

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

Monday, April 8, 2024
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
 Brady Phillips
Absent: Sam Karim (excused)
Also Present: Dave Campbell, Township Planning Director
 Paula Lankford, Senior Planner

B. APPROVAL OF AGENDA

MOTION by Loskill, supported by Phillips, to approve the Planning Commission Regular Meeting Agenda of April 8, 2024.

MOTION CARRIED UNANIMOUSLY

C. APPROVAL OF MINUTES

MOTION by Winkler, supported by Loskill, to approve the Planning Commission Regular Meeting Minutes of March 4, 2023, as written.

MOTION CARRIED UNANIMOUSLY

D. UPDATE OF ACTIVITIES

Brian Winkler – Downtown Development Authority

- The following is a summary of our March 19, 2024, DDA meeting.
- Five & Main Update and Closing Request Extension:
 - Parcel B1-Phase 1: Bruce Aikens updated the Board on the status of the project. A 60-day extension was granted, until May 24th, to close on the 0.44-acre parcel. Continental needs that half acre parcel for their development of the Five & Main residential component. In addition, infrastructure costs for the sanitary sewer lead from the Haggerty Road pump station came in significantly over budget, and value engineering efforts to bring this cost down have been initiated.
 - Dort Credit Union is interested in an outlot that is part of the Five & Main development that is located just west of parcel M along Pontiac Trail, next to the Walmart drive.
- Insite Commercial Report: Parcel J1; 2.38 acres at the corner of Oakley Park and Haggerty: A previously issued Letter of Intent and Purchase Agreement for the parcel was terminated by the DDA due to buyer timelines and performance. Another group has expressed interest in the property.
- Attorney’s Report: The RCOC has requested a temporary construction easement for the repairs to a culvert located at Glengary Road and South Commerce Road. No action was taken.

- Director's Report: LaFontaine Auto Group has received engineering approval for the dealerships at Pontiac Trail and Haggerty. They have submitted plans for building permits. Work has begun at the old Dick Morris Chevrolet site as well.
- Committee Reports: Public Relations: Dates are being finalized near the end of May for the annual WLCSD K-12 Art Exhibition at the Library.

Chairperson Parel – Thank you, Brian. Dave, Brian made a comment about the Dick Morris renovations. I knew it was going to be a service center, but it's also going to be a used car lot?

Dave Campbell – Yes, pre-owned sales. They're putting a new face on the existing building. That new face is intended to match the façade of the Genesis dealer building that they're going to build to the north on the corner. I have my own update on that one. We had a Zoom meeting with the LaFontaine folks last week. Once they get into the Dick Morris building, which I think they hope to do by summertime of this year, part of their intent is that it will actually be their temporary dealership for Genesis, because Genesis is eager to get their foot in the market. They will be selling new Genesis out of there for about a year until their new building is completed, then they will shift all operations.

Chairperson Parel – I know we have some stringent rules on how they can present cars and offer them by the road or in front, but we have that on the main parcel.

Dave Campbell – Yes, we spent a lot of time talking about parking on the grass and big inflatable gorillas.

Chairperson Parel – Do we have any of that at the Dick Morris site?

Dave Campbell – The same standards would apply. We always joke about the inflatable gorillas – those are not allowed per our sign regulations. Temporary signage, streamers, banners, et cetera, that we associate with used car sales are not permitted. And, that's not their intent there. They want the Dick Morris property to function in conjunction with the new dealership right up the road. They want it to have the same level of classiness.

Chairperson Parel – In my eyes, anything they do there will be an improvement.

Dave Campbell – I don't disagree. The Dick Morris site sat unused for way too long and it definitely needs some TLC.

Chairperson Parel – And to switch over to Five & Main. It seems to me that a lot of the property is getting pieced together and coming through slowly. We talked about the residential component. Brian mentioned that Continental is coming, and I think there is some retail just south of that which was part of the infrastructure plan. Now, there's another parcel that looks like it may be a credit union. Are we hearing anything more significant?

Dave Campbell – I could tell you a very long story if you wanted. We have had meetings with the group that is doing the residential component of Five & Main; myself, the

Township Engineer, the Building Official. The reason we've had these meetings over the last couple of weeks is because their infrastructure costs came back well higher than anticipated. Mr. Winkler mentioned value engineering, which is what we're working on. We're trying to find any ways to save them costs on a very deep sewer main that they have to put in the ground, and also a big water main loop.

They might be asking Mr. Weber and the Trustees for some creative financing options through a special assessment district, SAD, for their infrastructure costs, which would be paid back through their taxes over the next ten years. They have not formally asked for that yet, but it is one of the tools in the toolbox.

It's like a lot of projects – we get them approved at this level, and then folks go out and get their costs. With interest rates now, and material costs, labor costs, transportation and everything else, everybody is getting some real sticker shock when they go to actually build their projects. The residential component of the Five & Main project is unfortunately no different.

Chairperson Parel – As far as other tenancy, commercially?

