

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

Monday, December 5, 2022  
2009 Township Drive  
Commerce Township, Michigan 48390

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

**ROLL CALL:** Present:

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

Also Present:

Dave Campbell, Township Planning Director  
Larry Gray, Township Supervisor  
Mark Gall, Township Fire Marshall  
Randy Thomas, Insite Commercial

**B. APPROVAL OF AGENDA**

**MOTION** by Phillips, supported by Loskill, to approve the Planning Commission Regular Meeting Agenda of December 5, 2022, with the changes as proposed by Chairperson Parel to swap Items I1. and I2.

Discussion –

Dave Campbell – The change in the order of items is at the request of one of the prospective developers. I think someone is running late, so they are asking if they could go second instead of first.

**MOTION CARRIED UNANIMOUSLY**

**C. APPROVAL OF MINUTES**

**MOTION** by Winkler, supported by Loskill, to approve the Planning Commission Regular & Special Meeting Minutes of November 14, 2022, as written.

**MOTION CARRIED UNANIMOUSLY**

**D. UPDATE OF ACTIVITIES**

Brian Winkler – Downtown Development Authority

- The following is a summary of the November 15, 2022, DDA meeting.
- This meeting served as a DDA Informational Meeting.
- Regarding the Insite Commercial report:
  - Parcel B1 - Phase 1, Aikens Five and Main: The gourmet market lease is close to signing. If the retail portion takes place in phases, the market might be the first component of the retail development to happen.
  - Parcel C, on the northwest corner of Haggerty & Pontiac Trail, Lafontaine Automotive Group: The Planning Commission will probably see the revised PUD for the Genesis facility in January. The Hyundai component will move to the former Dick Morris dealership site, as we saw last month.
- The Asset & Liability Report was reviewed as a part of the agenda for a DDA Informational Meeting. Efforts are continuing to reduce the advances from the Township.

- Attorney's Report:
  - Commerce Downtown LLC II - Status Update on Five and Main's Phase II Purchase Option: The DDA Board approved the presentment of the Thirteenth Amendment that extends the Option to close on Phase II of the project to October 31, 2024.
  - Despite minor issues with related title companies, closing documents for Parcels K and L were finally properly recorded and copies are being forwarded to our parties.
- Directors Report:
  - MTT Judgments: Director Watson distributed an MTT report to the Board. Some reductions related to the Meijer property were noted.
  - Chris Martella is working with Tom Rauch in the transition of DDA Counsel to Dawda Mann.
  - The 12th Annual Outrun Hunger 5K was held on November 12th. \$27,106 was raised, feeding 903 families. Since the inception of this event, Outrun Hunger has raised \$203,965 feeding 9,754 families.
- Finance Committee: The revised DDA Budget for 2023 was approved as amended.
- The DDA Meeting Schedule for 2023 was approved.

Chairperson Parel – Thank you, Brian. Dave, on the Aikens piece, they claim they're close to signing a deal with the gourmet market. Is it possible that they could begin construction on the market before the retail?

Dave Campbell – I think the bigger challenge is getting the infrastructure to where the market is meant to land, specifically the sanitary sewer that needs to come all the way through the property, from the east to the west. Without the infrastructure in place for the entire development, it would be difficult to do only the gourmet market on its own. They need that trunkline sewer coming through the property.

Chairperson Parel – I guess my question is, whatever trigger is required to get that to the property, who is paying for it and when they start construction, would it get kicked off just for the market, or would we have to wait for more of the retail to be developed?

Dave Campbell – I think I understand the question and I don't necessarily know the answer. I know he has mentioned some of the uses that could come online earlier rather than later. Those uses he tends to speak to are along the Pontiac Trail frontage, and also the residential. The idea seems to be that the residential could come online the quickest.

Weber – I think all I recall are the pads along Pontiac Trail, and possibly something on the library site, but the market as part of the same building footprint as some of the other adjoining retail establishments.

Dave Campbell – He has described that market as something of a ~~lost~~ loss leader, in the sense that the gourmet market would then be the draw for some of the smaller tenants to attach themselves to.

Chairperson Parel – It's a good start.

### George Weber – Township Board of Trustees

- We've had two Township Board meetings since the last Planning Commission.
- At the November 15<sup>th</sup> meeting, we had 8 or 9 reappointments, and maybe the most important one is that Brian Parel has been reappointed to the Planning Commission for a 3-year term, expiring at the end of 2025.
- We adopted an amendment to the ordinance, primarily as it relates to language to reduce the performance guarantee for construction of sidewalks and recreational pathways.
- We gave approval to Dave and Jay to launch the RFP for a real estate broker for the 6 properties that we are intending to sell. As a reference, out of the 166 parcels that the Township owns, we have decided to divest ourselves of 6 of those. The 6 primarily lend themselves to single residential homes, a single build. Most of these are in neighborhoods and we saw no value in maintaining ownership of those.
- We approved approximately \$750,000 to abandon the old Haggerty pump station. This will be key to pulling the sewers through behind Parcel C and across to the Aikens project.
- Finally, we engaged a bankruptcy attorney out of Texas. The parent company for United Artists Theater has filed for bankruptcy and they owe us quite a bit in back taxes. We're making sure we are part of the creditors as that bankruptcy filing moves forward.
- The second meeting we had was on November 29<sup>th</sup>. That was primarily for budget discussion. I think as a Township, we're 98% finished with the budget discussions and we've got consensus and agreement on each of the line items. As part of that, Debbie did an outstanding job with the DDA budget. We had good discussion on that and we came to an agreement for the DDA budget as part of the overall process.

### Bill McKeever – Zoning Board of Appeals

- We did have an agenda last month and we approved two variances.
- One was to replace an existing garage that was damaged during a storm at 1502 West Oakley Park Road.
- The other was to construct a shed in the front yard setback at 1041 Superior, which is an odd-shaped flag lot. It's technically the side lot of the house, but it fronts the street through someone else's yard.

### Jay James – Building Department

- No report in Jay's absence.

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

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

No comments.

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

## **F. TABLED ITEMS**

None.

## **G. OLD BUSINESS**

### **ITEM G1. PLANNING COMMISSION BYLAWS**

Dave Campbell – In November, which is typically when we do a lot of our housekeeping, including reviewing and approving the bylaws for another year, one of the requests that came up was that we include a revision that any newly appointed members of the Planning Commission be required to go through the training that's offered by the Michigan Association of Planning, or if there is an equivalent training available, they could opt for that.

I don't think we discussed the duration of time that someone would have to do that. I included 6 months. If you have a different opinion, I'm all ears, but that seemed like a reasonable amount of time for a new member to go through the training. We added that within the bylaws and provided a revised copy. If you're agreeable to that change, then this would be an opportunity to approve the bylaws for the coming year.

Chairperson Parel – Does anyone have any opposition, questions or comments?  
Hearing none, Dave, anything else?

Dave Campbell – Everything else we discussed in November, and a lot of that had to do with the State's Open Meetings Act and the succession of changes that the State has been going through, mostly brought on by COVID and allowances for remote meetings and such. We had to chase the State and the OMA; as they made changes, we made changes. Now, we have effectively said, *with respect to remote meetings, the Planning Commission will hold remote meetings in whatever way the State says we can.*

Chairperson Parel read the new language for the record; *Newly appointed members of the Planning Commission shall complete the Planning & Zoning essentials training offered by the Michigan Association of Planners, MAP, or its equivalent as determined by the Planning Director, within 6 months of their appointment.*

Dave Campbell – And they typically offer the training 3 times a year, so 6 months seems reasonable.

Vice Chairperson Winkler – I did notice one other minor item on the last page of the bylaws. They still have me as the Secretary and that should be changed to Joe.

Dave Campbell – We will get that fixed.

**MOTION** Phillips, supported by Winkler, to approve the Planning Commission Bylaws and for Phillips to attend training.

**MOTION CARRIED UNANIMOUSLY**

### **H. SCHEDULED PUBLIC HEARINGS:**

None.

