

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

Monday, June 5, 2023  
2009 Township Drive  
Commerce Township, Michigan 48390

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

**ROLL CALL:** Present:

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

Also Present:

Dave Campbell, Township Planning Director  
Paula Lankford, Planner  
Jay James, Engineer/Building Official  
Debbie Watson, DDA Director  
Randy Thomas, Insite Commercial

**B. APPROVAL OF AGENDA**

**MOTION** by Loskill, supported by Phillips, to approve the Planning Commission Regular Meeting Agenda of June 5, 2023, as presented.

**MOTION CARRIED UNANIMOUSLY**

**C. APPROVAL OF MINUTES**

**MOTION** by Winkler, supported by Loskill, to approve the Planning Commission Regular & Special Meeting Minutes of May 1, 2023, as written.

**MOTION CARRIED UNANIMOUSLY**

**D. UPDATE OF ACTIVITIES**

Jay James – Building Department

- You received a list of the new commercial developments that have started building. Let me know if you have any questions on those.
- We are getting a lot of residential decks and additions. Houses have slowed down, which I'm sure has something to do with interest rates.

Bill McKeever – Zoning Board of Appeals

- Nothing to report from the ZBA.

George Weber – Township Board of Trustees

- We had a couple of items of note at our most recent meeting.
- We established the resolution for weed control for Lower Straits Lake, which I think most of the residents were happy with.
- We awarded the contract for the pathway that's going to go from Long Park along 14 Mile Road to the M-5 trail to connect those. We expect that to be finished by the end of the summer.
- We had quite a bit of discussion regarding ordinances associated with rentals, both long-term and short-term. We will have further discussion at our next meeting.

- We also discussed an ordinance for smoke or vape shops, which we will see. We are trying to regulate it more closely to the way that liquor stores are regulated.
- The old Township Hall building on Fisher Avenue is being demolished. The contract was awarded. Jay, maybe it has already been demolished?

Jay James – Not yet. We are still waiting for Consumers to do the disconnect.

Brian Winkler – Downtown Development Authority

- We held our annual DDA meeting on May 16<sup>th</sup>. Some of the highlights are as follows.
- Insite Commercial Report:
  - Parcel B1-Phase I - Five and Main: Bruce Aikens attended the ICSC in late May. He will be attending the June 20<sup>th</sup> DDA meeting to provide an update on progress on that site. As you can see on our agenda tonight, we're going to be looking at preliminary designs for the residential component.
  - Parcel C: LAG is hoping to close on the property on or before June 20<sup>th</sup>. Easements for the pump station and sanitary sewer are also being prepared.
- Updates to the DDA Bylaws regarding the Open Meetings Act (OMA) as prepared by counsel were reviewed and approved.
- DDA Annual Meeting: The election of DDA Officers and Committee Appointments took place. The current officers and committee chairs for Finance, Public Relations and Marketing were maintained without change.

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

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

Robert Long, 1342 Commerce Road, Commerce Township – Thank you, Mr. Chairman. I sat tonight through the second work session of your upcoming Master Plan update. I just want to tell you, as a citizen, a property owner and a taxpayer, it's reassuring to me to see the outpouring of your hearts going into this. You guys really care and that means a lot to the taxpayers. But, there's one component ... I've only been here twice and maybe you've talked about it, but I didn't hear it this time or last. The Township has a fiduciary responsibility to the taxpayers, especially Mr. Weber being on the Township Board, and one major component, and I'm not sure if anybody has discussed it with you, is the demand for services, and what zonings demand these services.

Mobile home parks; it used to be it was about \$2.50 of services required for every dollar of revenue. High density multiple; we're up close to \$2.00. Your commercial and your industrial were the lowest. They hardly demand any services, but they bring in a lot of tax dollars. This isn't just important for that, but for State-shared revenue, because that formula looks at how many residential households there are and the tax burden on them.

That's why Wixom was always so rich. They always had 7,000 residents, but they had a huge tax burden based on all that industrial with the Ford plant and everything else. So, one component, and I don't mean to be overstepping my bounds, but you want to take a look at it before a broad swipe of the pen when you're looking at reclassifying something from business or commercial to residential, or from industrial. Try to do a transition and

keep some of those zonings where they're appropriate because they will help keep the demand for services down and it will keep your tax revenue up, which makes less burden on the taxpayers. Thanks for listening.

Chairperson Parel – Thanks for sharing.

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

**F. TABLED ITEMS**

None.

**G. OLD BUSINESS**

None.

**H. SCHEDULED PUBLIC HEARINGS:**

**ITEM H1. PPT23-02 – SCOTT CARADONNA – ACCESSORY STRUCTURE – PUBLIC HEARING**

Scott Caradonna of Commerce Township MI, is requesting approval as provided for in Section 33.01.A of the Commerce Township Zoning Ordinance for a 1,500 square foot detached accessory structure (pole barn). The 2.1-acre property is located at 4637 Driftwood Drive. Sidwell No.: 17-07-326-018

Dave Campbell, Planning Director, gave a review of the Planning Department's report. He explained the history and merging of parcels in 1994, which when combined totaled just over 2 acres. He reviewed the survey on the overhead, provided details on the site layout, and presented renderings. The structure needs to be aesthetically compatible with the neighborhood and the buffer should be enhanced. Other standard comments related to accessory structures applied to the request, including that the building would only serve purposes permitted in the existing zoning district of R-1A. If approved, a required deed restriction would be placed on the property so it could not be split. The required notice was published May 19<sup>th</sup> in the Oakland Press for the public hearing and notices were sent out to all property owners within 300 feet.

Scott Caradonna, 4637 Driftwood Drive, Commerce Township, was present to address the request.

Chairperson Parel – Is anyone here to speak on the matter besides the petitioner?

No responses.

Chairperson Parel – Okay. Mr. Caradonna, would you like an opportunity to speak?

Scott Caradonna – Sure, I can speak briefly. I don't have a lot to cover. We bought this property last fall. We're able to build a garage and stay in Lake Sherwood, moving from the east side of Lake Sherwood to the west side, in large part for the larger lot and larger garden area, and to be able to build a building.

I have a couple of cars, maybe not classics, but they're interesting to me. My son and I would like to work on them and have a little bit more space to do a project car together, which implies hoists, which then drives a larger building area, and that with the garden,

tractors and lawn mowers taking up garage space. The current house has a 20x22 garage, so we are quite space limited.

I have talked to most of the neighbors, and I actually met a couple of them that I had not met yet. I've been living there 6 months. As a result of the mailing, all the neighbors are very supportive. I can answer any questions.

Weber – Where you have it situated, is there a reason you're not putting it deeper in your lot?

Scott Caradonna – With the asphalt driveway being here, moving it further west creates a dramatically longer driveway. It is already going to be very long.

Weber – So your driveway is going to extend?

Scott Caradonna – It's going to be a gravel drive back to the building. So the orientation and position are in order to fit it amongst some existing trees. Moving it over here, it gets in the way of more trees behind the house and behind the driveway, so it is more difficult to access there. If you look at the overhead view of the canopy, there's an empty space right here.

Dave Campbell brought up the aerial view on NearMap, which showed a photo from early spring.

Chairperson Parel – I wanted to personally commend you as our petitioner for coming in to us prior to building this. Not everyone does that and we had that experience recently. I wanted to remind my fellow Commissioners that this gentleman is doing it the right way.

Scott Caradonna indicated an existing play structure and the open spaces on the map.

Unidentified Resident – It backs up to the school?

Scott Caradonna – Yes.

Dave Campbell and Mr. Caradonna reviewed the map, indicating the location for the barn, and discussing the trees in the area which are mostly deciduous. There is a lot of overgrowth in the area and it has not been maintained.

Dave Campbell – That was the genesis of the Planning Department's comment that the Planning Commission should consider whether this could be enhanced with some evergreen buffering to buffer the view from the neighbor to the north.

Weber – Did you have that discussion with the neighbor to the north?

Scott Caradonna – Yes, he doesn't have any concerns and isn't looking for anything. I don't have an issue putting evergreens in there if that's what you're looking for; however, I don't think they're going to grow well there because it's heavily shaded. I'll try.

Dave Campbell reviewed the map again, now looking westward, and reiterated the location for the barn.

Dave Campbell – I guess the consideration is, what is the impact to the view looking out the back of this house? And whether the existing vegetation is sufficient or whether it be supplemented, understanding that it might be difficult to get new trees established in the shade.

Unidentified Resident – [Inaudible].

Scott Caradonna – Yes, if you went to a summer view, there's a little hole where the play structure is, and another hole that is open.

Dave Campbell – This is last July.

Scott Caradonna – Yes, there's the play structure right there.

**Chairperson Parel opened the Public Hearing.**

No comments.

**Chairperson Parel closed the Public Hearing.**

**Commission Comments:**

McKeever – No comments.

Weber – I'm good.

Loskill – My only comment, I'm not sure the trees are going to do anything, but I would like to see the building tie in better with the homes in the area, whether it's color or materials.

Scott Caradonna – The colors are intended to match the bulk of my house. One of the things mentioned was to add wainscoting, but that would create another color that I don't have on my existing house, which has gray siding with white trim. I was trying to mimic that the best I could.

Loskill – In the photos, it looks like a beige house and this looks gray.

Scott Caradonna – I'm trying to match it but the renderings don't show color well. Paula had a picture with a more accurate representation of the color, but it was a different building. My intent is to match the color of the house as closely as I can. I don't want it to be different either.

Phillips – No questions.

Vice Chairperson Winkler – No comments.

Karim – No comments.

Discussion continued regarding the petitioner's intent to match the building colors to those of the existing home.

Dave Campbell – I was going to ask Mr. Caradonna if he has priced this.

Scott Caradonna – Yes.

Dave Campbell – So if it gets approved you're going to build it? Because what happens a lot of times is we go through all of this and then people get sticker shock on the actual cost and they don't actually go through with building it.

Scott Caradonna – I'm completing this. As a matter of fact, I have two storage units right now so I need to get it done this summer so I can get my stuff back home.

Chairperson Parel – Dave, can we handle any color discrepancy administratively?

Dave Campbell – That's easy enough for us to confirm when the structure comes in for permitting, that it be of a color that's complementary to the existing house.

Chairperson Parel – Great. And the Planning Department had made a recommendation in regard to some screening.

Dave Campbell – We included recommended language and one of the conditions had to do with screening. The Planning Commission can opt for whatever approach they want to take.

Chairperson Parel – Is there any reason anyone thinks we need to force the screening, or if it will even work, or should we strike that?

The consensus was okay with striking it.

Dave Campbell – You would be striking #3 and then maybe replacing it with the condition that the color match the principal structure.

Chairperson Parel polled the Commissioners and everyone was in agreement.

