

FINAL
CHARTER TOWNSHIP OF COMMERCE
PLANNING COMMISSION MEETING
Monday, September 13, 2021
2009 Township Drive
Commerce Township, Michigan 48390

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

ROLL CALL: Present: Larry Haber, Chairperson (exited at 7:17pm)
Brian Parel, Vice Chairperson
Bill McKeever
George Weber
Chelsea Rebeck
Sam Karim
Brian Winkler, Secretary

Also Present: Dave Campbell, Township Planning Director
Jay James, Engineer/Building Official
Jason Mayer, Township Engineer, Giffels Webster

A1. RESOLUTION PRESENTATION

Chairperson Haber – Before we start, we’re going to have a resolution presentation for Tom Jones.

Dave Campbell – Tom Jones stepped down from his service with the Planning Commission in July of last year. At the time, we were doing remote meetings, so we were all on Zoom. We couldn’t have meetings here in the Board Room. We wanted to have a resolution honoring Tom once we had an opportunity to come back for in-person meetings, which we did back in May of this year.

However, Tom’s health is not cooperating with him, so we opted to have this meeting and that’s why our friend, Hunter, is here recording this so that we can compile this into a nice video and send it on to Tom.

Dave Campbell read the resolution. Tom Jones served as a member of the Planning Commission since November 17, 1998, participating in 396 Planning Commission meetings over nearly 22 years. Tom has consistently been a leader in the Planning Commission’s efforts to guide responsible and successful growth across the Commerce Township community that he has called home since 1992.

Dave Campbell – If Tom were here, I would hand this to him and shake his hand right now. Thank you. [applause]

B. APPROVAL OF AGENDA

MOTION by Parel, supported by Karim, to approve the Planning Commission Regular Meeting Agenda of September 13, 2021, as presented.

C. APPROVAL OF MINUTES

MOTION by Weber, supported by Parel, to approve the Planning Commission Regular Meeting Minutes of August 2, 2021, as presented.

D. UPDATE OF ACTIVITIES

Bill McKeever – Zoning Board of Appeals

- The ZBA has not had an agenda since our last meeting.

Brian Winkler – Downtown Development Authority

- A summary of the August 17th DDA meeting is as follows.
- Insite Updates:
 - Five & Main, the Aikens property: Site Plan changes are underway. Aikens may present changes to PC at the Oct 4th meeting, and is expected to present updates to the DDA on October 19th, and to the Township Board at their October 26th quarterly meeting.
 - The theater and hospitality portions of the Five & Main development are doubtful. The gourmet market is all but signed, and of course Aikens is looking at other tenants for the property.
 - Inquiries were generally down due to vacation season. Randy of Insite Commercial expects an uptick in September.
 - The multi-family component of the project will be the first built.
- The pathway clearing from the July & August storms is wrapping up.
- Painting over of tunnel graffiti on Martin Parkway will take place in fall with the help of the Boy Scouts.
- Barrington commercial component, which is on the northwest corner of M-5 and Pontiac Trail, is proposed to be changed to multi-family with three additional apartment buildings. There is the possibility that we will see a presentation at the October Planning Commission. It's important to note that the underlying zoning of that property is single-family, and it's within the Towne Center Overlay. Dave Campbell can elaborate on Jim Galbraith's request if he'd like to.

Dave Campbell – I'll just confirm that his site plan was submitted today actually, for three additional buildings for the Barrington project along their Martin Parkway frontage. Assuming those are met with satisfaction by the Township Engineer and the Landscape Architect, they may be coming to you at your October 4th meeting.

Brian Winkler – Thank you, David.

- An updated 2021 DDA budget was approved. The proposed 2022 DDA budget was approved and sent to the Township Board for approval.
- There were some significant discussions regarding the best method to inform the public on DDA activities. The preliminary consensus was to use DDA website as a vehicle.

Jay James – Building Department

- There are some projects that you have probably noticed that have started work.
- The Windwheel development at Benstein and Loon Lake Road has started. That's single-family.
- The development at Pontiac Trail and M-5, on the southeast corner, The Space Shop, which the Planning Commission approved earlier this year.
- We have two Pulte developments. One is here on Martin Parkway across the street, the Townes of Merrill Park, and Oak Hill at Wixom and Glengary Road.
- Those are the four right now that I think most people see.

- Other than that, we're staying very steady in the Building Department.

Jason Mayer – Township Engineer

- We're just trying to close out some projects, like the Newton Road forced main.
- We also just started a wastewater treatment plant lining project with the first sewer inside the treatment plant.
- Those are the two biggest things.

George Weber – Township Board of Trustees

- Our most recent meeting was August 10th. These are the items germane to this group.
- Sam Karim has volunteered and has been reappointed to the Planning Commission for a 3-year term, expiring September 30, 2024.
- We introduced modifications to Ordinance 1.054, to clarify restrictions on fireworks. This Ordinance is also in relation to residents' concerns with things happening at Long Park, at 14 Mile and M-5, where people were removing wildlife from the park. In response to that, we've clarified the Ordinance. If it's a Township Park, you're not allowed to remove any wildlife. If you want to fish, great, and that's really about the only fishing lake we have, but it's catch-and-release. There's no hunting, which has always been the case. We want to clarify that and actually provide a means to enforce that.
- We've reviewed our purchasing policy, primarily trying to speed up decisions and giving directors within the Township a little more authority prior to things having to come to the Board. It's still a very low dollar amount. If it's less than \$1500, it can be approved by a director, as long as Larry Gray, and either the Treasurer or Clerk approves it.
- Finally, we updated the Board on the Township property strategy. There has been a subcommittee that has been working most of this year on Township-owned property. As a background, the Township owns approximately 166 parcels. We reviewed every one of those parcels of land, and some of that will be germane to the discussion. I'm assuming many of you are here today on Log Cabin. Out of the 166 parcels, the Township is retaining ownership of all but approximately 20. Those 20 were generally either zoned residential, previously zoned residential and we thought the benefit of having residents own that property versus the Township was a priority. Of those 20, those will be offered to the adjacent property owners first. So far, I believe 4 or 5 have been sold to an adjacent property owner. It gives them the ability to either keep some space around their home, or it gives them extra land if they want to put up a shed up or something similar.

E. PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

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

Mary Ellen McAdoo, 2824 Mussen Drive – Is there any other park land that's going to be sold? At Long Park, Bicentennial, Hickory Glen, any pieces that are going to be sold?

Weber – No. I can tell you, not at this time. There are no plans for it. I can't tell you what might happen 20 years from now. All of our parks, and of the 166 parcels we looked at, which encompassed thousands of acres in total, there were only 20 parcels and those

probably came out to 15 acres in total. It was a very small amount, and each one was strategically looked at individually and debated on what was best for the residents of the Township. There were no other parcels within a park that were discussed to divest.

Chairperson Haber – I have two issues that I will bring up before we get into our regular discussion.

First, I take it many people are here for a public hearing, so I'd like to explain the process. You're going to have two minutes to speak, and Chelsea will be running the clock. She will cut you off after two minutes. We ask that you not repeat yourself. I don't want any applause, just decorum here so we can run an excellent meeting.

The second issue is a personal issue. I will not be reappointed to the Planning Commission. Supervisor Gray has made it clear that he wants people who can be here full time. I cannot do that. I respect his decision. This will be my last meeting, so I have a couple comments I would like to make.

I'll start with Deb. Thank you for your indulgence and for putting up with my craziness.

The excellent job you do, I love it, and this is a much better place because of you.

David, I have to thank you so much for your guidance to me personally. You are an exception. I've been through six or seven Planning Directors in the 20+ years I've been here, and you by far are the best. I will tell you, and you can put this in the minutes, I think you're underpaid. That being said, and how much I really appreciate Dave, behind every great man is a great woman, and Paula is an exception. Paula is the Assistant Planning Director. She has been here for more years than I have. I wish her Godspeed to stay here because this is a much better community, for Paula and Dave.

With that being said, I've had surgery in the past week. I probably shouldn't be here today. I didn't want to miss this meeting, but I'm going to take leave now, David. I don't feel well today so I appreciate it if you all understand that I'm going to have to turn it over to Vice Chairperson Parel, who will not be happy with me today.

With that, I'm going to take leave. It has been a great ride. I loved it. I'm going to miss all of you. I wish you all good luck and take care of my community, please. Thank you. [applause].

Chairperson Haber closed Public Discussion of Matters Not on the Agenda.

Chairperson Haber exited the meeting at 7:17pm.