### **I. NEW BUSINESS (1):**

>>*Items 11. and 12. were reversed on the agenda under approval of the agenda.*

## **ITEM 12. "BEAUMONT PROPERTY" – CONCEPTUAL REVIEW**

The Bacall Group and The W Investors Group are requesting a conceptual review of a mixed use development located on the northwest corner of Maple & M-5. Sidwell No.'s: 17-25-376-001, -017, -021, -026, -028, -031, & -035

Dave Campbell – Both new items on our agenda are concept plans, but I think in the case of these two, they're very significant concept plans in that both of them are on collections of properties that we are actively looking at as part of the update to our Master Plan. As the Planning Commission is well aware, there are 10 properties that we are focusing on for that Master Plan update. I think that makes these properties and the conversations more significant, given the bigger context of the update to the Master Plan.

The first property is what we refer to as the Beaumont property, located at the northwest corner of Maple and M-5. It's called the Beaumont property because Beaumont still owns it. Around 2006, they had plans approved and actually started construction of a mini hospital / medical facility. If you look at the aerial, you can see the footings for the building that they started to build. When the great recession hit, Beaumont's priorities changed. They put that project on hold and ultimately opted not to build it.

Beaumont has been holding onto the property for all these years since then, trying to determine what the best route would be. They have opted to sell it, with the help of Insite Commercial. Randy Thomas has brought several prospective buyers to the Township, and some have come as far as the Planning Commission with ideas of what they want to do on the property. So far, none have come to fruition.

The latest prospective developer is Shakir AL Khafaji, and his group, led by members of the Bacall family, including Steve and Eddie Bacall. What they propose to do on the property is what you have in the concept plan that was included in your agenda packet, which is a mix of uses including retail, residential, office/warehouse, all comprising what is collectively the 35 acres of the Beaumont property.

Dave Campbell brought up the site on the overhead and reviewed the proposal. On the hard corner are two standalone 2-story buildings with retail on the ground floor, and medical office above. Moving westward is a drive-through restaurant. None of the users or brand names are specifically defined at this point. West of there is a proposed gas station that would also have a drive-through with a bakery/café. West of there is a drive-through car wash. Then at the corner of Welch and Maple Road is a high-end gourmet grocer.

To the north of those are a collection of 4 buildings with multi-family apartments, 66 units in 3-story buildings. Then along the bulk of the M-5 frontage is a national warehouse user with a showroom along the south side of their building. That would take advantage of the visibility provided by M-5. There is no access off of M-5, which the State would never allow. All access would be coming off of the north side of Maple Road, or the east side of Welch.

Also proposed, given this property's adjacency to the Michigan Airline Trail, which runs in a diagonal along the north end of the property, would be a public trailhead that they're showing to include about 34 public parking spaces for users of the trail. This is an area where we know there is demand for people to be able to access the trail. We hear from some of the local business owners that they don't like that people use up all their parking spaces to unload their bikes and jump on the trail. Having a trailhead at that

location would certainly be something we want to see for any development that occurs on this property.

They're also proposing trails within the development to take advantage of the regional trail, the Michigan Airline Trail, and also the regional M-5 Metro Trail. This property is key to connecting and providing better access to those trails. They're also showing a dog park and pedestrian amenities, and as discussed in the Planning Department's review letter, upgrading the trailhead to have amenities like a bike repair station, an information kiosk, benches, et cetera.

It has always been envisioned that whatever develops on this property would likely be a PUD. It's important that this property is still zoned Hospital, and most of the uses on this concept plan are not consistent with the Hospital facility zoning, other than there are some medical office uses proposed that would be consistent. In an effort to amend the property's zoning, given the mix of uses here and some of the creativity that would probably be required to pull off a project of this scale, the PUD process makes the most sense. With any PUD, one of the key components is a recognizable public benefit. On this property, any public benefit would certainly want to enhance access to the regional trails, and it makes for a better development.

Obviously the PUD is very much a process, including multiple steps with the Planning Commission and the Township Board. Therefore, it made sense for the developer to come to this meeting tonight and present their concept to the Planning Commission, introduce themselves and the project, answer any questions, and receive any feedback. The developer is aware that there are some uses proposed on the property that the Planning Commission has had some reservations about in the past on other projects; gas station uses, drive-through uses, car wash uses. Those are all uses that the Planning Commission has asked many developers whether there is already enough, or too much of, in the Township and whether it's an over-proliferation of certain uses. This is one of the properties that is key to the Township's efforts to update their Master Plan, and it may be the most key property. M-5 and Maple is a high-profile premier location. We have discussed amongst ourselves and with the developer that this property seems worthy of some sort of a destination type use, which might be related to healthcare, education, entertainment or employment. The market needs to bear that out. The developer has been told to expect some concern with the more typical commercial uses, as some could argue that this property may deserve better than certain types of uses.

They obviously have a lot invested in this property. They recognize that the Township is in the early stages of updating the Master Plan. If they are to move forward with any development, if they're not willing and able to wait the Township out in our efforts to update the Master Plan, the hope is that it could be somewhat of a collaborative process of whatever happens on this property, such that any development plans that they bring forward are consistent with what the Township had likely envisioned as part of the Master Plan regardless.

Certainly if this project does move forward as a PUD, one of the key components would be a traffic impact study. There are a lot of trips that would be generated by a development of this scale. We have to look at how that interacts with M-5, Maple and certainly Welch. Those are the kinds of things that the developer wants to get feedback on from the Planning Commission before they start making investments. So, if the Planning Commission does have strong opinions with the project as opposed, I think it's only fair to the developer to discuss those and make the developer aware of what

challenges the Planning Commission sees, and what opportunities there are as they decide how to best move ahead.

Phillips – Do we have a needs assessment in general for apartments? Are we short on apartments presently?

Dave Campbell – The Township has never commissioned a market study of where we are in terms of supply versus demand on apartments or other types of housing. Some of the discussion has been anecdotal to some degree. As you're aware, there's 300+ apartments that have come online at Barrington, and they're finishing up their last few buildings. We have close to 200 apartments at Midtown on Haggerty at 14 Mile Road. The Aikens project, within their approved PUD, there's up to another 300 apartment units.

Weber – There's Shearwater.

Dave Campbell – Shearwater is another.

Weber – Within the last couple of years, we have either built or approved over 1,000 new apartments.

Phillips – What is the occupancy?

Weber – Well, Barrington and Shearwater are virtually sold out. We have another 500 coming between Aikens and Haggerty.

Phillips – That seems like a lot. Would we be more receptive to something like townhouses, where it's a less transient population?

Weber – I think that's a lot of the discussion the Township Board has had. I think there's a strong feeling that we are maxed out on what we want to see in apartments.

Ammar AL Khafaji, 1375 Rivona Drive, Waterford, MI – I am part of the development investor's group, representing them on behalf of Commerce Gateway, and we're here today to express our interest in this property. It's an amazing corner. As you said, the site deserves a true development that encompasses what Commerce Township is looking for, and brings some excitement to the Township. We truly do feel that this concept plan does encompass that.

Folks, we've seen with numerous developments these days that you have to have that mixed-use type of feel to the property to give it that walkability, as well as have these diverse types of uses, to give it that work, play, live environment. That's what we're really trying to do here. With the trail being there, giving that parking access to residents is a super important thing, as well as making some other amenities, such as the dog park and other pedestrian areas.

This is a conceptual plan. Nothing is concrete here, but it gives the Planning Commission members a vision on what we're really looking to do. A big part of this was that old repair shop. It's an eyesore right now. Beaumont was not able to put that property under contract because they were unreasonable in the price. Until today, they are unreasonable in that price, but we do understand the importance of getting that

piece, because having that there hinders us from getting any of these major attractive tenants, and those that would be attractive to the Township. That was a hurdle for us, but we were finally able to secure that piece to make this whole thing work. That's something that we're excited about, if we can get a concept plan through.

In terms of our plan, we do have a variety of uses. On the hard corner, those will be unique style architectural retail with office buildings, and having some sort of drive-through there, whether it's a high-end coffee shop, or it could be a restaurant with a drive-through concept, as well as a variety of other users. I am an internal medicine physician as well and we do have a medical aspect coming to this property hopefully, with the medical offices and other things.

Next door, having another high-end type of user, and on the other hard corner is a high-end national grocery market. We are under confidentiality with the national market right now, so I cannot speak further about that. They're national and they are pretty exciting in terms of what they're doing with technology and other things these days.