**MOTION** by Loskill, supported by Phillips, that the Planning Commission **approves, with conditions,** Item PPT23-02, Scott Caradonna, Accessory Structure, the request by Scott Caradonna of Commerce Township MI for approval as provided for in Section 33.01.A of the Commerce Township Zoning Ordinance for a 1,500 square foot detached accessory structure (pole barn). The 2.1-acre property is located at 4637 Driftwood Drive. Sidwell No.: 17-07-326-018

Move to approve PPT23-02, an application submitted by Scott Caradonna for a 1,500 square foot accessory structure, for his home at 4637 Driftwood Drive. The motion is based on a finding that the proposed structure satisfies the applicable standards of Section 33.01.A.5 of the Commerce Township Zoning Ordinance.

**Approval is conditional upon the following:**

1. A deed restriction recorded with the Oakland County Register of Deeds shall be provided to the Township's Building Department prior to the issuance of any

building permits. The deed restriction shall prohibit any land division creating a parcel of less than 2 acres for the property the structure is located upon;

2. The accessory structure shall not be used for any purpose other than those principally permitted in the R-1A zoning district, including but not limited to operating a commercial business within the structure.
3. That the color of the structure matches the adjacent residence.

**MOTION CARRIED UNANIMOUSLY**

Dave Campbell – Mr. Caradonna, your next step would be to work with Building Official, Jay James, on the necessary building permits for the structure.

Scott Caradonna – Okay. I'm working on getting the contractor scheduled and getting my kit, and I need to coordinate those with the concrete guys.

Dave Campbell – Good luck.

**ITEM H2. PZ23-03 – COMMERCE TOWNSHIP – TEXT AMENDMENT – PUBLIC HEARING**

An amendment to the Commerce Township Zoning Ordinance No. 3.000, to amend Articles 2 (Definitions), 5 (Land Use Table), 14 (B-2, Community Business), 15 (B-3, General Business), and 26 (Use Standards), to designate Smoke Shops as a special land use in the B-2 and B-3 zoning districts subject to new use-specific standards.

Dave Campbell, Planning Director, gave a review of the Planning Department's report. Collectively, these amendments would redefine or define smoke shops; stores specifically dedicated to tobacco, and now vaping, and the paraphernalia that goes along with it. The purpose of the amendment would be to provide definitions for a smoke shop, and list it as a Special Land Use only permitted in B-2, Community Business, and B-3, General Business zoning districts, and then to provide criteria within Article 26 for the use if it is to be approved as a Special Land Use within those two districts.

The genesis of this is concern by the Township, the Township Board, the school district, the Sheriff's Department, adjacent businesses and homeowners, that these places are becoming problematic in terms of selling products to minors, loitering and other issues. There is one shop in particular that has been quite problematic, with a rap sheet of visits by the OCSO, which creates a burden for emergency responders who could otherwise be addressing other issues.

All of this came to a point where the Township Board adopted a resolution back in April placing a 90-day moratorium on any new smoke shops or expansions of existing smoke shops until such time as the Township could adopt appropriate standards for the land use. The Township Attorney was tasked with drafting the amendments. The standards to be applied to smoke shops are very comparable to those already in the Zoning Ordinance for off-premises alcohol sales outlets. There are standards relative to spacing; how far apart these uses can be from one another, how far apart they can be from land uses such as schools, public parks, places of worship, daycare centers, et cetera, all in an effort to avoid having these uses over-proliferate and to keep this particular land use in appropriate areas of the Township.

The public hearing notice was published in the Oakland Press. Following the public hearing, the Planning Commission has an opportunity to make a formal

recommendation to the Township Board. If that occurs, this could be placed on the Township Board's next agenda for June 13, 2023, where the Township Board could consider adopting the amendment.

Weber – Dave, similar to alcohol, you had mentioned previously that the State of Michigan passed a law where somebody who is buying tobacco products or similar products has to be 21 years old.

Dave Campbell – That's correct.

Weber – So it's just another example that we're trying to tie it in and be as consistent as we can, whether it's alcohol or tobacco/vaping products.

Dave Campbell – I agree that there is consistency with the way the State regulates the sale of off-premises packaged alcohol, and with the way the State regulates the sale of tobacco and vape products, and the paraphernalia that goes with that.

I would also add that we've had some questions from existing business owners asking about how this impacts their business. The proposed definition for a smoke shop, within Article 2, is any business where more than 51% of their gross sales are derived from tobacco, nicotine products, or the products that go along with those. We had questions from existing party stores and gas stations about what this means for their ability to expand. The answer is, *So long as your revenue from tobacco, nicotine or vape sales is less than 51%, then this would not apply.* This is meant to apply strictly to the stores that are solely dedicated to tobacco and vape products.

Chairperson Parel – Did those business owners seem to be okay with that answer?

Dave Campbell – Paula talked directly to the business owners that we heard from.

Paula Lankford – Yes.

Dave Campbell – Once they understood the 51% threshold, they were comfortable.

**Chairperson Parel opened the Public Hearing.**

No comments.

**Chairperson Parel closed the Public Hearing.**

**Commission Comments:**

Karim – I think this is very good and we should approve this.

Vice Chairperson Winkler – A couple of items. I have a question for Dave and Paula. How many smoke shops are currently in the Township?

Dave Campbell – I should have anticipated that question. My guess is around six.

Paula Lankford – I would say seven.



Jay James – I think it's eight.

Dave Campbell – Between six and eight.

Vice Chairperson Winkler – And of course, this wouldn't be applicable to those existing smoke shops currently in operation, but if they were to change the use of the building, or sell, then it would apply.

Dave Campbell – If they stay in their existing location in their existing configuration, then they would be a lawful, pre-existing use prior to this ordinance. But, if they were ever to want to expand, if they want to expand into the suite next door, or if they want to move locations, then that would be where these standards would apply; in a relocation or expansion.

Vice Chairperson Winkler – Thank you, Dave. I think it's great that the Township Board was proactive in all of this.

Chairperson Parel – Dave, just to confirm, transfer of ownership would not trigger this.

Dave Campbell – It would not.

Phillips – I also think this is a great move. I'm curious, are there any smoke shops that are not in compliance with the new standards? Are they too close to a school, or are they too close together?

Dave Campbell – We did not do an analysis of the existing ones to determine if they would comply. I'm quite confident that most, if not all of them, would struggle to comply with these standards, just based on their proximity to residential zoning districts, daycare centers, et cetera. A lot of times the daycare centers are located in the same commercial corridor that these uses tend to be located in. By adopting this, the Township would be creating several nonconforming uses. They're allowed to lawfully continue to operate, but that would change with a relocation or expansion.

Loskill – Nothing from me.

Weber – At the Township Board, any time we're adding another ordinance, there is a discussion. The last thing we want to do is overregulate businesses within the Township and add any other bureaucracy. But, as Dave has pointed out, it's very consistent with Michigan State law and with other standards for liquor, which goes hand in hand with public safety, nuisances, et cetera. I think we're all in support.

McKeever – I have no questions.

Dave Campbell – I will also mention that we did discuss this with at least one commercial landlord, a significant commercial landlord who owns a lot of commercial properties in Commerce Township and throughout Southeast Michigan. To Mr. Weber's comment, there is always concern about the potential for overregulation. That landlord, at least on this one, understands what the Township's position is and what the concerns are. He had an opportunity to speak this evening and he didn't feel it was necessary.

**MOTION** by Loskill, seconded by Phillips, that the Planning Commission **recommends approval**, to the Commerce Township Board of Trustees, of Item PZ23-03, Commerce Township Text Amendment, an amendment to the Commerce Township Zoning Ordinance No. 3.000, to amend Articles 2 (Definitions), 5 (Land Use Table), 14 (B-2, Community Business), 15 (B-3, General Business), and 26 (Use Standards), to designate Smoke Shops as a special land use in the B-2 and B-3 zoning districts subject to new use-specific standards.

Move to recommend the Commerce Township Board approve PZ#23-03, a series of amendments to Articles 2 (Definitions), 5 (Land Use Table), 14 (B-2 Community Business), 15 (B-3 General Business), and 26 (Use Standards) of the Commerce Township Zoning Ordinance, defining Smoke Shops and designating them to be a special land use permissible only in the B-2 and B-3 zoning districts subject to use-specific standards. The Planning Commission's recommendation is based on a finding that the proposed series of amendments are intended to preserve and protect the public health, safety, and general welfare of persons and property by limiting smoke shops in concentration, operation, and to those areas that are most compatible with such uses so as to avoid the undesirable impacts associated with such uses upon the community.

**MOTION CARRIED UNANIMOUSLY**

Dave Campbell – Our intent is to get this in front of the Township Board in time for their meeting, next week Tuesday, so they have the opportunity to take action on it.

#### **I. NEW BUSINESS:**

#### **ITEM 11. CONTINENTAL PROPERTIES – 5 & MAIN, RESIDENTIAL COMPONENT – CONCEPTUAL REVIEW**

Continental Properties of Menomonee Falls WI is requesting a conceptual review for a proposed multiple family development within the Five & Main Planned Unit Development (PUD) at the northeast corner of Pontiac Trail and the Martin Parkway Sidwell No.: 17-24-401-060

Dave Campbell, Planning Director, gave a review of the Planning Department's report. He provided background for the 5 & Main PUD project, which predates a couple of Planning Commissioners. It was originally approved as a PUD in 2018, and then came back in 2019 for an amendment. The project is meant to be downtown Commerce; a walkable community with retail, restaurants, entertainment uses, health and wellness, and a major component for residential.

There was a maximum of 300 dwelling units agreed upon to be located within the 5 & Main development, and it was understood those units would be apartments. The location, design and layout were relatively undefined. That was done purposefully as the Township and the developer, Mr. Aikens, understood that he would be partnering with a residential partner who would take and develop that residential portion. It would then be up to the residential developer as to what the product would be, the layout, et cetera. The 5 & Main development has not commenced thus far, as everyone is aware, and there are many reasons why, including COVID, and the changes that occurred to retail and the entertainment environment, which are key to the project being stalled. Mr. Aikens now has a prospective residential partner, Continental Properties, and their representatives are here this evening.

Dave reviewed the 5 & Main project block plan on the overhead, which was an approved exhibit to the PUD. It was envisioned that Block 9 would be a portion of the

residential component, at the north end of the development, and there was going to be a secondary residential component in Block 10. Dave indicated the location of the Walmart building. Continental intends to shift the residential component into Blocks 4 and 10. Block 9 would become undefined again. Block 4 was previously approved to have a theater and peripheral entertainment uses.

Dave reviewed the conceptual layout as proposed by Continental, including nine 3-story residential buildings and accessory buildings; a clubhouse and detached garage buildings. All buildings will have ground floor garages, but the number of garage units will vary. There would be about 150 garage stalls for the 300 units and tenants would pay a premium for a garage stall.

