

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

Monday, October 7, 2024
2009 Township Drive
Commerce Township, Michigan 48390

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

ROLL CALL: Present:

Brian Winkler, Vice Chairperson
Joe Loskill, Secretary
Bill McKeever
George Weber
Brady Phillips
Caitlin Bearer

Absent:

Brian Parel, Chairperson (excused)

Also Present:

Dave Campbell, Township Planning Director
Paula Lankford, Senior Planner
Jim Dundas, Township Fire Chief
Mark Gall, Township Fire Marshal

Vice Chairperson Winkler welcomed Caitlin Bearer to the Planning Commission.

B. APPROVAL OF AGENDA

MOTION by Loskill, supported by Phillips, to approve the Planning Commission Regular Meeting Agenda of October 7, 2024.

MOTION CARRIED UNANIMOUSLY

C. APPROVAL OF MINUTES

MOTION by Loskill, supported by Phillips, to approve the Planning Commission Regular Meeting Minutes of August 12, 2024, as written.

MOTION CARRIED UNANIMOUSLY

D. UPDATE OF ACTIVITIES

Bill McKeever – Zoning Board of Appeals

- We've had no agenda since the last meeting of the Planning Commission.

George Weber – Township Board of Trustees

- This is budget time for the Township, so we are meeting weekly or every other week, and we have been for the past couple of months. We go through literally every line item, budget by budget, department by department, one, to make sure that we are fiscally conservative and responsible in our spending, and two, to make sure we're looking through the auditor's comments. Which, by the way, the auditors gave the Township an outstanding review in terms of how we're managing the taxpayers' funds.
- In addition to that, at our most recent meeting, we awarded several contracts. We are building a new parking area at Victory Park on Wise Road. Right now, it's nothing more than a small gravel area and cars are parking along the street. It's not very safe, so we're adding a medium-sized parking area, and we're also building a dog park there. It will still be a passive area within the woods, but the dog park has been a number one thing residents have been asking for, in addition to additional pickleball courts.

- We renamed the boat launch on Union Lake Road, which is a pocket park. It's now only for kayaks and canoes, and it's the Commerce Township Kayak and Canoe Launch.
- There is a cell tower within Hickory Glen Park, and the owner of the cell tower has been delinquent in paying the lease fee. We have engaged the Township Attorneys to have them make a decision. Right now, it's not being used, so either they are responsible for removing it, or they're going to enter into a new lease agreement. We've contracted with an expert who, on a national basis, determines the value for cell towers, usage and rent. We will be looking at that within the next 60 days or so.
- We approved the DDA cash advance. As the Downtown Development Authority is continuing to grow and sell off its parcels, I'm hoping everybody has seen the work that is finally taking place at Pontiac Trail and Martin Parkway. The first phase of that is some residential. There will be some high end apartments going in next to Walmart, and then the retail activity that we're all waiting for in that space will also be breaking ground soon. In December, we will be meeting with the developer to hear the latest plans for that.
- At the corner of Pontiac Trail and Haggerty, on the northwest corner, LaFontaine is building a Genesis and a Hyundai dealership. Those will be two small boutique showrooms. That will be a very nice entranceway into the Township.

Brian Winkler – Downtown Development Authority

Regarding the last two DDA meetings;

The August 20th DDA Meeting was very routine:

- Insite Commercial Report: Discussions took place regarding the work at Five & Main, along with activity and the renovations at the former Dick Morris Chevrolet dealership by LaFontaine.
- DDA Budget: The DDA required a \$1.5 million cash advance. This amount is \$100,000 less than what was budgeted for 2024. I understand the Township Board approved that as George mentioned.
- A 2024 budget amendment, to cover recent budget adjustments, was passed.
- The proposed 2025 DDA budget was reviewed and approved by the DDA Board.

During the September 17th DDA Meeting:

- Public Comments: Residents living along Welch Road, south of Pontiac Trail, voiced concerns regarding bicycle access to the Five & Main development. There was quite a bit of discussion about the sidewalk fund.
- Insite Commercial Report: Five & Main; Bruce Aikens gave an update on the status of the project. He mentioned that Continental is very happy with how their work with the Township has gone thus far. He said that the construction of the retail portion of the project will be phased, with a bank building and a 12,000 square foot "shopette" built on the south edge of the site, followed by other retail units on the site. The shopette could be completed next year, with the understanding that the resultant activity on the site may spur more potential tenants to sign leases.
- Finance Committee: Treasurer Phillips noted that, as of the end of September, one of the DDA debt issues will be paid off.

Jay James – Building Department

On behalf of Jay, Dave Campbell provided the following:

- Jay provided his standard report of activities in the Building Department.
- To the best of my knowledge, everything is running smoothly.

E. PUBLIC DISCUSSION ON MATTERS FOR WHICH THERE IS NO PUBLIC HEARING SCHEDULED

Vice Chairperson Winkler opened to Public Discussion on matters for which there is no public hearing scheduled.

No comments.

Vice Chairperson Winkler closed Public Discussion on matters for which there is no public hearing scheduled.

F. TABLED ITEMS

None.

G. OLD BUSINESS

None.

H. SCHEDULED PUBLIC HEARINGS

ITEM H1. PZ24-03 – TEXT AMENDMENT – PUBLIC HEARING

B & K Oil Commerce is requesting an amendment to the Commerce Township Zoning Ordinance, Article 26 (Use Standards), Section 26.316 (Off Premises Alcohol Sales Outlets), to amend multiple subsections including Sec. 26.316.C (Application), 26.316.D (Limitations), and 26.316.E (Exceptions), along with Article 2, (Definitions). The intent is to allow an existing lawful OPASO to expand their liquor license by transferring an active license from another existing lawful OPASO located within 1,000 feet, so long as the OPASO whose license is being transferred ceases their operation immediately, entirely, and permanently.

Dave Campbell – I know the petitioner is here to speak on their own behalf. I'm sure they would love an opportunity to introduce themselves, present their proposal to the Planning Commission, and also have an opportunity to respond to any questions or comments that may come up over the course of the public hearing.

What is before you this evening is a proposed amendment to our Zoning Ordinance. It's mostly an amendment to Article 26, but there is also a corresponding housekeeping amendment to Article 2. As the Planning Commission is well aware, per State law, anytime there is a proposed amendment to the Zoning Ordinance, it must first come to the Planning Commission for a public hearing. The Planning Commission then has the option to make a formal recommendation to the Township Board on that proposed amendment. The Planning Commission can recommend approval, denial, or if more research and information is required, they could opt to take no action this evening. If the Planning Commission makes a formal recommendation to the Township Board, then what is being proposed could proceed to the Township Board at their meeting tomorrow night, at which point the Board would have the option to formally adopt the proposed amendment.

What's being proposed was proposed originally by the owners of the Shell station at 2500 Union Lake Road. (Dave brought up the aerial on the overhead). The Shell station is on the west side of Union Lake Road, across from where Willow intersects Union Lake Road. The owners of the Shell station are relatively new owners. They purchased the station in April of this year. Both the current owners and their predecessors have always been interested in expanding the existing license for the store. The Shell station currently has an SDM license from the State of the Michigan. They have been interested for a few years now in expanding to include an SDD license. The SDM license allows them to sell beer and wine; the SDD would allow them to sell spirits. In the prior owner's efforts to expand the nature of their license, they were informed that in order to do so, they would be required to meet the standards of Section 26.316 of our Zoning Ordinance, which says that any new license, or an expansion of an existing license, would be required to get Special Land Use approval, and that would be subject to several criteria. That location would not have been able to meet those criteria, particularly the spacing standards for Off-Premises Alcohol Sales Outlets (OPASO) relative to one another. We have a standard within our Special Land Use criteria that states there cannot be any more than two OPASO's within any one mile. It's what we call the "two-per-mile rule". Based on the other retailers along this stretch of Union Lake Road, the Shell station would never have been able to meet those criteria, and therefore would not have been able to expand their license from SDM to SDD.

Early summer of this year, representatives of the Shell station approached the Planning Department initially and proposed a scenario, which would be that they would purchase the existing SDD license from the Union Lake Liquor Shoppe, which is literally right across the street on the east side of Union Lake Road, at 2515. They would purchase the licenses, transfer them over to the Shell station, and in exchange for that, they would see to it that the Union Lake Liquor Shoppe would close immediately, entirely and permanently. In doing so, they would reduce the number of alcohol sales outlets in the Township, and particularly along this stretch of Union Lake Road, in furtherance of the purpose of Section 26.316 of the Zoning Ordinance, which seeks to reduce the concentration and proliferation of alcohol retailers in any particular geographic area of the Township.

So, the owners of the Shell station and their attorney approached the Township Board at a discussion meeting in July and presented their proposal. After significant discussion, the Township Board felt this was a viable proposal that, again, furthers the intent and purpose of our standards. They directed the Planning Department, the Township Attorney, and the petitioner and their attorney, to work on an amendment to the Zoning Ordinance to bring this into fruition.

The amendment before you is just that. It is meant to memorialize this option where an existing store would close permanently, entirely and immediately, and their license could transfer to an existing retailer so that they could expand their license. Some key points there are that both stores have to be active and in operation. This would not be a scenario where a new store could be proposed, or an expansion of an existing store could be proposed, or a license that is somehow in escrow, or not tied to an active operating store could be proposed. There has to be two active stores, and one of those active stores would have to close as an outcome of this. Those stores have to be in relatively close proximity to each other; they have to be within 1,000 feet of each other. Both stores have to be in Commerce Township.

There are also some housekeeping amendments that go along with this, all consistent with what's being proposed. There are some typos in the prior language that are being

fixed. We are altering the definition for OPASO's. Again, this whole scenario was something that the Township Board felt was worthy of this effort to amend the Zoning Ordinance. Part of the procedure would be to open and close the public hearing and hear the comments. The owner of the Shell station, Bishoy Fahmy, and his attorney, Joe Shallal are here. I'm sure they would love to give a presentation on their own behalf, and again, I'm sure they would like to have an opportunity to address comments or questions brought up during the public hearing.

Attorney Joe Shallal – Dave explained it perfectly. The purpose of the Ordinance initially was to try and eliminate as many of these types of uses. This helps the Township do that. The 1,000 foot rule is a good rule because it doesn't allow one store to transfer a license all the way across town to another location. It basically says that there's several uses concentrated in one location, so let's get rid of one of those. The old store will be gone and become something else.