Dave Campbell – Mr. Winkler mentioned Dort Credit Union. I think they may have jumped the gun a little bit. They were asking for the timeline for site plan approval on one of the Five & Main outlots. It is an outlot that legally does not exist yet. It will be a condominium unit within Five & Main, and the Five & Main condo has not been recorded yet. That is by design. They would be dependent upon the infrastructure I just talked about, including the water, sewer and road network, none of which exists yet. So, when Dort called and asked how long it would take to get site plan approval, we explained that it's not really a question of how long it would take to get site plan approval. It's a question of when will you have water, sewer and roads. Those are questions we're still trying to figure out with the developer.

Chairperson Parel – Thank you.

George Weber – Township Board of Trustees

- The last meeting was on March 12th. A couple of notes for the Commission.
- We renewed our agreement with the High Intensity Drug Trafficking Area, HIDTA, which is an agreement we have with many of our surrounding communities in Southeast Michigan where we pool funds to fund a group of detectives dedicated to drug trafficking. So it's not as much where we see this group arresting folks in Commerce; it's the work they're doing to keep the drugs out of Commerce, whether it's from the city or from across the bridge in Canada. That is in place for another 12 months.
- We renewed our agreement for the Sheriff's Office for dispatch, which came with a substantial price tag over last year. That is not just for the Sheriff's Department, but also for our Fire & Emergency services, which are up from 5 years ago by roughly 1,000 calls per year. As the Township and traffic has grown, so has the need for emergency services.
- We agreed to fund a road intersection study for nine of the most painful intersections in Commerce Township to understand what our options might be to improve that, including better traffic lights, roundabouts, et cetera. We will have that study completed probably within the next several months.

Dave Campbell – Many of you may have noticed work going on at the intersection of Martin and Richardson. That is the RCOC putting in the foundations for the mast arms for a new traffic signal at that intersection. That is relevant because it will be a smart traffic signal and it will be coordinated from a timing standpoint with the signal at Richardson and Union, and at Richardson and Haggerty. So, now all of those lights will be able to talk to each other and adjust their signal timing to try to move traffic through there as efficiently as possible. Obviously, that's one of our biggest traffic snarls, through the Martin to Richardson to Union Lake corridor. By having a smart signal there, in conjunction with the two existing smart signals, hopefully we will see some improvement with the traffic moving through there.

Bill McKeever – Zoning Board of Appeals

- No update.

Jay James – Building Department

Dave Campbell noted that Jay had submitted his monthly summary as he was unable to attend the meeting.

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

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

David Beal, 4184 Pioneer Drive, Commerce Township – I wanted to take a couple minutes to talk about Item I3, the parking lot on Pioneer Drive. As a board member for our HOA, a parking lot is not in our bylaws without a building. I actually used to own that lot. The lady I sold it to, I explained that to them, because she said she wanted to put in a parking lot. I wanted to sell the land, but I didn't want to dupe somebody, especially someone who is going to be my neighbor.

A week or two later, they reached out to me again. She said she wanted to put in a medical imaging center. She was a physician. I said that's fine. If you want to buy it, buy it, but a parking lot is not going to work. I'm very saddened to hear that it has even made it this far for just putting in a parking lot. We submitted a letter to the Planning Director, and I hope you have that, or it's going to be read into the record.

Weber – We received it.

David Beal – It's very troubling on a couple points. I was here just a few years ago, before some of these members I recognize, trying to put in a building. I came back multiple times because they did not accept the building we proposed. I even walked through the property and the neighborhood with George, with the Planning Director, and they were showing me these beautiful architectural features on these buildings. They said, Dave, you need to do something special here. It's the corner lot. This is the lot that people see going up and down Richardson. We want heavy landscaping and architectural features.

I proposed a beautiful building that was 15,000 square feet as an investment. By the time I was able to meet your requirements, the numbers just didn't work and there was no value engineering when I tried to do this. I explained to them, it just doesn't work. It's

not that I'm bitter or sore that I didn't build that building, because everything happens for a reason. With COVID, it might have been a blessing in disguise. However, it's still extremely a problem for the board because our bylaws have requirements, and our bylaws were not respected when 84 Lumber moved in. There were a number of problems even before they moved in, and with the boat place that moved in.

Our bylaws require brick on the front of the buildings. Every single building has been in conformance with our bylaws, except 84 Lumber, and this. One of the reasons I have a problem with this parking lot is because we already have a parking lot in our suite, and that has been an issue that we've spent years trying to resolve. It was an eyesore and there were just vehicles coming and going. It wasn't used the right way, and finally we got that under control.

Now my concern is, if she puts in a parking lot, then they're going to be putting one in and we just finally got it straightened out with Lot #7. It was 5-6 years that they were just using that as a storage facility. I used to own that lot also, but the person I sold it to sold it again. It's a concern. It doesn't seem right and it doesn't seem fair. I just want to bring that to your attention. Whatever it is, I'm at peace. I've done everything that I can do on my end.

Our roads are falling apart, like I said, with 84 Lumber. If you ever come by there at 6:00am, there's nothing but trucks over there. Their parking lot is filled with cars. They're parking on the grass and curbs. There's not adequate parking over there. It's great that business is thriving for them, but all of these concerns I've had fell on deaf ears.