With the gas station, I can tell you it's really a café, bakery, restaurant that happens to have fuel as well. It would not be a Tim Horton's or a Dunkin Donuts. Coffee and all of that is incorporated into their brand. We're under confidentiality with them as well. They are a national brand and they're very excited to be entering this market.

In terms of the multi-family, having all of those wetlands around us is such a beautiful scenic thing. To have some residential around it, people can truly enjoy that. We feel it sets it apart from a lot of the other multi-family projects that are being developed. In terms of multi-family market studies, we have down our own internal studies and the Metro-Detroit area is just so far behind the rest of the nation in terms of how underdeveloped we are with apartments that there is a definite need, especially in this area, for more apartments that far exceeds another 66 units.

We feel this would be a great start for this project and not so intrusive to the whole development. It also allows people who are working in this area to enjoy being able to live nearby. Not everyone wants to live in a specific downtown destination. They like to live in suburban communities and enjoy the amenities. This will feel like a downtown, with all of the walkways, the pedestrian park, all these different things. We really do feel that this is going to be a destination within Commerce, which is a great destination.

In terms of the showroom in the back, we don't want you to think of this as a typical industrial type building. It's going to be a luxury showroom. We have a tenant, also under confidentiality, that is interested. They build beautiful showrooms. They need warehouse space as well. We will be excited to give you guys the names of these people. It's not that a lot of this is just proposed – we have real people behind these that are really interested in moving the process forward. That's why we feel super confident about this site, even with the high ticket number we're paying, between Beaumont, the repair shop and all of the other things involved with this site, such as foundations already poured and some of them might need to be taken out. There's a lot of hardships involved and we're really willing to take that on to make this thing happen. We're super excited about this. We think it's a great area to do this, and we couldn't think of a better Township to work with. Are there any questions?

Phillips – Can you describe the showroom without exposing anything?

Ammar AL Khafaji – It's a showroom that people would come into if they are looking to do things possibly with home improvement.



Weber – Could you give us one of their competitors?

Ammar AL Khafaji – I can't, we're under confidentiality.

Weber – We don't want to know who they are, but give us some kind of comparison.

Ammar AL Khafaji – If you're building a new, luxury home, you're going to go with your designer somewhere. This is one of the places you would want to stop by. When you walk in, it would be pretty glitzy and shiny inside. That gives you a sense of who we are talking to right now. I'm sorry with all the confidentiality things. I wish I could tell you. We're super excited about all the different prospective tenants we have here. A lot of that will make this project happen.

We plan to put that infrastructure in for the boulevard from the start, the multi-family in the back. That is what we thought was the best use for the property in the back. We really think that this does incorporate everything. In terms of the car wash, it would be one of the newer, high-end types of car washes. In this area, on southbound M-5, there are no fuel stations. It's a need that is really there.

We studied the different markets. We really do feel confident that this will be successful and we will be able to make this process happen, and we hope to work with you guys to see where you think we can improve the site plan and work together on this and make it something truly exciting. We are working with multiple national brokers that are talking to a lot of the tenants that you are talking about; education, entertainment and other things. If a tenant does come by while we're doing this, we're happy to accommodate, but as of right now, this is what we have that's real.

We just did the project on Cooley Lake and Union Lake Road, which was 6.5 acres in White Lake. We were able to do something on a smaller scale. It was multi-family apartments with retail in the front. We put in a boulevard, and we were really able to have that comradery between our multi-family as well as our retail in the front. We're doing a final phase there where we're adding a Beyond Juice, Detroit Wing Company, and other things. Our residents are super excited about that because they just get to take an elevator downstairs, walk across the boulevard and get their coffee, or breakfast and walk around. It does feel like a community, and that's why we love the multi-family aspect of this, to give that walkability, so they have that sense of feeling like it's more of an urban area, but still enjoy the luxuries of living in a suburban community.

Dave Campbell – Do you have any thoughts on how you would sequence the development, in terms of what comes online and when?

Ammar AL Khafaji – In terms of sequence, the first thing would be infrastructure. We would develop all the main curbs, the roadways, as well as the boulevard to make each parcel. Then the pads would be developed, which most likely, the grocery and the hard corner would all be started. Those would be the developments, as well as the fuel station, which would have EV chargers as well. It's got a lot more to it. It's high-end; it's not your typical gas station. As well as possibly, if things do go through with Parcel H, which is the showroom, that would continue as well as part of Phase I or Phase II. The other phase would be the apartments, which would be started as a pad. It takes a little longer to get those types of prints done. Once we get that approved, we would be able to move forward with that. Probably a 3-phase project at max with retail as Phase I, the showroom and multi-family in Phase II or III. The roadways and everything would be

created as outlots, very similar to what we did in White Lake. In White Lake, retail was Phase I. We left one outlot until we were able to lease, but we did the landscaping around it. We planted grass there so it wasn't an eyesore. We did the multi-family as Phase II, and now we're finally finishing the last phase of the retail. I assume this will be a similar process, but we want to get that infrastructure in to give that accessibility. That's what the tenants love is the boulevard that allows them to have accessibility through there.

Dave Campbell – From an ownership perspective, do you see these as condominium units? Is the grocer going to want to own their unit? The warehouse will own theirs? Are you to the point where you know that?

Ammar AL Khafaji – We are in negotiations on that. I can tell you, the baker with fuel and all of that would be owned by them. We would be selling off that parcel to them, and they would have their own government liaison come up here to present to you as well. They want to be involved and they're excited to get in front of you if we can get a PUD going. In terms of the grocer, we're negotiating that we would be the developer and they would sign a lease with us. The showroom and the apartments would be the same scenario, where we would be the developers.

Dave Campbell – So at the end of the day, you're the landlord for most of this?

Ammar AL Khafaji – Correct. That's still fluid at this time, but that's the way our current negotiations are going, and it's what we usually do. White Lake is the same thing. We own 100% of it; we help manage the terms of it and they sign leases on it.

### **Commission Comments:**

Chairperson Parel – I appreciate the presentation. We will go down the line to see if anybody has any questions or comments.

McKeever – Unfortunately, and I don't know if I'm in the minority or not, but this doesn't scream *gateway* to me. It's not what I had ever envisioned for this corner. Given where we're at in the process of our Master Plan review, I would be hesitant to entertain any type of rezoning on this property until we have all of the information that we're waiting on.

Weber – First of all, I appreciate your passion. I thought it was a great presentation.

Ammar AL Khafaji – Thank you.

Weber – I think what you did at Four Corners looks and works very well. Having said that, I agree with Bill. I have four concerns with what you're proposing.

The first is the car wash. We have a plethora of car washes in the area, and we're going to hear a proposal for another one tonight. Literally within this location, I think there's two others less than half a mile away.

The grocer is a bit of a concern, particularly when you're discussing high-end and the reason being, the proximity of grocery stores to this. Now we have Kroger, which I know isn't in competition for a high-end grocer at 14 Mile. We have Zerbo's just a quarter mile away. We will have another high-end grocer as part of the Aikens development at Five

& Main, and then there's a couple of other small grocers that are also in Walled Lake presently. The concern is that with the more we add, and maybe it's not yours, but there might be another empty building sometime in the future because there isn't enough to go around within a reasonably tight geography.

I don't know how, with the uses you have, some of which are high-frequency, whether you have a fuel station, a car wash, or drive-throughs, I don't have a concept or a feel for what the traffic impact could be. Obviously anybody heading east, that's going to be an issue with the turnaround lanes. I think there's only one turnaround lane there. That's something that could be a bit of a challenge. I know you can solve some of that by coming in off of Welch Road.

You've heard my comments on the residential piece as to the number of apartments. Overall, I think the biggest challenge I have is that you're just a few months too early. We're just at the point where we're doing the heavy lifting on the Master Plan. This is one of the most important properties that we're studying, in concert with the Williams International property across the street. I don't know that we have enough information to be able to say this is the kind of use that we would want to rezone it for. Those are my thoughts.

Ammar AL Khafaji – Appreciate your input. We will see what we can do to work around some of that. In terms of the market, when we say high-end, we mean in terms of the materials they're going to be using on the façade and things of that nature. They are pretty competitive in terms of their pricing, but they bring in quality products. We want to describe that it's not one of those affordable, dollar types, Sav-A-Lot or other brands. It's a really nice looking building.

