have any other comments. It has all been said.

Rebeck – Okay, I'm going to piggyback on the data questions. Why didn't you give us something that was like the population growth over a period of time? If we had two quick lubes in 2000, and then the population went up to X-number, now we have three. If we need it right now, I would have liked to have seen what the population in our Township has done to make this needed. We can see what's happening right now, according to

your data, but why do we need to add another one. If it is because the population has grown, I think that would have been more useful for me.

I have a few questions for Dave. Given the deed restrictions from Lifetime and Costco, what are we looking at as far as what we can put here? I went through them, but between the two of those things, it seems like a quick lube is one of the very few things that we could do.

Dave Campbell – I would agree, and that's probably why that property has remained undeveloped all these years. Maybe I'll defer to Mr. Gell, but I think standalone retail without a drive-through is something of a tough sell in the development world currently, particularly in the COVID world. A lot of users are going to want a drive-through on the endcap of a multi-tenant retail building. You're correct, a lot of the users that you would typically see in an outlot along the side of a State highway such as this, the fast food restaurants, the drive-through users, car washes, those are all specifically prohibited. It is a very narrow list of uses that can be permitted on this outlot. The use that I think is most reasonable to expect here is a standalone retail building or either one tenant, or several tenants, none of whom would be able to have a drive-through.

Rebeck – And then Mr. Tennent made a comment that the use falls within the provisions of the Master Plan, but just to be safe, they are asking for the rezoning. Is that accurate?

Dave Campbell – The area is designated on our Master Plan as General Commercial, which is a Master Plan designation most consistent with the B-3 zoning district. That's correct. The Township, the Planning Commission and the Township Board, oftentimes when an amendment to our zoning map is being proposed, like this evening, an amendment from B-2 to B-3, the Township wants to have some oversight of the uses that could be developed on that property. That's the intent behind a Conditional Rezoning; *we're asking for the B-3 zoning, but we will only develop this one particular land use*. If there weren't any private deed restrictions on this property, an example of a land use that could be developed under B-3 zoning is a gas station or a drive-through fast food. Some of those land uses in certain locations within the Township are something that the Township would have concerns about. That's where the Conditional Rezoning process comes into play, is being able to grant the zoning the petitioner needs, but limit it to only one or a handful of specific uses. This property is unique in that the private deed restrictions further limit what could be done on this property, whether it is zoned B-2 or B-3.

Rebeck – Does Costco have a provision that they have to approve something that already falls within their deed restrictions? I feel like there was a comment last time that they had some contract with Valvoline or something. I feel like someone from Valvoline said that.

Dave Campbell – I think that's a more appropriate question for the Valvoline team, in terms of any agreements that need to be made with Costco.

Tyler Tennent – Costco and Lifetime, in the restrictions, exempts out specifically instant oil change facilities, and approval is required, and we have that approval from Costco and from the other users that have control over those restrictions.

Rebeck – What governs that approval? Is that something within ... if they say a quick lube can come in here ... I'm just trying to figure out why Mr. Hamady didn't get it.

Tyler Tennent – It's in writing in the recorded document. It's a recorded document that says Costco can approve certain uses, including instant oil change.

Rebeck – It's not any presumption of approval. It's, this is what we will let you do, but you still have to ask permission.

Tyler Tennent – Yes, that's how it's worded in the sense that ... I think this restriction was put on the property 10-15 years ago; it was always contemplated by the drafters that there could be an instant oil change facility here. We have run the tracks of getting Costco's consent to this. The current landowner is under those restrictions. I don't believe there is a specific exemption that we need to follow, or fit into the restrictions. The restrictions allow this particular use. Costco technically can't stand in our way, but they are aware of it and they do support it.

Rebeck – I think that's the only question I had. Thank you. I just want to make a general comment to the members of the public that are here. We've gotten a lot of communication from everyone. We hear you. Everyone is asking for Chick-fil-A. I hope that we've made it very clear tonight that, while I don't know what we're going to do with Valvoline yet, there is not a lot that we can do with this parcel. We cannot put food there for the most part. Dave mentioned the very limited use we can do with this. I want to make that very clear and make sure everyone understands, we can't put Chick-fil-A or Chipotle in this spot, as much as we would love to.