I've been in the community for 35 years, and I've only been here twice. Hopefully that expresses my concern on this matter. I am speaking on behalf of the entire board. The other members could not be here today. Mike Huntsman is out of town. I told him that I would come on our behalf, and we also sent you the letter.

We are requesting that if she is going to put in a medical facility at some point, put it in now. Don't put in part of a parking lot. If it's a parking lot, how are they going to landscape it? Are they going to put water in there, and irrigation and electricity? It just seems like it's half of a job. The requirements I remember for TLM were so stringent that I just can't believe somebody could just put in a parking lot. Thank you for your time.

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

F. TABLED ITEMS

None.

G. OLD BUSINESS

None.

H. SCHEDULED PUBLIC HEARINGS

ITEM H1. PZ24-01 – 8168 MARIO REZONING (NICHOLAS GREEN) – PUBLIC HEARING

Nicholas Green of Rochester MI is requesting a rezoning of a parcel of land consisting of 0.46 acres from O (Office) within the ULR (Union Lake Road) Overlay to R-1D (One Family Residential) within the ULR located at 8168 Mario Drive.

PIN#: 17-01-426-011

Dave Campbell gave a brief review of the Planning Department's report.

Nicholas Green, Architect, 1111 Ridgeway Drive, Rochester, MI, was present to address the request.

Nicholas Green – For several years now, I have been looking for a piece of property to build a house of my own design. I finally found this one here at Mario and it's a really nice lot. I'm really hoping that we can get it to residential and I can proceed with my intended design. I did submit a very preliminary document to the Planning Department.

Dave Campbell – The house plan, yes. That went into the Planning Commission's packet.

Weber – Yes, we got it.

Dave Campbell – That's where I mentioned the Conditional Rezoning. It's not necessarily guaranteed that that's the house you would build, but it certainly shows your intent and that you're committed enough to come up with a plan.

Commission Comments:

Vice Chairperson Winkler – I have no issues with what's being proposed as far as the rezoning of the property.

Phillips – No comments or concerns.

Loskill – Same, no comments or concerns.

Weber – I think it makes sense. I know you want to build the house. Are you planning on living in the house?

Nicholas Green – Yes.

Weber – I'm fine with it. I think it's less intrusive and less intensity for the rest of the residential area by doing this.

McKeever – No issues.

Chairperson Parel – Dave, you pointed out that ... it sounds like there's not much of a risk, but the possibility that the parcel could one day be developed into a small church or school. I just want to think about that. We don't have any concerns there?

Dave Campbell – The same could be said of any of those orange lots that you see in the Peninsular Park subdivision to the east, and you have those yellow lots that you see to the west. With single-family zoning, obviously the primary use is single-family, but there are other uses. I mentioned schools, churches, parks, municipal facilities; all are uses that are allowed in single-family. I don't think that's any more likely here than anywhere on the other lots, but I had to mention it.

Chairperson Parel – From my perspective, I support anything that makes sense and does not increase traffic intensity on Union Lake Road.

Chairperson Parel opened the public hearing.

No comments.

Chairperson Parel closed the public hearing.

MOTION by Loskill, supported by Weber, to **recommend approval**, to the Commerce Township Board of Trustees, of Item PZ24-01, 8168 Mario Rezoning, the request by Nicholas Green of Rochester MI for a rezoning of a parcel of land consisting of 0.46 acres from O (Office) within the ULR (Union Lake Road) Overlay to R-1D (One Family Residential) within the ULR located at 8168 Mario Drive.

PIN#: 17-01-426-011

Move to recommend the Township Board approve PZ#24-01, a petition by Nicholas Green to amend the Township's Zoning Map for a parcel at 8168 Mario Drive from O (Office) within the Union Lake Overlay to R-1D (One-Family Neighborhood Residential) within the Union Lake Overlay.

The Planning Commission's recommendation is based on a finding that the proposed rezoning meets the criteria for a Zoning Map amendment contained within Article 3 of the Zoning Ordinance, that the proposed zoning is consistent with the Future Land Use Map within the Township's Master Plan, and that the appropriate land uses for the subject property are those permitted within the R-1D zoning district.

MOTION CARRIED UNANIMOUSLY

>>Items H2. and I1. would be heard concurrently, with separate motions to be made for each item.

ITEM H2. PSU24-02 – TACO BELL – SPECIAL LAND USE (DRIVE-THROUGH) – PUBLIC HEARING

Black River Bells of Brighton MI is requesting approval for a Special Land Use in the B-2 (Community Business) zoning district for a drive-through restaurant (Taco Bell) at 3260 N. Pontiac Trail. PIN#'s: 17-24-476-019, 17-24-476-021, & 17-24-476-023

I. NEW BUSINESS

ITEM I1. PSP24-02 – TACO BELL

Black River Bells of Brighton MI is requesting site plan approval to construct a new drive-through restaurant (Taco Bell) located at 3260 N. Pontiac Trail.