Dave also reviewed access and circulation on the site, which is proposed to be surrounded by an ornamental fence, with gated entrances at the two access points. He mentioned to the petitioners that the fence might be a point of conversation with the Planning Commission, because the intent of the 5 & Main development is that everything is integrated. Gated access might be a deterrent. Continental also provided some preliminary renderings of their clubhouse and residential buildings. They are working with designers for 5 & Main so that there is coordination on building materials, styles, color palettes and so-forth.

Dave stated that the Continental team would have an opportunity to present their products and answer any questions. He also thought it would be beneficial to everyone to discuss the procedure in terms of getting this reviewed and approved by both the Planning Commission and the Township Board. Since Continental Properties hopes to break ground in Fall 2023, the development team proposes an aggressive schedule of holding the public hearing during the Planning Commission's July 10<sup>th</sup> meeting, and if the Planning Commission is prepared to offer a formal recommendation, advancing to the Township Board during their August 8<sup>th</sup> meeting. In addition to amending the PUD, the development team is likely to propose a sub-condominium within the Phase I property itself, which is Unit #13 of the Commerce Towne Place condominium.

The sub-condominium would also require approvals from the Planning Commission and Township Board. Potentially the approval steps for both the PUD amendment and the sub-condominium could run concurrently at the respective meetings of the Planning Commission and Township Board. All of the above will also require coordination for infrastructure with the RCOC, DTE Energy, along with Oakland County Water Resources Commission, and the State of Michigan, in terms of permitting for water and sewer.

The sanitary sewer main was a big point of conversation when looking at the Lafontaine dealership at the northwest corner of Pontiac Trail and Haggerty. There is an existing sewer pump station there which would be decommissioned and replaced with a gravity sewer main that would connect over to the 5 & Main development and ultimately, outlet to a manhole structure on Martin Parkway, finding its way to the newer pump station located on the west side of Martin Parkway.

The Township has had conversations with the RCOC about the future traffic signal at Pontiac Trail and Walnut Lake, and then what will be the main point of access to the 5 & Main development. The Road Commission's position has changed in the years since we first started discussing the 5 & Main project with them. Recently, the RCOC determined that the crash history at this existing intersection warrants there being a traffic signal there. They have said that they will install a 3-faced traffic signal at this intersection. If there is to be a 4<sup>th</sup> and private approach for the 5 & Main development, then that cost would be the obligation of the private developer. Therefore, they need 25% of this traffic

signal to come from the private side. That is good news, because in the past, the position was that the signal would be fully funded by the private developer(s). The Township held a meeting with DTE recently and discussed the Hancock substation, which is located just north of Meijer on Haggerty. Mr. Weber was part of that conversation. In years past, DTE engineers explained that the existing substation did not have the capacity to service the 5 & Main development, and that it would be the obligation of the developer to upgrade the power grid. That position seems to have changed. DTE has made upgrades to the substation and although they still need more information from the developer's team and Continental, they think the upgrades made to the Hancock substation would be sufficient to provide the electricity necessary for the 5 & Main development. If this proves to be true, it's another big piece of good news for the developer.

There have been discussions of the residential phase potentially breaking ground this fall. With occupancy around this time next year, the residential component will certainly precede the retail, entertainment and restaurant components. As the Continental team and the Aikens team go through the process of amending their PUD, there has to be some consideration of how the timeline and sequencing plays out. What is the trigger for the retail and commercial components to commence? It would be a concern of the Township if the residential component was up and running, and then years went by before the commercial component came to fruition. A timeline or phasing plan would be something the Township would want to consider as part of amending the 5 & Main PUD.

Erik Hahn, VP of Acquisitions, and Jordan Teichen, Development Associate, Continental Properties of Menomonee Falls, WI, were present along with Sue Neumann of JPRA Architects, and Bruce Aikens of Robert B. Aikens.

Erik Hahn delivered a PowerPoint presentation.

Erik Hahn – David, thank you for the introduction and discussion. Continental is based in Menomonee Falls, WI. We are ranked amongst the Top 10 Multi-Family Developers by volume in the country, which is ranked by NMHC. We've developed about 125 apartment communities to date across the country and we are active in 19 states. We are owners, operators and developers. We're not emergent developers. Our colleagues are managing the lease-up and day-to-day functions of these communities. As you may have seen in your packet, we've developed 5 communities on the other side of the state. We have 4 communities in Grand Rapids. One is in construction and the others are stabilized all the way through the consideration phase. We recently broke ground on another development in Texas Township, as an example of our recent communities in the state. Jordan and I work on our mid-western development team, so we are active in Chicago, Minneapolis, Wisconsin and Michigan. A key point I wanted to talk about; with our operation, we have a large, managed portfolio and we collect a lot of data on our residents. It is always a concern in many communities we go to in terms of what our resident make up is. With our leasehold interests, the folks who live here, this is an example of our Michigan demographic data. Our unit sizes are about 1,000 square feet on the average. We're looking at studio through 3-bedroom units, so it's quite different than Barrington. We're very focused on the young professionals age 20-34. That represents 52% of the residents across our communities in the Grand Rapids vicinity. Our secondary target

cohort is the empty-nester or the active-adult segment. That's about 20% of our total residents, with 17% age 35-50, and then 10-12% school age kids.

Next, we can talk a little bit about income. We collect a lot of income data as a function of leasing. This is a good representative view of our total portfolio meeting household incomes relative to various states, but also the important ones are the Springs communities at the bottom. They're above \$90,000 per household and that compares very well to the Township's median household incomes as of the 2022 data at about \$99,000. Another key point there is the per capita incomes are slightly higher than the projected incomes. We do have 1.9 people per household in these smaller units.

We would like to spend the majority of this presentation on the look and feel, which is in progress with Aikens, as well as with Sue Neumann of JPRA, to determine the fit and finish. Our two-dimensional renderings weren't particularly legible, so we brought photos from other developments with similar 3-story development styles. Jordan will walk us through some of the brand tenants, et cetera.

Jordan Teichen – Continental has a variety of different brand types. Our flagship brand is Springs and we'd be looking to develop a Springs-branded community here. Springs are all market rate apartment units, typically 2 to 3-stories. For this particular project, we'd be looking to do all 3-story, with a mix of garden style entrances, as well as some units coming off of a shared common stairwell.

Continental owns and manages all of our apartment communities, including our Springs-branded communities. Dave briefly touched on our site plan. This would be a portion of the larger 5 & Main master planned lifestyle center that Bruce Aikens is looking to develop. Continental would be developing the residential portion of that. On this map, you can see the access drive extension to Martin Parkway, the roadway realignment south of the subject property to north Pontiac Trail, as well as the 9 residential building pads and clubhouse.

The plan is reoriented, but here you can see the 9 residential buildings. There is a combination of attached garages within the buildings themselves, and detached covered parking, as well as surface parking. Connectivity throughout our individual communities is extremely important. You can see a sidewalk network moving throughout the community, in addition to a pet playground in the top left corner, and I can touch on that in more detail on coming slides.

Community amenities; within the clubhouse is a resort-style pool, outdoor patio and grill area. The clubhouse houses all of our leasing staff onsite, 24-hour fitness center, demonstration-style kitchen and a café where residents can host gatherings, work from home, et cetera. Additionally, there is a pet playground and a car care center, as well as outdoor seating throughout the community. Residents can bring their vehicles to the car care center to wash them and vacuum them out.

This is a typical elevation and what we're thinking in terms of the clubhouse. I'll move through these quickly. As Erik mentioned, this is a representative elevation of one of our buildings, but we want to show you photos of existing communities so you can see them at a different angle and really see the articulation and use of different building materials. As we move forward with this project, we will coordinate with the architect on the master planned community to really make sure that the material selection and overall feel between the residential portion and future retail components are in sync.

This is an all 3-story building in Memphis, TN. In terms of massing, this would closely resemble what we'd be looking to do in this community. You can see the building articulation, balconies, and varying uses of materials. This building does not have any

vinyl siding. It would all be fiber cement and masonry materials. This gives you an idea of our typical floor plan.

In conclusion, by developing within this community, we're really looking to spur economic development. I believe there was a resident spending analysis included in the packet. We believe that with an additional 300 units coming online, it would bring approximately \$23 million of economic impact to the surrounding community. We also think this would be a great way to kick start the necessary infrastructure improvements needed for the entire 5 & Main development; the sanitary sewer, the roadway realignment and access drive extension, as well as the controlled intersection.

Erik Hahn – I wanted to make one more point. The resident spending is somewhat helpful. We had pursued this with Aikens in 2019 before COVID, and obviously much has changed in the retail landscape. Continental for instance was a prominent big box retail developer throughout its inception in the late 70's, but we have completely pivoted to multi-family. Obviously, theater uses are really challenging so that has moved around the plan a bit over its various iterations.

As Jordan mentioned, we're looking at resident spending; it's the Amazon age to some extent, but we're looking at \$23 million annually. That's based on ESRI data for this area. A portion of that would definitely trickle down to new retail. We have the right demographic prospects to shop at some of the anticipated uses that are contemplated. We wanted to reiterate some of what we could bring here today, over the time it would take to secure the retail users, which ultimately we would have no part in, but we can bring strong quality development for the residential component, rather than leave that bare for a period of time, which could be lengthy. We'd like to open up to questions and we appreciate the opportunity to introduce ourselves to you gentlemen tonight.

Chairperson Parel – Thank you. Dave, anything from you?

Dave Campbell – Can you speak to a timeline? I think you guys still hope to break ground in the fall. Maybe we can go back to your plan as it relates to the overall 5 & Main plan. Can you speak to shared facilities, driveways; what gets done, when, and who is responsible? A high-level description of how this sequences out.

Erik Hahn – As far as we understand it, the general construction schedule, there are a few moving pieces. We've got other agencies we have to work with. I think primarily, one of the biggest benefits of this is we would be installing the sanitary sewer interceptor to decommission the Haggerty Road lift station. A portion of that would be a Township development, but we need to install the interceptor to Martin Parkway, across the access drive to the east/west. We would be installing those drives with initial construction. Our site work takes maybe 4-6 months for those initial approaches, depending on the time of year.

One other thing that we have to iron out is the timing of funding and installation of the 4-way traffic signal at Pontiac Trail. We are committed to contributing that last 25%, along with the other users, hopefully Walmart would chip in their fair share as a function of the crash data. Nonetheless, that would be installed with the initial phase of construction.

Typically, our clubhouse turns over within 10 months of groundbreaking, so we would need those initial approaches and emergency approaches in place within 6-7 months,

and certainly before we commence major vertical construction on some of the buildings. Sewer would be the first thing to go in.