Vice Chairperson Winkler – In looking over this petitioner's proposal, I was also concerned about the need for this kind of facility. George, I have to agree with your research, that the specific need for this facility is lacking. At this point, would somebody like to make a motion, or Dave, is there more discussion warranted?

Dave Campbell – I might look to the Valvoline team. You heard a number of public comments. I don't know if there were any specifically that you wanted to have an opportunity to address, or if there's anything you've heard from the Planning Commission that you wanted to respond to.

Weber – And maybe I would ask also, what other information is out there to document the need. I think you've heard certain items. Again, there's no doubt that the location would be incredibly successful because of the location, but we still have to figure out that need. Your trade area of only 5 locations – I don't find that that holds water, versus where people are actually going today. I don't know if this is something you want to review some more, or if you want us to take action.

Dave Campbell – I'll ask Mr. Weber a question. Do you see there being potential in it being to Valvoline's benefit to come back to the Planning Commission at a later date with some enhanced data to better build a case for the need for the use? Is that a worthwhile undertaking for them?

Weber – I might word it differently. I would say that, echoing some of Chelsea's comments, that we have heard, we do understand; however, we also have an obligation to this piece of property, and to the owners of that property as well, to determine if this is an appropriate use for the overall community. And again, not just for specific businesses, not picking winners and losers and so forth, but the applicant has to meet that, and has to overcome the question of immediate need. I don't think that has happened yet. It's up to you to better refine your data, I think, to convince us through data that there is an immediate need. Otherwise, you meet the other criteria, but that's the most important criteria.

Tyler Tennent – Real quick, I want to just make a few comments about what has been said. I understand completely the struggle you're going through to understand the difference between profitable business and something that is needed. We took our best shot tonight at demonstrating to you through data, through the only expert for the entire company that we have, to demonstrate both demand and need. We took our best shot to provide you with that information tonight.

It is possible that there is information that we possess, or we could get, that meets your definition of what you're looking for, for describing what a documented and immediate need is. I understand that a few months ago, you approved a Jiffy Lube. Was it a Special Land Use?

Dave Campbell – Yes.

Tyler Tennent – Okay, so they had to go through the same drill. I don't know what they presented to convince you then, versus what we're presenting now.

Weber – Mr. Tennent, so you're saying this is it then?

Tyler Tennent – I'm saying, give us a target. I guess, what we missed. It sounds like what we haven't done a good job of is hitting the target of what you expect to show from a data perspective, what a documented and immediate need is. I would like the opportunity to have Valvoline understand what that target is, and how you might have done it in the past so that we can have some direction on this.

Weber – I think, again I'm speaking as an individual, and everybody will have their own, but you have to show the other locations within the trade area that actually do this work. You cherry-picked 5. So, cherry-picking doesn't happen.

Tyler Tennent – So, instead of showing 5, how many would you like us ... expanding the area?

Weber – It's easy for you to do the same thing that we did, and to identify within that trade area. If it's 11.3 minutes' drive time, that seems rational to me. I don't think Mr. Hamady would dispute that. Then, what are the other places that are presently performing this service? There's more than 10. I think that's the first step. I think the second step would be to actually get the registrations within the area for vehicles, which will show you the age of the vehicles within Commerce. From there, you can then easily just use manufacturer's data, so based on the age of those vehicles, what's the recommended number of oil changes that they should have per year? So



again, readily available information. From there, you'll be able to get down to having the number of oil changes within this trade area, divided by the number of locations that are there, and here is what the universe is. Is that universe presently being met by the areas that are there, or not? If not, that is information that I think would stand in your benefit to show that there's this much capacity that is not being serviced, and so therefore it might make sense. I don't think it's for us to find that for you.

Tyler Tennent – I understand. The point of clarification was, we wanted to make sure we were ... We sort of had to guess what the target was with respect to the data that we brought here this evening. You've given us some very specific data points, and it makes perfect sense what you're saying. I think we can get those data points. I don't know what they're going to show, but it might be important for us to give us another opportunity to come back and have that chance. Again, I don't know, because I haven't appeared before this Commission in a while, I don't think any of you were around 30 years ago, probably one of my first times I did this. I'm also curious as to how you have evaluated other sites with the same hurdles to overcome.