We're mostly here for questions and answers. If you'd like to ask me any questions, I'd be happy to answer them, and otherwise, I'd like to reserve any comments for what we hear tonight from the citizens.

Loskill – What happens to the remaining SDM license?

Attorney Joe Shallal – It's either sold out of the Township, or retired, depending upon what the current owner wants to do. That location will be restricted from selling any type of alcoholic beverage for carryout.

Vice Chairperson Winkler opened the public hearing.

Vice Chairperson Winkler – There are a couple of rules we have. If you wish to speak, one of them is to limit your comments to 3 minutes. The second rule is to try not to repeat what has already been said by others. The Planning Commission will hear your comments and take them into account if and when we rule on this particular text amendment.

Attorney Larry Leib – I represent Marah Karana and Farah Orow who own a business, Marathon, at 519 West Commerce. While the Ordinance may have good intentions, which are to eliminate one of the establishments that sells liquor in the community, what you're really doing is creating an amendment to benefit Mr. Shallal's client. In fact, with the 1,000-foot rule, his client will be the only business that would be able to take advantage of this. I think Mr. Campbell put it very succinct and clear; the goal here was to have an existing license that has another existing license within the community to be able to merge them under one roof. Mr. Shallal's client is the only one that would be able to do that. With the 1,000-foot rule, they're the only one within that area that would be able to accomplish what's found here under the Ordinance. It's very arbitrary and there's no reason for it. If you eliminate the 1,000-foot rule and allow anybody in the community to be able to transfer a license under the same circumstances, I don't know that my clients would have as much of an objection. But, the fact is, you're creating an Ordinance to accomplish a purpose, and the purpose is to benefit Mr. Shallal's client. And with that, we object.

Sindi Rabban, Annie's Party Shoppe – Hi. Okay, so, I represent Annie's Party Shoppe. We've been in Commerce Township for 30 years. I recognize a lot of you, and some of you I don't. Joe Shallal helped me get our resort license, so I do know who he is and recognize him.

We're very against this because, here's the problem with this. You guys are opening Pandora's box with this because I was here when some of you guys weren't here and I was very vocal, so was my family, about the Ordinance and what we were supposed to do about getting a liquor license. I know my next door neighbors that just talked and the gas stations that want ... After you guys did the Ordinance, both of them decided, against the Township rules, to get a resort license which they accomplished, after the Township put aside the Ordinance. So, here's the problem. After they later recognized what you guys set in place for them, they decided to do this. So now, here's the problem. You guys are setting the tone. Do we want more liquor licenses – yes. I didn't realize that we have a new owner that bought the gas station. So, what LLC is transferring it? Is it the same LLC because that's a different ... Is it the resort license? Because I want to know this, because that gas station had a resort license. If that's a resort license, fine. He should give it up because that Union Lake Liquor Station has a different license that has to go through the State, get the appropriate mandate, and then they have to do all that with you guys and then transfer it over. Because I need to know that, if that's the case, because that's a lot of like money right there because every liquor license is worth like \$300,000 plus. Their resort license they have established for that little station, so they had transferred it to a different person. It doesn't matter. So, what are you guys trying to do? Are you guys trying to say it doesn't matter? Are you trying to say well, are we going to give like ... we just want to close a liquor store down so we can give it to another station? They already decided they didn't care about what the Ordinance was in place. They already went and decided to get a resort license, besides what the Ordinance was with Commerce Township. They went through the State. So now, it comes down to you guys. And Marathon did it too. The gas station at 519 did it too, they got a resort license, both of them did with Joe Shallal. So now it comes down to this – it's a State issue. Are you guys going to override that? Because what it comes down to is the money aspect. They can sell that liquor license when they sell that store, that's worth \$300,000 plus. That's a given, so they don't really care about what they paid for that store. They already have a resort license. So, if you guys are going to give it to them, let them give up the resort license, have them do it legally, transfer that license from the Union Lake Liquor Station; have them do the due diligence and have them give it to that store, because then it gives up the right for that resort license. Then they can't sell it. Because if they really want it, then they should do their due diligence.

And then, I just want to tell you guys something. Being an active person, my family and I own, not just Annie's Party Shoppe; we own a bunch of properties in the Township and properties and residential stuff. So, maybe I'm not vocal as much as I should be, but you guys should understand, we've been proprietors and business owners for the last 30 plus years, more than any of these business owners are here, and maybe more than you guys have been on this board. I'm not trying to say anything, but at the end of the day, maybe you guys should listen to some of the important business owners here. All I'm saying is that, if they really want it, they should do their due diligence like how we did. They should wash that resort license out and that should be voided. If they really want that liquor license transferred, let them do their due diligence. Because you know what, it comes down to this; it's all about money. It really does. Joe, stop. I know you're

huffing and puffing. And then I just want to ask you guys ... say this, one more thing about this. I know if it opens this up for them, it's going to open up Pandora's box. So, what happens to that 1,000, whatever, that ruling you guys put in, Ordinance, in place. We were very vocal about that. You guys opened this Pandora's box, then what's going to happen next? Everybody else is going to get it, so anybody can buy like a store and close it down and then move it over to another store? Because that's what's going to happen. I don't know what to explain to you guys.

Weber – So, thank you, and we heard exactly what you were saying. Dave, let me ask a question just to make sure I have it right. Even though we had the Ordinance in place, yes, there were several businesses that, despite that Ordinance, went to the State to get the resort license, and the State granted the license. But the license could not take effect or be utilized because it was in violation of the Township Ordinance which takes precedent over it. So, they spent the money to get a resort license, but they can't use it.

Sindi Rabban – Correct.

Weber – Now, I think you brought it up, and we will have to have discussion, because the Ordinance trumps the resort license, whether it makes a difference or not that the resort license is retired. I don't know the answer to that. I think we will have to have that discussion. But, the intent, as Dave said, was not to open up Pandora's box, but to consolidate liquor sales.

Sindi Rabban – But they're not the same LLC. Is that the same LLC? We want to know that.

Weber – Again, I'm going to let that-

Attorney Joe Shallal – It is not.

Sindi Rabban – Well then, that's a problem. Because I thought when you guys put this Ordinance in place, and granted, I know there's a few members on this board that I recognize, we thought that this was granted for ... Okay, if you're going to do this, it was the same LLC. Why is it different for a different LLC? Why are you changing the Ordinance? Because then that opens Pandora's box. I honestly think this should be tabled or given another review. It shouldn't be discussed today, because you guys are doing this-

Weber – So, we hear what you're saying, and we need to move on from this. We are going to discuss it today. Now, whether we choose to take action is going to be up for debate.

Sindi Rabban – Because it's a different LLC. I thought, honestly-

Dave Campbell – Mr. Weber, would you agree we're well over the 3-minute threshold?

Weber – Yes.

Sindi Rabban – Well, because then Dave, I can use my different address to discuss this further. I mean honestly, I just need to know.

Dave Campbell – All right, but in fairness to everyone else who is in the audience, we're going to abide by the rules that were explained [crosstalk] before we opened the public hearing.

Weber – So, we understand what you're saying-

Sindi Rabban – Because I need to know. I need to understand this, because I can use a different address because we own a lot of different properties in Commerce.

Weber – That's not the intent-

Sindi Rabban – I know, George, but here's the problem. I just need to have this discussion. Can we table this because we need to have an open discussion?

Loskill – That's what this is for.

Weber – We will choose. We're having the open discussion. That's what the hearing is about ...

Sindi Rabban – Okay.

Weber – ... is to get the input; to understand it, to determine whether we have enough information where we believe we can make a decision, yes or no, on this. But we hear what you're saying, and I understand where you're coming from, both from the 2017 Ordinance to where we are today, and in conjunction with the resort license.

Sindi Rabban – Because this is going to open a lot of ... Okay, I get it, but I have my siblings here to discuss this further. Okay.

Vice Chairperson Winkler – Would anybody else like to speak during this public hearing regarding this matter?

Ray Golota, 1595 Vanstone Drive, Commerce Township – After hearing both of these gentlemen, and the lady, talk about it, my question is very small. I would be wondering, if this goes through, and that current liquor store on the east side of Union Lake Road sits vacant, will that be an issue? Similar to what might be happening with the Kroger store at 14 Mile and Haggerty. There's a proposal that Kroger wants to move on, but the Township really doesn't want that store to sit vacant.

Weber – Ray, we've had that exact discussion, so we make sure we don't have another Hiller's.

Ray Golota – Right, okay.

Vice Chairperson Winkler – Thank you.

Vice Chairperson Winkler closed the public hearing as there were no additional questions or comments.

Attorney Joe Shallal – I wanted to speak, but I wanted to make sure everybody else had a chance.

Dave Campbell – It's the Planning Commission's discretion if you'd like to have the petitioner address the comments, and I would like to clarify on at least one of the comments.

Attorney Joe Shallal – I've probably done maybe 1,000 liquor license transfers. To answer questions about resort licenses; the Liquor Control Commission only allows you to have one SDD type license, whether it's a resort or a quota SDD, at a location. So, in order for Mr. Bishoy to have this license, he would have to terminate his resort license application. Now, I want the panel to be mindful that Mr. Bishoy is not the one who applied for that license. It was his predecessor. When it comes to him doing due diligence, that's what we're doing today. We came to the Township and asked to see if we could modify this, one, because it stays in the same type of interest as the purpose of the Ordinance in the first place; trying to get rid of some of these locations that are excess, or congregated all in one area, and this helps that.

Now, we heard a comment earlier from other counsel that indicated that this would basically be spot zoning where you're just trying to solve Mr. Bishoy's problem, and there's no other location. The fact of the matter is, that's not true. There are several locations where, within 1,000 feet, there are other liquor licenses. That objection is not true and it's not accurate. You can see it all throughout the Township; there are several places that could be merged to eliminate one use, and create one total use.

When it comes to due diligence, we can't go forward until we have a Zoning Ordinance that would permit us to do what we're going to do. We have the license under contract for the store across the street. If this works out with the Township, that they find interest in eliminating that one location, so that you have less concentration of these stores, then we would go forward and do our applications. To answer Ms. Rabban's question, the answer is that we will do our due diligence and yes, we will give up our resort license in that process.