PIN#'s: 17-24-476-019, 17-24-476-021, & 17-24-476-023

Dave Campbell gave a review of the Planning Department's report, including details regarding the traffic studies and the new traffic signal planned at Walnut Lake and Pontiac Trail. Any motion to approve by the Planning Commission would be conditional upon the RCOC concurrence with the findings of the traffic study.

He reviewed the building materials, elevations, parking spaces, sidewalk network connections, and lighting. He also discussed consideration of traffic circulation in relation to peak hours for the drive-through.

Leslie Accardo, PEA Group, 1849 Pond Run, Auburn Hills, MI, was present to address the request. She delivered a PowerPoint presentation.

Leslie Accardo – Thank you for the opportunity to be here and for your time, and also to Dave and Paula, for all of the hard work they've done to get us to this point today. This Taco Bell would be a franchise by what's called Team Lyders. They do have 180 locations, primarily in Michigan, but also in 5 other states. Taco Bell does have some foundational beliefs. For any young kid who is looking for their first job, it's often at a Taco Bell. They are very good about hiring young talent and being very inclusive. They spend a lot of time investing in their employees, whether that's in scholarship programs or helping with GED's. They're very involved in their community. This is a typical floor plan with a small dining room area. This may or may not be exactly what it looks like, but it would be fresh and new. I'll skip over signage, although it sounds like a big, inflatable taco probably won't fly. This is the existing site. There are a couple of rental properties. They're obviously not looking too great, so I think this will be a nice addition to this area. I'll skip over the Special Land Use items. That's really about it and I thank you for your time this evening.

Chairperson Parel – I have one question. Could you tell us how the footprint of a Taco Bell differs today from what it was 5 years ago?

Leslie Accardo – I don't know that it does a whole lot. They've never had huge dining rooms, but I think there's a lot more drive-through traffic than we would typically have in the past.

Commission Comments:

McKeever – I have no questions.

Weber – No questions. I appreciate the deck you put together. It answered all of my questions already.

Loskill – No issues or questions.

Vice Chairperson Winkler – I did not read the traffic study in detail, but the findings in the study are reflecting what the conditions are as far as traffic is today. The concern I have is 3-4 years from now when Five & Main is fully developed and the traffic impact arrives. The left turn out of this site might become problematic, given the increase in traffic, even though the new signal will slow down traffic. It's kind of a question for Dave. If we see that left turn become a problem 3-4 years down the road, would the Township have any recourse to correct that, or rescind the ability to make a left turn?

Dave Campbell – I think it would be challenging to do so. I think we would have to build a very strong case and show that there's a real public safety concern to be addressed. I would mention that the traffic study does take into account the Five & Main traffic. Our traffic engineer did the Five & Main traffic study, and they took all the data from that study and rolled it into this. They also take into account future anticipated regional traffic growth at about 2.5% every year. The study is meant to take into account regional and site specific traffic.

I'll also mention that the Five & Main traffic study was done about 7 years ago now, and the project had more retail and commercial space, along with more apartments anticipated at that time.

Vice Chairperson Winkler – It was pre-pandemic at that time too.

Dave Campbell – It was, so you could argue that the traffic study done for Five & Main, that has been rolled into the Taco Bell traffic study, probably over estimates the traffic that is going to be generated by Five & Main, because it was bigger in terms of commercial and it was anticipating 300 residential units, whereas now they're proposing 284 units. I understand the traffic concerns and trying to anticipate what the future might hold, but that is what the traffic engineers do is to take into account future traffic volumes.

Vice Chairperson Winkler – Thank you, David.

Chairperson Parel opened the public hearing.

No comments.

Chairperson Parel closed the public hearing.

Dave Campbell – In the context of a traffic discussion, one of the things that the traffic study also found was that they would have to put in a right-turn deceleration taper at their driveway, along eastbound Pontiac Trail. If we get to the point of the Planning Commission approving the site plan, that is a condition that should be included as it was found to be warranted by the traffic study.

Chairperson Parel – Is that in the proposed language?

Dave Campbell – Paula says it is.

Chairperson Parel – In regard to the nonmotorized sidewalks, you put a note in here that I thought was relevant. It says:

When combined with the forthcoming sidewalk along the frontages of Lafontaine's re-use of the former Dick Morris Chevrolet property, the Township is getting close to having a loop around the triangular block bounded by Haggerty, Pontiac Trail, and Walnut Lake Roads. ... This would hopefully be part of larger regional loops connecting the Commerce Towne Place development to the M-5 Metro Trail and the Michigan Airline Trail.

Chairperson Parel – I think it's important to note that we are piecing this together. Sometimes when we do a few hundred feet of concrete for a pathway, it's hard to imagine that it's actually doing good, but then it starts coming together.

Dave Campbell – We talk about it a lot, that we require sidewalks with most of our new site plans. We wish we had been better about it 30-40 years ago.

Chairperson Parel – And I know I've mentioned it, but this section of the Haggerty Corridor has been a lot of hard work by your department. We've put a lot of hours into it as well. I think it's really getting cleaned up. I'm proud of the work that we're doing; looking at this project, and obviously the two LaFontaine buildings, and Dick Morris which is a disaster right now, and hopefully we soon have a resolution with the boat place up the street, the old Commerce Grill is under construction. That area is really getting cleaned up.