Vice Chairperson Parel – So this now becomes my meeting. That was definitely a surprise, so please bear with me. Following in Larry's footsteps is not an easy thing to do.

F. TABLED ITEMS – BOTH ITEMS F1 & F2 WILL REMAIN ON THE TABLE

ITEM F1. PSU21-06 – SCOOTER'S COFFEE – SPECIAL LAND USE – TABLED FROM AUGUST 2, 2021

Brad Brickel of Nowak & Fraus of Pontiac MI, representing Scooter's Coffee is requesting approval for a Special Land Use for a drive-through business in a B-3 zoning district on the east side of Union Lake Road in an outlot at 2733 Union Lake Road. Sidwell No.: 17-12-276-007

ITEM F2. PSP21-06 – SCOOTER’S COFFEE – SITE PLAN - TABLED FROM AUGUST 2, 2021

*Brad Brickel of Nowak & Fraus of Pontiac MI, representing Scooter’s Coffee is requesting site plan approval for a new drive-through business located on the east side of Union Lake Road in an outlot at 2733 Union Lake Road.
Sidwell No.: 17-12-276-007*

Vice Chairperson Parel – The tabled items will continue to be tabled.

Dave Campbell – Correct, and they’re interrelated. Both are for the Scooter’s Coffee drive-through proposed along the east side of Union Lake Road in front of Planet Fitness. They were in front of you at the August meeting. They continue to work through their traffic study. That will take some more time. As most folks know, Union Lake Road was closed for a construction project that didn’t come to fruition. Now that the road is back open, everybody is back to their commute and the kids are back in school, they can take traffic counts along Union Lake Road. They will likely be back in front of you at the October or November meeting with the traffic study so the Planning Commission can make a more informed decision.

G. OLD BUSINESS

None.

H. SCHEDULED PUBLIC HEARINGS:

ITEM H1. PZ21-03 – COMMERCE TOWNSHIP – REZONING – PUBLIC HEARING

Commerce Township is proposing the rezoning of two parcels of land consisting of a combined 3.5 acres from PRD (Public Recreation District) to R-1B (One Family Residential) located at 740 Glengary and the vacant parcel adjacent to the west.
Sidwell No.’s: 17-22-201-005 & 17-22-126-049

Vice Chairperson Parel – Larry was kind enough to give the rules of a public hearing. I just ask, please be respectful. We hear you. We may not respond. Those are Larry’s words.

David Campbell, Planning Director, gave a review of the Planning Department’s report.

Vice Chairperson Parel opened the public hearing.

Leslie (& Steve) Leaser, 2854 Secret Way, Commerce Township (approached the overhead with the map and indicated her home) – My husband and I own the house here. The green property goes along our property line. We’re a little concerned about it being removed. When we bought this house, and we picked this lot, we were told by our builder that there would be no future building here. So, we bought a premium lot because we like the greenspace. We’re asking, because I’m not real thrilled about somebody’s backyard being alongside the front of my house. I’m asking for some type of a deed restriction for a buffer, either leaving 20’ of this greenspace alone, or putting trees up or something as a buffer.

As I understand it, possibly this will be property for somebody to have a home built on. The front of their home will be here, and the backyard would be along the sidewalk, the entrance way to our subdivision, and alongside of my home.

Janet Prange, 2933 Secret Way, Commerce Township (approached the overhead and indicated her home) – I'm not right next to it, but along the daycare, the developer that put our sub in also put in very large evergreens. You can see them, and they stop right there. Whoever they sell this to ... I don't know how developers work and what kind of conditions you put on them, but I would think at the very least they should put in more big evergreens to match what they have there, and continue it across this whole area. Nobody wants to come in our neighborhood and see everybody's backyard. It's obviously for these people who are on Log Cabin also. They should have the whole thing outlined in evergreens. If there are some trees they don't have to take down during development, that would be great, but the trees lose their leaves in the fall and you can see everything much more.

Right now, Log Cabin is a dirt road. Will these lots be sold to a developer and will they be saying that you have to be connected to the sewer line, you have to have city water, or is it going to be septic and well? Is it going to be paved? What are the requirements that the Township is going to put on the developer?

Doug Floto, 2824 Mussen Drive, Commerce Township – My house is right here, on the opposite side of the Glengary Hills subdivision. The Township, when they approved the landscaping plan for the Special Land Use, had trees planted to block and give us privacy and to reduce the noise. Last year, they came through and removed all those trees and replaced them with 5' tall arborvitae. So, I have a direct line of sight to every one of these houses that's in this neighborhood.

Now, when you put new homes in this area, the increase in traffic and noise is going to be highly annoying. I feel for the people that bought the end house lot, because when they clear cut this for utilities, that's going to be open space visible to everyone, and the noise and traffic that we're going to experience is going to make a big reduction in my quality of life. I would say this proposal should be rejected.

Zaelik Bloch, 2839 Log Cabin Drive, Commerce Township – We've already taken down enough greenery with this other subdivision. I don't know if you plan on tearing that down and doing construction. I'm assuming the houses are going to be facing Log Cabin Drive, is that correct?

Jay James – That is the intent, yes. They don't have access to the other road going into Glengary Hills.

Mr. Bloch – So that's the two-track road that myself and the other two houses on Log Cabin Drive have been maintaining since we've been there. We've been paying for all the gravel, the snow removal. Every time we call the Township, or we call Oakland County Road Commission, no one is interested in helping. We own half of Log Cabin Drive, up to our front yard, is my understanding, plus it's literally a two-track. That's the way we like it. We have lots of wildlife and it's an oasis. I'd like to know how you're planning on doing this without blocking Log Cabin Drive. Are you planning on putting in city water and sewage and all that, or septic and well?

Jay James – It's ultimately up to whoever buys the property if they want to bring water and sewer in. It was the Township's intention to put a road maintenance agreement together that would encompass the Township lots that they're going to sell, along with those others on Log Cabin so that it's in writing as to how that road gets maintained, but

it was not the intention to pave the road at this time. If the people ultimately want to pave it, you can pave it, but we will have a maintenance agreement that will be drafted as part of the sale.

Mr. Bloch – Would that go beyond these four lots? Are we going to be forced to go ahead, and if their intent is to pave, are we forced to pave? If they go on city utilities, are we going to be forced to do so? Which is going to be tacked onto my taxes.

Rebeck – We had two minutes, guys.

Jay James – The Township does not force anybody into doing any of those things that you talked about. If they come in and discuss it, if the new neighbors want to do that and get together with you, you can do that as approved, but the Township does not intend on doing that.

Mr. Bloch – I realize I'm over, but one more. How are we going to have access when they start doing construction?

Jay James – There's an easement there for access that is allowed for all of those parcels that are adjoining. Obviously, if it's an issue during construction, we will do what we can to make sure that nobody is inconvenienced.

Mr. Bloch – Okay, well for the record, I reject this whole plan.

Steve Prange, 2933 Secret Way, Commerce Township – I'm not opposed to this being rezoned as long as there's only going to be 3-4 houses in there. I would like to reiterate, as we come in the entrance from Glengary, we do not want to be looking into people's backyards. We would want a row of evergreens along there.

Also, I didn't know Maryellen and Doug were going to be here from Mussen Drive. I think the Township did them a disservice with our subdivision, and the fact that they had all those trees behind their house, and the trees were removed to the point where there were no trees in their backyard and they're looking at the side of the house at Lot 27. I would just like to ask that the same mistake not be made with regard to the house at 2854 Secret Way, and that there be maybe the existing trees about 20' deep, and maybe evergreens behind that.

Dave Dubin, 2825 Captains Cove, Commerce Township – I'm the President of the Glengary Hills association. I'm not opposed to the 4 additional lots. I think the easiest thing would be to remove Lot 17-22-126-049 from the sale. That is a barrier that is on the west side. That would leave a natural barrier which would help with sound, and would actually leave everything important the way it currently is now. There's significant trees and growth.

Maryellen McAdoo, 2824 Mussen Drive, Commerce Township – We are residents and have been for quite a while. All my children went to kindergarten through high school. As a resident, I feel that our needs, and the reason we moved to Commerce for the greenspace, has never been respected. When the school board sold off that property, they didn't give any of the residents a chance to buy a piece of it. It was lock, stock and barrel done when we got here and the developer was already here with a plan.