The Liquor Control Commission requires every licensee to comply with the ordinances of the municipality in which it sits. And, even though the Liquor Control Commission approved the license, it does not allow the licensee or the applicant to use that license until such time that the property meets the Ordinance. It doesn't open a Pandora's box. It's only for actual operating licenses. People who have licenses in escrow, or people who have been approved for resort licenses, they will not be able to enjoy this revision of the Ordinance because it only applies to operating licenses. Why? Because we're trying to eliminate one of the uses. I don't know who told these store owners to apply for resort licenses, because it would automatically be allowed, but they got some bad advice and as a result, those licenses are useless. If you have any questions, I'll be happy to answer. I'm very affluent in liquor licensing and the rules and regulations of the Liquor Control Commission.

Weber – So, does Mr. Bishoy own a resort license?

Attorney Joe Shallal – Technically, he does not own it. His predecessor owns the rights to it, and the Liquor Control Commission would still have to say, you can have this license at this location. It has never been transferred into his company's name.
Weber – But if I understand, and going back in history, it's still a moot point because the resort license cannot be utilized in a location that has more than one within a square mile.

Attorney Joe Shallal – You are absolutely correct.

Weber – Can you clarify on what happens to the SDM license?

Attorney Joe Shallal – The SDM license will have to be terminated; either terminated or sold from outside of the municipality. A lot of this problem happened when the Liquor Control Commission or the legislature allowed licenses to be purchased county-wide. So before, once Commerce Township hit a number, you couldn't bring any other licenses in unless they were resort licenses. Then, 7 or 8 years ago, the legislature found it better that we use licenses as much as we can, since they're issued, and so they allowed a person in Southfield to move their license to Commerce because they were all part of Oakland County. Your Ordinance, I believe, was created to prevent these excess licenses from coming into the Township and to prevent ghettos of liquor licensed establishments, and that's basically what this is doing. It helps eliminate these uses by allowing people within limited distance to transfer.

Weber – So the location will have just one license and that will be the license from across the street.

Attorney Joe Shallal – No, that's not absolutely correct. Right now, Mr. Bishoy has an SDM license, which is beer and wine. The store across the street has beer, wine and liquor. We're proposing to buy their liquor license and install it at Mr. Bishoy's, and eliminate the SDM. So now you have two locations.

Weber – Hold on, just so I'm clear. The liquor store presently has two licenses; a spirit license and an SDM?

Attorney Joe Shallal – Yes, every liquor store that sells spirits has two licenses.

Weber – So Mr. Bishoy is buying both of those licenses?

Attorney Joe Shallal – I don't know. Are you buying both?

Mr. Bishoy – I already have beer and wine.

Attorney Joe Shallal – We're probably going to ...

Weber – So what happens? As part of his purchase ... What I'm trying to get to; is there certainty that one of the SDM's will be eliminated?

Attorney Joe Shallal – According to what he just said, he's going to buy the SDD and the SDM license, move the SDD to his location, and terminate the SDM.

Weber – Okay.

Attorney Joe Shallal – One more thing. I don't know if the panel was clear on this. Resort licenses, you can transfer ownership but you cannot transfer location. So, if Mr. Bishop wanted to move his resort license across the street, he could not do it. You couldn't even move it a door down because it's not allowed. It's only specifically meant for a designated address. Once it leaves that address, it's terminated.

Dave Campbell – I wanted to comment on two things. Mr. Shallal touched on both of them, but I want to clarify again. This is not the only location in Commerce Township where this transfer dynamic could occur. There are at least two other specific locations that we've identified, one of which is the Marathon station on West Commerce Road in the Commerce Village. That would be eligible for this scenario. Another is right down the street from these locations; Union Lake Liquor Land which is in a retail plaza on the east side of Union Lake Road, and then there's a Speedway up the street from there, within 1,000 feet. If that liquor store were ever to close, Speedway could, in theory, take on their SDD license, as could the Marathon station, which could take one of at least two SDD licenses within 1,000 feet of their location and in theory transfer there. So, there are at least two locations that the Planning Department identified today where this could also occur.

With the question to the resort license; I want to stress that within the proposed language, there has to be a transfer of the license from Store A to Store B. Any existing resort licenses that may be dormant, or in escrow, or whatever else it is, this is not an opportunity to revive an existing resort license. There has to be a transfer of a license.

Commission Comments:

Vice Chairperson Winkler – With that said, Bill do you have any comments?

McKeever – I do not.

Weber – With having heard from two other parties, actually across the street from each other, I still think that the ... For the public, the Township Board had a rather spirited discussion on this topic at the last quarterly discussion meeting, trying to weigh the pros and cons of it. What was the underlying sentiment, as Mr. Shallal has discussed, was the concept of consolidating liquor licenses and not having a mechanism to allow for the proliferation of liquor licenses within the Township. We don't want to get into a situation, whether it's Detroit or some of the surrounding areas, where you have a vast number of licenses and liquor shops within very small geographies. I still think that this is the right thing to do. I don't think it harms any existing business. If you follow the money, there is a purchase being made, but one of the stores is being closed. We have had discussion and I think there are interested parties already in that location, or people who have expressed interest. Dave, correct me if I'm wrong.

Dave Campbell – When this was brought up at the Township Board in July, my recollection is that there was a doctor or a dentist interested in the space. I think the Township Board was concerned that this would be a vacant space for a long period of time.

Weber – I think that's all I have.

Loskill – It makes sense to me to reduce the number of liquor licenses proliferating along Union Lake Road. I would not mind deeper discussion on the details of this.

Phillips – I guess I'm surprised that we're proposing an amendment to the Ordinance and otherwise, they would be coming to us looking for a Special Land Use. Why are we changing the Ordinance? And maybe it's because we foresee more of these transactions occurring and we don't want to have us go through all of the Special Land Uses. I was just surprised that we're amending the Ordinance rather than hearing the case for a Special Land Use.

Dave Campbell – In this instance, or more in general? I want to make sure I understand the question.

Phillips – Well, in this instance, but in general, why would we amend the Ordinance rather than just say this is a Special Land Use coming before the Commission?

Weber – It doesn't fit the Ordinance.

Dave Campbell – Correct. It would not be possible for them to expand their license from an SDM to an SDD based on the existing standards within the Zoning Ordinance. So, for the proposal they pose-

Phillips – So we could not grant a Special Land Use because it would be in violation of the current Ordinance?

Dave Campbell – Under the current Ordinance, if they wanted to expand from their SDM to an SDD, they would not be able to do so based on the existence of more than two other alcohol sales outlets along this one mile of Union Lake Road. If you picture the Kroger, Speedway, the Union Lake Liquor Shoppe, there's a Walgreen's up the street, there's probably 5 or 6.

Phillips – It just seems to me the objective of the current Ordinance was to limit the density of the SDD licenses, and granted you're not increasing the density, but it seems like we have a lot of these licenses active within this area. The question I would have, looking from a community perspective, what's the benefit to the community overall?

Weber – So this eliminates one resort license, and one SDM license.

Phillips – So in your assessment George, it is minimizing or reducing the density?

Weber – Yes.

Dave Campbell – The outcome of this would be one less liquor store along this stretch of Union Lake Road.

Phillips – So I'm going to have to turn right into the Shell station instead of left into the liquor store?

Dave Campbell – It depends on which way you're going, but yes.

Phillips – Okay, thank you.

Bearer – Just a clarification question. If they were to sell their SDM and SDD, I understand they would be absorbing the SDM and eliminating their current SDM. Is there a world in which they separate and are able to sell an SDD to one party and an SDM to a different party?

Dave Campbell – So, if I'm understanding the question, this would only apply if you already have an SDM.

Bearer – You have to have an SDM. Does anyone hold just an SDD?

Dave Campbell – I don't believe so.

Bearer – That answers my question.

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

Dave Campbell – If the Planning Commission is prepared to make such a motion, the Planning Department drafted motion language if you want to take advantage of it.

MOTION by Weber, supported by Bearer, to recommend approval, to the Commerce Township Board of Trustees, of Item PZ24-03, the request by B & K Oil Commerce for an amendment to the Commerce Township Zoning Ordinance, Article 26 (Use Standards), Section 26.316 (Off Premises Alcohol Sales Outlets), to amend multiple subsections including Sec. 26.316.C (Application), 26.316.D (Limitations), and 26.316.E (Exceptions), along with Article 2, (Definitions). The intent is to allow an existing lawful OPASO to expand their liquor license by transferring an active license from another existing lawful OPASO located within 1,000 feet, so long as the OPASO whose license is being transferred ceases their operation immediately, entirely, and permanently. Move to recommend the Commerce Township Board approve PZ#24-03, amending the Ordinance 3.066, a series of amendments to Sec. 26.316 (Off-Premises Alcohol Sales Outlets) and Sec 2.02 (Definitions) of the Commerce Township Zoning Ordinance. The intent of the amendment is to allow an existing lawful off-premises alcohol sales outlet to expand their license via the transfer of a license from an existing lawful off-premises alcohol sales outlet within Commerce Township so long as the off-premises alcohol sales outlet from which the license is being transferred ceases its operations immediately, completely, and permanently.

The Planning Commission finds that the proposed amendment is consistent with the stated purpose and intent of Sec. 26.316 to protect the health, safety, and general welfare of persons and property by limiting off-premises alcohol sales outlets in concentration, operation, and to those areas that are most compatible with such uses, thereby limiting the negative secondary effects associated with off-premises alcohol sales outlets.

AYES: Weber, Bearer, McKeever, Loskill, Winkler

NAYS: Phillips

ABSENT: Parel

MOTION CARRIED

I. NEW BUSINESS

ITEM 11. SW CORNER PONTIAC TRAIL & WELCH – CONCEPTUAL REVIEW

Bradley Thomasma of the ERT Group is requesting a conceptual review for a drive-through mixed use building (retail/office) located on the southwest corner of Pontiac Trail and Welch Road at 2190 N. Pontiac Trail and the vacant lot to the west along Pontiac Trail. PIN#'s: 17-26-278-011 & 17-26-278-021

Vice Chairperson Winkler explained the intent of a conceptual review, which is an opportunity to have a non-binding, informal discussion between the petitioner and the Planning Commission on a possible upcoming development.