Weber – Well, I would say we get smarter every time.

Rebeck – I would like to add to what Mr. Weber just gave you, if you don't mind.

Tyler Tennent – Sure, that would be great.

Rebeck – We're talking about immediate need, right, so I want to know, why now? I don't know that I was here when Jiffy Lube was approved, so I can't speak to that. But now we have Jiffy Lube coming, so why Valvoline now? That's a really important question for me personally.

Tyler Tennent – Yes, just off the top of my head, Jiffy Lube saw that this market had potential, just like Valvoline has.

Rebeck – Well, I'm sure that our very competent data guy could come up with some way to compare population and growth. That's just my personal thought from looking at what you brought. The other members of the Commission are going to have their own thoughts, but when I hear immediate need, that's what I think. Why now?

Tyler Tennent – Okay.

Dave Campbell – Jiffy Lube has been mentioned a couple times. I want to make sure everyone understands that, it's not necessarily an apples-to-apples comparison in the sense that Jiffy Lube was on a piece of property that was already zoned B-3. What Valvoline is now requesting is to take a property that's currently zoned B-2 and amend the zoning of it to B-3. In a lot of ways, that's a different set of criteria than the criteria that Jiffy Lube was required to satisfy. I think that's a relevant point, that the rezoning that is necessary for this project is a discretionary decision of the Planning Commission and the Township Board.

Tyler Tennent – I understand, but as we discussed, and you've talked with Valvoline, we're here tonight to also talk about an issue that really isn't on the table tonight, but as you say, it's necessary to discuss for purposes of being efficient.

Dave Campbell – Sure.

Tyler Tennent – Certainly, Jiffy Lube had to run through the same hoops when they asked for Special Land Use. That's great. Is there any other guidance you can give us about what your intent is behind a documented and immediate need? Apparently we've presented you data, but it has not met that target. We'd like the opportunity. Since your ordinance doesn't define it, now we have a better sense of what you're looking for.

Weber – So are you requesting we table this?

Tyler Tennent – I'm going to ask ... I see Robin shaking her head, so yes. Yes, we would like to table this until your next meeting.

Dave Campbell – February 7<sup>th</sup>.

Tyler Tennent – February 7<sup>th</sup>, and we'll come back and respond directly to the questions you have about immediate need and the other comments that were made, by not only members of the public, but also by members of the Planning Commission.

Dave Campbell – I would ask, if that's the request, and if that request were to be granted, is there anything else about their petition or their proposal that is worthwhile for them to have an opportunity to revise or evaluate? Such as the layout, building materials, landscaping, any of the conditions that have been offered? This seems like a fair opportunity to flesh those out as well.

Loskill – I had no issues with the aesthetics or anything like that, but the only other thing I would be interested in is the long-term outlook for oil change places, considering the trend toward electric vehicles and away from fossil fueled vehicles. At some point, we're going to stop needing oil changes because we won't have internal combustion engines anymore. How many of these are we going to build, and what are we going to do when this is no longer needed? We're not talking sometime in the future. All of the major car companies are talking a big push to electric vehicles in the next 10 years. Being such a prominent location, one of my questions is how long are these places going to be active and what's the attrition rate going to be? What are we going to do with the number we have now in 10 years, when the demand maybe cut significantly from what it currently is?

Dave Campbell – So not only the immediate need, but also the near future need.

Loskill – Yes. This is not something that is going to be able to function forever. It's not a fast food place. It's not a dental office. It's not a doctor's office that could be repurposed. This is a one-trick-pony building. You're going to have an environmental cleanup issue when this goes under as well. Somebody will have to clean this place up.

Vice Chairperson Winkler – Any further discussion at this point?

No comments.

Vice Chairperson Winkler – Would somebody like to make a motion?

**MOTION** by Weber, supported by Rebeck, to **table** Item PCZ21-02, Valvoline Conditional Rezoning. **MOTION CARRIED UNANIMOUSLY**

Vice Chairperson Winkler – I'd like to thank the members of the public for coming to the public hearing, and on such a cold night.