Loskill – I really want to see how you're going to get traffic flow in and out of here. That's going to be a big part of making this work. You may have to revise your exit/entry locations to ~~time~~ align with what is there currently. I see a lot of drive-through components to this. We have a lot of drive-through restaurants already in the Township. I would be more interested to see some full-service restaurants versus drive-throughs. The car washes are almost getting out of hand with the number we have down the Union Lake and M-5 corridor. I like what you're doing with the trailhead. There are some options there and I think that's good.

My only other concern is that I would look at how you're laying out the apartments. Right now, you've got most of your apartments looking at the back end of the buildings. Take another look at that and see if you can improve the views for those folks so that they're not just staring at the back end of a grocery store or a gas station.

Ammar AL Khafaji – Definitely, completely agree with you on the apartments. This is just conceptual at this time. The shape of those would change. I agree with you and that's a great idea. Those wetlands are truly beautiful and we do want to take advantage of that for the residents.

Phillips – My initial question on the apartments, you can understand I have a concern about that. I do think some alternatives to apartments could potentially work. I very much like the integrated pathway and highlighting the natural beauty of the area, and the concept of making it kind of its own community where people can step out the door and get done what they need to do. I like some things about it. I share the same belief – we should have our Master Plan in place before we make decisions.

Vice Chairperson Winkler – Initially, I agree with Brady and Bill, that we shouldn't rush into this particular site not having completed our Master Plan efforts in evaluating this site, as well as 8 or 9 other sites we've talked about. I do want to share with the petitioner, and I'm repeating what has already been said in some ways, there are a lot of challenges that you're certainly aware of with a potential PUD, work with the Road Commission, and then the multi-family issue which has been stated already. This is such an important site, and given that it has been vacant for so long, I think it's important we don't rush into it, and that we look at it from a Master Plan standpoint very carefully with the Williams International site to give the Township a better outcome.

Karim – I do have some comments, especially regarding residential. Our population is growing older; you can see a lot of 70s, 80s and even 90s. In general, I like the concept of having residential close to the retail area and restaurants, where people can live there and they don't have to go anywhere. They can buy what they need, go to a restaurant, and maybe even some entertainment. I do agree that the apartments need to be reoriented.

How about the gas station? I live north of this area and M-5 is my main route going south. I go through there 5 days a week, and a lot of times I need gas, so I need to make a U-turn on M-5 and go to Haggerty, get gas, get back, make a U-turn again and go. I think a gas station on that side might be a good idea. But, at the same time, we need to consider the Master Plan. That's going to be the other issue which we need to deal with.

Ammar AL Khafaji – We really appreciate your comments. We know how crucial this site is and how great of a site it is in the Township. That's why also, in terms of the fuel station, for most users the ideal spot is right on the corner, like it is at 14 Mile Road and M-5. We didn't want that to be the center point of this development. We were clear with this national restaurant, that also has gas, that they are not on the corner. You will have a beautiful façade of a medical/retail type of front on the corner. We thought that was our best way of compromising, because we knew that would be a concern.

Chairperson Parel – I don't know if I have many more comments. I think you have some good concepts here, in my opinion. I like the showroom idea. I like the grocer. I like some of your hard corner, if it was upgraded like Joe mentioned with a full-service restaurant. It will be hard for me to get past a few of the items that I think this area in particular is pretty saturated with, specifically the car wash, apartments and maybe the gas station too. I think you have an uphill battle from my perspective. I think with a PUD, you're going to have to get past the Township Board too. I know George alluded to it; selling those three items to them is going to be pretty difficult. I think it will be tough enough to get past us. I like the things you're trying to incorporate; the trails and the dog park. We talked about some of those uses, but I think it's an uphill battle. I want to leave you with some direction. I'll throw it back to you, have we answered your questions?

Ammar AL Khafaji – You've answered some of the questions. We really appreciate it tonight. We are on a timeline as well with our closing date on this property upcoming. We're just trying to get some direction to know which way we should go. We are super serious. We have hard money on the site with Beaumont. We spent a lot in terms of engineers and architects, and other things. We understand that we have to work here with you together, and we're happy to do that because we want the Township to be

proud of this as we will. Just seeing where we can go to get the PUD moving forward. Is the multi-family the sore spot here, or I hear mixed views from different people that it might be something, with the older generation, having a place for empty nesters, having ADA units, and having that walkability.

Chairperson Parel – You've got a lot of challenges. I don't know if it necessarily bothers me that much that this isn't a big flagship gateway property, but I'm also a little bothered ... one of my concerns is with another high-end grocer. I just don't know if the answer is that there's one thing we can pull out of this. Maybe I'll pose the question to this group. Are apartments something that we're putting on hold for a little bit? Do we think we're saturated? And I would pose the same question on some of the other items, the car wash and gas station.

Loskill – I think I would be more open if it was something for seniors, if the apartments were dedicated to affordable, so that the people who are working at these places could afford a place there. I think there are options that would enhance the appearance of the proposal, things that we don't have a lot of in Commerce Township right now.

Weber – One of the things Dave mentioned in his write-up though was having this site as a destination and not a high-density traffic spot. The difference is where people go for a period of time, like a grocery store. But, as soon as you put in car wash, gas station and drive-throughs, now you're spinning cars through the area. I think that's one of the challenges that's a pretty big deal. As you know, along M-5, the traffic from Pontiac Trail backs down to Maple Road. It's still unclear to me how the traffic would work. I think the bigger comment I would have is more of a destination for this property versus the high-traffic, spin people through developments.

Ammar AL Khafaji – I completely appreciate your thoughts on that. We are talking to multiple national users in terms of this. We are just bringing in front of you what we are proposing that would be real. Apartments, we know that we would be able to finance and get going right away. It's not just a pie in the sky idea, as well as all these retailers. This is something we would be able to do, and to take to completion. Having the grocer there ... if we propose something else and we don't have that user there, it would sit as a potential outlot until we find a user to build it. If we were to do a spec office building – no one is building spec office buildings as there's a lot of vacancy. We have to wait until we get that user to get it going. This project, each piece of it has wheels on the ground that are already moving that we know we could move forward. We would love to have that great destination type of use that you're speaking about, and we'd be happy to bring to them to the Township if they're willing to come, but with the way the economy is going, interest rates rising, construction costs still not going down as much, there are a lot of uphill battles on that front too. But we do feel confident with this site plan that we would be able to bring this to the finish line, and that's why we're here today.

Chairperson Parel – I think we completely understand. We have to take look at the perspective of going through the Master Plan process to potentially do a better project that we feel would be better for the Township.

Dave Campbell – So if the Township were to ask you to cool your jets for a certain period of time until we can get some traction on the Master Plan, what does that mean for your investment and the money you already have invested in this? I'm not asking to get into the details of your deal, but what does that mean if we ask you to give us some time?

Ammar AL Khafaji – Time isn't on our side. We are under contract. We have a limited amount of due diligence time where we do need to close on this property. We're ready to do that, however, we need a little bit more comfort in terms of where we would be. In terms of your question on timing, I don't know the answer to that right now, if we would have that time to wait until the Master Plan is updated. I don't think we would have that much time, going back to our seller to renegotiate terms on that front.

Dave Campbell – Maybe that's what we need to understand better, in the sense that Beaumont has had this property on the market for years now, but now there seems to be an urgency. What is the urgency that exists now that has not existed for the last 10+ years?

Ammar AL Khafaji – Well, they'll let you put the property under contract for only a certain amount of time. You get whatever you can get. We have been working with them, we finally got the tenants involved and we've got everything where we finally felt ready to get at least something in front of you. We wanted to get an overall feel on what a PUD would look like here. As you said, the property is zoned for Hospital and not for this. To give these different commercial uses, as well as a little bit of residential, if we have some guidance on that, it would give us the comfort to move forward or not. We understand that we are not going to be able to get complete approvals before we close, but we need some level of comfort on that front.

Weber – It's zoned Hospital. Personally, I would be hard pressed to rezone it from Hospital to B-3, which is what you're asking for, without having the data, and the process, and the vision for what we want that to be zoned for in the immediate future. I know you're on a deadline. I think to Dave's point, it's interesting that Beaumont is all of the sudden pushing the sale aggressively. Dave, what's your opinion on completion of the Master Plan? Or, at least to the point where we have the property study and a consensus on the Commission of what we want it zoned going forward?