Dave Campbell – This is a concept that is likely familiar to the Planning Commission because we saw a similar concept for this corner back in November of last year. The prospective developer took into account the comments that the Planning Commission provided at that November discussion, and has done his best with the revised concept to incorporate some of those concerns.

The owner of the properties in question is Bradley Thomasma, who is with us this evening. He is proposing to combine the properties, demolish the existing home that is on the southwest corner of Pontiac Trail and Welch, and replace it with the conceptual layout you see up on the screen.

What is proposed is a mixed-use building with retail on the ground floor. That retail would include an endcap user that would have a drive-through component circulating, in a counterclockwise rotation, around the east side of the building. I think Bradley has said that prospective drive-through user would likely be a coffee user or a smoothie kind of place. The second floor would be smaller than the footprint of the first floor, but the second floor would be either office or potentially residential. I think Bradley is still trying to weigh those options and what the market would support.

The concept the Planning Commission saw last year was a larger building, a larger footprint, closer to 10,000 square feet per floor. Bradley is now proposing to scale that back to a first floor footprint of about 6,300 square feet, and the second floor would be smaller. There would probably be a balcony component around the second floor.

When the Planning Commission saw this in November, I think the meeting minutes will reflect that there were some questions and concerns about the size of the building, the scale of the building, the height and how that would interact with the surrounding uses and neighborhoods. The properties to the west and south are, and would remain, residential, so there was some question of whether the building was out of scale with the surrounding properties at this corner.

There was also concern with the impact of the drive-through; how it would impact traffic at the intersection of Welch and Pontiac Trail, and how it would impact surrounding property owners. Anytime you have a drive-through you think about headlights, car horns, people playing music too loud, et cetera. The Planning Commission had some questions and thoughts on whether a drive-through was an appropriate option. In an effort to address that, the drive-through configuration has been amended. Part of that is based upon the smaller building footprint, which allows the drive-through circulation to be pulled back away from the two public roads.

Some of the other changes being proposed are providing a sitting area and plaza entrance feature here. Mr. Thomasma is showing some EV charging stations in an attempt to further the idea of a sustainable development. Sidewalks are being shown along the frontages of Pontiac Trail and Welch. We have had discussions with Mr.

Thomasma of landscaping or a decorative wall treatment that could help screen the drive-through operation, particularly along the south property line through this area, given that this is a single-family home. And also, maybe a corresponding treatment along Welch, and maybe even Pontiac Trail, in an effort to screen the visibility of the drive-through from those two public roads.

The properties are currently zoned single-family, R-1B. With what's being proposed, especially with the drive-through, the properties would likely have to be rezoned to B-2 or maybe even B-3. We have talked with Mr. Thomasma about the potential for a Conditional Rezoning, which means that the developer contractually agrees to build a specific plan if they can get the zoning they need.

The concept is interesting, given the next item on our agenda at Benstein and Glengary. There are a lot of similarities with what the respective petitioners want to do on their properties. Be mindful of that, as we are having our discussion with Mr. Thomasma. I did speak with our Chair, Mr. Parel, who is not here with us this evening. One concern he brought up is where they're showing the dumpster. Obviously, this is a concept plan, so we're not to the point of getting into too much detail on the design, but he was concerned with the dumpster extending as far south as it does, and how that might impact the folks in this house, especially if the trash guy comes in at 5:00am to tip the dumpster.

There's also a proposed patio seating area along the south side of the building, which again is the outcome of shrinking the footprint of the building and allowing more space to do some features. With that, I'll see if there are any questions, and otherwise I know Mr. Thomasma would like to introduce himself and give a presentation.

Mr. Thomasma – It's great to be here. I'm actually introducing myself for the first time. In November, it was Randy Thomas who was up here, giving you a presentation. I talked with Randy about this parcel and actually some of the things you were saying were echoing to me. I'll talk about some of those in this presentation. I am here on behalf of myself and my father, who has been active in Commerce for a long time as a builder and developer, and before him, my grandfather did a lot of development work in Commerce. So, it's nice to be here.

Randy proposed more of a gargantuan model; a building that was not my favorite. I'm a residential developer. I took notes and I listened. I let Randy shoot for that one and saw the misses, and I actually agreed with a lot of the things that you guys said. I went back to the drawing board with my engineers, and my pencil and my designer. Hopefully you like what I've put forward. I welcome your feedback. This is an underused corner.

Dave Campbell – Bradley, what they haven't seen yet is what you sent over to us today; your presentation and the renderings. I'll let you introduce those when you're ready.

Mr. Thomasma – Sounds great, and hopefully we'll have some shock and awe. The whole principle behind this is to do something that's really thoughtful and tailored to the location in the community, while still putting forward a feasible development for that corner. I put a line there about evolving the status quo. I wanted to do something that was people first and place based. I wanted to make it accessible to bikers, pedestrians and car drivers, which are the constituents of Commerce Township, all of the above, and particularly on this corner – drivers. Place based; again, as a residential developer, I'm always looking at these big brick and stone corner commercial developments and I have this feeling where it's not really tethered architecturally to the roots of the

community. So, along with the site layout, I want to show you guys an idea I have for the architectural character of this building.

This is actually the south of the building. This would be the side of the building facing the single-family home to the south, although with plenty of distance between this portion of the building, along with a landscape buffer and a screening wall. My idea of "Welcome to the Commerce Corner", again, just a concept; the "O" in Commerce is actually a compass. The way that I come into Commerce Township and the way I leave, I'm always crossing this intersection. Obviously, if you're going north on Welch, you're heading north and the compass is pointing north, and on the opposite side, the compass would point south. I've always seen this intersection as kind of a gateway into Commerce Township. I think the first thing that should stand out would be quite a difference in design, and the feeling of the site, versus some of the examples that Randy showed to you.

All of this information you already know. I took this snapshot from Google Maps today, but the green shows fast traffic, and Google Maps has a feature where you can pick the time of day. This was morning, 8:00am. I did this to show some context for what's around there from aerial footage. This corner is opposite; there's two corners with drive-throughs. To the west and to the south is residential, as is the same for the commercial properties to the north. Across the street is residential as well.

As Dave said, it's zoned R-1B. It's master planned neighborhood commercial; could be B-2 or B-3. Dave mentioned in his letter, more akin to B-2. Either way, the drive-through is a Special Land Use. I understand the process would be going back and getting permission from the Planning Commission. I already talked about this; these are just snapshots of the zoning map.

Here is the current use. It is a duplex. It is currently vacant. I've started the process of going through the disconnections and permits to have it demoed. As Dave mentioned earlier, there's actually two adjoining pieces to this parcel that we're proposing. Here would be an example of the future use. What I've proposed is kind of a pedestrian plaza with some benches and a little monument sign at the corner. Again, enhanced foot traffic and bike traffic is something that I heard mentioned earlier, the concern about bike paths right along that section of Welch Road. The concept plan also has a bike repair station. When I sat down with Dave and Paula, we talked about putting a lot of pedestrian and cyclist friendly features in the plan.

If you look at the site plan, there is a lot of buffer between the building and the street. Along Pontiac Trail, there's 50-plus feet. The same is generally true with Welch. Our intent, and I hope it shines through on the rendering, is to put plenty of landscape buffering and beautify the property. There were concerns expressed about the intensity of a drive-through on a corner, so I wanted to make sure that was sheltered and buffered from the street, as well as making this a community focused property, where I think a lot of general commercial developers go in and maximize the square footage and miss the touch and feel elements.

We would be coming in at a B-2 zoning, with retail on the first floor. I'm envisioning maybe three retail tenants, your businesses that serve local living; florist, coffee shop, yoga, bakery. We dramatically shrunk the size of the building. We added in a lot of community friendly features, and also the landscape buffer. It's a little tough to see on the southwest corner, but we left a lot of that greenspace. The property goes back quite a bit, and I wanted to preserve a buffer between the residential properties to the south and the west. To Mr. Parel's comment or concern, we can definitely shelter that dumpster loading area. This is just a concept plan.

Another interesting thing we did here was, I talked with my engineers, the perforated or dotted lines on the southwest, those are land-banked parking spaces. If I don't have to take up more dirt with more concrete and I can leave that beautified and buffered a little bit, I would prefer to do that.

We listened. On the bottom right, that's one of the original concepts that Randy showed you. As I took notes, a lot of the concerns were about the commercial character, and the model type, scale, and size of the building, so we dramatically reduced that. We shifted the building. Originally it was a rectangle along Welch Road, and we pulled it off the corner and shrunk the size, and added in a lot of landscape buffer, outdoor seating and greenspace. I tried to show in the rendering that I envision the second story office as having some balcony and planter boxes, making it a more community friendly space to eat, work, visit and gather. Are there any questions?

Commission Comments:

Bearer – I obviously wasn't here for the initial presentation, but in comparing the two pictures, I like the look of this concept versus the original.

Phillips – I agree with that. This is a much better concept that you've presented.

Loskill – I have a number of concerns.

- I would definitely look at the landscape buffering between the building and the houses across Welch. There's going to be plenty of opportunity for sound and lights to carry onto their property, and I'd like to make sure that gets addressed for them.
- I want to make sure there's a monument sign and that the sign doesn't conflict with visibility at that corner. That's a very high-speed corner; you've got 50 mph traffic and 45 mph traffic intersecting there, so visibility is important.
- It's nice to see the elevations. That's one of the things I was concerned about.
- Noticing that this building also orients inward, I'm concerned about utilities being across the back of the building and really seeing what the rear of the building will look like. You're going to have incoming water lines, electricity and gas, and everything else. I don't want to see a ton of stuff like we see at Meijer where we're looking at the back end of all of the buildings. It really isn't attractive. I want to make sure you deal with those issues.
- You are going to need an elevator in this building. You don't meet any of the exceptions for not having that second level accessible, so you should plan on that.
- What level of EV charging are you looking at?