Now, it feels once again that that's being done. The parcel that you've talked about has never been [inaudible], it's just a parcel that the Township has come by. It has always been included in the outline of Hickory Glen Park. That was the last piece of park that I thought I [would buy], along with the people who just bought two houses over from me on Mussen Drive, who were told that there was parkland behind them. On any other map of the Township, that has always been shown as parkland. Although you may all think of it as something else, somehow the Township got a hold of it, but it has never been put to any of the residents who currently live there and have lived there for a very long time, that it was anything but parkland. Now, once again, you've disrespected a current resident with parkland being put up with houses, when we have four places the Planning Director already mentioned with large subdivisions, not including Glengary Hills, that we have increased our residential in Commerce significantly. So, why build more houses? Why not just sell the one on 740 Glengary, and leave the rest alone? At the least, consider not selling off that last parcel that lines Secret Way so we can have a little bit of greenspace.

Alan Kreyger, 2775 Captains Cove, Commerce Township – I was wondering if when this is sold off, will this be a single developer, or will it be to individuals that can do as they choose, following some guidelines? If it's a single developer, I would suggest that if they develop HOA bylaws, that at the time of exit by the developer, that the homeowners have the ability to work with the Township and the developer as they take over the association, and if possible, could the Township require that the developer post a bond that the HOA has to sign off on as well prior to exiting the community. That was an issue at Glengary Hills, and I think that would be helpful going forward in the future for this community and others.

Vice Chairperson Parel closed the public hearing.

Commission Comments:

Winkler –

- I don't have any objections to what is proposed in the rezoning.
- I think returning the property back to the tax rolls is an important aspect of this, but also being able to add more homes to that area.
- I'm okay with it.

Karim –

- I'm okay with this as well.
- The only thing; it's going to be 4 lots. I'm wondering why are we giving it to a developer instead of selling them as individual, so people would be able to build their own houses?

Dave Campbell – It's not the intent to sell it to a developer necessarily. If the rezoning were to be approved and the properties are created, they will be part of a bundle of about 10 properties that the Township is looking to sell. Our intent is to have that bundle be handled by a real estate broker, who will be responsible for selling all the properties in the bundle, including these Log Cabin properties. Those properties might be purchased by individual citizens who want to build a home there. They might be purchased by a builder who wants to build 4 homes there on spec and sell them. It's too

early to know who the buyer would be for these lots, whether it would be one entity or four entities.

Karim – So one of the neighbors could purchase one of the lots and develop it.

Parel – Just to confirm, the number of lots is 4 total, including the existing structure, correct?

Dave Campbell – That is the recommendation that the subcommittee made to the Township Board, and that's the recommendation that the Township Board was agreeable to.

Rebeck – I really appreciate everyone coming tonight and sharing your thoughts and opinions about your neighborhood. I hear you. If this comes back in front of us for any sort of approval for landscaping or use of the lots for the houses, we will definitely take everything that you've said into consideration, including landscaping, buffers, et cetera. Otherwise, I don't have a problem with it being rezoned for 3 additional homes, but we hear you.

McKeever – I don't have any issues with this rezoning request.

Weber – I would echo Chelsea's comments. The first opportunity for this will be that the surrounding property owners will have a chance to buy these properties. I know that one of the adjacent property owners had expressed some level of interest in purchasing it. I don't know if there has ever been any follow-up from that individual.

Jay James – I spoke to the property owner immediately to the north. He is interested. When we get evaluations back from Insite, we will present that to him and see if he's interested. The intention of the Township is to offer it up to any of the surrounding neighbors first. If they're not interested, then they will put it on the market.

Weber – We heard loud and clear that there is a desire for a buffer. What is the process for doing that? So that if we do sell this ... If an adjacent property owner purchases it to keep it greenspace, or add to their existing property, I get that. But, if somebody wants to build a home, what's our opportunity regarding evergreens or some other buffer requirements?

Dave Campbell – Since the Township owns the property, we are within our rights to record any restrictions on this property that we see fit. That could include a conservation easement or something comparable, requiring evergreen plantings, et cetera. The Township would be within our rights to require that of any prospective buyer of these 4 prospective properties.

Now, once you start placing encumbrances on a property, that obviously impacts its value, but that will be something that the Township Board could consider, and if the Planning Commission wanted to recommend as much, placing some sort of restrictions as to what can and cannot be done on these properties, in an effort to address some of the concerns we've heard this evening.

Weber – Then I would also be in favor of the rezoning with the contingency or recommendation that the Planning Department put together some level of language for a buffer prior to the Board reviewing it.

Dave Campbell – I know one of the suggestions was placing evergreens on the property along Secret Way. Now, this is not property owned by the Township. It's property owned by the association of Glengary Hills. To place plantings on someone else's property is another set of challenges, but if part of the thought is to add plantings along the Township property, it would be along this side of the property, or to preserve some width of the existing vegetation that's there.

Vice Chairperson Parel – Chelsea had some great comments, and I feel very similar. I appreciate everybody coming here today. This is obviously incredibly important to you and we want you to know, it's important to us too.

George made the comment about the buffer. That's important to me and something I'm going to fight for as well. I think we have a plan in place. I do think this is the logical zoning for this. I think it makes sense, but I want you know that we hear you and we're going to do what's right.

Mr. Floto – I have another comment. Why is this called a hearing when it's a foregone conclusion? You've all clearly made up your minds in advance of this meeting to go forward with this zoning. Furthermore, there's no guarantee that the Township will not renege on its obligation to provide a buffer to the subdivisions, the longtime residents that are already here. This is just a shame.

Vice Chairperson Parel – I can address that. Thank you for the comment. We do hear you. I can't speak for my other commissioners, but I can tell you that I don't think this was planned in any way, at least not for myself. I plan to come in here with an open mind, I listen to everyone, and I think this is the best result for the community. I can quickly pass it over to Dave. Maybe he can talk more about the protocol that this gentleman is interested in and how things would go from here.

Dave Campbell – I can, but I do want to remind everyone that the public hearing is closed. Everyone had an opportunity to speak. What's before the Planning Commission tonight is a zoning decision. The Planning Commission is not being tasked with making a decision whether or not this property is sold, or what if any restrictions are put on this property when it is sold. That is a decision of the Township Board, your elected officials. The Planning Commission is looking at this in terms of zoning. The implications of that zoning decision weigh into what the future of this property will be, but understand which body is making which decision.

I don't agree that this is a foregone conclusion. The Township Board has not initiated the process of actively marketing these properties. Getting the properties appropriately zoned is the first step in that process, and that's what brings us here this evening. If there is a case to be made for these properties to not be sold, or not be marketed, that's a case to be made to the Township Board. The Planning Commission's role is to consider whether or not the R-1D single-family zoning is the appropriate zoning classification for these properties.

Vice Chairperson Parel – Thank you, Dave. I appreciate that clarification.

MOTION by Weber, supported by McKeever, to recommend approval to the Commerce Township Board of Trustees, of item PZ21-03, the request by Commerce Township, proposing the rezoning of two parcels of land consisting of a combined 3.5 acres from PRD (Public Recreation District) to R-1B (One Family Residential) located at 740 Glengary and the vacant parcel adjacent to the west.

Sidwell No.'s: 17-22-201-005 & 17-22-126-049

Move to recommend the Township Board approve PZ#21-03, a Township-initiated amendment to the Township's Zoning Map for Parcels 17-22-201-005 (740 Glengary Road) and 17-22-126-049 (unaddressed) from PRD (Public Recreation District) to R-1B (One-Family Residential). The Planning Commission's recommendation is based on a finding that the proposed rezoning meets the criteria for a Zoning Map amendment contained within Article 3 of the Zoning Ordinance, that the proposed zoning is consistent with the Township's Master Plan, that the subject properties are not part of Hickory Glen Park, that returning the properties' zoning classification to R-1B is consistent with the R-1B zoning that surrounds the subject properties, and that the Commerce Township Board carefully considered the most appropriate land uses for the subject properties in their decision to sell the properties.

Additionally, the Planning Commission will make a strong recommendation to the Township Board that if the properties are to be developed, that a reasonable and consistent buffer be included with any site plan approvals along Secret Way.

MOTION CARRIED UNANIMOUSLY

ITEM H2. PSU21-07 – BP GAS STATION – SPECIAL LAND USE – PUBLIC HEARING

Bruce Rosenthal representing Commerce BP, LLC of Commerce MI, is requesting approval for a Special Land Use for the existing BP Gas Station to add a SDM License to allow off-premise alcohol sales (beer & wine), located at 47100 N. Pontiac Trail Sidwell No.: 17-33-376-012

David Campbell, Planning Director, gave a review of the Planning Department's report.