Dave Campbell – I would want to discuss that with the consultants, Jill and Giffels. Respecting the urgency and pressure they're under to make a decision, I would hope that this could be a property that we take a more accelerated evaluation on, but I still think we're talking months. I'll take a wild guess; I think we're talking into early summer of 2023.

Weber – And the first quarter at the earliest.

Dave Campbell – May or June, and now we're in the second quarter.

Ammar AL Khafaji – One thing here is that we're not dealing with one seller, we're dealing with two. Just as hard as Beaumont is, that repair shop is harder to deal with. There's also an urgency there for him to get us to close, and that was part of the deal.

There's a lot of moving parts for us to get this together, and finally we got all those pieces. Even if we are not able to move forward, any potential buyer would have to deal with that aspect as well. We're happy that we are able to combine that and finally clean up that eyesore that Beaumont was not able to do at the time.

Dave Campbell – So, if I can put Mr. Thomas on the spot, is there an opportunity for patience with this transaction? I know you can't speak to the owner of the Monkey Wrench Garage, but from Beaumont's perspective, is there an opportunity for patience so that the Township can get this right?

Randy Thomas – I can't give you a solid answer, but I can give you some perspective. Beaumont, as you're probably aware, has gone through a merger. I think it's more of an acquisition. I'm dealing with a whole new group of people. This is not intended to be developed by Beaumont for any type of facility. In the last round of discussions, their motivation is to sell, and if it's not to this group, it will be to the next group. There are people that are constantly hovering. I think we have a level a confidence with the group that is here.

There is a level of risk in any real estate deal. I can't guarantee that Beaumont will give any extension. It has been under contract for quite some time. The buyers/developers do have hard money up, and we're all cognizant of that. I hear where everybody is at. I'm just not sure, if the next project comes in front of you, because there's another one that will come involving one of the properties, and it's this same path. Now, we're holding back private property rights. Just imagine if you had your home for sale, and someone said *Hey, we've got something going on in the neighborhood, if you can put it off for six months*. It's the same type of scenario as I see it here.

I can't speak for my clients who are the sellers. There was a request that's been made that may accelerate the process between the buyer and the seller. We're still working through that. I think it's going to put these guys in a tough position if we're talking May/June before they can get any feedback. Again, I can't speak to the risk level that you want to take, are willing to take, or should take, but it's where I see things. I'm not taking any sides on this, that's just reality as I hear it right now.

Dave Campbell – And again, May/June was a wild guess. I can get a better answer to that, but from what I know, the reality of developing a Master Plan, and one of this scale, I don't see that it's something that happens in January/February. One more question, when we're talking about the scale of the property, the uses and how does this relate to M-5 and so forth, is there any value in them investing in any 3D renderings? I'm not asking them to design the buildings necessarily, but when we talk about-

Ammar AL Khafaji – We've already hired an architect to do 3D renderings as well. They will be done within 10 days.

Dave Campbell – I'm glad to hear it, because for example with the 2-story buildings right at the corner, having buildings of that scale, and then transitioning back toward the residential, does that help paint a better picture for these folks?

Weber – But Dave, don't we need to answer the questions on what we want it to be zoned? That's got to be first. They can't do anything until we make that call.

Dave Campbell – But we're back to, how long can they be expected to wait for that?

McKeever – But it's zoned for Hospital.

Dave Campbell – Absolutely, so it's a discretionary decision, so there has to be some respect for both sides of what they're trying to accomplish, and what the Planning Commission and the Township are trying to accomplish with updating our Master Plan.

Ammar AL Khafaji – This is what we have that's real as of today, and with our time constraints with having both properties. I don't know that anyone has had both under contract at once and presented before this Planning Commission, but we're really trying to make that happen to make it work as a complete site with a true PUD, and give it that sense of a destination, even if it is not one specific destination and there are multiple uses.

Weber – If I put my Township Board hat on, the priority of challenges would be gas station and car wash. We have had several proposals for gas stations and car washes, and a proliferation of drive-throughs, and apartments. I feel horrible saying that. I think you can get past the grocery and the warehouse facility, but if it's more of a destination it would be more sit-down restaurants.

Ammar AL Khafaji – I completely understand compromise. Off the cuff, in terms of that fuel station, it's really not just a gas station. If you know what brand it is, people get super excited about it because it's a café, a restaurant and it's pretty cool, it's innovative. It's not a typical Shell or Sunoco with a Tim Horton's attached.

Dave Campbell – How could you help them see that without divulging any secrets?

Ammar AL Khafaji – That and the grocer are probably the two that are extensive confidentiality agreements, but they're ready to come in front of you soon if we are able to at least get this processing.

Weber – Think about traffic-

Ammar AL Khafaji – Sure, so if we eliminate the car wash, for example ... We thought a car wash would be great where people are fueling their cars, or charging, then going next door to get a wash. Having everything right there would be great. There's already an oil change there right now, the existing use. If we weren't to buy it, it would stay that old, ugly oil repair shop. We thought the car wash would clean up the site and get the environmental issues cleaned up there as well.

We are aware of the environmental issues on this property. We've already consulted with our environmental engineer on this. He is working it up. All of those hurdles we have taken internally, as well as the costs that are going to be incurred to do that environmental cleanup on the site as well, which has not yet been done by Beaumont. Those are the hardships.

With COVID, it changed the restaurant industry. Those large, sit-down restaurants are not the thing that are expanding anymore today, even if you look at Buffalo Wild Wings. They're not building 12,000 square foot restaurants. They're doing 1,200 square foot, in



and out, with GrubHub, DoorDash, et cetera. Convenience is what people are looking for these days, and those are the people that are expanding.

We want to see this as a vibrant community there and have that atmosphere. We would create additional pathways, it's still fluid and we want accessibility. If the car wash is a sore spot here, I don't know if we can talk to our group about not having that, but we definitely need that fuel station from an economic standpoint to make this deal move forward. It took a lot for us to not have it on the hard corner as well. I don't know what your thoughts are on the fuel station, if we were not to have a car wash or something of that nature.

Weber – I don't know the fuel station you're describing, so it's hard for me to say. If you can give us a competitor to compare.

Ammar AL Khafaji – How about there is no competitor because they are the best out there. I'm kidding, but ...

Weber – From our standpoint with the concept of a fuel station, we need to be thinking 20 years from now. What is this footprint and what is this property going to be? We know that there is going to be less demand for gas, not in the immediate future, but 20 years from now it will be a significant demand curve change. I think those are struggles, so again, when you're talking about high traffic facilities, I think that's one of the things that's a challenge for us on that particular piece of property.

Dave Campbell – I think with all due respect to what you're looking to accomplish here, and the work you put into this, a lot of what you're speaking to is what can be achieved today, what's financeable today, what the market is asking for today. With this group, their job and my job is to think not just of today, but 20 years out, 50 years out. In our minds, with this property in particular, we get one shot at this. The goal is to get it right. Keep that perspective in mind. Obviously you have to think about dollars and cents, because of course you do, and we have to think about what is best for Commerce Township 20 to 50 years out.

Ammar AL Khafaji – Sure, I appreciate your time today. Is there anything else on this site plan that you're looking at? In terms of multi-family, what do you imagine being there instead of multi-family? Retail tenants and other things, they're not going to be willing to not have that frontage, and that limits it. Putting office back there, you're not going to be able to finance or build spec office. Office is already a large vacancy in the Metro-Detroit area, with multiple users downsizing these days. We're just trying to come up with what is realistic and would be for many years with the way the market is changing. Appreciate your time.

Chairperson Parel – I hope that was helpful.

Ammar AL Khafaji – It was helpful. Certainly not the answers we were hoping for, but we appreciate your time. Thank you.

Weber – We appreciate your time as well.

Chairperson Parel – Thank you, gentlemen.

### **ITEM 11. "SALLY'S BARN PROPERTY" – CONCEPTUAL REVIEW**

Jonathan Tiwaini is requesting a conceptual review of a car wash/restaurant with drive through development located at 8245 Wise Road. Sidwell No.: 17-01-451-003

Chairperson Parel – Okay, this is another conceptual review.

Dave Campbell – Yes, and everything we already said about the Master Plan, and where we are with that relative to this property being part of the bigger property, and collectively with the Union Lake Golf Course property is one of the 10 that the Planning Commission is also looking at.