Mr. Thomasma – I don't know yet. They were just examples, 240's? Thank you for that. We definitely intend to propose, and have marked down here on the site plan, "landscape buffer" alongside the drive-through along Welch Road. I definitely plan to buffer that, and also enhance and beautify the area where we intend to put a sidewalk, boulevard trees, et cetera. I think that will help tone down any additional sight and sound pollution for those on Welch Road. Welch Road is there already. We can definitely address with architecture any of the exposed mechanical elements. The monument sign; absolutely, we don't want to create a visibility problem on the corner. What I put in the rendering was a monument sign on the back of one of the benches. These are all good comments and things we can address.

Weber – I appreciate the thought process, the renderings and the presentation. I think it helped a lot. I like everything about it, except I can't get past the drive-through. With residential on the east, west and south, and understanding the traffic of that intersection, because I'm in that intersection every day. I can't see going from residential to B-2. You would need B-2 for the drive-through. Everything you've got, without a drive-through, I'm on board with, but that's one I don't think I can get past.

Mr. Thomasma – I'm not a financial, commercial guy, but in talking with commercial guys, I'm shot without a drive-through. No retail tenants want to move into a building without a drive-through, especially post-covid. I understand where you're coming from. My lens is a little bit different. We floated this by the RCOC and got some feedback that this wouldn't create additional traffic; this is just a pass-through parcel. I understand there is residential on the south and the west. There's a pretty decent artery to the east. Welch is there.

Weber – We've done a lot of looking at drive-throughs through the years. You mentioned that there are drive-throughs to the north. One is the oil change shop that closes at 6:00 I believe. The other is a very low-volume bank. The traffic lights, the noise, and it's right next to residential, I don't think it's fair to those folks who are living there to go from R-1B to B-2. Neighborhood commercial I'm fine with, but that drive-through element is a sticking point for me.

Dave Campbell – George, would it make you feel any better about it, and Bradley, would you be willing to, if there were operational restrictions on the drive-through? Whether that's restrictions on the hours, the type of user, et cetera. Assuming to get this property rezoned, it's going to have to be a conditional rezoning agreement, so Bradley could offer conditions, and it would be up to the Planning Commission and the Township Board whether to accept those conditions. Would that move the needle with respect to the drive-through?

Weber – It could. If there's a better mousetrap, I'm all ears. But if it's a normal drive-through that starts at 7:00am for the morning crowd, and it's going to be open until 8:00 or 9:00pm, that's where I have heartburn.

Mr. Thomasma – I certainly would be open to operating restrictions with hours. Again, this is a morning traffic location, and so I envision something that would be a coffee shop or something that would support that. I understand what you're saying. I pulled the building back from Welch Road, so even from the drive-through, there's 50-plus feet before you even touch Welch Road, and then you have Welch, and then you have the buffer over to the residential homes on the east. I intend to put a landscape buffer there.

Weber – If you've got thoughts on the type of business and the hours, I'm all ears. There's nothing formal, but those would be things to make it ... reasonable is probably not the right term, but to the residential activities around there. It's important to me that that get addressed. I understand buffering, I looked at it, and I drive past there at least once a day. I know the buffering that's there and I know approximately, based upon your schematic, where things would be. I've still got to be cognizant of going from R-1B to B-2 when you're surrounded by residential.

Mr. Thomasma – Okay. Yes, absolutely. I think that's fair, and I can get back to you about that. Thank you.

McKeever – I have the same concerns with the drive-through as Mr. Weber. I'm not saying it's a definite no, but I would scrutinize whatever is presented.

Dave Campbell – Mr. McKeever, is the drive-through the primary concern? Is there anything else that's concerning in your opinion?

McKeever – I'm skeptical of it being held to this size, just knowing the cost of development. I'm interested in seeing what the final presentation ends up being.

Dave Campbell – You think the size might increase once the numbers start being run?

McKeever – I do.

Mr. Thomasma – Okay. Yes, I appreciate your feedback. The way I think about it is that there are some pretty big roads right there. So, to me it would make sense to have the drive-through on the road because you're having a lot of traffic already. We will buffer that for the patrons of the building to keep it a community oriented place, and to sound dampen and light dampen anything to the east. If it's me and I'm looking to the north, that property to the northeast is dead in terms of its vitality. Having a wrap-through drive-through that would go to the west and the south would be more damaging. I can certainly have some additional conversations to get some information about the types of tenants and the types of hours, in the building as a whole, or strictly in the drive-through endcap.

Weber – For me, it's the drive-through. It's not the building as a whole.

McKeever – Yes, I'd like to see the renderings of the frontages of the building.

Mr. Thomasma – In terms of ...

McKeever – In terms of, this is a nice elevation here, but it's the back of the building. Everybody that runs up and down the roadway is going to be looking at a drive-through.

Mr. Thomasma – Well, this was my vision for the frontage of the building.

Dave Campbell – And this is your pickup window here, correct?

Mr. Thomasma – Yes.

Weber – So that's Welch Road, if you're looking west from Welch Road right there.

Mr. Thomasma – That's right, to the left is Welch and to the right is Pontiac Trail. I had envisioned lots of big window sets and potentially some covered indoor/outdoor eating areas in the front, the side that faces Pontiac Trail. Again, just ample distance and landscape buffer between the drive-through and Welch Road.

Weber – Having seen this, one, I agree that the logical flow if there's going to be a drive-through is, in my opinion, the way you have it. If you're telling me it's going to be a coffee place, that's one thing. If you're telling me it's going to be a Wendy's or a Taco Bell, that's different.

Mr. Thomasma – Absolutely, I completely agree.

Mr. Thomasma elaborated on architectural elements and inspiration from local hangouts in California, and some northern Michigan establishments.

Weber – For me, something like this that's reasonably low intensity, probably except for the morning, I might be able to wrap my head around.

Mr. Thomasma – Yes, restrictions on use and intensity, and thoughtful.

Vice Chairperson Winkler – From my viewpoint, what you're presenting is quite a bit better than what we saw last year. One of the things I mentioned in November was making sure the building had a residential feel to fit in with the adjacent properties. I think you've succeeded in doing that. Other than what has already been mentioned, I would add, you might want to consider making that drive-through lane double wide upstream from the window.

Mr. Thomasma – So expand the bypass lane, got it.

Vice Chairperson Winkler – Hopefully this input has been helpful.

Mr. Thomasma – It has, thank you. I appreciate all of your time.

Vice Chairperson Winkler – Good luck.

ITEM 12. COMMERCE LAKE MARKET – CONCEPTUAL REVIEW

Property/business owner Steve Bakko and designer John Gumma are requesting a conceptual review for the redevelopment/expansion of the Commerce Lake Market at 1740 Glengary, including the residential lot at 2750 Benstein Road.
PIN#'s: 17-25-426-015 & 17-21-276-063

Dave Campbell – The Commerce Lake Market is an existing party store, and an off premises alcohol sales outlet at 1740 Glengary Road. It's this brown-roofed building right there, with the guy unloading out front where he's not supposed to. What's being proposed by the owner, Mr. Bakko, is to demolish the majority of the existing building, and then build an addition onto the portion of the building to remain, such that the new building would extend further into what is currently a grassy area. Is this your septic field back here?

Mr. Bakko – Yes.

Dave Campbell – It would be connected to sanitary sewer so that the area currently encompassed by the septic field could be utilized as building space. This existing home at 2750 Benstein, which Mr. Bakko currently owns and is using as a rental; this house

would be demolished. This use at the corner which is the old gas station, and is now a masonry shop, that would remain. So, these two properties would be combined with the outcome being this layout here. Here's the Glengary Road frontage and the Benstein Road frontage. This is the existing portion of the store that would remain and here is the addition being proposed. So now you're introducing a new frontage along Benstein Road. The way the building is being reoriented, it would now face Benstein Road more than Glengary.

The size of the building would increase from about 3,500 square feet currently to a grand total of 7,400 square feet. One of the things I wanted to discuss this evening was, typically if an existing alcohol retailer were looking to expand, then they would be subject to the standards of Section 26.316 of our Zoning Ordinance. In this case, it would be unlikely that this location would be eligible for Special Land Use approval for that expansion based on its adjacency to the residential zoning district that surrounds it, and based on its proximity to the Wolverine Lake Village Park on the south side of Glengary Road.

However, what we have discussed with Mr. Bakko and what I think he is committed to is taking the same approach that was taken with the Marathon gas station when they expanded a few years ago, which would be a commitment to say, the floor area that is currently dedicated in the existing store to the sale and inventory of alcohol would remain unchanged with the expanded building. I think Mr. Bakko's logic with that is the building expansion is more for him to be able to offer more prepared foods, hot foods, salads, beverages, et cetera.

The existing home that would be demolished to create a new point of access along the east side of Benstein Road, and to create parking, would require rezoning. That is currently zoned single-family and comparable to what Mr. Thomas presented, there would need to be a rezoning from single-family to B-2. Maybe the key difference is that Mr. Bakko is not proposing a drive-through component. I think they looked at it early in the process, but they moved away from it.

You might be looking at a conditional rezoning. The petitioner could offer conditions on how this store would look, how it would be laid out and how it would operate as part of the contract for what the property would be rezoned to. We would want the Township traffic consultant and the RCOC to look at this in terms of traffic impacts. Benstein and Glengary is a busy intersection, same as Pontiac Trail and Welch, and so we would want to know the traffic impacts of the proposed expansion, and particularly introducing another point of access to Benstein Road.

Mr. Bakko in his preliminary design has offered screening along the north side of the property in an effort to screen from the adjacent residential to the north. We may want to see comparable screening along the east side. This property here is a painter, so maybe screening along this portion is not as significant, but in through here, this is the backyard for the house to the east, so there may be desire to see enhanced landscaping along the east side.

Like every concept plan, Mr. Bakko and his designer Mr. Gumma are looking to the Planning Commission for some preliminary thoughts and opinions, so that they know whether or not they are on the right track. To be able to rezone the property would be a significant endeavor, involving some costs, so they want to get your early opinions that this is a viable project before they jump in on the process that would be required to bring this to fruition. I'll stop there and see if there are any questions, and otherwise I'll ask Mr. Bakko and/or Mr. Gumma to come up and introduce themselves and their project.

Mr. Gumma, correct me if I'm wrong; you were the designer for the expansion of the Marathon station, correct?

Mr. Gumma – Is that a good thing or a bad thing?

Dave Campbell – I think it's a good thing.