Attorney Bruce Rosenthal, 4301 Orchard Lake Rd., West Bloomfield, MI – We were here on June 7th and went for a site review of the BP station project. We hope everybody has had a chance to go through it as of late. I went through it as recently as yesterday. A vast number of improvements to that station have in fact already transpired. The Toma group is firmly committed to making that a state-of-the-art facility. It was very tired and difficult. One of the things that we want to stress, and I'll be brief with this, is that we are competing on the corners with Speedway and Kroger. Both have licenses as well as gas facilities.

We came here looking for the improvements. We appreciate the recommendations. One thing I would like to be considered in our request is that there may be 5 licenses within that area. There is but one in the Township of Commerce, and I don't believe it was ever the intent of the Zoning Ordinance or the master plan to be restricted by the surrounding communities. For us to be denied because of two within a half square mile from what was approved in other communities, I don't think that really was the intent. We seek to be competitive. I have the Toma group here if you want to ask any specific questions of them in that facility. They did purchase this for a fairly high price during the COVID period, closed earlier this year and they're trying to make a go of it. It's very difficult obviously with the pricing that you can imagine at Speedway and Kroger.

The interior of the building has been done. The lot has already been paved and striped. The canopy has been addressed. All of the things that we wanted to bring to Commerce to make this, which is a gateway in our mind to the Township, a better place.

On the 9:00 thing, I do understand and I'd be happy to address that with the owners of the property; no selling after 9:00pm if you're within 500' of a residence. The only thing that's bothersome to me, Kroger has got the same. They're close to the residential community and they sell until 11:00pm. I think it's a little bit confusing as to the rhyme or reason.

I'd like to reserve some of my time for any questions you may have with Mr. Toma and his partner who is here. He is in fact a resident of Commerce. He does have children in both the junior high and high schools. I think everybody here, we spent a good deal of time on what we're planning to do with the site, and what we've already sought to do at the site. I wanted to draw the distinction as to how I thought the half mile radius should be viewed in terms of property within the Township of Commerce.

With that, I'll like to hear anything that you would like to ask. I appreciate your time.

Vice Chairperson Parel – Thank you. I think there will be an opportunity for that coming up. Appreciate it. I would just like to ask, is there anyone here in the audience that would like to speak on this matter?

No comments.

Vice Chairperson Parel – It doesn't appear so.

Dave Campbell – We did receive one email comment that I'd like to read into the public record once you have the opportunity to open the public hearing.

Vice Chairperson Parel opened the public hearing.

There were no public comments.

Dave Campbell – This email is from Frank Kashat, received on August 26th. It reads as follows: *Hello, this is Rafid & Frank Kashat, owners of Beck's Liquor, originally known as Castle Wine Shoppe on 30970 Beck Road, Novi, MI 48323. We're reaching out about the BP at 47100 W Pontiac Trail, Commerce Township, MI 48390, United States. We are not happy nor pleased that BP is trying to get their beer and wine license when we already have plenty of stores to compete with. (Kroger, CVS, Rite Aid, Vino Trail, Wixom Liquor, USA 2 Go). Also, there's a high school very nearby the BP. We are 25 and 26-year-old men trying to make a living and provide for our family as we had the struggle of no staff due to COVID. Now we might have to bare with more competition. Thank you for taking the time to read this.*

Vice Chairperson Parel gave one more opportunity for any members of the public to speak.

No comments.

Vice Chairperson Parel closed the public hearing.

Commission Comments:

Weber –

- I appreciate what the Toma group is trying to do, however they also purchased the station knowing that there was no beer and wine license associated. They knew what they were getting into, and they knew what the financials were going to be.
- As with any Special Land Use, there's 8 criteria that must be met for us to approve it. The very first one is always, *there must be an immediate and documented need*. I don't see that the petitioner has convinced us that there's an immediate and documented need for more beer and wine sales within that geography.
- Mr. Rosenthal, I heard what you said about considering other communities. From a legal question, you might be in a better position than I am to that, but there is still the Kroger right behind them. Even if we took Wixom and Novi out of the equation, the ordinance states that within a mile, there doesn't need to be another one, as I recall.
- An immediate and documented need does not exist, and therefore, I don't plan to support the SDM license.

McKeever – I'm in agreement with Mr. Weber on all of my points.

Rebeck –

- I also agree with Mr. Weber.
- You did bring up a very good point, which I believe I first brought up in June, about there being an ordinance that also affects liquor stores in other cities. I think that might be something that we need to look at in the future potentially.
- We still have Kroger.
- I don't know what the 1-mile radius looks like, and I would not be completely opposed, except that we still have to go to the Special Land Use and I don't see a documented need. That's a barrier that I can't really overcome at this point.

Karim – All of the issues have been addressed. I don't have any additional comments.

Winkler – Our responsibility as a Planning Commission is to enforce the Zoning Ordinance. If a project doesn't meet the ordinance, I can't support it.

Vice Chairperson Parel – I agree with basically everything that was said here. Dave?

Dave Campbell – If I may mention, the question that has come up tonight and has come up in several conversations about this topic is the question of existing retailers in surrounding municipalities, in this case, City of Wixom and City of Novi.

It was a conscious decision back in 2017 of the Planning Commission, and of the Township Board, to not limit the two per mile standards to just locations within Commerce Township. The rationale behind it is that the negative secondary effects that the Township is trying to avoid with the over proliferation of these types of operations. Those negative secondary effects do not necessarily honor municipal boundaries. So, it was conscious decision and it was discussed of whether that two per mile standard would only apply within the boundaries of Commerce Township, and it does not. It applies regardless of whether that mile goes into a neighboring municipality.

Vice Chairperson Parel – Thanks. That’s a very important clarification. I appreciate that. Before we ask for a motion, is there anything else Mr. Rosenthal? Is there anything else you’d like to say, or any other questions we can answer for you?

Attorney Rosenthal – The only quick one was, I believe the ordinance allows two licenses per mile. We counted Kroger as one, and our request would be number two.

Rebeck – I just didn’t know ... we only did a quarter mile in this radius, so I wasn’t sure if we went out a mile if there was another one.

Attorney Rosenthal – I got that, and I took the information from Dave [inaudible].

Vice Chairperson Parel – Thank you, sir. Thank you, Chelsea. Would anyone like to make a motion on this matter?

MOTION by Winkler, supported by McKeever, move to deny PSU21-07, BP Gas Station, the request by Bruce Rosenthal representing Commerce BP, LLC of Commerce MI, for approval for a Special Land Use for the existing BP Gas Station to add a SDM License to allow off-premise alcohol sales (beer & wine), located at 47100 N. Pontiac Trail. Sidwell No.: 17-33-376-012

Move to deny PSU#21-07, a special land use for BP Commerce LLC for the existing BP gas station at 47100 N. Pontiac Trail, to operate as an off-premises alcohol sales outlet (OPASO) with a Specially Designated Merchant (SDM) liquor license.

The Planning Commission’s denial is based on the following findings:

1. The proposed OPASO does not comply with the Limitations of Sec. 26.316.D.2 of the Commerce Township Zoning Ordinance, which limits OPASO to no more than two within any one mile, where there are currently five OPASO’s within a quarter of a mile of the existing BP station;
2. The BP station currently operates until 11pm. Sec. 26.316.D.5.a requires an OPASO that operates past 9pm to be a minimum of 500 feet from any residentially zoned property (measured from each property’s nearest property line), and properties less than 500 feet from the BP station’s property lines to the north and to the east are zoned RM (Multiple Family Residential).
3. The petitioner has not demonstrated to the satisfaction of the Planning Commission a documented and immediate need for another OPASO in the vicinity, as required by Sec. 34.08.1 of the Zoning Ordinance.

MOTION TO DENY CARRIED UNANIMOUSLY

ITEM H3. PZ21-04 – COMMERCE TOWNSHIP – ZONING MAP AMENDMENT – PUBLIC HEARING

Commerce Township is proposing an amendment to the Zoning Map to revert the zoning classification of three properties from R-1B (One Family Residential) to R-1A (Large Lot One Family Residential). The properties were part of a conditional rezoning approved in 2006 for a project that was never completed. The 15-year term of the conditional rezoning agreement expired in July 2021. Per Sec. 36.07 of the Township’s Zoning Ordinance, the properties revert back to their R-1A zoning classification. The properties are located north of the intersection of Wixom Road and Glengary Road, adjacent to the Country Hills neighborhood.

Sidwell No.’s: 17-19-201-011, 17-19-201-013, & 17-20-101-021

David Campbell, Planning Director, gave a review of the Planning Department's report.

Vice Chairperson Parel opened the public hearing.