Sally's Barn property is at the southwest corner of Wise and Union Lake Roads. This picture was taken in July of this year when the road was closed and they were putting in a new lake level control structure for Union Lake, and big culverts under the road that outlet to Hayes Creek, which takes the water westward. All of that natural water course discussion is part of the history of this property, and the soil conditions are one of the challenges of this property. It's part of the reason why this property has stayed vacant for as long as it has.

The prospective developer, Jonathan Tiwaini, proposes to develop the property with two uses; one is the car wash use, which is a drive-through, completely automated car wash along the Union Lake road frontage, and the other is a drive-through restaurant along the Wise Road frontage. I don't think they have a restaurant user secured yet, but in preliminary discussions it was envisioned as some sort of a coffee, smoothie, juice type of user.

The property is currently split-zoned. It is B-1 to the south, and B-2 to the north. (Dave reviewed the property on the overhead). Both of the prospective uses would necessitate a rezoning of the property to B-3. A car wash is a principal permitted use under B-3 zoning, and a drive-through use is a Special Land Use in B-2 or B-3. This is a scenario the Township has seen before, where a property is proposed to be rezoned, but even if the rezoning is obtained, they would still need Special Land Use approval, which requires demonstrating to the satisfaction of the Planning Commission a documented and immediate need for the use.

If you look at the layout of their concept plan, they're proposing that both the buildings would be pushed up to a minimal setback from the respective roads, and part of this is an effort to screen the drive-through queues and the vacuums for the car wash, along with the parking. Along the corner itself, they're showing a decorative berm/fence element to further screen some of the uses behind the buildings and create an entry feature on another high-profile corner in the Township.

Obviously we had discussion with the last group about the concerns of over-proliferation with certain uses, and particularly car wash uses, and to some extent, the drive-through restaurant uses. Whether that concern is different at this location than at M-5 and Maple, that's something we can discuss this evening. Similar to the last group, this group wants to get the Planning Commission's initial perspective on their project and whether this is something that has viability that they can pursue.

They are aware that a couple years ago, the Planning Commission saw a proposal to revitalize Sally's Barn building and create a new bar/restaurant at that location. I know there was some excitement with that concept, however that concept has since fizzled. The owner of the property that was going to be a partner on the restaurant is now looking to sell the property, and these gentlemen are the prospective buyers and developers.

Chairperson Parel – Thank you, Dave. Does anybody have any questions or comments before we invite the petitioner to come up?

Phillips – I heard a rumor that underneath the parking lot surface, they used a garage door to span the lot.

Dave Campbell – I've heard that mentioned as well. I've never personally seen it. As I mentioned, there is a culvert that goes under Union Lake Road that's under the jurisdiction of the RCOC, but once it gets to the parking lot, it becomes a private drainage course. We've heard it is effectively a tunnel of garage doors, creating the culvert to take the water to where it empties out into Hayes Creek. It may be urban legend. I mentioned it to the RCOC, but they said as far back as they could see, they didn't see it.

Eric Williams, Stonefield Engineering & Design, LLC, 607 Shelby Street, Detroit, MI – As David alluded to, we are seeking preliminary conceptual feedback on the plan before you. We are proposing a 2,400 square foot drive-through restaurant on the northern portion of the site, along Wise Road, and then a 4,000 square foot car wash on the eastern side of the property along Union Lake. As you can see from the property lines, the cutoff portion of the image, that is generally the property but a large majority of that is the right-of-way. When you look at the acreage, while it's written as 3.1 acres, it's truly not. The other piece that we do have to contend with is the bright blue hatching on the southwest corner, so that's obviously where the culvert opens up into Hayes Creek. Those are regulated wetlands by EGLE. I think you all well know, the zoning code requires a 25-foot setback from the wetland feature, so we are trying to adhere to that. We are really shoehorned into a fairly tight area of development. We did try to center all of the stacking internal to the site. We tried to remove some of that stacking from the exits and entrances to the property. You've probably seen Starbucks in Royal Oak and other places where it does queue up into the road, and that's something we are trying to avoid at all costs. We are proposing access at the far northwest corner. We're hoping to have a full movement driveway, and similarly at the southeast corner, trying to push these as far from the intersection as possible. I think we do have the advantage at the northwest corner that is aligned almost perfectly with the Walgreen's access. The southeast corner is further south of the approach for the restaurant across the street, but we're trying to push them away from the intersection, while still maintaining appropriate buffers. Looking at the shape of the site, it's a triangle and there's not a lot of depth, and there is a lot of frontage to work with. In working with the team, we thought this was a great way to try to fit within the overlay district. Obviously we do have the drive-through uses that present some challenges. We're trying to bring those buildings up to the roadway and frame the road. We're trying to be cognizant of pedestrians in the areas where you do have the drive-through stacking and the view you're seeing. We are looking to put up a wrought iron fence, heavily landscape it and really try to screen that, while you can still see the upper levels of the building, signage, et cetera. That's the basis of the design, trying to get the stacking internal to the site, having it be screened from view, and then trying to get those access points pushed as far from the intersection as possible. I know both of the roadways are under County jurisdiction so we have reached out to them to get some feedback. We haven't heard back from them

yet, but we will continue to follow-up before we make any formal submissions or applications.

Dave Campbell – Eric, looking at the car wash, with their typical operation and with this site, is there an opportunity for a bypass lane? And maybe a similar question for the restaurant as well?

Eric Williams – From an operating standpoint, I think you will typically see that there would be a bypass lane. In this instance, based upon the site geometry that we have to work with here, there's obviously no clear opportunity. I think with the drive-through restaurant, it's not necessarily as applicable. A lot of restaurants don't have a full bypass lane, so in this case, we think this is an appropriate design. We may be able to look at the car wash from an operational standpoint if there is room to sneak in a bypass lane. You can see, we have minimal vacuum spaces and we have 9 vacuums. In reality, a lot of new express car washes have double or triple that. We can talk with the team and see if there is an opportunity to add a bypass lane.

Jason Kishmish, Grand Management Development, LLC, 30201 Orchard Lake Rd, Ste 110, Farmington Hills, MI – First thing, obviously we want to consider that this is an incredibly challenging site to develop, regardless of what you want to put on the site, be it a restaurant, which we have marketed heavily over the last couple months. Just the logistical challenges with how this site is oriented. There is a strong limitation on how you can develop this site. What further makes it even more difficult is the geographic constraints to the site, with the wetlands and everything we have going on with the soil. We had to figure out how to break this site up. It wasn't that we could position the car wash in the middle, or do something else. It has to be a small building on the corner, one side of that creek, and then something else if you want to utilize the whole site. We looked at acquiring additional acreage in the back, behind the site, to give it more depth and give us a little bit more flexibility for other types of uses, but there's wetlands behind it. If there was ever going to be a development approved for this site that would be viable, it would have to mirror something similar to this, because of the limitations from a geotechnical standpoint, and the pie-shaped site.

Let me back up into the car wash issue that just about every community in Michigan is seeing. What's happening is that business is evolving. The biggest catalyst to that is that private equity now has entered this business. The old car washes that we're used to are going to become obsolete. It's like Netflix and Blockbuster. The subscription model, the glass, the size of these car washes is completely going to change how they operate and do business. These are designed differently and full of glass, so they don't look like a block building with an industrial tunnel. These are well lit. You really don't have to do anything but drive your car into the entrance and the whole thing moves, so it is easier to navigate for a lot of people than in older car washes. Michigan is late to the game.