After receiving some feedback, our intent with the project schedule is, let's make sure we've got the right architectural outlook, and then we would embark on design for the sewer, and work with the Township to begin the intergovernmental processing of that with County agencies as well as EGLE on the permit review for sewer. Meanwhile, going through the sub-PUD amendment process. It seems there will be multiple touchpoints with the Township so we're hoping to set a good foundation for that in which we can pursue this in an expedited, but not hasty, fashion so that there's enough time to communicate on this.

Dave Campbell – Do you anticipate any temporary construction; temporary roads, temporary detention? Any temporary facilities that would then have to be made permanent at a later date?

Erik Hahn – That's one thing we're discussing with this is the amount of pond capacity to the north. As it stands, for the Township's benefit, we're trying to retain the largest amount of GLA or otherwise for the retail. With that, we are contemplating the pond and whether there is enough above-grade capacity, and with all the vacant land in this vicinity, if now is the time where we would potentially build vaulted or underground storage. That's typically found in built-out retail environments, but the question now is how much capacity remains. Certainly, it's most effective for that to be surface storage rather than underground for long-term maintenance. We're evaluating that this week to determine what watersheds we can use for detention or storm water ponds. We expect we would be managing probably the majority of that somewhere on our parcel as it crosses that property boundary.

**Commissioner Comments:**

Chairperson Parel – Before we go down the line here, I would note that this is just a conceptual, non-binding conversation between us.

McKeever – Can you speak to the rationale of the fence and the community being gated? My original impression was that this is supposed to be one concept and one development. It's pretty exclusionary to have it fenced off from the commercial.

Jordan Teichen – Yes, we found that our preference is to have a gate around the community specifically for the residents that have surface parking within our community. It's their preference to have their vehicles protected with that gate. I can speak to that more. The fence that would be going around the perimeter of the property is ornamental. We would also be providing pedestrian connections from our development to the trail around the lake to the north, as well as to the future retail development to the west. We do also have the two vehicular connections, so it's really providing our residents a sense of security. The intention is not necessarily to limit connectivity with that fence or gate. We would be looking to make connections in the future.

Weber – I appreciate everything that you put into our packet. I think the information you provided, the data, and the testimonials from other communities were all great and helpful. A question maybe for Dave and Deb; does this site plan fit on the property geographically with no issues?

Debbie Watson – Dave, are they still looking at a portion of the Phase II property?

Dave Campbell – It's my understanding, and Erik can clarify, that about a half-acre portion of this development would land on what we call the Phase II property. If I go back to the aerial, this is the Phase I property and Mr. Aikens own that. This is the Phase II property which the Downtown Development Authority (DDA) still owns. Mr. Aikens has had an option to purchase this for several years. In speaking to Mr. Aikens attorney, it was my understanding that a portion of this property was necessary for the layout that Continental proposes. So we were then discussing whether that would need to be an amendment to this condominium unit, which is Unit #14 of the Commerce Towne Place master condominium. The Phase I property is Unit #13. The option that Mr. Aikens' attorney mentioned was potentially seeking an easement from the owner, which is the DDA, over about a half-acre of Unit #14, to the benefit of the owner of Unit #13.

Weber – I'll leave that to the DDA, but I would question the value or logic in an easement for something like this, versus purchasing the land. I see Bruce in the back there. Thank you, that answered my question.

Bruce Aikens – We'd like to have the road be straight, the road that's coming along Phase II. That is driving that. When you follow the Phase II property, it juts out about 40 feet. In all of our work, the road that's running along the eastern boundary of Phase II has always been kind of in that location, so we're hoping we can make something work with the DDA. There's also some area that, right now, becomes part of the detention pond, and we're working on trying to figure out whether that can be realized or not.

Weber – Just a couple of comments and things that I'm sure you can address. There will be many more touchpoints as we go forward. I get the answer that you gave to Bill's question on the fencing, but as you go further along, I would be interested in what kind of screening you're going to put between your units and Walmart. Obviously you'll have good-looking elevations, but people looking out the back door are looking at Walmart's roof or the brick wall. We would want to have that discussion with you as you go forward.

I appreciate that Dave hammered the point home on vinyl siding, et cetera. In your elevations, and I know they're very conceptual, but the architectural views of some of those are very horizontal. We're fans of stone versus brick and siding, so one of the ways that you might think about that is by taking some of the stone all the way up through all 3 stories in certain aspects, whether it's the porches or the peaks, to break up the horizontal lines going across and create vertical. We're also fans of rich and warm colorings, not brights, which I think goes hand-in-hand with some of Bruce's original designs for the retail.

I saw that you have charging stations. As we learned from DTE, if you're planning on doing fast-charging, they take a lot of juice, and that can be a concern for the costs that might be necessary for upgrading the station. Keep that in mind.

Finally, and Dave had it in his notes, I do think it would be very important that there be a tied and documented timeline so that once we see the residential going, the rest of the development is tied part and parcel to that with firm dates and timelines, so it doesn't look for the rest of the world, the residents, that we just jammed a bunch more



apartments in there and then nothing else is happening for years down the road. We would want to see some kind of timeline related from residential to retail.

Bruce Aikens – You'll get our basic, *We're going to do our best to get here*, but creating some kind of a set timeline is not going to happen. We can just walk out of here.

Weber – That'd be fine, Bruce.

Bruce Aikens – I can't tell you that I'm going to get the leases done. This is on our minds. We're going to put millions of dollars in the infrastructure necessary for the retail. This is hugely important for [inaudible]. If we get distracted with trying to ...

Weber – Bruce, I'm not distracted.

Bruce Aikens – I'm just telling you, right off the bat, okay. If you want to try to make some kind of connectivity with some kind of obligation, it's not going to happen.

Weber – Well, we can have that discussion as we go forward.

Bruce Aikens – Good.

Weber – That's all I have, Brian.

Bruce Aikens – This is a \$90 million project, so we will have that discussion.

Chairperson Parel – The apartments are \$90 million?

Erik Hahn – We're looking at a \$65 million investment, but probably long-term value. There are some major benefits long-term, and we're out of the retail business. I guess for us, it's not a simple development to pull the caliber of retailers that you all want, and to set a clock on that, you're likely not to hit the deadline. We look at that as a bit challenging, because we can provide a quality product here during a period of demand, and increase the tax base, and essentially add demand drivers that the retailers need to see. They need to know that it's vibrant and growing, which is happening up and down the Martin Parkway corridor, but maybe not to the extent to support a retail development of the depth and scale that was planned many years ago.

Bruce Aikens – There's 150 units going up on Haggerty Road. Did those have a timeline as far as connecting to [inaudible]?

Weber – Bruce, we can discuss this offline.

Bruce Aikens – Well I'm kind of discouraged.

Dave Campbell – Is there an argument to be made that bringing the residential to fruition accelerates the potential for the commercial side?

Erik Hahn – That's our view and I don't know how-

Bruce Aikens – I mean, every developer-

Dave Campbell – Bruce, do you want to come to the podium and speak?

Bruce Aikens – [Inaudible].

Dave Campbell – Oh, you don't?

Chairperson Parel – Okay, George-

Bruce Aikens – You guys are going to be responsible for this not moving forward. It will be a big responsibility on Commerce to not allow this to move forward because of some time obligation. This will be on your shoulders, and having extreme [inaudible].

Loskill – I'm not in favor of the way this is laid out. You've jammed as many units into a small space as possible. It's going to be a horrible development. You're basically setting this development between two parking lots so there will be no views, there's no screening from the units to the surrounding developments. I don't see this as being a positive for Commerce. I would not want to live in this place. There's going to be nothing but noise, smoke and car exhaust. I don't see a positive with this layout.

I think the clubhouse looks very nice. I think your apartment buildings need some serious development. They don't have any of the panache that the clubhouse does. I don't see how this is going to be a great ... In the future, you develop this whole thing out and then for 2 years you're going to have construction going on. These people are going to have to sit and listen to construction for 2 years. I liked it better when it was it on the north side of the development or against a natural area. You say you've got a lot of young families in there. There's no place for kids to play here, not one spot in this entire development. So even though you're going to have a lot of young professionals who are going to have kids, because those are the primary childbearing years, there's nowhere for the kids to go play. There's no playset or park, nothing for the kids to do.

Bruce Aikens – There's 100 acres of land, common areas.

Loskill – Not unless you're in one of the front units, but that's a long walk with little kids.

[Crosstalk]

Bruce Aikens – [Inaudible].

Erik Hahn – We don't have many school age kids. 10% is low; that's 10 households out of 300 units. If we needed playgrounds, we would provide them. We get the common area-

Loskill – You're providing 2 or 3-bedroom units. Are you expecting people to cohabitate versus having families?

Erik Hahn – Again, it's 10% of the total-

Loskill – You just told me 50% are 20-34.

Erik Hahn – But they don't all have children-

Loskill – Are you telling me that everybody is waiting until after 34 to have kids?

Erik Hahn – More people have dogs than children in these communities, so we provide a pet playground. If the demand is warranted here, and a place like Barrington for instance, for much larger units, more kids, I have not seen a playground there for their children and our development is not conceptually different than what they're doing. They had construction over the course of their lease-up just the same. It's the way our business operates. So, I guess-

Loskill – They're surrounded by residential. You're surrounded by commercial on all sides. It's a much different environment.

Bruce Aikens – It's going to be surrounded by a town. This isn't a strip center.

Erik Hahn – There is the nature trail to the north of us that we would be providing connection to.

Loskill – I understand. In my opinion, I think the residential component would be better suited on the north end of the development where it's away from traffic and noise, isolated away from Walmart and all of the traffic along Pontiac Trail.

Bruce Aikens – The north end where the original residential was-

Loskill – I can't hear you, would you please come up to the podium?

Bruce Aikens – (approached the podium) Where the original residential was, it's going to be right in the center of two phases of commercial. Okay?

Loskill – Okay.

Bruce Aikens – It was going to be in the middle of it. This allows us to do a residential component that has some connectivity, but also some integrity as far as standing on its own feet. Right, so in my mind, this is one of the best residential sites in the state because it has connectivity to all the common area, the lakes and the trails that are available through the DDA-

Loskill – Why don't you put everything on the north end where all the trails and stuff is?

Bruce Aikens – It's all going to be designed so that it all integrates. There's a trail that we have to have and maintain that goes into the common area of the DDA, but it's also going to be accessible to the town. The idea here is that people are going to walk to a restaurant, they're going to be able to walk to a market, or to get their hair done, and this will probably be the best residential site in the State of Michigan. I disagree that people are not going to want to live there. We think people are going to pay a premium to live here. I don't think someone such as Continental would be willing to invest \$80 million into something that people are not going to want to live in. I'm flabbergasted just to even hear that statement.

Erik Hahn – To set the tempo here, we're happy to address productive criticism. We know our business well.