Mr. Gumma – Yes, yes I was.

Mr. Bakko – I just want to say thank you to Dave and Paula for working hard on getting us here. Yes, it is an expansion of the existing liquor store. The store is approximately 45-plus years old, and it needs a major facelift. It cannot be done by just fixing it. It needs to be torn down and redone and developed with modern technology and materials. We are expanding for a few reasons. Hot food and prepared foods are a big deal now. We're not expanding any additional square footage of the existing liquor or any alcohol sales. That would remain the same. In this day and age, in order to survive in these liquor stores, we're competing against the big box users, you have to buy volume. A lot of it is going to be in the back room or you buy in volume, such as pallets of bottled water to be competitive. After covid, people are still going out and buying, still going out to dinner to restaurants, but people still have their families where they prepare their lunches and dinners.

We are expanding. We're trying to relieve the pressure of Glengary with the entrances and try to focus on Benstein. That's why we put the approach northern rather than southern, to stay away from the corner. We are planning on landscaping for the buffer to the north. I don't have a problem going to the east. I don't know if there's much room to go back; the setback is minimal. But this would begin a brand new parking lot, and we get to tap into water and sewer, instead of septic and well, which is a big deal.

We're just trying to stay with the times and that's the design right there. The black is somewhat like a metal siding. Where it says "sign", that would be the front entry of the building. The vertical wood elements are in between, with a stone bottom. Like home, make it a little more country with an old-style feeling with today's modern materials. Not too much brightness – we're not trying to get that kind of attention with all of that lighting. That's why we used some upward and downward wall pack lights rather than big bright goosenecks and shoebox fixtures.

That's really it and we're open for any comments and suggestions you may have.

Commission Comments:

McKeever – No comments.

Weber – This is a home game for me. As a matter of fact, I bought my Gatorade there on my way in. It's already zoned B-2, so that gets past one hurdle. With the house directly to the north; while there's already screening there, if you're putting additional screening in, that makes sense. There's no drive-through. The place needs to be new. I would recommend though, just because this is residential commercial, and it's already a neighborhood store, maybe something with a little more residential feel in the design. I like the stone and some of the colors that you've shown, but something that felt a little more residential and a little less big boxy.

Mr. Bakko – Some gables?

Weber – I'll leave the architectural discussions to the two experts to my left. I'm okay with what you've presented.

Loskill – Just a few comments. I'm excited to see this happen. I think it's something that will benefit the community and the surrounding area. I congratulate you on taking this next step and really trying to do something good with this location. Just make sure the screening conforms to the Township Zoning Ordinance. You have that parking on the south side. You may want to look at reorienting that. I see you could have an issue with people coming in from the right and trying to go out to the left, but you have people coming in through that same exit. I think that can get kind of confusing and can be an issue. If you orient the parking the opposite way, everyone is pulling in on the left hand side. They can either go straight up into there, or to the right, and then as you're exiting out the right you're not conflicting with people trying to come in. That may help your traffic flow a little bit better.

I would like to see you curb and gutter the lot. I'm assuming you're going to pave everything and do curbs and gutters. The storm system out there, Dave, does it have the capacity to handle the additional impervious area we're going to be imposing on it?

Dave Campbell – Yes. Paula is reminding me that within your packet ... This markup that's on the screen now shows the preliminary comments of the Township Engineer and they did not look at this in great detail. One of the red comments is that there needs to be a location identified for the storm water, because as you point out, Mr. Loskill, they're maximizing the impervious on the site. John, have you gotten far enough where you've looked at that? Is there a location that will work? Or are you thinking of some kind of underground chambers?

Mr. Gumma – Most likely, it will be underground.

Mr. Bakko – We have not looked at it because we didn't know what the outcome of this would be.

Dave Campbell – So, I guess they're going to look at some underground chambers or some other method to contain their stormwater as they are required to do.

Loskill – I like the design of the building itself. You have one positive and one negative.

Phillips – No comments.

Bearer – I like the design of the building as well. I have a question about turning out onto Benstein Road. What does that look like? I see that you have landscaping and trees. I would just say let's be careful about the visibility.

Mr. Bakko – They could be dwarfed or lower, or they will be high canopy.

Vice Chairperson Winkler – I do have one question for you. Dave, can you go to the elevation concept? I see the two doors to the entrance. Are you considering having a tenant space?

Mr. Bakko – No. That's more for like your carryout food, or your delivery drivers. If you're getting a pallet of bottled water, it's not coming through the front door and disturbing customers.

Vice Chairperson Winkler – Understood. I have nothing to add from what the Planning Commission has said already. Obviously, the biggest challenge is the stormwater, as well as addressing those preliminary comments from the Commerce Township Engineer, because those are significant comments. With the limited amount of site you have to work with, addressing those properly I think is going to be a challenge. I hope this input has been helpful.

Mr. Bakko – Yes.

Dave Campbell – Just to clarify; Mr. Weber, you're correct that the existing property that the store is on is zoned B-2, but there would need to be a rezoning of the residential property. There is obviously a process that goes along with that. I think as we have discussed with Mr. Bakko and Mr. Gumma, the Conditional Rezoning is where both the Planning Commission and the Township Board have a comfort level. That way, everybody knows what the project is going to be if the project gets rezoned. We can talk more about what that process looks like if your client opts to move ahead with this project.

Weber – And the two lots would be combined.

Dave Campbell – They would have to be.

Mr. Bakko – It would be a single user and everything will be combined. No multi-tenant.

Dave Campbell – If there is one tenant, just keep in mind what the sign regulations allow, and consider that as part of your design as to how the signs are going to line up with the architecture.

ITEM 13. COMMERCE BUSINESS CENTER – CONCEPTUAL REVIEW

Dennis Park of Sierra Ventures Inc. is requesting a conceptual review for a for-sale light industrial condominium center located along the south side of W. West Maple Road, between Benstein and Beck Roads.

PIN#'s: 17-33-251-001, 17-33-176-001, 17-33-176-002, 17-33-176-003, 17-33-176-004

Dave Campbell – A lot of the discussion about these properties is centered on the somewhat unique configuration of the properties. I'm saying properties, plural, because I think there's a total of 5 properties that would be encompassed in this project. This is the south side of West Maple Road, east of Beck Road. This is the campus of Walled Lake Western and these are the Shearwater Apartments at the southeast corner of Maple and Beck, and over here is the transportation center bus garage for Walled Lake Consolidated Schools. The owner of these properties, Dennis Park, is looking to develop them with the concept that we will look at this evening.

Part of what is notable about these properties is, one, the existing zoning of the properties. The 4 western most are currently zoned Industrial, and then the eastern most is zoned B-2. The Industrial zoning is consistent with what Mr. Park is proposing

with respect to land use. The unique configuration of the properties is relevant to tonight's discussion and any discussions we have moving forward, based on the frontage of the property and some of the constraints on the property from the existing infrastructure that exists.

This is the Michigan Airline Trail cutting across at something of a diagonal, which was of course formerly the Coe Railroad. This defines the northern perimeter of the property, running parallel to the rail trail is the ITC overhead transmission lines. Those are relevant in how this property can be developed based on some of the restrictions in place for how close anything can be to those overhead lines and what can be planted in proximity to those lines. So, this property, despite its elongated shape, has limitations in the amount of frontage it has to Maple Road, and of course, it's bounded to the south by Walled Lake Western High and the Walled Lake Schools Transportation Center.

The site plan calls for a grand total of 80 light industrial condominium suites, ranging in size from about 1,500 square feet, to up to 2,000 square feet. There would be a total of 14 buildings; 2-four unit buildings and 12-six unit buildings. The prospective tenants within those buildings are those that would be permitted in the light industrial zoning district. How Mr. Park has explained it to me is that these would be potential trades people; plumbers, electricians, folks who are currently working out of their homes or garages who now have gotten to the point where they need more dedicated space. These could be incubator spaces for small businesses that are looking to grow. These could be spaces for someone who wants to work on their own boat or car and needs more space than their own garage. These are going to be for-sale, light industrial condominiums, so part of this whole equation would be drafting a master deed and bylaws.

A new driveway access is proposed off the south side of Maple Road. One of the discussion points is secondary, emergency access for emergency responders. The buildings and the units within them are not proposed to be fire suppressed. The developer, the engineer and architect have purposely sized the units to be below the threshold for fire suppression. So, because the units are not fire suppressed, then there needs to be a point of secondary emergency access. On the concept plan, that point is proposed at this location here, but there is a provision within the International Fire Code that would dictate that this proposed emergency access is too close to the primary access. As I understand it, if there were ever a major accident along this stretch of Maple Road, or the road had to be shut down, with the close proximity of those two driveways, neither one may be accessible if there ever needed to be an emergency response within the development. Both our Fire Marshal and our Fire Chief are here this evening, and it's not an accident that they are. My understanding of the Fire Code is that the requirement for secondary emergency access would go away if these buildings were to be fire suppressed. That's part of the discussions that we've had with the development team throughout the conceptual review.

From an architectural standpoint, what they're proposing is intended to be harmonious with the surrounding land uses, so a mix of sloped roofs, brick and horizontal siding materials. Every suite would have a person door on the front and then an overhead door in the back. This is one example of the rear of the buildings with the overhead doors to pull in larger equipment. I mentioned earlier that 4 of the 5 properties are zoned Industrial. As the Planning Commission is aware, Industrial is one of the few zoning districts in Commerce Township where you are permitted to have outdoor storage. There is no outdoor storage proposed as part of this development. Everyone's use would have to be limited to within the four walls of their suite. I think that's an important

distinction – what's being proposed is not an outdoor boatyard or outdoor RV yard, but the relatively low-impact, quiet suites within a light industrial development.

The entire site would be connected to municipal water and sewer. I think the developer is still considering what might be in the realm of possible in this area here on the property that would remain zoned B-2, but they're not proposing anything in that regard this evening.

In addition to the comments from the Fire Department regarding secondary emergency access as it pertains to fire suppression, there were also some comments relative to fire hydrant quantity and spacing. Hopefully those would be worked out, if and when this proceeds to a formally developed site plan. As I'm sure you noticed, the level of detail provided to you for this concept was much more significant than some of the other concepts we saw this evening and that we see in general. This is pretty close to being a fully fleshed out site plan currently.