William MacKey, 2444 Willow Way Drive, Commerce Township – If you look at the map, down at the bottom left, it looks like a retention pond. It's not really a retention pond, it's just a low area there. I'm on the other side of it, right there. When they rezoned it, they were going to put 100' lots. I didn't like the idea of that. I wanted to make sure that whoever developed that was not going to create more issues for me with the water. Going up our road, Willow Way, it goes up at the end of the road. That's the lowest spot. Reverting back to the bigger lots – I'm good with that because that's the way it originally was. I just want to make sure when they sell this off, they're not going to create more issues with the water that just sits there. It's not always there. It's in this picture.

Weber – The pond is not always a pond, is that what you're saying?

Mr. Mackey – Right, it does dry up sometimes. It's not a pond, it's a low spot. That's my property. I have two acres there. That's the back part of my property. When someone goes in to develop it, they're going to make hundreds of thousands of dollars, or a million dollars off this property, and then I'm stuck with more water. I just want you to be conscious of that.

Craig (& Michelle) Poerman, 3520 Stanley Way, Commerce Township, MI – My wife and I live at 3520 Stanley Way. Michelle is the Vice President of the homeowner's association. When this went through the pre-committees, et cetera, we had a petition signed by almost all of the residents in Country Hills, supporting reverting back to the larger family homes. It's a better fit with the existing homes and with the subdivision. We're here to support the resolution to revert back.

Craig Garner, 3791 Stallion Way, Commerce Township – Basically, what he said. We agree with R-1A.

Vice Chairperson Parel closed the public hearing.

Commission Comments:

Vice Chairperson Parel – Dave, we need to vote on a motion here.

Dave Campbell – Yes, your motion would be to make a recommendation to the Township Board. If anyone is interested, there is recommended motion language on Page 3 of the Planning Department's report.

Vice Chairperson Parel – Does anybody have any more questions or comments?

No comments.

MOTION by Rebeck, seconded by Weber, that the Planning Commission recommends approval, to the Commerce Township Board of Trustees, of Item PZ21-04, Commerce Township, Zoning Map Amendment, the proposal by Commerce Township to amend the Zoning Map to revert the zoning classification of three properties from R-1B (One

Family Residential) to R-1A (Large Lot One Family Residential). The properties were part of a conditional rezoning approved in 2006 for a project that was never completed. The 15-year term of the conditional rezoning agreement expired in July 2021. Per Sec. 36.07 of the Township's Zoning Ordinance, the properties revert back to their R-1A zoning classification. The properties are located north of the intersection of Wixom Road and Glengary Road, adjacent to the Country Hills neighborhood.

Sidwell No.'s: 17-19-201-011, 17-19-201-013, & 17-20-101-021

Move to recommend the Township Board approve PZ#21-04, a Township-initiated amendment to the Commerce Township Zoning Map, to revert three properties back to their R-1A (Large Lot One-Family Residential) zoning classification upon the July 2021 expiration of the 2006 Conditional Rezoning Agreement for the expansion of the Country Hills residential site condominium.

The Planning Commission's recommendation is based on a finding that the proposed map amendment is consistent with the Future Land Use Map's designation of the subject properties as "Rural Residential", is compliant with the terms of the 2006 Country Hills conditional rezoning agreement, and is further compliant with the procedures within Article 36 of the Commerce Township Zoning Ordinance.

MOTION CARRIED UNANIMOUSLY

I. NEW BUSINESS:

ITEM I1. PSP21-11 – RESERVE AT CRYSTAL LAKE – SITE PLAN REVIEW

Commerce Investment Company of Farmington Hills, MI is requesting PUD condominium site plan approval for a single-family residential development located on the north side of Sleeth Road on the westernmost of the three properties commonly known as the Sleeth Road gravel pits. Sidwell No.'s: 17-08-300-005 & 17-08-300-007

Andy Milia, President, Franklin Property Corporation, 31500 Northwestern Hwy, Farmington Hills, MI, was present along with Project Manager, Kelly Black, and Gary Jonna, President, Whitehall Real Estate Interests, 39525 13 Mile Road, Novi, MI, were present to address the proposal.

David Campbell, Planning Director, gave a review of the Planning Department's report.

Weber – Dave, I've got questions prior to turning it over.

- First, there was discussion early on regarding the buffer on the lot at the northwest corner. I don't recall what the answer was. The homeowner that is exactly on the other side, and I remember the discussion on that homeowner, with the elevation being quite a bit above. You had a solution on buffering that, but I don't remember what that was. I didn't see it captured in any of the documents. That can be part of the presentation.
- Secondly, we had discussions regarding the percent of masonry product, whether that be stone and brick, on whether we settled on an average, or if it would be on the individual homes. A couple of these, at least within the Robertson home calculation where the modern farmhouse for example was only 14% brick or stone. I don't recall where we settled on that discussion. I thought at the end of the discussion, it was that you would meet the 50% criteria, but I didn't see that in some of the documents.

Dave Campbell – I think those are questions for the development team, and not necessarily for me. So I think that's your cue.

Mr. Milia prepared his presentation on the overhead.

Mr. Milia – Our firm has been working closely with your staff. Thank you again for this opportunity to present. As Mr. Campbell indicated, we have received final PUD approval. That was back in February. We've been working very hard with engineering design and drawings. We have submitted those for your review. We're pleased that your engineer has signed off on the preliminary design, Giffels-Webster, as well as the landscape architect has signed off as well, as has your Fire Marshal. We have gone through that technical phase. Obviously when we get into final design, it will go through a much more detailed scrutiny level, but they have reviewed this plan.

This is the property as it currently exists. The development would keep the lake intact with the edges reclaimed. As we indicated, the property was not reclaimed or was not developed properly per a current gravel pit, and part of what we would do is create beachfront all along the property, including a common area beach as well as private beaches for the homes.

The first phase would comprise of the purple lots, which are 83', and the yellow lots which are 60'. We are pleased that we have found two builders that we're partnering with to build homes in those two lots. They're two first-class builders, Robertson Homes. It's a 75-year old company and they'll be building the lots in yellow. Also, Evergreen Homes, who is also an Oakland County based builder who we have worked closely with for 20 years, and they will be building on the purple lots.

They have provided some product. We are pleased that they meet the requirements and the design that was outlined in Exhibit G of having 50% stone or brick. The question was, what was approved in Exhibit G was that the yellow lots could include premium vinyl. The lake lots, which are the pink and brown color, would be all Hardie-plank material, and the purple and blue lots are subject to review tonight. In talking with the builders, what's going on in the market and nationally is a change in style of homes to what's called farm-style and craftsman-style homes. The homes that were built 5, 10 or 20 years ago, were the traditional brick front homes with a 2-story architecture and maybe some limestone accents. Although those were very popular homes, this is the current trend nationally and locally. Both of our builders want to build what's called the farm-style and craftsman homes. They're able to do so by meeting the requirements. They typically have less brick than this. We had a meeting with staff and a couple members of this board to discuss the possibility of doing less brick and stone, and it was very clearly conveyed that we wanted to meet that minimum of 50% brick and stone. What we had discussed, Mr. Weber, was that these home styles would be 50% brick and stone, but where Robertson had roughly different home styles, overall their average portfolio was going to be 53%. Although they did have a few homes that were less than 50%, and some were greater than 50%, their overall portfolio was 53% and that met the intent and spirit of the design. So, we anticipate that some homes will have 60-70%, while some will have 40% but the average will be 53%. There is one home in there that had 14%, but that's a true craftsman-style farmhouse. If somebody selects that, they're doing it for a reason. This is what's popular today and we don't want to design or build something that's not going to sell.

We are meeting Exhibit G. We are asking that on the front elevations, that this material can be a vinyl shaker siding material for several reasons. One is, the product is much

better. It's not the typical vinyl siding that you thought of 20 or 30 years ago. It's a much more premium quality design. There are more subcontractors that can work with us, and we can get more variety in the design. Keeping the intent and desire of the Township to not have a lot of vinyl, our builders, and we've agreed and even put it in the master deed, that all three of the other sides which are significant in terms of siding, would be of the Hardie-plank siding. There couldn't be vinyl on the other three sides. You can tell from that, this is not a cost thing because it's very costly to do the Hardie-plank on all three sides. It's really a design element to meet the needs and desire of the community, and they have a product that's actually better. We're asking that the 83-foot lots and the 105-foot lots be permitted premium vinyl siding on the front, with a 50% brick average, and then the other three sides would be fully Hardie-plank material.