Loskill – I know the business well too. This is what I do for a living.

Weber – Maybe just one clarification. You're proposing 300 units and 300 units is what we previously agreed upon.

Bruce Aikens – That's correct.

Weber – So it's truly just moving the residential from the middle to the east side.

Bruce Aikens – We want to have a higher level. We want this to have an element of modernist, and we need this to connect to this town that we've been working for years to try to accomplish. There's going to be a lot of work over the next couple months to tie these together. This cannot be detrimental to what we're trying to accomplish. The main goal is to build the town. We think Continental is a fantastic company. With their help, we think we can create the product-

Loskill – I'm not making [crosstalk, inaudible] to anybody's character-

Bruce Aikens – We think with their help we can create the product-

Loskill – You're asking for opinions. I've given you one opinion of one Commissioner-

Bruce Aikens – For example-

Loskill – I'm not a fan of relocating this as it is being proposed-

Bruce Aikens – Just another thing is that we originally had a theater. So, what we're doing is we're switching a block to a block, so the theater is gone.

Loskill – Right, understood.

Bruce Aikens – We really don't want to do a strip center or things next to Walmart. This to us is the perfect transition to buffer us from Walmart to some degree.

Weber – And maybe for Joe's benefit, and Brady's, while the original design had the residential there, Bruce had come to us after that, probably two years ago, with moving it over to the east side. At that time, that was acceptable and it made sense to us based on the rest of the development and based on what Phase II was going to look like.

Loskill – Bruce, if there was some buffering between the parking lots and the apartment buildings, that would help. Instead of having the same rung with parking lots, if it was trees and greenspace, all those things would help to make this more of an upscale residential feeling. The way I look at this is that it's going to look like it's part of the parking lot. You want to put a fence around the whole thing so it's not even going to look cohesive because you're separating this whole thing out.

Bruce Aikens – There's not going to be a fence around it.

Loskill – Well they just told us there's going to be a fence around it.

Bruce Aikens – I don't care what he just said. There's not going to be a fence around it. I don't mind landscaping. We're trying to work on a schedule here so that we can move this thing forward in a timely manner to try to get this to start, but we haven't discussed that yet. I understand they want delineation for their clients and we can work that with some kind of landscaping; a smart way to get what they want and what we want. The last thing I want is to have a fence disconnecting these two projects. I'm not going to allow it to happen. We have to get into this ourselves and get through these next steps, and I think we'll be much better prepared with a plan that won't have a fence. This has to work all as an integrated project.

Loskill – I do understand, but I'm looking at this as a long-term investment into the Township of Commerce, and if I was a long-term resident, I would not feel this was an upscale development shoved in the middle between two retail developments. I think if you had it on the north side where it was originally planned, where you have access to all that open land on the north side of the development, that would give you a much more upscale feel and more access to areas where kids and people could go do something. Right now we have zero outside areas for people to go do anything within this development-

Bruce Aikens – You have to understand this-

Loskill – You have to go off the development to get outside and do any sort of recreation. There are no backyards, there are no front yards. It's literally-

Bruce Aikens – When you go to Royal Oak ...

Loskill – We're not in Royal Oak.

Bruce Aikens – This is intended to be the downtown of this area, so we are in Royal Oak. We aren't in farmlands and orchards. This is supposed to be denser and this is what's approved.

Loskill – I understand.

Bruce Aikens – Okay, so I don't understand what you're saying.

Loskill – I'm saying I don't think the layout is a positive for Commerce Township.

Bruce Aikens – You want a suburban layout, and we want a more urban, more town-like layout. We expect this thing to be here for 100 years. In Village of Rochester Hills, my family is now operating it for over 65 years. We certainly want this to be a long-term, viable project. This component is critical, but it does need to be more modern, more of a denser project.

Loskill – I'm fine with that. I think it would be great on the north side of the development.

Aikens and Loskill continued extensive debate regarding transition and cohesiveness of the site.

Dave Campbell – Gentlemen, I hope we can agree that tonight's purpose was for the folks from Continental Properties to hear feedback from the Planning Commission.

Loskill – Right, and that's all I'm giving. I'm only one member up here.

Erik Hahn – Respectfully, I'm trying to understand myself; further north, the subject site is shown here and the boundary. David, perhaps you could explain, but I'm not understanding either. Further north is the DDA land, correct?

Bruce Aikens – He's saying that the residential should be where it is, above the park, and then north of there should be single-family or residential housing. It's exactly the opposite-

Loskill – Even if it's public land-

Bruce Aikens – It's exactly the opposite of what we're going for.

The debate continued. Bruce Aikens reiterated that this is a town, not a big commercial box. It's a street. It's a town. It's walkable and entertainment oriented, with fashion and restaurants.

Dave Campbell – Mr. Loskill, any further comments you'd like to share?

Loskill – No.

Chairperson Parel – Brady?

Phillips – I think George answered some of my questions. I was curious as to the residential and whether it was consistent with the original content as to the number of units and density. George, thank you for sharing that original presentation. I found that to be helpful and encouraging. I'm really anxious to see things get started. But, I'm curious, if you had to redo it because things have changed and you've got a different vision now, what does this development look like now?

Bruce Aikens – It's exactly the same. We've been focused the whole time. The Town Square, the center, has not changed for 5 years. We are still totally focused on trying to accomplish that.

Phillips – So do you have this completely re-laid out?

Bruce Aikens – No, the town is the same square footage, the same park, the same street, the same access points, everything is the same. The only thing that we're doing is-

Phillips – The presentation I saw had the theater, and I know that's changed. It had restaurants. It had kids playing in the middle of the city.

Bruce Aikens – This is all the exact same thing. The only thing that is different is that the theater is gone, and we're trying to flip the residential that was on the north side of the park to where the theater was, and the commercial area where the theater was on top of the park.

Weber – Bruce, Block 9 used to be residential. You moved that over to the east, and you're also taking the square footage from where the theater was, and now Block 9 is going to be more restaurant/bar area.

Bruce Aikens – Yes, we're thinking more restaurants there. We are working on deals with new putting golf concepts, along with a deal on an upscale bowling concept. What's happened in entertainment in the center has switched. We're working on a deal, Pickle and Chicken, which is pickleball in a chicken restaurant. There's still a way to weave entertainment into this, so we aren't sure, but our thought is to do three restaurants on top of the park. We're thinking more about Phase II and how we connect that, and what to have it look like. In our minds, we think that's denser. If we can succeed with the first phase of the multi-family, and the first phase of the retail, then we would look to go denser as we go north.

Weber – To Brady's point, the grocer is still on the far west.

Bruce Aikens – The grocery store is the same location, the same size and same grocery store.

Weber – And the boulevard coming down the middle is out. Some of the square footages have changed slightly. It's still the same concept coming down the boulevard from west to east.

Bruce Aikens – Yes, and that one box up by the street is the same as it has been for 4 years. What I really like is I don't have this residential blockage that doesn't allow me to get to Phase II. We're feeling better about Phase I. In our minds, how do we also design that so that Phase II can flow.

Chairperson Parel – Mr. Aikens, one time there was a revision made to accommodate a hotel. Is that still-

Bruce Aikens – Yes, the hotel is still there. Hotels have had trouble, but we believe there's a lot of interest in that location. So, the amount of restaurants is the same. The only thing that has really switched is the theater is no longer an option. It may become an option, but it would be smaller.

Vice Chairperson Winkler – It's important to remember that, even at the infancy of this project, the residential component was part of the project. It's just a fact that the economic realities require that the residential portion take place first. If you look at this proposal compared to the very conceptual site plan showing these blocks of residential apartments, 75 units in four buildings, this is far superior to that at least in its layout. Although it is pretty dense, it's less than what would have been done with four 75-unit apartment buildings. I'm assuming the rents are comparable to Barrington, probably pretty close from a competitive standpoint.

Erik Hahn – We would be starting studio rents around \$1400 in today's terms, one-bedroom rents around \$1750, two-bedroom rents at \$1950, and three-bedroom at \$2200. Per square foot, higher. Nominally, we're attracting a different demographic, lower per capita for the household size. We have a smaller household size than Barrington.

Vice Chairperson Winkler – The continuity in appearance between the 5 & Main development retail portion and the residential I think is very important so that the two mesh in a way that is not chopped up. Keep that in mind as you're working out your elevations with Mr. Aikens on the retail side.

Without exaggerating, I think bringing in an established, energetic, motivated residential partner might be exactly what this project needs.

Karim – I think the idea of taking the theater of is valid. There's no point in building a new theater. The interest from Pontiac Trail, that road that was coming from the existing Walmart, now it's curving up creating a big lot in there. I want to be sure that lot is landscaped only and that there won't be any building.

Bruce Aikens – That's owned by the DDA. We're obligated to give that to the DDA as part of our deal, and that got a little bit bigger because we did move the entrance a bit, but that's intended to be ...

Debbie Watson – An outlot.

Chairperson Parel – What's the future land use?

Dave Campbell – As part of the deal with Mr. Aikens, the DDA retains ownership of this outlot.

Debbie Watson – Both lots, including the one to the west.

Karim – Thank you.

Bruce Aikens discussed coordinating landscaping to help the developments mesh together in a smart and effective way to accomplish that. He added that the town is going to be a huge attribute to the residential and important to its success.

Chairperson Parel – From my perspective, I wasn't involved in the initial discussions, but I do see a path to meshing the two together without a fence, and maybe with some significant landscaping on the path between Walmart and these residences, and the street as Sam mentioned.

I agree with Joe, I think we could use some work on the interior of the site, but I think if we had not led with the fence, we might have been in a better position.

We can talk about next steps if we do give positive feedback tonight, but my biggest concern here is 5 years from now, we've got 300 apartments, some of them at a rate which I consider low for our community, \$1400 a month, and my concern is that those are all we've got in 5 years. I think that's a concern of everyone here. I think that's probably your concern too, and you're going to do everything you can to make sure that doesn't happen.



Bruce Aikens – We're spending millions of dollars and I've been holding this property.

Chairperson Parel – I understand.

Bruce Aikens – We're motivated.

Chairperson Parel – I don't doubt that. I think you want this as much as we do, if not more. I'm just one person, but from my perspective, I'm not certain I'm convinced that this needs to be done to kick off the retail. You're an expert, I understand.

Bruce Aikens – Just so you know, we are telling people that this is starting. We're telling retailers that this has started and ground is being broken, roads are being put in, infrastructure is being put in, grading is happening, sewer is being laid out. If I can't tell them that, then what am I going to tell them?

Chairperson Parel – I understand, but I don't know if that was different four years ago when you said it?