The last thing I'll mention, and one of the things that was discussed with the development team is the proximity to the Michigan Airline Trail. Obviously, Commerce Township and our partners in the City of Wixom have made significant investments in making that trail very popular, user-friendly and very aesthetically desirable. So, one of the questions was how best to buffer this use from the Airline Trail. What was provided on a conceptual level is shown on this rendering of how the development would relate to the trail. What is being proposed is a 6-foot opaque privacy fence with some plantings along the trail side. These plantings would have to be strategically selected because again, there are standards in place for what can grow under these ITC lines. They do now allow trees that could grow tall enough to come even close to interfering with the lines. This would have to be some low growth vegetation and the fence, buffering the trail from the development. Which again, the developer will stress, that this is a development comprised of buildings and not outdoor storage.

I'll pause there to see if there are any questions for me before I turn it over to Dennis and his team. Dennis has obviously done a lot of work with his presentation.

Dennis Park – Thank you, Dave. You and Paula have both been a pleasure to deal with. Yes, no outside storage. I understand there have been very strong feelings here. I've been around Commerce Township ever since I was a little kid. I was actually brought up on Commerce Lake. Probably 30 some odd years ago, I took down the old Walled Lake trailer park and bulldozed it. We cleaned that up. Since then, in Commerce, I brought the sewer from Novi up to S. Benstein sewer, to Wolverine Lake. We built the homes all along Benstein and developed those properties.

I want to give you a frame for the new development. I'm excited about it because a lot of people have approached me over the years about moving out of their garages and getting into a safer place where they could spread out and do their work, and be able to have their wives pull their cars back into the garage.

In some of the uses, which are basically garage type uses, one lady does interiors for boats. All she does is sew and she has a couple other people working for her now, and it has become burdensome. With this type of development, you'll have a lot more ability that these people aren't just working out of their garages. And, quite honestly, the Fire Marshal has a bit more control to make sure that there is a safer situation than some of these old garages that may or may not have even one-hour drywall in them.

We did meet with the Fire Chief and we received his input. We're trying to figure out how to make this go. We do not want to put sprinklers in. We specifically designed the place and we don't think the uses of any of these people need sprinklers, as I've read

through the code and talked to sprinkler people. I actually have a building that does have sprinklers and deal with loss of power, potential freezing and all of the things that go along with maintaining the sprinklers.

As far as the entryway, in some other communities, they do a boulevard entrance, with one of them being the emergency exit. The Fire Chief was very clear that that was not acceptable to him, so we have one at the other end of Maple Road. The Walled Lake Schools is not interested in cooperating at all, so there is no access or any way to get in. The one place that you had Mr. Galbraith come in off of Maple, quite honestly, I don't think anybody could find it anyway. It's got a slope to it and it's got its challenges to bring a fire truck in through there.

Dave Campbell – Dennis, when you mentioned that, you're speaking to the trailhead where I'm moving the cursor here?

Dennis Park – Yes.

Dave Campbell – That's one of the things we discussed was could this trailhead double as a point of emergency access. There were concerns about the trail not being maintained in the wintertime so snow could pile up. There aren't striped parking spaces so someone could be tempted to park a car here and block what could be emergency access. There were concerns about what could happen to the rail trail if the fire trucks were to drive over it. Those are some of the things that have been discussed regarding the potential for this to serve as emergency access to Mr. Park's site.

Dennis Park – As far as the fire hydrants, we laid them out at 250-feet which, to my understanding, was pretty normal. I didn't really understand what the difference was, but David's here and we can discuss that so that you can give me some input of your idea, and the Fire Chief is here also.

What we're really hoping to do is to get a bunch of people in here who are starting small businesses, or expanding their garage that they have at home. This way people can help one another in there and really create a nice community of start-ups and entrepreneurs. The way in which I added up the numbers, this place would generate \$700,000 to \$900,000 in property taxes, and likely need very few services at all.

I remembered that brick was big on the Planning Commission so we put some brick on the buildings, and made the corner building that you will see, coming down Maple, very striking. The big stress is that we won't be doing outside storage. With that, I will introduce you to David, our Engineer.

David Le Clair, Livingston Engineering – Happy to be here this evening with this project. I'm not going to get into too many of the details as far as the engineering goes. There are a couple of things I'd like to address. Dave, if you could go back to the site plan. One of the unique challenges of this property is obviously the length of the property and, given its narrow width, that poses a problem with the number of entrances. The southerly most entrance does need to align directly across with one of the entrances across the road, which is where we have that. The northerly most entrance is in the location where there is an existing drive to the property. Given the depth of the property, it is not physically wide enough to get the separation that the Fire Department is asking for. We do have adequate water pressure to service the development. We certainly

could put in some more hydrants to meet the Fire Department's request for building coverage on the property.

Another thing driven by the configuration of the property, because this is zoned Industrial, and it is next to residential property, there is a 50-foot landscape buffer that is required under the Zoning Ordinance that I believe the Planning Commission has some discretion on, and we are asking for some discretion on that. The big reason is, even though the property to the south is zoned residential, obviously that is the bus garage for Walled Lake Consolidated Schools, and then there's Walled Lake Western High School. On the north side, we've got the Michigan Airline Trail with residential across from that. So, we're asking for a 10-foot landscape buffer on both the north and south sides.

Weber – A 10-foot variance from the existing, or a total of 10?

David Le Clair – From 50-foot to 10-foot. The Ordinance requires 50-foot, it can be reduced to 25-feet with a solid wall. So we're asking for 10-foot on the south side and 10-foot on the north side too, but on the north side we also have an 85-foot vegetative management buffer under the ITC corridor, so we really can't put landscaping in that space anyway, which is the reason for the fence along the rail trail, and the landscaping on the outside of the parcel.

As you can see, the Taylor Ladd Drain does run through the property. We've got three detention ponds that all drain into the Taylor Ladd Drain. We have met with the RCOC. They're happy with the location of the drive, and have also approved the emergency access location for the property, should it move forward. With that, I'd be happy to answer any engineering questions that you may have.

Commission Comments:

Vice Chairperson Winkler – Thank you for your presentation. Brady?

Phillips – It seems like a lot of units but I'm sure you've done the marketing study and the demand is there. I would be surprised if that gets filled up right away.

Dave Campbell – To that point, do these get built all at once, or are you maybe going to build in phases?

Dennis Parks – We will build in phases.

Dave Campbell – Any thoughts on absorption rate? How fast do these sell? How long before you build the first unit versus when you build the last unit?

Dennis Parks – I would assume, I'm hoping that we will be able to open, start to finish, in under three years. I can only build them so fast. Do you remember the way I built Twin Sun and Foxcroft?

Dave Campbell – I don't. That was before my time, Dennis.

Dennis Parks – I was slow and methodical.

Dave Campbell – West to east or east to west? Does it make any difference how you would stage things and phase it or sequence it?

Dennis Parks – I actually have not given that a lot of thought yet.

Phillips – Is there a similar operation elsewhere?

Dennis Parks – There is a building out in Hartland that's very successful. They are similar to what you have at M1 in Pontiac, and they've replicated that in Tampa. As I got into this and I started talking to these people, I had no idea, because as a builder and having my own storage facility, I never really had to deal with it, but there is a tremendous amount of them up north in Traverse City, the Boyne City area, they're all over the place. It is very successful.

Phillips – Okay, thank you.

Dennis Parks – You know, you have mini-storage and that meets a certain amount of needs, and these people are paying a fortune for the mini-storage. Or, quite honestly, I have light industrial with bigger buildings in Northville, and the people do the buildouts. One of the things, even as an owner, these people were spending a fortune doing their buildouts and then they would move to a bigger building or somewhere else and they would walk away from their buildout. So, I was really hoping to create something where all the shelving, drawers and whatever else they're building out, that they could get the benefit of that.

Dave Campbell – Dennis, I remember you saying that you would commit, within the master deed and bylaws for this condominium, for it to not include medical marijuana growers.

Dennis Parks – I've been approached, interestingly enough, for marijuana users in my existing buildings. I want nothing to do with it. Forget however I feel about marijuana. Growing marijuana will destroy a building in the north. The humidity with the cold outside will destroy the electrical, the plumbing, the heating, the drywall. There is nothing good about making 95% humidity when it's 20 below out. So, yes.

Bearer – I see that there are 8 units right along the edge that do not have the back entrance.

Dennis Parks – Correct.

Bearer – What do you anticipate there?

Dennis Parks – I'm really not sure. It is possible that you'll end up with those as a single user. The way that these are designed, these buildings can be built without any interior partitions. They are designed structurally not to have interior partitions. You potentially could have somebody who wanted a bigger unit, whether they have two or three, that didn't want to separate them. It's very possible that may end up meeting that criteria.

Bearer – Okay. Then as far as the emergency entrance goes, what is the current distance between the two entrances?

David Le Clair – I believe it's about 400 to 500 feet.

Bearer – What is the required distance?

Dave Le Clair – Well, it really depends on how you measure that. The Fire Code says you've got to measure the distance diagonally. As you can see, that property is very deep, even the developed area. This property, depending on again how you measure that, is not physically wide enough to meet that requirement over half of the diagonal distance.

Fire Chief Dundas – I did meet with these very nice folks on this development last month. We talked about it a little bit. When we look at this from our standpoint, it's the Fire Marshal's job to look at all of these developments and buildings in terms of the worst case scenario and what that's going to look like through a firefighter's eyes when the building is on fire, and to give us a chance to put that fire out. When I met these nice gentlemen, my first question was, are there going to be sprinklers in these buildings, because that certainly takes a lot of concern away from us on some of these details. The Fire Code allows many exceptions in terms of distances and access if there's fire suppression in there. The reason that's important is because people died through fire for a long time in this country, and when you have a sprinklered building, you're basically building a safe building for the life of that property. There has never been a fire in our country where there were multiple fatalities in a sprinklered building, except for if a plane crashes into the building. That might be the only exception to that. In any case, we said to them, when you have these sorts of condominiums where people are going to move in there, you might be selling one of these to a nice lady who does upholstery sewing; that may be true. Then, a year later, she goes out of business and a guy moves in there. She sells it to somebody, and she may not have control over whether or not they're growing marijuana in there, and those sorts of things do cause fires. We're also talking about these places having mezzanines where we would see rack storage, and so there is a fire safety concern. And while the Fire Department has made much progress in terms of our level of service here in Commerce Township, this is a fire safety concern immediately that gets on my radar and says, look, on our worst day we're going to have nine firefighters. If one of these buildings is on fire without sprinklers in there and we don't know what's in there, that's a very difficult fire for us to fight.