We came to a good agreement on the deck plan on the lake lots. We've created a more restrictive plan than otherwise exists in the Township, so as not to have homes or decks go closer to the water and block other people's views. We've created what we call a lake-lot deck plan which keeps all of the lots on the west side at least 25' off the water. On the east side, where the lots are larger, we have even more restrictive setbacks and deck setbacks than are otherwise provided by the Township. We reviewed this with Mr. James and Mr. Campbell, and we thought this was a good thing to put in writing what the limitations are and make it part of the master deed and part of the recorded documents, so that if somebody wants to come in the future and propose a deck that sticks out much farther, the building official has some teeth in the document that says you can't do it. It will not only be enforced by the HOA, but it gives the Township a legal basis to deny it. This sets in place very good restrictions.

To your other question, Mr. Weber, on the north side of the property, there's a 20-foot buffer as a minimum, and it goes up to 100'. We are going to keep that as a natural buffer and we've also proposed trees in that area to augment it. What I discussed with Mr. Campbell, and what we've provided in the draft master deed is that although there are trees designated on the draft landscape plan, we would propose at the time of construction, those trees be planted in conjunction with oversight from the Township. Those trees could be moved to block any views so we can pick and customize where those trees will be. The grades are relatively the same with the natural trees and the augmented trees that should block views from both the homeowners onto our property, and our homeowners onto their property. It was very carefully designed and the buffer is called out in the documents.

Dave Campbell – One of the conditions that the Planning Department is recommending be included with any approval is that prior to the commencement of any clearing, grading, tree removal or anything else, that the Township staff do what we often do on big projects, which is go out and take a site walk ahead of any clearing activities and ensure that the area that is to remain undisturbed be clearly marked, with a snow fence or silt fence, whatever it may be, so it is clear to contractors and trades people onsite that nothing beyond the line is to be touched. I think the developer is agreeable to that as it protects everyone up front from the possibility of an over-zealous tree-clearing company.

Mr. Milia – Yes.

Dave Campbell – And I heard the Building Official lives nearby, so he is going to be particularly sensitive to the buffer line.

Mr. Milia – That was all I had in terms of a formal presentation, but certainly happy to answer any questions.

Commission Comments:

Vice Chairperson Parel – Excellent, thank you.

Weber – Mr. Milia and Mr. Jonna, you're true professionals and you've made a very complex process much simpler for us to digest. I appreciate it, and I appreciate all of the concessions you've made throughout this process to deliver what I think will be a great product.

The comment that you're not going to like has to do with the vinyl versus cement on the board and batten. I'm okay with the shake, and I get it because it's primarily used in the gables and it's going to be a relatively small square footage on the front with the shake aspects being premium siding. The board and batten I'm not in favor of. I did take Mr. Goldman up on his suggestion. I drove to Birmingham where the premium vinyl board and batten is all the rage, and I couldn't find any. Maybe I wasn't looking in the right spots, but I spent a fair amount of time looking at remodels and homes and couldn't fine it.

I'm also familiar with the process of installing board and batten in a cement product, and it doesn't require finish carpentry skills to do so. It is truly 4x8 sheets of cement siding with 1-3/4 to 2-1/4" batten, vertically placed over top of that. To me, the process is not much more onerous than what's going on regarding all of the horizontal siding on the sides. In fact, it should go up much quicker. I know some of the discussion was that it's hard to find the craftsmanship that can actually install it. I think if you're trained and certified to install cement siding, I don't think it's an onerous ask anyway.

I'm okay with everything that you're asking for with the exception of the board and batten on the front of the Evergreen Homes.

Mr. Milia – For my own clarification, for the front elevation, premium vinyl siding could be permitted for whatever portion is either lap or shake, but if there's a ...

Weber – I would say just shake, because the horizontals were already identified here as a cement product.

Mr. Milia – So vinyl would be permitted for just the shake design, and anything that's board and batten or lap would be cement board material.

Weber – That's my opinion.

Mr. Milia – Okay.

McKeever – I'm in agreement with George. I have no other comments, other than the items specified in the Planning Department report.

Rebeck – I will echo that.

Karim – Same, I'll echo.

Winkler – I have nothing more to add.

Mr. Milia – If that is the sentiment of the Planning Commission, the further compromise, we would agree to that on the 83-foot product, and the non-lake 105-foot product, that the front elevation would be permitted vinyl premium on the shake portion only, and any lap or board and batten material would have to be the cement board. We would agree to that.

Vice Chairperson Parel – Wonderful. My only comment, other than the siding. Dave, just for clarification, the buffers to the west and the north would become a general common element. Those would not be part of the lots, but they would actually be part of the association?

Dave Campbell – Yes, I'm trying to bring up a plan that shows it. Everything that is green on the plan is to be general common elements.

Mr. Milia – That's correct.

Vice Chairperson Parel – The concept is that we would hope those people wouldn't tear down the trees because it's a common area.

Dave Campbell – It difficult to enforce 5 years from now; an over-zealous homeowner taking down the trees on property that is not technically theirs, on a general common element. That goes on in my neighborhood.

Mr. Milia – My partner, Mr. Jonna's firm is Whitehall Real Estate, they're the top, largest homeowners association management company in Southeast Michigan. The woman that runs his company is Christine Metiva who is very strict on homeowner requirements. The master deed would have penalties for people violating.

Vice Chairperson Parel – George, would you like to make a motion and include the additional language in there?

Dave Campbell – If we are at that point, I would note that the motion language that the Planning Department provided, under #4 of the findings, that finding may need to be amended to address the agreement that was made this evening about vinyl siding just for the shake portions.

Weber – Mr. Milia, you had specified the lot widths where we would allow shake as a compromise. I just want to make sure that we capture those. What we have are the interior lots greater than 60' in width, shall be permitted with premium vinyl shake where designed.

Mr. Milia – Correct.

Jay James – But not on the lakefront, correct?

Mr. Milia – Correct. The lakefront remains as approved in Exhibit G, which is that all four sides are Hardie-plank.

MOTION by Weber, supported by McKeever, to recommend approval, **with conditions**, to the Commerce Township Board of Trustees, of Item PSP21-11, Reserve at Crystal Lake, the request by Commerce Investment Company of Farmington Hills, MI for PUD condominium site plan approval for a single-family residential development located on the north side of Sleeth Road on the westernmost of the three properties commonly known as the Sleeth Road gravel pits. Sidwell No.'s: 17-08-300-005 & 17-08-300-007 Move to recommend the Commerce Township Board of Trustees approve PSP#21-11, a PUD condominium site plan by Commerce Investment LLC (Andrew Millia and Gary Jonna) for The Reserve at Crystal Lake, a Planned Unit Development approved by the Commerce Township Board on February 9, 2021. The project will consist of 203 new single-family homes within a residential site condominium on a 160-acre property on the north side of Sleeth Road between Bass Lake Road and Duck Lake Road. The Planning Commission's recommendation of approval is based upon the following findings:

1. The PUD condominium site plan is consistent with the Development Plan approved as part of the PUD Agreement for The Reserve at Crystal Lake;
2. The project will achieve recognizable benefits beyond those that could be achieved by a development that adheres strictly to the requirements of the property's R-1A zoning classification, consistent with Article 38 of the Zoning Ordinance;
3. The PUD condominium site plan complies with the applicable standards of Articles 35, 37, and 38 of the Commerce Township Zoning Ordinance;
4. The use of premium vinyl siding on the front elevations of the interior lots greater than 60 feet in width shall be permitted where "craftsman style" shake siding material is proposed. All other sides and materials shall be of cement product.

The Planning Commission's recommendation of approval is subject to the following conditions:

1. Final approval of the PUD condominium site plan and Master Deed and its exhibits by the Commerce Township Board of Trustees subsequent to vetting by the Township Attorney;
2. Review and final approval of the master deed's Exhibit B documents by both the Township Attorney and the Township Engineer;
3. Review and approval of engineered construction plans by the Township Engineer, Fire Marshal, Building Department, and the applicable departments of Oakland County and the State of Michigan;
4. Review and approval of an updated landscape plan by the Township's Landscape Architect to address items noted in their review;
5. New residential public roads and new approach to Sleeth Road to be reviewed and approved by the RCOC;
6. A contribution to the Township's sidewalk and pathway fund in lieu of construction of a pathway along the subject property's Sleeth Road frontage in an amount proportionate to the cost to construct the pathway as determined by the Township Engineer and Planning Director;
7. Entrance sign and/or features to be reviewed and approved under a separate Sign Permit by the Building Department subject to the requirements of Article 30 of the Zoning Ordinance;
8. The project's grading limits to be clearly marked in the field and inspected by the Township's Planning and Building Departments prior to any clearing or grading activity.