Bruce Aikens – This will be on you guys. This will be your game here. If you want to try to tie the timing of the commercial, which I cannot do-

Chairperson Parel – I think we're past that-

Bruce Aikens – There's no way I can do it. You're asking me to do something-

Chairperson Parel – I understand. That's not what we're saying-

Bruce Aikens – If you're making that decision-

Chairperson Parel – We're not making that decision.

Bruce Aikens – We can go now. I think these guys have other stuff to do. They have other projects to work on. If that's your direction, then I don't agree. What kind of a commitment do you want from me? We bought this land. We went through COVID-19. We are in terrible headwinds still, and you're trying to tie me to committing to building something I can't commit to, and we can start this project and you're not going to allow it to happen?

Weber – Bruce, I don't think anyone is saying that.

Dave Campbell – I don't remember anybody saying that.

Bruce Aikens – Well you're trying to tie the timing of the commercial to approving this project.

Weber – Bruce, I don't think you heard what I said. I'm looking for some kind of timeline towards development, whether it's the roads, whether it's the sewer system that's coming through, there has to be-

Bruce Aikens – We're going to do that now. We'll be glad to do that, but if you're tying me to ... Maybe I misunderstood.

Erik Hahn – I'm sorry, I think I understand.

Weber – I'm not tying it to that you've got a retail store that's being built. I'm tying it to the infrastructure that has to be homogenous between the retail and what has to happen. That was my intent.

Bruce Aikens – Okay, so right on Pontiac Trail ...

Erik Hahn – We can come up with a plan and address it. I think I understand.

Weber – And personally, I do support the residential as a kickoff. It provides credibility to the rest of the retail world that they have a captive audience right next door.

Bruce Aikens – I can't tell you how excited we are about this, and how determined. We are doing backflips because we truly can tell people that this is starting. We hope to bang the drum loud and hard. We think that's going to create tremendous momentum for us. The real hard work is how do we mesh these things? I think we have a great company here that has the horsepower to deliver. You should all look at the original PUD that was approved and the elevations that were provided that show the apartments. That's what we've got to come up with and that's what we're going to work to get you guys.

Chairperson Parel – Dave, let me ask you a question as far as cadence. We had an initial conversation tonight. What's next and how are the Trustees involved?

Dave Campbell – As I mentioned, I spoke with Mr. Aikens attorney last week for some time and we started talking about a game plan, a timeline in terms of hitting specific dates with the Planning Commission and with the Township Board to get the necessary approvals with the target of giving Continental Properties the opportunity to break ground this year.

The next major step would potentially be a public hearing to amend the 5 & Main PUD. The timeline the attorney presented was having that public hearing at the July 10<sup>th</sup> Planning Commission meeting, which is coming right up with today being June 5<sup>th</sup>. There is a lot of work that would need to be done to have a plan and an amendment that's ready for the public hearing on July 10<sup>th</sup>. Now assuming that comes to fruition, the Planning Commission would have an opportunity to make a formal recommendation to the Township Board on the amendment to the 5 & Main PUD.

Then the Township Board's next available meeting to take final action at their level would be their August meeting. Then the developers would need to come back to the Planning Commission with a fully detailed PUD site plan, with information on landscaping, building elevations, building materials, lighting, and all of the nitty gritty detail that is not typically required at the PUD level. Therefore, we are targeting the September Planning Commission for that. Deb is telling me that because of Labor Day, the September meeting is a week later than it normally would be. In the meantime, I think Continental's intent is that they would assume some risk and they would be developing their detailed engineering plans and submitting for review, and also getting

permitting with Oakland County and the State of Michigan, understanding that they don't have the site fully entitled to be able to do that.

Erik Hahn – Right now, we're trying to make sure we have our budget set to make sure this project is feasible. Tonight's intent was to collect comments and test the Township's commitment to the project as a whole with this land use component. Again, this sets the cadence for our project. We will make decisions from here in terms of how we manage risk related to the project.

Dave Campbell – My point in going through that prospective timeline is that the Township, the Planning Department, is going to do what can be done to meet a goal of this project having the potential to break ground this year, if the Planning Commission and Township Board want to see that happen.

I'll mention one more thing procedurally that needs to happen; this piece of property that Continental would be building upon does not yet legally exist on its own. It is part of Unit #13 which is owned by Mr. Aikens. My understanding is that it's Mr. Aikens' intent to sell this property to Continental. That would require either amending Unit #13 of the Commerce Towne Place master condominium, or creating a sub-condominium within Unit #13. In speaking with Mr. Aikens' attorney, she was opting for the latter. That's comparable to the Merrill Park and Wynclyff developments where you have a condominium within a condominium. That's a process that would have to be run through with the Planning Commission and Township Board as well, to create that sub-condominium. Now, those steps could be taken at the same meetings when the PUD amendments are also reviewed. There would effectively be two processes running concurrently.

Bruce Aikens – Dave, we may have a pad deal that could be part of this, and we can talk about that later. But we'd like to start some commercial as part of this, and one of the ideas is to start the two pieces at the entrance drive.

Dave Campbell – Are you creating a pad that you'd be selling to another buyer?

Bruce Aikens – Yes.

Dave Campbell – Again, that would be a unit within a sub-condominium that doesn't yet exist.

Bruce Aikens – Yes, but we'd want to run that simultaneously with this PUD process. It's exactly the same location, and instead of fast-food, it's a different use for the drive-through.

Dave Campbell – With the sub-condominium, you know you're talking about the master deed, exhibit B-docs and all the things that go along with that. Again, in theory, those can be run concurrently with amending this PUD, but there will have to be a lot of work and a lot of coordination to hit those dates I mentioned earlier.

Chairperson Parel – That's a great layout of the cadence to follow, but one of my big concerns is when would the Trustees vote on this modification? It sounds like that's August.

Dave Campbell – Potentially August.

Chairperson Parel – I don't know if you have any thoughts on how they will vote.

Weber – From the Township Board standpoint, and Bruce knows this, the Township is more than 100% committed towards getting this done. I don't want to speak for my fellow Trustees, but because of this development, if we need to put a special meeting together, than I think we will do that. We do want to see that cadence and yes, I know what the interim steps are with the Planning Commission so that we can get all of this working concurrently and keep the Township Board notified through the process, then that makes things much smoother.

Township Board meetings are the second Tuesday of the month, and Planning Commission meetings are the first Monday of the month, depending on holidays, et cetera. There are times when we have a Planning Commission meeting on Monday, and the next day is a Township Board meeting.

Dave Campbell – July is an example of that, because of the July 4<sup>th</sup> holiday, the Planning Commission meeting was moved to July 10<sup>th</sup>, and Township Board is July 11<sup>th</sup>. I don't know that it's feasible for Planning Commission to make a formal recommendation of this on July 10<sup>th</sup>, and have it turned right back around to get in front of the Township Board the very next night. That's why we anticipate the Planning Commission July 10<sup>th</sup>, and Township Board in August.

Bruce Aikens – Or a special meeting in July?

Weber – We already have a Board meeting scheduled for July 25<sup>th</sup> as well.

Dave Campbell – The Board loves when you throw extra stuff on there.

Bruce Aikens – You guys are going to kill me.

Weber – So we've got some time that is already booked so if we can start laying out the plan, sooner rather than later, then we can coordinate with all of the meetings, your travel schedules, et cetera, to try to put a shovel in the ground in the fall.

Chairperson Parel – George, let me ask a question to you because you represent the Trustees here. Do you agree that if we go back to the table and maybe rework some of this plan ... I know this is very preliminary, but we show more of the connectivity, things we talked about with the lack of a fence and more flow between the two, and then potentially even show the Trustees a couple of pads that could be developed at the same time, along with ...

Weber – Some of the other infrastructure, which would be helpful. And Dave, we're going back years now, so I don't know how many of the other Trustees have seen the movement from Pad 9 over toward the east, but I don't think that's going to be a surprise to the Trustees, moving the residential to along the Walmart border. I think seeing the plans and the elevations, definitely communicating that there will be that cohesiveness and that it's not going to be walled-off; they're going to want to see that

flow of movement that it's one development. It's not two disparate developments. I think that's going to be important.

Talking about the access, I think this diagram lays it out well from Library Drive and down to Pontiac Trail. For whatever reason, this traffic signal always seems to be a topic of discussion and the fact that it is solved is worth pointing out. And Bruce, I think to your point, when you originally showed us the movement on the residential, part of that phase also included some of the outlots. I think showing that as ...

Bruce Aikens – So there is a commercial component connected to it. I think we can really show you exactly what we're talking about as far as the contribution we're going to make to the infrastructure necessary for the retail. We're using the residential to subsidize and help the retail move forward.

Weber – Dave, my final comment would be just that based upon the DTE discussions, it looks like at least this first portion of the development is contained with the improvements that have taken place at the substation.

Dave Campbell – That was our takeaway from our meeting with DTE last week, although they still wanted some follow-up information from the developer as it pertains to EV charging stations and whether all of these garages are going to be EV ready or not. Those are the kind of load questions they had before they could give us a firmer answer.

Bruce Aikens – One of our concerns is going to be if we do the residential and all of the power goes to that, and then there's no power for the retail. We're going to have to negotiate and understand exactly how that works. The residential will have to participate if an upgrade is necessary. We aren't going to let them take all of the power and then we don't have the power.

Weber – To Dave's point, we came away feeling positive. Obviously they didn't commit to anything and that's why they were asking questions; information needs to be supplied. That was part of my comment. If there are super-charging stations, that's a problem.

Erik Hahn – It's a marketing feature for use, and same with the fence. Those are key points.

Weber – If it's the 40-amp circuits within the garages, that's not their concern.

Dave Campbell – I don't think Bruce was here yet when we mentioned it. We had a meeting with DTE last week, and again, they've made upgrades to the Hancock substation in the last couple years. They think that those upgrades to the existing transformers have increase their capacity by about 50%, and they think that is sufficient to energize this development.

Bruce Aikens – That's great news.

Weber – It's DTE, let's not get ... It looks like it's there and they're asking for more data so they can dial in and we can get them down to a commitment.

Bruce Aikens – We'll get you the data. I have to thank the Township for coming to the table and helping us with issues like that which has really been incredibly helpful.

Chairperson Parel – Dave, did you have a comment?

Dave Campbell – I made sure Deb was noting that in the minutes.

Chairperson Parel – Okay, gentlemen, anything else we can answer for you today? Hopefully we were helpful.

Bruce Aikens – We've got our fingers crossed.

Chairperson Parel – As do we.

Erik Hahn – We will do our best to address the comments in a follow-up. With the schedule, obviously your time is valuable so we will determine that.

Dave Campbell – If there is to be a public hearing on July 10<sup>th</sup>, there is a lot of work to be done.

Bruce Aikens – Yes.

Chairperson Parel – Anything else from anybody here?

Weber – Do you need anything from us?