Dave Campbell – I think LaFontaine putting new life into Dick Morris is going to make a big difference. It's a prominent corner.

MOTION by Phillips, supported by Loskill, that the Planning Commission **approves, with conditions**, Item PSU24-02, Taco Bell – Special Land Use (Drive-Through), the request by Black River Bells of Brighton MI for approval of a Special Land Use in the B-2 (Community Business) zoning district for a drive-through restaurant (Taco Bell) at 3260 N. Pontiac Trail. PIN#'s: 17-24-476-019, 17-24-476-021, & 17-24-476-023
Move to approve PSU #24-02, a special land use for Taco Bell at 3260 N. Pontiac Trail within the B-2 (Community Business) zoning district. Special land use approval is based on a finding that the applicant has demonstrated to the satisfaction of the Planning Commission that the proposed use complies with the special land use criteria of Section 34.08 of the Zoning Ordinance, as well as the Use Standards for a drive-through restaurant of Sec. 26.304.

Special land use approval is based on the following conditions:

1. Approval of a corresponding site plan by the Planning Commission;
2. RCOG acceptance of the findings of the traffic study and its gap analysis which concluded that no turn restrictions for the Taco Bell driveway are warranted; and
3. A revised plan to include the addition of an eastbound right-turn deceleration taper meeting RCOG specifications at Taco Bell's proposed driveway.

MOTION CARRIED UNANIMOUSLY

Chairperson Parel – Is there anything else we need to speak on before we make a motion on the site plan?

Dave Campbell – Maybe I'll look to Leslie again. Do you have any thoughts on rooftop mechanical equipment and wall-mounted mechanical equipment and how well those are going to be screened? Typically, for rooftop equipment, there is a parapet, and you try to center it in the center of the building so folks don't see the equipment on the roof. Is that the intent?

Leslie Accardo – Yes.

Dave Campbell – Okay. Then on the back of the building, based on the landscape plan, it looks like the gas and electric meters will be pretty well screened by some evergreen plantings.

Chairperson Parel – Are there any other questions on the site plan from the Commissioners?

Discussion took place regarding the landscaping plan which did not get attached to the packet the first time.

Chairperson Parel – Dave, do you want to pull up the site plan real quick?

Dave Campbell – Sure, and I'll pull up the landscape plan too.

Weber – I think you got with Giffels on adding X amount more vegetation.

Leslie Accardo – Yes, that's not a problem.

Chairperson Parel – And no issues with the parking going down to 20 spaces?

Dave Campbell – No issues from the Township as they meet the minimum parking standards. Taco Bell at a corporate level requires a lot more parking than what the Township requires. I mentioned earlier that they had to fit in the detention pond. It's also worth mentioning too that on the preliminary submittals, the Fire Marshal was concerned about the clearance circulating around the Taco Bell and that the aisle widths were too narrow for the Fire Department to get their big truck around it. That's actually part of why they eliminated some spaces along the east side.

Loskill – Is that a dry pond or a wet pond?

Leslie Accardo – It's meant to be a dry pond.

MOTION by Weber, supported by Loskill, that the Planning Commission **approves, with conditions,** Item PSP24-02, Taco Bell, the request by Black River Bells of Brighton MI for site plan approval to construct a new drive-through restaurant (Taco Bell) located at 3260 N. Pontiac Trail.

PIN#'s: 17-24-476-019, 17-24-476-021, & 17-24-476-023

Move to approve Site Plan #PSP24-02, a new 2,046 sq ft Taco Bell drive-through restaurant to be developed on a 0.94-acre parcel at 3260 N. Pontiac Trail. Approval is based on a finding by the Planning Commission that the site plan complies with the applicable standards of the Township Zoning Ordinance, the screening for the utilities/electrical panels/transformer is screened adequately, and that the proposed 20 on-site parking spaces are adequate to support the use.

Site plan approval is subject to the following conditions:

1. Review and approval of engineered construction plans by the Township Engineer, Fire Marshal, and Building Department;
2. Any new signs to be reviewed and approved under a separate Sign Permit by the Building Department subject to the requirements of Article 30 of the Zoning Ordinance;
3. A revised site plan to be submitted and administratively approved to include:
 - a. A revised landscape plan to satisfy the comments of the Township's Landscape Architect;
 - b. An RCOC-standard eastbound right-turn taper consistent with the recommendations/conclusions of the traffic impact study;
 - c. Confirmation that rooftop mechanical equipment will be screened;

4. Any wall-mounted exterior lighting to be administratively approved by the Planning Department and consistent with the downward directed, full cutoff standards of Article 31 of the Zoning Ordinance;
5. Confirmation by the Township Attorney of all necessary easements, cross-access, and/or maintenance agreements to ensure Taco Bell and its neighbors peacefully share driveways, drive aisles, parking areas, and smiles;
6. A land combination application to be reviewed and approved administratively subject to the application procedures of Commerce Township, Oakland County, and the State of Michigan to combine the three subject properties.