It's also very difficult to manage from a fire safety standpoint in terms of fire prevention and enforcing the Fire Code. We don't have enough manpower and personnel to go and knock on each of these doors and do an annual inspection. So, sometimes occupancies like this can go ten years without having a fire inspection in terms of routine fire hazards. We are also trying to improve that program for ourselves.

To their theory that the Fire Department needs to work with them so they can develop this property, I would say, look, we want the development too and I think it looks very nice, but let's make it safe. If they say it's cost prohibitive to put sprinklers in there, I would say, okay, then let's meet everything else in the code. If it fits in there, then we will approve that drawing. They're asking us to make an exception on the remoteness of the emergency access. The Fire Code says, if you measure diagonally the length of this

property, that is the remoteness of the two exits. That's not just for what happens if there's an exit on it. It also has to do with the Fire Department being able to get in there in an emergency, and people being able to leave an emergency at the same time.

Weber – Chief, I don't understand when you say the diagonal. I don't know what that means. In terms of a unique property like this, where ...

Chief Dundas – From the lower left hand side, if I go down to that corner of the property, from where the parking lot is, and I measure diagonally to the upper right hand corner of the property, that is the diagonal distance. The two exits have to be 50% of that distance remote in order for it to apply. Which, on this property and what they have to deal with, their neighbors and the Airline Trail, that is probably not possible. I would say that it is very possible to build this development and make it very safe, because there is an exception to the code that says "We can have one entrance/exit if you put fire sprinklers in there". That's allowed, and if you don't, then you've got to give me the two exits and they have to be at least 50% of the diagonal distance remote. It's not a judgment call, by the way. This is exactly what the rule is.

Weber – Dave, the trailhead; that actually looks like it's probably more than the diagonal.

Dave Campbell – We can use our measuring tool.

Review and discussion took place regarding the distance between the entrance and the potential trailhead access.

Weber – What would it take for the trailhead to be the emergency access?

Dave Campbell – In my discussions with the Chief and the Fire Marshal, and with the Township Supervisor who himself is a former firefighter, I would think that this trail would have to be maintained, particularly for snow, and ensuring it is accessible year round. There would have to be some means of avoiding anyone who is using the trailhead from blocking this path from Maple Road all the way to the trail. They could not park their car or trailer and block that. That might include delineating parking spaces. Right now, it's an open gravel area.

I know there is a grade difference from the trail down southward to the property. It's an old railroad so it sits up higher than everything around it. So some of the slope would have to be contended with. And then, the way this trail was designed, engineered and paved; it was not designed in anticipation of accommodating a heavy fire truck, the full size ladder truck. So, I would think that this section of trail would have to be rebuilt and reinforced to account for the weight of the fire truck.

Weber – So I see three options. First, fire suppression.

Chief Dundas – That's the one I like best, George.

Weber – I could tell. The second would be retrofitting the trailhead. Third would be purchasing property or an easement from one of those homeowners there, probably

closer to the trailhead than not, to build a road in as an emergency access. Those are the three things that come to mind.

Phillips – I have another alternative. With the currently proposed entry/exit ways, how many units would you have to eliminate to be in compliance? Without fully developing the property, how far back could you go?

David Le Clair – My guess would be probably those last two buildings. That would get us close, but for sure, those 12 units for sure would have to come out. Maybe a little bit more, just by looking at it.

Phillips – It's something to consider.

Vice Chairperson Winkler – Chief Dundas, thank you for your insights.

Loskill – What is the slope on those detention ponds? Based on the grading plan that you've submitted, it was very severe. Are you 2 on 1, or 1 on 1?

David Le Clair – No, they're either 4 or 5 on 1, non-fenced, and I believe that's what the Ordinance requires. That's a pretty tight scale on that drawing.

Loskill – You think you've got a 4 to 1 slope on that?

David Le Clair – I believe that's what they are.

Loskill – Because you're dropping like 13 feet. My concern is that I don't know if you have enough detention for what you're looking to do on the site. You've got two very small detention ponds, and one pond that is probably adequately sized. The other two are very small and you're going to get very little actual usage out of those. That's something for your engineers to figure out. Are those going to be wet ponds or dry ponds?

David Le Clair – Wet ponds, and we did actually size those ponds based on the buildings and this footprint that you have in front of you.

Weber – I think this is the best concept we've seen for this property, at least in my tenure, from everything else that has been discussed or proposed. If you're going to ask for a 10-foot buffer, we're probably going to pay a lot of attention to that. I don't ever remember approving anything with a 10-foot buffer. You'll just have to make us feel really comfortable that it is going to be properly screened, and I do like the elevations that you provided. Finally, you've got to make the two guys behind you happy.

Dennis Park – Well the 10-foot buffer, to deal with that, we're looking over a bus garage.

Weber – Is it only a 10-foot buffer on the south?

Dennis Park – Yes.

Weber – That's all you're asking for?

Dave Campbell – What we're talking about is the buffer yard requirements within our landscaping standards. There are different degrees of buffer yard requirements based upon the uses being proposed versus the adjacent use. Yes, I mean this is an Industrial zoned property and an industrial use proposed adjacent to property that is zoned single-family residential. Now they would contend, yes, it's zoned single-family, but it's Walled Lake Western High School and it's the bus garage. In our lifetimes, it probably won't be anything other than that, so they are asking for some deviation from the Planning Commission relative to that buffer yard requirement based upon that logic.

Weber – I get it, but it is just on that south property line.

Dave Le Clair – Yes. On the north side, if you look at that dashed line all along the trail system, that's a 25-foot building setback. So, we're at 25 feet, and the only place that encroaches closer than that is at the very bend, at the northwest corner, and we would heavily landscape that area. See where the drive bends around that last set of six buildings?

Weber – Yes, okay.

Dennis Park – And then over above that, you have the Rails to Trails, so it's not like you're backing up to any ...

Weber – Any home, right. I get it. I like the concept.

McKeever – I agree with everything George said.

Vice Chairperson Winkler – I do agree with George. This is one of the better proposals we've seen for the property. There are some challenges, and hopefully the input you've received today is helpful. Dave, anything else to add?

Dave Campbell – I think the Fire Code is not something the Planning Commission does or legally can deviate from. Even if they could, I don't think they're inclined to do so. I would reiterate what Mr. Weber said, that this has to work within the parameters of the Fire Code. We've talked about some different methodologies to do that, and we can look further into any of those.

Weber noted a misspelled name within one of the letters in the packet.

Dave Campbell – Speaking of the letter, I hope it is relevant that the owner of Shearwater Apartments and the owner of the Benstein Business Park both provided letters of support.

Weber – I appreciate you talking to those property owners. That carries weight.

Dennis Park – I was hoping that would be helpful. Mr. Rosenthal told me that he gets calls all the time from people who want these smaller spaces. One of the other considerations when I had discussed it with the Planning Commission earlier, about multiple, is the big concern about traffic. The people who are going to be occupying

these units, in general, the vast majority are going to be living a short distance from here, so you're really not going to add any traffic.

Weber – I think you're right, and you rang all the bells. It's a low impact on traffic. There's no outdoor storage. It's not going to be a grow facility. The elevations look outstanding.

Dennis Parks – You've got to convince the Fire Chief.

Weber – No, you have to convince the Fire Chief.

Dennis Parks – Okay, we'll see what we can do.

Weber – Thank you.

David Le Clair – Thank you for your time.

J: OTHER MATTERS TO COME BEFORE THE COMMISSION:

Discussion on the November 4, 2024, meeting time (possibly moving the meeting to an earlier time to account for the next day's election)

Dave Campbell – Our meeting on November 4th is the day before what I'm sure will be a very lively election day. Speaking selfishly, and on behalf of Mr. Winkler as well, we both work the election the next day. It's an early start and it's a long day, so we're asking, would the Planning Commission be willing to have an earlier start time for our November 4th meeting? I've already heard from a couple of you saying either 5:00 or 5:30 would be fine. I see a lot of nodding heads. Okay, we will put out an official notice, but let's assume that our meeting on November 4th will be at 5:00pm.

K: PLANNING DIRECTOR'S REPORT

- **NEXT REGULAR MEETING DATE: MONDAY, NOVEMBER 4, 2024, AT 5:00PM.**
- I don't know that we have anything specific that could make the November meeting agenda. Right now, the Kroger store at 14 Mile and Haggerty came up in an earlier discussion. I know they are currently having their traffic study done. You're all well aware, what was approved there was 187 apartments and now they're looking to swap that out with Kroger. So obviously it's a very different traffic dynamic that is now being reevaluated. I don't know that it will be ready to be in front of you in November, but I know the Kroger team is pushing on that.
- Paula reminded me, on the north side of Commerce Road, west of Long Farm, there is a 40-acre property immediately adjacent to Long Farm. There is a prospective buyer/developer who is looking at that property. They want to do single-family residential, but they are looking at different options. They would love to get more lots and some duplexes. They will likely come to the Planning Commission with a single-family cluster development, which means they could get as many lots as they would be entitled to get under the property's R-1A zoning, but they would cluster them together and make smaller lots than what is allowed in R-1A. R-1A requires 20,000 square foot lots with 100 feet of frontage.

They would like to do smaller lots with the tradeoff being that less of the property is disturbed and you're preserving more open space for development.

Vice Chairperson Winkler inquired about the boat storage facility on Haggerty, and Dave Campbell provided an update on the status. They are starting on the underground utilities tomorrow, including the storm water system and connection to sanitary sewer. However, he did miss his September 1st deadline, so he is not allowed to have any boats until his work is done, according to the consent judgment in place with the Township Attorney. Discussion continued regarding the approved development for Lakeside Marine.

L: ADJOURNMENT

MOTION by Loskill, supported by Phillips, to adjourn the meeting at 9:37pm.

MOTION CARRIED UNANIMOUSLY

Joe Loskill, Secretary