Erik Hahn – I don't believe so. We're moving through design and from there, I think the big question is on the blocks and the process. We will do our best to begin to address the comments we've heard here.

Chairperson Parel – We appreciate it.

Erik Hahn – Thank you very much. Pleasure to meet you all.

Chairperson Parel – You as well.

## **ITEM 12. UNIT 19 HOMESTEAD IND. PARK – PARKING LOT – CONCEPTUAL REVIEW**

Susan Syed of Integrated and Preventative Health Care Associates of Commerce Township MI is requesting a conceptual review of a proposed offsite parking lot on an undeveloped parcel located at the southwest corner of Richardson Road and Pioneer Drive (Unit 19 of the Homestead Industrial Park) Sidwell No.: 17-13-326-042

Dave Campbell, Planning Director, gave a review of the Planning Department's report. He brought up the site plan on the overhead, showing the southwest corner of Pioneer Drive and Richardson Road, which is Unit #19 of the Homestead Industrial Park. In 2019, Unit #19 received approval of the site plan from the Planning Commission. At that time, the owner, David Beal, intended to build a 3-tenant light manufacturing office

building. However, Mr. Beal never commenced construction and the lot still sits undeveloped.

Dr. Susan Syed recently purchased the office building on the east side, at 4057 Pioneer Drive. Her intent is to locate her medical office practice in that building, but also retain the existing tenants. To be able to accomplish this, she is concerned that she will be short on parking. Her thought is to purchase this property from Mr. Beal and construct a parking lot, but in the near term, not construct the building. The parking that is constructed would effectively be the overflow, and probably employee parking for her office building.

Article 29 of the Zoning Ordinance allows for offsite parking, so long as it is within 500 feet of the use that it's meant to be serving. In this case, this parking lot would meet that threshold. There are some other criteria the Planning Commission would have to consider.

Dr. Syed has a major financial decision to make, whether or not to acquire this lot. Before she makes a decision of that magnitude, she wanted to present a concept to the Planning Commission to get a determination of how the Commissioners would feel, at least in the interim, which may be a long-term interim, of having only a parking lot on this property without the building. Her intent is to leave the footprint of the building undeveloped with the hopes of building it someday, or something very comparable to it. The Planning Commission would have to assume that if the offsite parking lot were approved, the potential exists that the building would never come to fruition. If that is the scenario, the Planning Commission should consider an appropriate methodology for landscaping and buffering, particularly along Richardson Road, to screen a parking lot that doesn't have a building.

Dr. Susan Syed – Thank you for taking time to do this with me. Originally, in full honesty and disclosure, when I purchased the building on Pioneer, I had enough parking here and we have hopefully wonderful tenants that will stay. However, I started practicing in 2004 and I opened my first practice at the Lakes Medical Building on Haggerty, which was a small little starter. I started with no patients and that space was about 1400 square feet.

By 2007, we purchased our second location, but there were issues with my ex-business partner, so I had to break that apart. I retained the West Bloomfield, sold off the Novi spot, and then within two years had to expand across the hall with another 1500 square feet. Last year, I already outgrew that space and needed to look around. I found the location on Pioneer to be beautiful. The building is amazing and we've taken 6,000 square feet to build our space. We're still in the process of getting an architect, but hopefully we will have that built out by the end of this year.

With that said, I believe I currently have 42 spots. As I look back on my career, I find that about every 5-10 years I'm expanding. I don't want to be looking back in 5-10 years and saying that I missed out on an opportunity. Originally, my thought was that if my renters don't stay, I have another 6,000 square feet of that building that I can expand out. I currently practice functional medicine and primary care. I'm one of the few that actually takes insurance, and still runs a full conventional family practice, but with a functional medicine flare to it. A wellness program entails a lot of optional care; physical therapy, occupational therapy, massage, nutrition. All of these are things I'd like to bring into my practice in the next few years as I rebalance my funds and I keep moving forward.

The lot, originally to me, was parking, especially if I'm going to build out my current building. However, when all of this came around and I started looking outside the box, I can actually use the building space as well, but probably not for the next 10 years to be fully honest. If I do a building, it will look just like the one that I purchased to keep it equal. As I started looking at this and talking to my banker, I was thinking I might have something more along the line of imaging in that area because we don't have anything in our area that is outside of the hospital for a healthy person to get mammograms, ultrasounds, x-rays. You have to go into Huron Valley, or out to Beaumont on Orchard Lake. There's really nothing in our area. That's my future thought, but I agree that I can't really promise that I'm going to build a building before that 10-year mark.

**Commission Comments:**

Chairperson Parel – I appreciate you being open and honest, but to Dave's point, we have to assume that the building may never be built there. The purpose today is completely conceptual and non-binding. We're here to try to help you make the best decision for your property and just give you a view of how we think. I'll start with Sam to see if you have any questions or comments.

Karim – Frankly, I don't have any problem with that. I pass by this land every day. Can we get the other drawing with the site plan with all the buildings as well?

Dave Campbell – I'll go back to the aerial.

Karim – Yes, the only thing I think is, if you're going to build this, I would like the layout to be similar to your building.

Dr. Susan Syed – Oh, I would love that. Agreed.

Chairperson Parel – I like that. Thanks, Sam. Brian?

Vice Chairperson Winkler – A question for Dave and Paula. This original site plan we reviewed was based upon the building being an industrial building.

Dave Campbell – Correct.

Vice Chairperson Winkler – If Dr. Syed ultimately wants to build a medical building, are the parking requirements for the two buildings different?

Dave Campbell – You're absolutely right. Medical office has a much higher threshold for parking requirements than a light manufacturing building, which is what Mr. Beal had in mind. We will confirm the parking calculations.

Vice Chairperson Winkler – The concern would be that if you build the site with a parking lot similar to what that site plan shows, you might not have enough parking to support the medical building that you might ultimately build. Ultimately, if you decide to proceed in some shape or form, maybe with a new site plan, you'll have to keep in mind about sidewalks that currently don't exist, and then creating a safe crossing across that drive which is always a challenge.



Dr. Syed – Right.

Phillips – No questions for me.

Loskill – How many parking spaces are you looking to create?

Dr. Syed – I had originally thought to mirror my current one, so I was thinking about the same, 42-44 spots.

Loskill – Okay. I like Sam's idea of flipping the site so you can align your drives easier. It would make creating an access pathway between the two lots easier. I have no problem with this. I think there's enough screening on the Richardson Road side that you won't see it for the majority of the year.

Weber – I frequent that and I will respectfully disagree. I don't think there's virtually any screening between that property and Richardson Road. It's scraggly at best for most of the year. I struggle with it; for the rest of your neighbors having the entrance into that community of businesses just be a parking lot for 10 years. Joe, if you drive down the road, you can see right through.

Loskill – They're deciduous trees, absolutely.

Weber – I struggle with having a very prominent piece of property into that entire development be a parking lot for 10 years. If you were to build it this way, only putting asphalt down, I would expect you would probably have to tear up quite a bit of that to build a medical office building, to make sure the parking fit and it looked similar to the beautiful building you presently have.

Chairperson Parel – George, would there be a path in your eyes, whether or not it remains like this, or reoriented as Sam suggested, would there be a path to properly screen to get your approval? You're talking about Richardson Road, but you also mentioned Pioneer and this being a prominent piece.

Weber – I appreciate your candor, but if we're talking upwards of 10 years of just a parking lot, I struggle with that, even if it were screened. Even if you plant pine trees all the way down Richardson Road, you still have the whole view.

McKeever – Is it possible to find out what the requirement is for medical parking?

Dave Campbell – Yes, Mr. Winkler asked a very good questions so we were just looking at that. If you look at the approved plan where I keep zooming in, you'll see that they provided 3 spaces per 1000 square feet, and that's the standard for industrial research and laboratory uses. Medical office is 1 per 200, so that comes out to 5 per 1000. It's a more significant parking ratio for medical office. For Dr. Syed's case, if the intent is to have a medical office building there one day, you want to make sure you lay it out such that you have enough parking for the size of that medical office. You wouldn't want to shortchange yourself and your ability to build the medical office building you'll want to have. In other words, this ratio doesn't work for medical office.

Weber – Dave, if it's 5 per 1000, than for a 15,000 square foot building, it's 75 spots.

Dave Campbell – Yes.

McKeever – My concern is with the current building though. If we recalculated the needed parking for 6000 square feet of medical; there's only 37 spaces including a handicap space.

Dave Campbell – It would need to be a smaller medical building.

McKeever – The existing building.

Weber – How big is the total building?

Dr. Syed – 12,000 square feet.

Chairperson Parel – Thus the issue that we're having, 60 spaces.

Weber – Yes, 60 spaces so she is 18 short.

Chairperson Parel – It looks like it, but are we certain she's maxed out on the current property? She couldn't construct any more parking?

Dave Campbell – I don't see any opportunity to construct more parking, when you think about setbacks and drive aisles. The Montessori up the road has asked the same question, *Is there any way we can squeeze more parking in?* Obviously they have a big pond behind them, and I don't see where they can do that. Along this stretch of Richardson Road, I'm not sure where there is an opportunity to squeeze in any more parking on the existing sites, short of tearing down a building and starting over which I don't think anyone wants to do.

Chairperson Parel – No. But I think we need to go on the assumption that there will not be a building on this property. The request is for a parking lot for now, and if the time comes when she wants to build a building, she understands the requirements for medical as it relates to the parking ratio. The question to us is, would we approve a parking lot, and under what circumstances? George's opinion is that he would not approve that. I'm not saying I have a counter opinion, but one counter opinion could be an extensive amount of screening on Richardson Road and then screening into the park as well, to the point where if you reoriented the building to match the one across the road, it would completely block it. I think it's very awkward. Any other opinions?

Vice Chairperson Winkler – Thank you for staying in Commerce Township and thank you for growing.

Chairperson Parel – However, if we don't solve this problem for her, she might not stay here.

Karim – With the way the market is, it's going to stay empty for the next 10 years.

Chairperson Parel – I agree, unless you're looking at a parking lot. Personally, I would rather look at what's there versus a bunch of cars.

Loskill – We do what we can to help keep business in Commerce.

Chairperson Parel – I agree. Dave, do you see a path?

Dave Campbell – The only path is really enhancing the landscaping along Richardson and maybe to a lesser extent, along Pioneer. If Dr. Syed is willing to do that and if the majority of the Planning Commission can see that being a path of approval, then it would be a financial decision for the Dr. whether she wants to move forward. I think Mr. Weber has made his opinion known.

Chairperson Parel – I think that's our opinion that we throw back at you. I'm not hearing a lot of other opposition to doing it that way. I understand George has opposition. Would anyone else be opposed if she came back with a plan that included significant screening?

Loskill – I'm not opposed to it.

Phillips – I don't have an issue with that.