Discussion –

James – I've got a couple questions when it comes to stone and brick. Is that going to fall on the Building Department to somehow watch, and I guess go out and measure each one individually. I wasn't quite aware of all of this, so it's catching me off guard, but some are as low as 14% and some are higher. I'm a little confused on how that's supposed to happen.

Weber – Well, if you're confused then that's a problem. The discussion we had was, in the spirit of what we were trying to accomplish, where the majority of the homes, and I think we're talking about the yellow or the Robertson Homes; those homes are smaller, they will be less costly and we were looking to make a good looking product, but also keep it within a window and separate it's look and feel from other homes that will be a higher value. The requirement would depend upon the style of home. That was the intent, Jay, to try to be consistent, but at the same time be reasonable to offering different styles to a homeowner that might want to buy it, but based upon something that is documented on Page 90.

Campbell – Mr. Jonna or Mr. Milia, is it reasonable to assume that it would be up to the builder, who we believe will be Robertson Homes, as they submit permits on a lot by lot basis, to provide the percent material to Mr. James and his Building Department, as opposed to Jay getting out there with a tape measure.

Mr. Milia – Sure.

Campbell – And, I would think, unless there's a better suggestion, something of a running total of the average as we go lot by lot. That way, everybody is aware if things start dipping to far below 50%, then the number of brick lots needs to be upped to keep the total at 50% or higher.

Mr. Milia – Yes, you're correct. What we were asked to do, and what we did through Robertson is basically submit all of the plans that they intend to build here. They did an overall matrix and chart for it so that when Mr. James reviews the plans, he can see what was previously submitted. I agree with your concept that if all of the sudden, a lot of the homes are submitted and it's averaging 35%, he can slow down the process and require that the next several have to be above 50% to have a 50% average.

Campbell – So there would be an understanding on the Robertson side that if every prospective buyer wants the modern farmhouse with the lowest percent, there would be a point where they would have to start telling prospective homeowners ...

Mr. Milia – They'd have to add brick to it.

James – I believe I heard before, that this is required to follow the anti-monotony ordinance.

Mr. Milia – Yes.

James – So, this could come down to a couple lots where they are stuck with a particular house that they are going to have to build. As long as they know that.

Mr. Milia – Yes.

James – Is there anything in the deed restrictions that prohibits them from removing it in the future, during a remodel, and replacing it with siding?

Mr. Milia – I hadn't thought of that.

Weber – I think after the home is built and sold, then my personal opinion was, I'd find it hard to believe that in mass, there would be a large percentage of people that would remove stone. There may be some, but at that point in time, it's that person's home. I wouldn't think it's affecting the desire for anti-monotony or the look and feel.

James – I'll get the calls in 7 years when a neighbor is taking brick off. The other neighbor will say, it was a requirement as part of the PUD, it's in our deed restrictions, you have to do something about it. I'm the one who's going out there. I'm okay with it. Campbell – In theory, activity like that would require approval from an HOA architectural subcommittee.

Mr. Milia – That's correct and as I said, we have very strong management of the HOA.

Weber – Does the HOA trump?

James – We do not enforce HOA deed restrictions.

Mr. Milia – Our deed restrictions are very strong. I think you should be comfortable knowing that when you have a development of this magnitude, of this much investment, the HOA boards are very strong and they like to enforce the rules.

MOTION CARRIED UNANIMOUSLY

ITEM 12. PSP21-10 – MIDTOWN ON HAGGERTY – SITE PLAN REVIEW

Midtown on Haggerty LLC of Farmington Hills MI is requesting PUD site plan approval for a multiple-family residential & commercial mixed-use development located at 155 Haggerty Road. Sidwell No.: 17-36-400-014

David Campbell, Planning Director, gave a review of the Planning Department's report.
2:13 – 2:16

Steven and Spencer Schafer with Schafer Development, 31400 Northwestern Hwy, Ste H, Farmington Hills, MI 48334, were present to address the request.

Dave Campbell brought up Spencer Schafer's presentation on the overhead.

Spencer Schafer – We've made a ton of progress and we're glad to be in front of you today for what is the preliminary PUD submittal, the final meeting in which we will be in front of a public body. The rest will be taken care of by Dave in Planning and Jay in the Building Department.

Everybody is familiar with the location of the project. I think Panera is moving across the street soon. This is the updated site plan, much of which has remained unchanged from what you've previously seen. We have made an alteration to Building C. Rather than that being a stand alone retail building, we do have a retail building that's more similar in scope to Building B but it is a little bit deeper. In sticking to what we agreed to previously, we are showing two drive-through uses, one of which is most likely going to be a pickup window. I've got some nice renderings that our architect for the commercial has put together. It goes over the materials. I know it was key point that we use high-end materials, brick, masonry, as well as Hardie cement board. I believe we have stuck to that and I'll show both the existing renderings for the residential with the retail and you'll see how there is some dichotomy, but there's also matching materials and they pull from one use to the other.

In sticking with the initial intent, this is a very walkable community. We do have a lot of sidewalks and paths. One of the key parts is integrating the commercial with the residential, and we've done so by doing brick pavers and things of that nature to promote easy access from the residential. We hope there's going to be less cars as a result if the users of our development walk to the commercial uses that are so close. We've promoted that by having very attractive side entrances and with the sidewalk.

We have 26% open space, so we've increased by 1%. This is the landscape plan. We want to propose nice landscaping. One of the biggest parts of the PUD is to create a development with an innovative, unified, and planned approach. I'm going to show that with the architectural materials here shortly, but you can see the different landscaping. This will be a nice site to visit in the fall when the trees are changing color. We do also have nice evergreens and some trees that retain their foliage throughout the winter on the perimeter. Within the development we have more deciduous trees and other evergreens. To the left, that's the clubhouse area. We have nice bushes, black eyed Susan, high quality arborvitaes. You can see we have attractive landscaping around the buildings, the monument signs, as well as the southeast corner element where the park area is.

We have retail in the front all along Haggerty Road, 23,000 square feet. This is an example of the elevations and a lot of the users who we have been in talks with. I can confirm that we're in advanced talks with Chipotle, Beyond Juicery, Detroit Wing Company, and we're also speaking with Qdoba and Starbucks, just to name a few. There have been very good tenants who have approached us. We just wanted to wait until we got a little further along in the process. Now that we're working on engineering plans and the detailed architectural plans, we're going to start getting leases signed with some of these tenants. We're very confident that we're going to have a lot of this signed up before it's built. Not seeing a space that's built sit empty for a long time.

We have a host of amenities throughout the development. The retail Building B, that's the building that's within the middle of the development. You can see Chipotle. If they do end up going there, it's going to be for a pickup window, not a drive through. We've heard a lot of people reach out about when Chipotle is coming to Commerce Township. We're very confident we will bring them into this development.

What we have here is some of the ledgerstone which we're using in the residential, as well as the brick, and then we also have some nice high-end steel siding. Also including some awnings to break it up a little bit. It's an architectural element for appeal. We're seeing with a lot of new commercial buildings, a lot of glass, a lot of glazing. I think it's great, especially along the sides and the front of the building. More toward the back, we want to be creative and add some glazings, but we also have to be aware that we're going to get a lot of food users and that's where they want to put their bathrooms, and the kitchen. We feel we've designed very attractive elevations.

This shows Building C. We have been in talks with Starbucks. We are fairly confident that we will get an urgent care user. There isn't a plethora of urgent care options on Haggerty Road. We have interest from about three or four companies who'd like to do that use. This is an aerial. You can see very attractive elevations. This shows all three buildings.

I want to focus in on the communal gathering area between Buildings A and B. We have nice sidewalks that connect through our parking lot onto Haggerty Road, and also push back throughout the development. We have to figure out who are users are and possibly we do some covered pergolas. That's predominantly going to be left up to the individual users who are leasing and what they want to do with that space.

Residential hasn't changed too much in form. You can see that on the southwest corner of the site is where we're locating our clubhouse, pool area, firepit areas, and on the southwest corner, we have a nicely landscaped park area, a dog park area and possibly a community garden. Then we have nice pockets in between. The residential elevations have not changed materially. We changed the garage doors a little bit, but we're sticking with the same character, doing that high-end Hardie-plank siding, mixing up some board

and batten vertical siding and some horizontal lap siding, as well as the ledgestone and the masonry. This is Concept A, and then we're going into Concept B. This is the 4-story building in the back of the development with the elevator in the glass veranda. I want to talk about the interior renderings of the units. We're going through the architectural renderings right now, but the concept is having a very open floor plan. It feels large and we have 9' ceilings. We're also increasing the size of some windows and door walls to help push natural light into these buildings.