MOTION CARRIED UNANIMOUSLY

ITEM I2. PSP24-03 – CHASE BANK

The Architects Partnership of Chicago IL, representing Chase Bank, is requesting site plan approval to construct a new bank branch that will be located on a newly-created outlot within the Meijer gas station parking lot at the northwest corner of Haggerty and Crumb Roads. PIN# pt. of 17-25-426-017, new PIN# TBD

Chairperson Parel – This is an outlot in front of Meijer. Dave, I think a few of us have seen preliminary plans on this. Would you bring us up to speed? My recollection is that there were some questions on whether or not the building itself could be reoriented.

Dave Campbell – We did have those discussions preliminarily in the process. We can certainly talk about that tonight.

Dave Campbell gave a review of the Planning Department's report. The sidewalk exists across the Meijer frontage, which went in when Jiffy Lube was constructed. There would not be a drive-through component, however there would be a drive-up ATM which is permitted without Special Land Use approval. Tree removals were discussed, and Chase would argue that the landscaping that they are replacing is more than sufficient to make up for the trees proposed to be removed. In addition, they're planning extensive shrubs and grasses around the perimeter of the parking lot and building.

Dave reviewed elevations, building materials, and the building orientation. There was a question in early conversations about whether the building could be pivoted to move the more prominent face of the building toward the main entrance on Haggerty Road. The Chase design team will speak to that specifically. It came down to their deal with Meijer and the dimensions of the site, adjacent to the Meijer gas station.

Dave noted that according to Township standards, the site is overparked and alternatives were discussed with Chase, including land banking. He also reviewed the dumpster enclosure for this prominent site.

Faith Constance of JPMorgan Chase Bank, Transaction Manager for new sites in Michigan, was present to address the request, along with Kaleb Sondgerath, Project Engineer, Kimley-Horn & Associates, 1000 Towne Center, Ste 1900, Southfield, MI.

Faith Constance – Thank you for having us. I know we've had a couple of iterations of this prior, but Dave did a great job of summarizing our plan. Our main objective is to get a new site. We think it's a customer need along Haggerty. This is a pretty standard new build for us for what we're doing across the country. We're trying to build 500 of these in the next couple of years.

This is as close as we can get to a standard location at this site. As Dave mentioned, there are some limitations with what we could do with the Meijer spot. We tried to reorient so that the main entrance is facing the east elevation, but really, it doesn't fit on the circulation of the site because we only have that access off the back. In working with Meijer, we weren't allowed to tap into their gas station to create that full circulation. So the orientation of the building doesn't fit on the site that way to still have the full circulation around the building, with all of the parking in front. We had preliminary back and forth.

Dave Campbell – By the way, Faith, you gave us a 6-page presentation, which is what we have up on the screen. I can give you the remote to advance through the slides.

Faith Constance – Thank you. If you were to orient the 4,000 square foot building rotated 90 degrees clockwise, the building itself would be blocking that main driveway for an entrance to the Meijer access drive off the back.

Weber – Help explain that to me, when you say it will block it off. I'm still struggling with why it won't fit, because it appears it would, unless the objective is that your parking all has to be in front of the main door. It still looks like it fits.

Faith Constance – If we reoriented the building, we would also want to reorient the parking.

Weber – Understood.

Faith Constance – So essentially, it would be flipping the whole plan 90 degrees, so that we would still have what we call convenient customer parking spaces within 75 feet of the main entrance.

Weber – What's being blocked? When you say the main drive is being blocked, I don't know what you mean by that.

Faith Constance – We're coming out to here, and we have to keep this side essentially inline where it is, because there is an elevation change here. We're already putting in a retaining wall and working with some of that, so we can't really move much more of the building to the south. If you were to rotate it, if you estimate it comes out to here, we don't really have enough room to go around and have all of the parking in front, and still have the circulation for the ATM. I think that some preliminary designs were sent to us trying to do it that way.

Weber – So you're saying the building fits, you can drive around, but the concern you have is that some of that parking in the front would have to be moved someplace else.

Faith Constance – Correct.

Weber – So the building does work and you have enough to drive through, it's just an issue that approximately 12 parking spaces, maybe less, would have to be moved to presently to the north side and maybe not be within 75 feet of the front door.

Faith Constance – Correct.

Weber – So that is the stake in the ground, that parking has to be within 75 feet.

Faith Constance – Yes.

Weber – What if we don't agree with that?

Dave Campbell – I don't know if this factored into the orientation of the building necessarily, but it is worth mentioning that the Fire Marshal had some concerns about circulation. Chase was agreeable to widening their circulation aisles to account for our largest fire apparatus. I'm not sure if that factors into the building rotation question, but it did factor into how they oriented the building and provided circulation around it.