Chairperson Parel – Hopefully that gives you some direction, but you definitely have some things to think about, especially with the medical parking ratio.

Dave Campbell – You would want to lay out a parking lot that's going to work when the day comes that you want to build a building.

Dr. Syed – Right, that's why I was thinking imaging because it would be less.

Chairperson Parel – I'm guessing that would still fall under a medical parking requirement.

Dave Campbell – It does. You as a Planning Commission can, and sometimes do deviate from that. We don't want to put more impervious surface on planet Earth than we have to. So if there is an opportunity to deviate from that 5 per 1000 rule that usually applies to medical office, this Planning Commission often listens to legitimate cases to deviate.

Chairperson Parel – Agreed.

Dave Campbell – But, when it comes time to build a building, it might be a whole different group of people up here and they may not want to deviate the way this group does.

Chairperson Parel – Does this help you?

Dr. Syed – It does, and if I can do it sooner, I will.

Chairperson Parel – We understand, and we're not going to tie you to it because I don't think it's reasonable.

Dr. Syed – Thank you.

Weber – Thank you for being patient. I know you sat there for a long time.

**ITEM 13. TEXT AMENDMENT DISCUSSION:**

Article 33, Accessory Structures over 900 square feet

Dave Campbell – Mr. Weber set it up perfectly. This was a long meeting, and it would have been a little bit less long if we didn't have to take every gosh darn pole barn to the Planning Commission. With this amendment, I'm proposing that pole barn decisions would be made administratively, cooperatively by the Planning and Building Departments, rather than bringing them to the Planning Commission and requiring a public hearing, which adds a fair amount of time to the process. You're having to meet the 15-day noticing requirements and you're having to spend the petitioner's money to put a notice in the Oakland Press. Jay and I are confident that we could apply the same standards and criteria that you as a Planning Commission so capably apply.

**Commission Comments:**

Chairperson Parel – The public notice would still be noticed?

Dave Campbell – No, there would not be a public hearing.

Chairperson Parel – That portion kind of bothers me. From my perspective, there's a high probability that if somebody is trying to do a pole barn and they know their neighbors aren't going to approve of it, potentially in this scenario, they're going to sneak it in by coming to you or Jay.

McKeever – They're entitled to have it. We have some input as to what we'd like them to take into consideration.

Chairperson Parel – But we also take into consideration other people's opinions. We asked it tonight with the neighbors. A gentleman came to us and told us that he has talked to his neighbors and they've all approved it, but we've also had scenarios where people come in with questions or opposition.

Dave Campbell – We did do a little bit of research going back 10 years. We've had 12 requests for oversized accessory structures in 10 years, and the vast majority have generated no public comments in opposition. There were questions, and more so support that they wanted to see their neighbor get their pole barn, because they helped plow their driveway or whatever. Based on 10 years worth of data, there has not been an overwhelming outcome of people coming to these meetings and telling you that they are very concerned or opposed.

Chairperson Parel – And I'm not saying I'm opposed to it, I'm just saying to consider that.

Dave Campbell – Believe me, I very much want the neighbors to have that opportunity to express any concerns they may have. But there is also part of me that says, keep in mind, there is a 2-acre minimum. If you are less than 2 acres, this is a moot point. You cannot have an oversized accessory structure unless you meet the minimum 2 acres. I think there is a reasonable expectation that if you live in an area of Commerce Township comprised of properties that are 2 acres or greater, you have a reasonable expectation that you live in more of a rural environment and that people are going to have things like pole barns. I'm all for protecting folks on half-acre lots from somebody building a huge accessory structure, but that's a non-starter the way our Zoning Ordinance currently reads and will continue to read.

Jay James – If I could add a couple things to what Dave was saying. I think you would all agree that it seems today, people have way more toys than they used to have, and way more things that go in their garages. Personally, I don't think a 900 square foot garage is big enough in today's standards. I would love for us to increase that on its own. We're seeing a lot more coming in now, or it seems like it in the last year, we've had multiple.

Dave Campbell – Everybody bought boats and RV's during COVID.

Jay James – Yes, exactly. And you probably know this, but the people that do come in wanting these, we're already asking them the same questions you do. Do you really need to put it this close to the lot to your north? Can it go further away? Can we do some screening? Can you make it look more like the house? That's already gone through us.

Chairperson Parel - I don't doubt it. I think it's probably the right thing to do. I'm just a little bit on the fence because I think it takes away an opportunity for adjacent neighbors to speak up prior. They may not know about it. It's something to think about. Again, I'm one person.

Vice Chairperson Winkler – I'm in general agreement with what's being proposed. Maybe there is some kind of clause in the Zoning Ordinance that gives the Planning and Building Departments the discretion to bring something in front of the Planning Commission if they feel it's worthy and needs our input.

Dave Campbell – Frankly I like that idea and I think it gives us some leverage too. We can say, you really need to plant these trees. If you're not willing to do that, then we can take it to the Planning Commission to see what they say. By the way, that takes another 90 days because we have to publish a public hearing notice. Maybe not 90 days.

Chairperson Parel – I think that's a good suggestion.

Weber – I had the same concern Brian did. Are we removing an opportunity for the neighbors to have an opinion on what's going in right next to their existing house? At the same time, 10 years of data says it hasn't been an issue. Obviously significant confidence with the three of you sitting there, but in X number of years from now, you aren't sitting there anymore, and are we going to have that same level of confidence to the diligence of the process? If the applicant is wanting to do

something that you have concerns over, and you want to bring it to us, then the public hearing option is back on the table?

Dave Campbell – Yes, that's possible. And again, it gives us a better opportunity to leverage improvements to the structure, to the benefit and protection of the neighbors. If they're not agreeable, then they have to wait to come to the Planning Commission.

Weber – Would you have anything in the process, if we make this basically administrative approval, that you would want to have some kind of notification or a statement saying, *Each of my surrounding property owners have seen this and are fine with it?*

Dave Campbell – We've talked about that. Maybe we can look into it more. I suppose we maybe apply the same 300-foot rule that we currently apply, or that the State of Michigan applies to public hearing notices. A letter goes to everyone within 300-feet.

Weber – I'm saying, rather than us sending a letter, do you require the applicant to have something akin to an affidavit from those people that are within 300-feet? I'd be fine with just the adjoining property owners that said they're okay with it.

Chairperson Parel – What if we notified them that there is potential for this, and they can come see the Planning or Building Department?

Dave Campbell – I'm not opposed to that either. It's something of a hybrid option.

Weber – But something simple to administer.

Dave Campbell – Yes, I think if you ask the petitioner to do it, you're putting them on the honor system and maybe that's not always the way to go.

Chairperson Parel – We know which properties they are. Let's just send a letter.

Jay James – We can do that.

Paula Lankford – Yes.

Dave Campbell – Okay.

Chairperson Parel – I don't want to get off queue, but you had a comment.

Unidentified Resident – I was just going to say, make the property owner who wants to do it communicate with the adjacent and get their approval. If he gets unanimous approval, then it goes through right there. If he doesn't, then it comes to the Planning Commission.

Weber – The issue is if he forges somebody's signature, then what happens?

McKeever – One thing to keep in mind is, the neighboring property owners don't necessarily have a say in it. They can give their opinion, but if it meets the ordinance,

it's no different than somebody coming in with an addition on their house. If it meets all of the ordinances as written, then it doesn't come before us.

Chairperson Parel – In my opinion, it prevents somebody from waking up one morning and seeing a pole barn going up in their backyard that they didn't know about.

McKeever – It's not their backyard. It's a 2-acre site. I don't have any issue with it, and it's because of the size of the site. With somebody overseeing placement of it, I'm not concerned that somebody is going to wake up and find a pole barn in their backyard. I just think we're being too restrictive on property owners' rights, and allowing too many people to have a say in what you can do with your property. Sometimes we have to ease up on that.

Chairperson Parel – I would just like the adjacent property owners to know about it. If they have a request or an issue, they can have a conversation about it. If it has to come to us, it can.

Jay James – Or maybe a letter that we just send to the adjacent property owners that says, *There is a proposed plan for a 1200 square foot pole barn. If you'd like to present any concerns or comments, please submit them to the Planning Department...*

Chairperson Parel – And we're still doing what you're proposing which is getting rid of a lot of red tape for these folks. They don't have to do a public hearing or wait 90 days.

Dave Campbell – And you won't have pole barns at the top of an agenda and a \$65 million development that has to sit here and wait.

Chairperson Parel – I think this is a good compromise.

Dave Campbell – My hope is that we will have a public hearing on this amendment in July.

Chairperson Parel – Another public hearing?

Dave Campbell – Well, we're amending the zoning ordinance.

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

Chairperson Parel – I have a note here to talk about the Open House on June 26<sup>th</sup>.

Weber – We talked about having visibility of what is going to be presented to the residents.

Chairperson Parel – I know Giffels took our feedback earlier and they will put together a good plan, but George and I thought it may be wise to have a touchpoint with a small group prior to that meeting to prepare for the 26<sup>th</sup>.

Dave Campbell – Okay.

Discussion continued regarding the process for the Master Plan Open House.

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

- **NOTE: JUNE 26, 2023, 4:30pm to 6:30pm Master Plan Open House**
- **NEXT REGULAR MEETING DATE: MONDAY, JULY 10, 2023 AT 7:00pm.**
- Winkler will not be in attendance for the July and August meetings.
- Loskill will not be in attendance at the June 26<sup>th</sup> meeting.
- Dave discussed the following with the Commissioners:
  - The July 10<sup>th</sup> meeting will not have a 5:30 workshop before the regular 7:00pm meeting.
  - The Township Board has asked the Planning Commission to be part of a joint meeting at their quarterly discussion session on Tuesday, July 25<sup>th</sup>. The time of this meeting will be confirmed via email. The Board would like an update on where the Planning Commission is with the update to the Master Plan. They also want to discuss the potential tree ordinance.

Chairperson Parel noted that he would not be in attendance on July 25<sup>th</sup>. He also asked Dave to investigate other communities that have tree ordinances. Discussion continued regarding details of, and concerns about, the potential tree ordinance.

- Dave added the following regarding potential items on the July 10<sup>th</sup> agenda:
  - We may see the 6<sup>th</sup> Amendment to the Commerce Towne Place condominium master deed, which is something of a formality.
  - We hope Home Depot will be in front of us for their outdoor storage. Between them and Lowe's, the Township Supervisor and the Code Enforcement team are trying to get a handle on the outdoor storage, sales and displays.
  - The 5 & Main PUD amendments.
  - This pole barn amendment.

### **L: ADJOURNMENT**

**MOTION** by Loskill, supported by Phillips, to adjourn the meeting at 9:53pm.

**MOTION CARRIED UNANIMOUSLY**

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Joe Loskill, Secretary