What we find in most communities is properties, like the gentleman that presented before us, where there are alternative uses, they don't approve car washes for those because there's a lot of other things you can do on those sites. This is one site in particular, it has car washes I believe about two miles in each direction. To the point of cannibalizing that, what will probably happen is there will be other washes approved, whether in this community or in surrounding communities, that will pick up the traffic

patterns for those patrons, and those older washes will have a hard time competing. Those sites will get redeveloped over time. That happens, it's commercial real estate. One of the things we paid a lot of attention to was trying to make this site lay out in a way that would be the least intrusive as possible, given its limitations, to what the overall vision of the community is. Dave expressed to us the Master Plan is being modified and this is another high-profile corner. Unlike the previous presentation, this is a convenience corner at the end of the day. Whether it's a national restaurant chain, or someone private, there just isn't enough of those to locate on a road like Union Lake and Wise Road. I'm working on a development in Auburn Hills with a big name national sit-down restaurant that a lot of communities are desirous for, but you don't have the traffic counts and what we call a major retail trade area on this corner to be able to attract those types of users. What we would implore and ask is, consider some of the limitations of this site. I completely understand the need for less car washes, or the desire not to have too many of these. I think you'll see that a majority of them won't ever get built. I'm a developer and I probably have three different car washes on my desk. This is one where we're actually going to own the car wash ourselves. It's not a lease deal. We believe in the business. We've studied the models. It's a great complement to the other use that we have here. We really can't fit a retail building there. I think there's more things we could do for curb appeal to make it an even more inviting corner, but given all the limitations, you really don't have a lot of different options. I'm not sure how long it has been vacant for, but I know a few other developers have tried to do something on the site and it hasn't been viable. The geotechnical challenges are so expensive that you can't just get rental revenue and make this work. With that said, I hope I can provide a little bit of color on the desire for a car wash and a retail drive-through at this specific corner.

Dave Campbell – Jason, when you speak to the challenges, is there any logic to negotiating with the owner of the golf course property, who I know had brought this idea up, of squaring this corner off? The trade would be you guys pick up more area, but they would pick up more frontage along Union Lake Road. I don't know where the boundary would be, but squaring that off. Does the potential exist there for that to be mutually beneficial to both of you? You get a more usable geography, and they get more Union Lake Road frontage.

Jason Kishmish – Yes, we are certainly open to that, specifically when and if that project gets redeveloped. There are some wetland challenges like I mentioned so I'm not sure how usable it would be. There's almost a physical barrier between the sites. As a matter of practice with developments, I love to see internal control. We live in these communities and we don't want ten different curb cuts and all the things that make a development challenging to navigate.

**Commission Comments:**

Chairperson Parel – With that, we'll go down the line and see if anybody has any comments.

Karim – You are proposing two types of businesses in there and both of them require a lot of traffic. I know that corner is already very busy. I don't know how viable it is. I'm concerned about the traffic in there.

Jason Kishmish – Absolutely, and this is exactly why we were deliberate in our design that all of the traffic that our site is going to generate is going to traverse internally. You would need probably a 40-car stacking in that drive-through before those cars made it out to Wise Road. Everything stays in our site, and I can't say that for a lot of developments that get planned. If you notice, there isn't an opportunity for a car to be able to spill out onto the major roadway. We're keeping it all internal, because as you mentioned, it is a very heavily travelled road and intersection.

Karim – What I'm mentioning about traffic is not the traffic inside, but even traffic to go in and out. That's my main concern about this site.

Jason Kishmish – We segregated both access points as far away as possible. If there is ever going to be a development here, you have two ways to get into it. That's probably the most optimal way to mitigate the traffic issues that you allude to.

Vice Chairperson Winkler – My gut feeling here is that you're trying to do too much with what's already an awkward and a tight site. It seems like if you were to eliminate one or the other ... if you eliminated the car wash, you could have a full-service restaurant rather than a drive-through that's generating traffic.

It also comes to mind that this is adjacent to one of the sites that the Planning Commission is looking at in our Master Plan efforts. Whatever you develop on the site, if you could plan on possibly having some spurs inside the entrances that would lead to the adjacent site, not knowing what that's going to be as, but maybe build this in such a way that allows it to be connected to whatever happens to the west.

Dave, looking forward to when we discuss this site in the Master Plan effort, how much of the Union Lake Golf Course is regulated wetlands? Do you have any idea?

Dave Campbell – I don't, and I don't know whether anyone has done a wetlands delineation on the property anytime recently. You can see the path of the creek as it meanders through there and you can see pocket wetlands through here.

Vice Chairperson Winkler – That would be valuable information once we reach that point in the Master Plan process.

Jason Kishmish – Mr. Winkler to your point, our plan is deliberate, that if and when that property behind us gets developed, we could use the same access point, and we would be okay as part of our Conditional Rezoning commitment to allow for cross access as a right in the agreement.

Phillips – I don't have anything to add.

Loskill – My big concern is that neither of these have bypass lanes on them. My other concern is trying to make left-hand turns out of the south exit onto Union Lake. I'd be more in favor if that was a right-turn only exit, because traffic really backs up turning left onto Wise Road.

Weber – I also have traffic concerns, both on the site and externally. If I'm looking two steps down the road, in order to get Special Land Use, you have to show us a documented and immediate need for a car wash. Last night I Googled it, and if I go from

Maple Road to M-59, straight up Union Lake and Williams Lake Road, there's a dozen. I don't know how you could ever cross the threshold. All of those that are south of M-59, there's no giant queues where they're running out into the road.

Jason Kishmish – I'll tell you this, Mr. Weber, they're very expensive washes. A lot of thought and a lot of feasibility goes into them. When we get to that point, we will give you some data. There's no exact science to it by any means, but the data would definitely support it. The reason you're getting so many of these that want to come to the Township is because it has a really good demographic for something like this. Albeit I know there are a lot of them and I agree with you. You'll find that over time, the older models will become obsolete or redeveloped. We feel confident that it will definitely be viable. It's an expensive proposition. One of these washes is in the neighborhood of \$4 to \$5 million between construction, infrastructure and equipment. Again, with the limitations of the site, we feel like it's a great use for it, and it complements. If you put a 7,000 square foot freestanding restaurant, it won't work on this site. We can't get continuous square footage to make it work with the creek area, and to have enough parking for it. It may not be everything that you would want, but if there was ever going to be a car wash or a drive-through restaurant, the layout itself is something that we think definitely takes into account all the challenges of the site and complements it. From an architectural standpoint, if you see our buildings, they are absolutely beautiful with high-quality materials.

McKeever – My concerns have all been covered, from the amount of activity on the site, to traffic, to the need. The need for rezoning or a Conditional Rezoning concerns me also.

Chairperson Parel – I'm not sure there's much else I could add.

Dave Campbell – When we talk about traffic and we talk about need, as you probably know, the Union Lake corridor, the predominant movement is southbound in the morning and northbound in the evening. If you were talking about a coffee shop, it seems like that's the side of the road you would want to have it on. I have a question with the car wash. From an operational standpoint, is a car wash something people do on the way to work or on the way home? Is there a dominant movement and a right side of the road that a car wash should be on?

Jason Kishmish – Definitely for the coffee user, this is the side of the road that it should be on. We don't find that bias as much when it comes to the car washes. It's more about picking up the traffic pattern of shoppers, so it's typically in the evenings. We could definitely look at a right-in/right-out. It would be incredibly impactful on this site. The car wash traffic is pretty well balanced out, but a lot of our car wash business is on the weekends when this road is probably a little bit lesser volume than weekday peak hours.

Dave Campbell – If you envision a car exiting the car wash that does want to go north on Union Lake Road, and this would require RCOC input too, but if this were a right-in/right-out, now you're asking someone to make a hairpin U-turn to get out to the signal. Is there some logic to try to square this site off and come to an arrangement?

Jason Kishmish – We would love to square it off because it would open up a lot of different possibilities. Now, the design is deliberate. If we have a right-in/right-out, we could probably tweak it so that those cars exiting the wash would go back up to Wise Road.

Mr. Kishmish continued discussing options for circulation of cars entering and exiting the challenging site, the parking required for a sit-down restaurant, the functionality and dimensions of the site, and internal management of traffic.

Chairperson Parel – Dave, was parking the reason that the Sally's deal died?

Dave Campbell – I never heard a reason. I remember we saw that when we were doing remote meetings in 2020. I have not heard from Mr. McGinnis or his son, nor the owners of Kickstand Brewery.

Chairperson Parel – Well, you've heard our comments. I don't know if that helps you to make a decision as to whether or not you want to go forward.

Dave Campbell – Is there anything you want more clarification on?

Jason Kishmish – Like the previous applicant, and all commercial developments, sellers want us to close today. We have some time constraints as well. I don't know how much more time we could get. I wish the Master Plan was finalized so we could get better guidance, but we are a user here and we know we can deliver the site.