## **I. NEW BUSINESS (2):**

### **ITEM 11. MASTER PLAN REVIEW**

David Campbell – I will introduce this and I'll quickly turn it over to Jill Bahm and Rose Kim from Giffels Webster. Hopefully you all received a copy of the graphic that Jill's team has prepared. The intent would be for some version of this graphic to be the guide for our joint meeting with the Township Board on January 25<sup>th</sup>. We've talked about having a vision statement as the Planning Commission moves through its review of the 2015 Master Plan, and then with that, the guiding principles for that vision statement. I'll let Jill and Rose speak to how that was incorporated into this graphic, and whether there are any revisions, suggestions, or things that we should include in this, leading into what we hope is a productive joint meeting with our Township Board on the 25<sup>th</sup> so that we know we have the Board's support as the Planning Commission continues with the Master Plan review process.

Jill Bahm – Thank you and Happy New Year everybody. We were warned it would be a longer meeting before you got to us. I did not think it would be so long, nor as controversial. It's interesting to hear your questions of the applicant, and to hear the comments from the folks that were here on both sides of this issue. It's an interesting conversation and that's why we do what we do. It can be tedious, but at the end of the day, you're making decisions that impact the livelihoods of people in the community. With that, and appreciating Dave's introduction, we did take the information that had been provided to us by the Planning Commissioners on the guiding principles, and those ideas. Some of those, Mr. Weber had started with, and Mr. Parel gave some additional feedback, and then Dave provided some comments as well. We've turned it into this graphic, starting with the idea that these are the check-in points. That's what we use these guiding principles for. So, as we're making land use decisions, we'll look at these as our guardrails to make sure that we're on the right track. You'll see that we made 8 out of what you had given us. It's not everything. We can't possibly list every single thing, but I think in our conversations with you, the things you've written down and sent to us, and some of the survey responses, these seem to be the ones that rise to the top, especially when we think about protecting the Township's character and mitigating traffic congestion. We talked a lot about that last time. Also, managing growth, encouraging economic development, promoting complete streets and complete transportation systems, enhancing community health, planning for sustainability and resiliency, and also planning for the development of large sites. These do seem to be the big areas that we've talked about over the last couple times that we've met, with just a little bit of a description with each one of those short phrases to help illustrate what we're talking about.

Mr. Weber and Ms. Bahm discussed creating a community where people want to stay for a long time, how to balance and promote community goals and zoning, along with accommodating a range of residents, from young professionals raising families, to an aging population who need different living arrangements. There is a need to accommodate certain types of housing, but it might be intentionally integrated in a mixed fashion, which also limits the need for people to drive everywhere because local goods and services are added in. There can be specific design standards and requirements for open space. Figures were reviewed for rental homes and rental units within the Township, along with new developments that are in the pipeline.

Discussion continued regarding the Master Plan update process. Mr. Weber cited the suggestion previously stated by Ms. Rebeck that whatever is done, there is a need to limit ambiguity and have it be achievable. Ms. Bahm felt that could be demonstrated in the document itself and through mapping. Unfortunately, the 2020 Census data isn't fully available, and the old estimates don't reflect the correct percentages. However, the building permits and things in the pipeline can be incorporated to update the percentages, which should reflect that the Township is accommodating and planning for the housing needs of all community members, today and in the future. This is reflected in the guiding principles, in a general way, under preserving neighborhoods, balance with infrastructure, and mitigating traffic congestion. With the plan itself, the analysis will support that.

Ms. Rebeck discussed the importance of considering density, along with promoting diversity in residential character, high quality developments, and maintaining open space. Ms. Bahm discussed consideration of flexibility, balance and affordability. Mr. Weber felt that density should be defined in certain areas. Mr. McKeever agreed and felt that the current Master Plan does have adequate or high-end density limits; however, it seems that developers attempt to push those limits even higher. Ms. Bahm added that density can be a challenging concept for a master plan and for communities to manage. In large part, issues arise with traffic congestion, building size, aesthetics, lack of open space, and adjacent uses. These lead to screening, buffering and landscaping, along with layout, architecture and building design, which are all important in addressing these issues to soften the impact of certain developments and make them more appealing. Mr. Weber noted that the Zoning Ordinance does indicate density limitations.