We will have further conversation with staff about knee walls, et cetera, depending on who our ultimate users are. Behind Building B, we are proposing some significant spruce trees. Once we get users, start developing and pull permits, we'll work with staff to ensure we have no headlight glare into any of these buildings.

Spencer further elaborated on the amenity plan, including the 4,000 square foot clubhouse with a leasing office, property management area, fitness center, resident lounge area, coffee bars, and dog washing station. He also discussed the pool, covered veranda, bike storage, covered parking and grill areas. He provided a detailed review of the sustainable design features. The buildings will meet energy star certification. They are also committed to doing EV charging stations.

In conclusion, Spencer stated that they are very excited about the development and excited to move forward.

Dave Campbell – I think the only significant unknown at this point is the location of the traffic signal to be required for this development along Haggerty Road. Where the traffic consultant and the RCOC agree is the appropriate location for a signal is at the intersection of Haggerty and Springvale Road. The developer would prefer to have it here, which would be the main entrance for Midtown, and it would line up with the shopping center to the east in West Bloomfield. The RCOC is concerned that a signal at that location would be too close to the existing signal at 14 Mile and Haggerty. That is the RCOC's position as of this evening. We have reached out to see if there is any opportunity to reconsider that. So far, they have not said that there is. If the Planning Commission were to offer PUD site plan approval this evening, one of the conditions would be that the Haggerty Road traffic signal is to be installed at a location determined by the RCOC. The Planning Commission defers to the RCOC as far as the appropriate location for that signal.

Spencer Schafer – Thank you for bringing that up Dave. We have reached out to the RCOC on several occasions. They're reviewing it with their traffic safety department to see if there is an opportunity to place the intersection at our main curb cut off of Haggerty. If they say no, we're fully content with placing it off Springvale. People's traffic habits will adapt. In either case, we will be putting in a light as part of this development as required by the RCOC upon site completion. The only question is the location.

Commission Comments:

Winkler – I'm okay with what's presented. This petitioner has come before us numerous times and has done everything we've asked him to. I have no objections to what is being proposed.

Karim – I really like this project. It's a great improvement for the area. I'm looking at the site plan. Right at this corner, it connects to the south side where Panera Bread is. I want to coordinate the entrance from this side with the parking of Panera, the side part adjacent to Haggerty, so you don't have to go behind the building and turn around.

Spencer Schafer – Dave zoomed in on it. You can see we are all the way to the property line, we are going to be paving to the property line. We have to work with the owner to the south to actually do a physical connection. There is a water main easement and there is a lot of water main equipment. For that reason, we had to shift a little further back. It still lines up but it's not perfect.

Karim – So right now, you are entering behind Panera?

Spencer Schafer approached the overhead and explained the location of the water equipment and the easement. Karim initiated discussion on alternatives to go around the water easement. Jason Mayer explained that this is one of the main feeds from Great Lakes Water. It's the meter pit and the pressure reducing valve. He also noted he has an email in to the Water Resource Commission to ask how much of that easement can be encroached upon. Spencer Schafer indicated that they definitely would consider making an adjustment if there is any leeway from the WRC.

Rebeck – I don't have anything to add. I really hope you get the Chipotle.

McKeever – I'm all set. Thanks.

Weber – Just make it look like the pictures.

Vice Chairperson Parel – You were talking about a pickup window versus a drive through. Can you explain the difference?

Spencer Schafer – Chipotle has been eyeing that location. A pickup window is not like a typical drive-through. It's only pickup for people who place carry-outs, predominantly Door Dash and Uber Eats drivers. It's becoming very common.

Dave Campbell – Is that something where if you order ahead of time on the app, then you pickup at that window?

Spencer Schafer – I'm not quite sure. I think it's predominantly meant for the gig drivers.

Vice Chairperson Parel – I like the outdoor seating between the two retail buildings. Dave, any updates on the status of Culver's?

Dave Campbell – Culver's begrudgingly got delayed a bit with their financing. They were hoping to have Culver's open by the end of this year, located further north on Haggerty, at the former bank site in front of Target. I just talked to the developer and so now it looks like early 2022.

Vice Chairperson Parel – Regardless, I think this will be nice in-fill on Haggerty Road.

Weber – When do you expect to get a shovel in the ground?

Spencer Schafer – We're targeting April 15th but that's overly ambitious. It's probably going to be May 1st or 15th because we have to get permits from the County and EGLE.

MOTION by Karim, seconded by McKeever, to approve, **with conditions**, Item PSP21-10, the request by Midtown on Haggerty LLC of Farmington Hills MI for PUD site plan approval for a multiple-family residential & commercial mixed-use development located at 155 Haggerty Road. Sidwell No.: 17-36-400-014

Move to approve PSP#21-10, a PUD site plan by Midtown on Haggerty LLC via Schafer Development (Steve and Spencer Schafer) for Midtown on Haggerty, a Planned Unit Development approved by the Commerce Township Board on June 8, 2021. The project will consist of 23,000 square feet of retail in three buildings, and 187 residential apartments in nine buildings, on a 25-acre property on the west side of Haggerty Road north of 14 Mile Road.

The Planning Commission's recommendation of approval is based upon the following findings:

1. The PUD site plan is consistent with the Development Plan approved as part of the PUD Agreement for Midtown on Haggerty;
2. The mixed-use nature of the project will achieve recognizable benefits beyond those that could be achieved by a development that adheres strictly to the requirements of the property's B-2 (Community Business) zoning classification, consistent with Article 38 of the Zoning Ordinance;
3. The PUD site plan complies with the applicable standards of Articles 35 and 38 of the Commerce Township Zoning Ordinance.

The Planning Commission's recommendation of approval is subject to the following conditions:

1. Review and approval of engineered construction plans by the Township Engineer, Fire Marshal, Building Department, and the applicable departments of Oakland County and the State of Michigan;
2. Review and approval of an updated landscape plan by the Township's Landscape Architect to address items noted in their review;
3. Signs to be reviewed and approved under a separate Sign Permit by the Building Department subject to the requirements of the PUD Development Agreement and Article 30 of the Zoning Ordinance;
4. The new Haggerty Road traffic signal to be installed at a location determined by the Road Commission for Oakland County (RCOC), either at the intersection of Spring Vale Road or the primary entrance for the development.

MOTION CARRIED UNANIMOUSLY

J: OTHER MATTERS TO COME BEFORE THE COMMISSION:

None.

K: PLANNING DIRECTOR'S REPORT

- **NEXT REGULAR MEETING DATE: MONDAY, OCTOBER 4, 2021 @ 7PM.**
- Barrington is expected at the October meeting. They're looking to expand the existing site with three additional residential buildings.

Weber and Campbell discussed the proposal to change from commercial to residential on the vacant land adjacent to Barrington. The vision was that this would be complementary to the Five & Main development, but Barrington is ready to change gears due to successful leasing and a desire to move forward. Weber struggles with adding more rooftops there versus some level of commercial that was originally envisioned. Parel inquired on the number of units. Campbell replied, 36 units. He added that property is within the Towne Center Overlay which allows for attached residential as a principal permitted use. The additional three buildings will be very well landscaped.

Dave Campbell –

- Regarding the M-5 bridge, MDOT is still holding meetings in coordination with the Attorney General's office, with the subcontractor who was responsible for the blue wave panels. It sounds like they're negotiating. We will stay on the sidelines and let them do their mediating. Therefore, we do not know when our blue wave panels will return to our M-5 bridge.
- At tomorrow's Township Board meeting, they'll see Caden's Corner, at the northwest corner of Loon Lake and Benstein. The Planning Commission unanimously recommended against approving the preliminary plat.
- The prospective Bay Pointe Golf Course project: There is a developer eyeing that for single-family development. They have had several meetings with staff, along with Mr. Haber and Mr. Weber as the plan evolved. They want to bring a concept plan to the Planning Commission. They may need to schedule a special meeting. If they do, I would keep it on a Monday evening, which would be September 20th or 27th. I am passing around a list for you to indicate your availability.
- Joe Loskill is with us this evening. He is going to be nominated by the Township Supervisor to the Planning Commission at tomorrow's Township Board meeting.

L: ADJOURNMENT

MOTION by Rebeck, supported by Weber, to adjourn the meeting at 9:48pm.

MOTION CARRIED UNANIMOUSLY

Brian Winkler, Secretary