We have done our best to mitigate all of the challenges that this type of development would create. We don't want it to be a negative impact to the community. We looked at the viability of just putting one of these buildings on the site. It just doesn't work economically. Having the restaurant and the drive through, a convenience use in a corridor that has a lot of convenience-oriented traffic, would be important. We could get a really good brand name there.

Is there anything in our plan that we could do to alleviate some of these concerns, to get some support for what we're trying to accomplish here? When it comes to cross access, I think we're okay with going on the record. Certainly we would be open to working with the owner behind us to do a swap and open things up.

Where we are at today, we have to feel at least somewhat that we have some support for a project like this in developing a really challenging site to keep it moving forward. I get it. Every Township I go in front of, they don't like all these car washes. I can tell you with a lot of confidence because I've been under contract on a lot of them as a landlord, a good majority of them don't get built. There's so much competition with car wash companies and they're all tying up sites.

Weber – We don't have any approved. Personally, I can't see this as being viable. I think it's too congested for the property. I appreciate the return that you need to make a good business decision, but I don't see any way that you would be able to show me data that says it's a documented and immediate need for the car wash. Your proposal is that you have a better mousetrap, but having a better trap doesn't mean the other traps don't work.



Dave Campbell – A similar comment I made with the last group; you have a property that has been dormant for a long time, and now suddenly there's an urgency. I can see where the Planning Commission might say, we're working in good faith on this property in conjunction with the bigger property that surrounds it, in developing an update to the Master Plan. Why does this urgency exist right now that seemingly did not exist before? I think that's a fair question for the Township to ask.

Jason Kishmish – Once you get one or two of these in your Township, nobody else is going to want another one. These washes typically capture to a 3 to 7-mile range around them.

Weber – We probably have half a dozen in the Township right now.

Jason Kishmish – Yes, the older models. Again, they truly are a better mousetrap. We looked at doing retail instead of a car wash. The problem is you can't really park it. You can't put two drive-through sites on it. You can't make one bigger drive-through building period because you get into the creek. We are right there as far as how to best use the site.

I certainly appreciate that and I want to be able to come back to you and say, to your point, maybe there's enough car washes out there and maybe we do something else, but I don't know what else you could actually fit there that would be functional, besides being viable. Other uses need to have parking and better circulation.

This site is really challenging. We would appreciate some support, and support today doesn't mean we're done. We obviously have to vet our plan and get into the technical details. For us to really move forward, we want to have a little bit of confidence that we're not spending money on something that we don't think the community will be desirous of.

Chairperson Parel – I think if this was to a point where we were taking a vote on it, my guess is that I don't think you'd get the support you're looking for, for the reasons we've described.

Dave Campbell – Do I hear more concern with the car wash than I do with the drive-through restaurant?

Loskill – Yes.

Jason Kishmish – So there's a bigger concern because of the use of the car wash, than some type of convenience-oriented retail on this corner?

Chairperson Parel – I don't love the idea of a drive-through, but I like it better than a car wash.

Jason Kishmish – It's definitely something we will consider, but if I'm hearing you correctly, as it stands, as a group you wouldn't be supportive of this plan.

Chairperson Parel – I think that's the message unfortunately.

Jason Kishmish – And just so I understand my options, if we went back to our seller and put some other type of retail, because this is a high-profile corner and that's the highest and best use for it without a doubt, the challenge for the community would be the way it is accessed. If we looked at another retail building instead of that car wash and reoriented it, maybe we could park it. What are the other variables that could help us gain some support for an alternative to just the car wash development for the second building?

Dave Campbell – At this corner, traffic is always going to be the main point of conversation.

Jason Kishmish – That's applicable to anything that you put there.

Dave Campbell – Correct, but I think the volume of traffic that you're generating, I feel like what I've heard is you're proposing two high-intensity, auto-oriented uses on this corner. If one had to be peeled off, maybe that alleviates some of those concerns. I don't want to try to speak for the Planning Commission about what the Township wants to see at this corner, and part of the reason is because that's the type of question we are trying to answer ourselves as part of the Master Plan update, not just for the corner but this whole section including the adjacent golf course.

Chairperson Parel – But to be clear, I don't think anything is going to come out of the Master Plan that's going to suddenly change our minds that we feel there is a necessity for a car wash at this corner.

Dave Campbell – That's what I've heard, it would be very challenging to show a documented and immediate need for a car wash use.

Jason Kishmish – The same could be said for another type of retail use, if it is another drive-through use, which is the only thing users want these days is the convenience of that, especially since COVID which accelerated everything. But we're going to face the same challenges if we turn that car wash building into another drive-through use. We tried to make a continuous building fit on there and it was very challenging. I couldn't get circulation and park the site. If I came back with another building that was maybe not a drive-through, but a retail building, is that more desirable? Do we feel like we have support for that if the car wash wasn't a part of the development? It's B-1 and B-2 now.

Dave Campbell – It's B-2 to the north, and the southerly half is B-1. Let me clarify something because we keep speaking to documented and immediate need in the context of the car wash. If they had the property rezoned B-3, the car wash is a principal permitted use. It's the drive-through restaurant that would remain a Special Land Use. But again, to get the property rezoned to B-3, that is a discretionary decision of the Planning Commission and the Township Board. There would have to be a compelling case for rezoning the property to B-3. If it were a Conditional Rezoning, then the uses would be specified and I assume they would want to specify a car wash.

Jason Kishmish – Correct, and that's why we're honest and upfront, instead of going around and getting you to rezone it and then coming back with something different that by right, we'd have a right to do.

Dave Campbell – I think we talked about this in our meeting. If you came in just for a straight rezoning to B-3, I doubt that would be met favorably. With any rezoning on this corner, the Planning Commission and the Township Board would want to know exactly what was going to be developed, which is done with a Conditional Rezoning.

Jason Kishmish – If we came back with a plan that had retail instead of that car wash, how desirous is that from the community's standpoint?

McKeever – Under the current zoning?

Jason Kishmish – I think it would be a conditional zoning, because I would want to have that-

McKeever – I'm not comfortable speaking to anything ... I couldn't give you the level of confidence that you're looking for on what may be done with a need for rezoning.

Dave Campbell – You have B-2 zoning on the hard corner currently, and B-1 zoning as you transition further south.

Jason Kishmish – So to do the drive-through, we need B-3?

Dave Campbell – No, you need a Special Land Use in B-2 or B-3. Any drive-through user is a Special Land Use.

Jason Kishmish – So we may not need to get it rezoned then.

Dave Campbell – I would need to see how it lays out.

Jason Kishmish – If our use was compliant with the zoning, we would just require the Special Land Use approval.

McKeever – Which requires a documented need.

Weber – There are 7 or 8 requirements.

Dave Campbell – I think it's 6, but the one we spend the most time on is a documented and immediate need, along with traffic, noise, odors, things like that, and consistency with the uses surrounding it. We're obviously being very cautious. The intent of this meeting is that none of us are committing to anything – we're not committing and you're not committing, so I don't want to go too far down that path.

Jason Kishmish – Fair enough. I really appreciate your time. Maybe we will come up with another scheme that we think might be a better fit for it. Thank you.

Chairperson Parel – Thanks, gentlemen.

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

- None

**K: PLANNING DIRECTOR'S REPORT**

- **NEXT REGULAR MEETING DATE: MONDAY, JANUARY 9, 2023**
- Giffels Webster has a request. We had the Open House a few weeks ago, with both the developer community and the public open house. Giffels is asking if you could find the time to come up with a list of bullet points as to what you heard so that they can incorporate that into their broader compilation of data for the Master Plan. We've had a lot of neighborhood meetings, and meetings with the high schools. They're still compiling a lot of that public input. I'll remind you in an email.
- As far as upcoming projects, Sure Conveyors is the company that builds conveyor systems for the egg industry. They want to build a place off of Ladd Road. They're still working through that. We may see that in January.
- We've talked a lot about Lafontaine. January is coming up quick now and we will see what's happening with them. You heard their plans in November of only doing Genesis at the Pontiac Trail and Haggerty corner, and doing the Hyundai brand at the former Dick Morris. I don't know any more since we heard from their rep at our November meeting.

**L: ADJOURNMENT**

**MOTION** by Weber, supported by Phillips, to adjourn the meeting at 9:11pm.

**MOTION CARRIED UNANIMOUSLY**

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Joe Loskill, Secretary