Mr. Loskill discussed comparing percentages of various housing types throughout the Township with those of other communities in surrounding areas. Ms. Bahm explained that the data probably does not include some of the newer projects as it's estimated data from the Census, from 2015-2019. The 2020 data is not available yet. As mentioned earlier, these figures can be updated from building permits issued. Mr. Weber discussed figures for single-family rental homes, which will be more precise in the future. Ms. Bahm noted that the 2019 estimates showed homeowners at 86%, and renters were at 9%, with a little less than 5% showing as vacant. In addition, there was a chart of SEMCOG data for building permits. Discussion continued regarding permits issued for new developments, multi-family and single-family, along with age-restricted units, approximately 233, in two recent major facilities, Comfort Care and Rolling Hills.

Vice Chairperson Winkler asked if the Township Board had completed the survey. Ms. Bahm responded, yes. Ms. Kim added that 5 responses were received, and Mr. Weber would be #6. Mr. Weber noted that there should have been 7 total.

Vice Chairperson Winkler asked Dave Campbell if the Planning Commission is expected to attend the quarterly meeting on January 25<sup>th</sup>. Dave replied yes, and noted that the meeting is at 7:00pm. Dave and Mr. Weber discussed the meeting agenda items. Mr. Weber felt that the Master Plan item takes a priority position and he felt the key concepts on the graphic would be a great starting point. Dave Campbell anticipated the topics that would be covered at the Board meeting, including traffic, apartments, and larger undeveloped sites, such as the Beaumont property and the Bay Pointe property. Mr. Weber also added the topic of greenspace.

Additional comments regarding the Master Plan review could be submitted by the Commissioners to Dave Campbell up to a week before the joint meeting on Tuesday, January 25<sup>th</sup>.

## **ITEM 12. ARTICLE 27, BUILDING FORM & COMPOSITION TEXT AMENDMENT UPDATE**

Dave Campbell – In your packet are tentative redlines to Article 27 of our Zoning Ordinance that we've discussed a couple times. One is within our minimums and maximums permitted for certain building materials within various zoning districts and an effort to effectively eliminate EIFS or Dryvit material. As you can see in the table, we've reduced EIFS down to 0% in effectively all non-residential zoning districts. However, we've added a footnote as previously discussed, that the Planning Commission has the discretion to allow EIFS for certain decorative or accent elements on new commercial construction, or rehabilitation of existing commercial construction, so that we're not eliminating any opportunity for EIFS. We're recognizing that it does have a benefit in certain applications. If the petitioner can convince the Planning Commission that it makes sense for certain elements, then you have the discretion to allow it.

Vice Chairperson Winkler – Dave, are you looking for a motion?

Dave Campbell – No, I'm looking for a thumbs up to bring this back in a formal text amendment for which we will have a public hearing.

Vice Chairperson Winkler – Are there any objections?

Loskill – No, the only other thing I saw was a note about the horizontal siding.

Dave Campbell – Yes, that's Phase II of this. We've had many discussions with many developers about vinyl siding on new, residential, single-family construction and our efforts to encourage them to upgrade the siding to a fiber cement board material. We had some discussions of, should this only apply to new construction, or should this apply to someone who is re-siding their house, or putting on an addition? The Planning and Building Departments felt this was something of a happy medium; we already have language in our Zoning Ordinance that applies to the anti-monotony standards. Those are meant to avoid a cookie-cutter development. Those anti-monotony standards apply to new developments of 11 or more single-family homes. We felt it made sense to insert

a new prohibition on vinyl siding, based on the same criteria of 11 or more homes. This would not be applicable to someone re-siding or putting an addition onto their existing home, or building a new home in an existing established neighborhood.