Kaleb Sondgerath – David, I don't know if you have it available, but we did do some schematic site plans where we tried to rotate it. In addition to trying to accommodate the parking, I know another issue is that there is a lot of grade change from the south side to the north. Pushing that drive to still have that circulation that we would need no matter what, that really drives that up and could cause an issue with trying to match grade. We can't really move the drive access location from where it's at because we don't want to move it further south. And, we're not allowed to have any circulation that gets into the Meijer fuel station. That was an agreement of having that barrier and separation. I know in talking with Dave, Matt in our office had previously done some different orientations trying to get that north and south, and it was difficult even if we did maneuver some parking to get that with the grades, and how the traffic circulates with the drive-up ATM around the building. I don't know if Dave has that.

Dave Campbell – I was looking for it. I don't know if I have it saved, or where, and now my computer just froze up.

Faith Constance – I will make the comment that we've tried, and you saw the elevations briefly, but we have significant glazing on all three of those sides. Aside from essentially the front door, where the customers are actually walking in, we have tried our best to make it look like this is the front of the building.

Commission Comments:

Weber – I'm sure you got a little bit of history as to why we're so sensitive, because of the buildings just to the north.

Faith Constance – Right, I think that was part of the previous discussion. We are definitely trying to be sensitive to that. Aside from customers walking in the side door, we fully agreed that the east elevation along Haggerty should look and feel like the front.

Dave Campbell – Correct me if I'm wrong, the glass that we're seeing, those are true vision windows and not spandrel or some sort of fake window.

Faith Constance – Yes, on all three sides.

Chairperson Parel – Does that appease you, George?

Weber – Appease might be a strong word, but I understand.

Vice Chairperson Winkler – I have no objections to what's being proposed with the building and the site.

Phillips – I have no concerns.

Loskill – What is the height of the retaining wall on the south side? What is the change between the top of the wall and the drive-through?

Kaleb Sondgerath – Preliminarily, it's only at about a foot as of right now, because we've gained some of that space through the changes we've made. It's fairly minor, and I think once we get into final engineering, that's when we're going to really dictate that. It's not anything overly large. There is quite a bit of grade, especially on that west corner from Crumb down to where the drive is.

Weber – The only thing in addition would be landscaping. I looked at it again today and yes, a lot of the evergreens there are scrub, but many of them are not. I saw the landscape architect's comments that they do not recommend some of the trees that you have in your proposal to be planted because of some of the telephone poles that are running along there. I think that there needs to be some level of height of screening that would be similar to the type of screening that's there today. We're not necessarily saying hardwoods, or something that is going to grow tall there, but there can be trees that are vertically challenged, but can be bushier. So, particularly along the corner, as you're heading north on Haggerty, from that view of the site plan, that corner and going a little deeper down Crumb Road. That way, as you're driving north on Haggerty, you're not looking at the ATM window or seeing that side of the building where the elevation is not as nice as what you have on the north and the east sides. I'm not going to pretend to understand each of the variations of shrubbery and plants that you have proposed, and what they'll look like when they mature, but I would like to see something that's going to have similar screening to what is there today, even if it's new.

Dave Campbell – So similar screening, but also be mindful of the overhead lines and DTE coming in and lopping off the tops of them.

Weber – Right, and when I say similar screening, something that is going to be as dense.

Dave Campbell – Mr. Weber, if we do get to site plan approval this evening, one of the conditions of approval-

Weber – I would say administratively approved by the Planning Department; we can add to the language that you have.

Dave Campbell – That would be added within condition #4.

Weber – That's all I've got. I think the building looks nice.

McKeever – I don't have any issues.

Chairperson Parel – I want to reiterate what George said. I think the Crumb Road visibility to the ATM is something we've got to address, and it sounds like he came up with a good solution that can be handled administratively.

There was a question of 3 wall signs, and I know we'll handle that outside of this Commission, but are they allowed to have 2 wall signs because they're on the corner?

Dave Campbell – Usually, yes. Now, Paula is reminding me, there's determining factors, one of which is where it faces residential. Across the street is a new-ish independent living facility. They knowingly built along Haggerty Road, along a commercial corridor, but the intent is to not have a sign shining into the living rooms of people's homes. I'm not sure that what Chase would want on the south side of their building would really have that effect. If you look at the independent living facility, I think there's a good amount of distance there. That's something the Building Department would look at and make an interpretation on with some insight from the Planning Department.

Weber – And if they screen it appropriately, no one would be able to see that sign anyway.

Dave Campbell – Then they would argue, why do we need a sign if nobody can see it anyway. Typically, the Planning Commission defers to the Building and Planning Departments on signage issues.

Chairperson Parel – What does Jiffy Lube have for signage?

Dave Campbell – They went to the Zoning Board of Appeals, and I forget – did they actually get what they wanted?

Paula Lankford – They got one on the east side, one on the south side ...

Weber – One on the west and one on the north.

Paula Lankford – Was it north? I thought it was south. Maybe it was north and east.

Dave Campbell – I think they asked for two extra and only got one extra from the ZBA. What's relevant to that story is, our Zoning Ordinance, and specifically our sign regulations have been significantly overhauled in the year or two since. That was the outcome of litigation with the billboard company and protected free speech, and all those things that go into consideration of signage. So, now the parameters by which you can go to the ZBA to seek a sign variance are significantly limited compared to what Jiffy Lube faced a few years ago.