Mr. Weber and Dave Campbell discussed where the criteria of 11 originated from and the rationale for a reasonable minimum in applying the standards. For consistency, this is how the vinyl siding standards would also be applied. The alternative was to use square footage in determining siding requirements, but that could present challenges. Discussion continued regarding a new home in an existing neighborhood, which ultimately could be sided with vinyl, despite higher quality building materials on the surrounding existing homes. HOA's and deed restrictions were considered, however not all neighborhoods have associations in place. Mr. Weber noted that the goal is to solve for 90% of the problems, not the 1%. Dave added that Pulte's development, Oak Hills, has premium vinyl siding. He asked them what the upcharge for fiber cement siding on those \$500,000 homes would have been to the buyer, and Pulte indicated \$10,000.

Vice Chairperson Winkler felt that the statement regarding vinyl siding needed to be reworded. Mr. Weber felt the language was an improvement over what existed and would address most new developments. Mr. Loskill suggested that alternative materials could be used for accent areas such as gables. Discussion continued regarding compatibility of building materials in existing neighborhoods, and potentially differentiating materials on the sides and rear of homes. After lengthy discussion, and in consideration of consistency, the Commissioners were not in favor of allowing vinyl siding on the sides or rear of new homes. These areas are often visible depending on the home's configuration and the materials should be carried around the buildings to give a quality appearance. A stipulation of no vinyl siding would also make building permits easier to review. Dave noted that Rock Ridge, east of Beck Road, was permitted to use vinyl on the sides and rear of the homes. It is noticeable if you're looking for it as you have a wider lap on the fiber cement, and a narrower lap on the vinyl siding.

Mr. Weber offered suggested language for the third sentence, and incorporated some of Mr. Loskill's comments; *Vinyl siding would be permitted in new developments for more decorative siding applications; for example, in the gable areas, using simulated shake.* Those additional terms could serve as a guide.

Dave Campbell stated that the revisions would be made and brought back in a formal text amendment with a public hearing scheduled.

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

Dave Campbell discussed a potential drive-through use/tenant at the Bajoka Plaza on Maple Road with the Commissioners. Issues were discussed as the proposed use would involve age-restricted products being transacted through a drive-through window, which is an undefined use in the Zoning Ordinance. For that reason, Dave had explained that the petitioners would need to come to the Planning Commission for a use determination. After discussion with the Planning Commission, he would advise the petitioners to select a different suite location.

Discussion continued regarding shopping center vacancies.

### **K: PLANNING DIRECTOR'S REPORT**

Dave Campbell discussed the following with the Commissioners:

- A meeting took place between the Township and Walled Lake Consolidated Schools regarding properties owned by each, and the potential to help each other with the future for these properties.
- A meeting is being scheduled with the RCOC, representatives from the County and the State regarding traffic congestion mitigation, particularly along the Martin/Richardson/Union Lake corridor. Options for realigning Martin have been reviewed and the study, from two years ago, estimated the cost at \$29 million. We're starting conversations with Senator Runestad's office and other officials to try to identify potential funding sources.
- The Country Hills property, a vacant parcel next door to the existing Country Hills development, on the north side of Wixom Road; there is a purchase agreement between a prospective developer and the Township, which the Township Board will see tomorrow night. If the property is sold, the developer will be before the Planning Commission soon with a plan to build approximately 40 houses on that property.
- The Beaumont property; we may see a prospective developer at the February meeting with a concept plan for a mixed-use development.
- You may also see a concept plan for the corner of Union Lake and Wise, the Sally's Bar property. A group is interested in doing a car wash on that property.
- The Five & Main development; we did have a meeting with Mr. Aikens in January. It primarily had to do with sanitary sewer infrastructure and capacity. The engineers were reviewing temporary routing of the first phase sanitary sewer. It will be a decision of the Planning Commission and Township Board with regard to Aikens' obligations, moving ahead, if he wants to start with the initial phase of his development, which includes the residential component and maybe one or two commercial outlots along Pontiac Trail.
- **NEXT REGULAR MEETING DATE: MONDAY, FEBRUARY 7, 2022 at 7:00pm.**

### **L: ADJOURNMENT**

**MOTION** by Weber, supported by Rebeck, to adjourn the meeting at 9:51pm.

**MOTION CARRIED UNANIMOUSLY**

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Chelsea Rebeck, Secretary