Chairperson Parel – The only thing I don't think we addressed is maybe some of the additional parking that the Township thinks might be excessive. Is that something we'd consider banking?

Dave Campbell – It is discussed in my review letter. I don't know that Chase has come prepared to speak to it.

Faith Constance – That's another one of our standards, 25-30 parking spaces for a building of this size. I think we're at 25 in this plan. There are going to be, on any given day, about 13 employees; 8 offices, 2 booths, a conference room, some teller lines. If everybody is serving a customer on a Friday afternoon, we anticipate that 25 is going to be necessary.

Chairperson Parel – Even without a drive-through, you have that many employees?

Faith Constance – Yes.

Chairperson Parel – Does Chase have a location inside that Meijer?

Faith Constance – No.

Weber – When you were here the first time, the Township had some concerns that by opening this building, you might be closing your location at Welch and Pontiac Trail. At that time you said there had been no discussions on closing that.

Faith Constance – Yes, those would still be independent decisions. The primary objective is to get this new site open on Haggerty.

Dave Campbell – Do you have an educated guess?

Weber – At the time you said you'd had no discussions on closing it. Now, it's an independent decision.

Faith Constance – In our world, we're not that much further along unfortunately. I will tell you, strategy-wise network-wide, all of our closures are under scrutiny right now. That's the different half of the equation that is beyond me. We have not made much progress on that discussion.

Weber – That would be a concern that we're allowing you to open a new facility and then we're going to have a shuttered building two miles away.

Faith Constance – Understood.

Chairperson Parel – And a pre and post-COVID question; as far as number of customers coming in daily, are you seeing a big decrease?

Faith Constance – We've seen a lot more rebound than we expected. Transactions, meaning teller and ATM, probably came back 90 to 95% of what they were pre-COVID, and then almost no decline with continued increase in those banker conversations in the offices. That's why we're continuing to build these new sites.

Dave Campbell – My bank keeps closing branches. Maybe I should be a Chase customer.

Faith Constance – We'll be here to serve you.

Chairperson Parel – I think we could take a motion. We have to keep in mind that motion would include language on the additional landscape buffer per George's comments on an administrative basis.

Dave Campbell – If you look at the findings, #2 has to do with the parking. I guess if the Planning Commission has determined that the 25 spaces being proposed are agreeable, then that would be part of the motion.

Chairperson Parel – Let's address that. I know we have concerns. Is there anybody who isn't willing to give them 25 spots?

Dave Campbell – They might argue it's all asphalt right now anyway.

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

Loskill – With 13 employees, that's half your parking spaces right there.

Chairperson Parel – With that, would anyone care to make a motion?

MOTION by Weber, supported by Loskill, that the Planning Commission **approves, with conditions,** Item PSP24-03, Chase Bank, the request by The Architects Partnership of Chicago IL, representing Chase Bank, for site plan approval to construct a new bank branch that will be located on a newly-created outlot within the Meijer gas station parking lot at the northwest corner of Haggerty and Crumb Roads.

PIN# pt. of 17-25-426-017, new PIN# TBD

Move to approve Site Plan #PSP24-03, a new 4,050 sq ft Chase Bank to be developed on a 0.91-acre outlot to be created within the Meijer property at 1703 Haggerty Road. Approval is based on a finding that the site plan complies with the applicable standards of the Township Zoning Ordinance, including those applicable to a new commercial building within the Haggerty Road Corridor overlay district, so long as certain conditions of the Planning Commission noted below can be included on a revised plan. The Planning Commission's motion approving the site plan for Chase Bank shall infer an approval for amendment of the Meijer store's site plan, originally approved in 1991 (SP #91-25-01) and most recently amended in 2021 (PSP #21-03).

Site plan approval is based on the following findings:

1. A dedicated loading zone is not necessary based on a finding that the use does not generate regular deliveries from large vehicles;
2. A determination that the proposed 25 parking spaces which are in excess of the maximum allowed are necessary to accommodate the use of Chase Bank's operation.

Site plan approval is subject to the following conditions:

1. Review and approval of engineered construction plans by the Township Engineer, Fire Marshal, and Building Department;
2. A land division application to be reviewed and approved administratively subject to the applicable procedures of Commerce Township, Oakland County, and the State of Michigan;

3. Any new signs to be reviewed and approved under a separate Sign Permit by the Building Department subject to the requirements of Article 30 of the Zoning Ordinance, with an understanding the signs shown on the site plan's building elevations appear to be in excess of the Zoning Ordinance's allowances;
4. A revised landscape plan to be reviewed and include notes from Giffels Webster's review and the addition of evergreen screening of the wall-mounted utilities on the west side of the building, with specific attention being placed on dense vegetation and screening along the southeast elevations of the building, to be administratively approved by the Planning Department;
5. Administrative review of any wall-mounted lighting fixtures for compliance with Article 31;
6. Review by the Township Attorney of all necessary easements, cross-access, and/or maintenance agreements to ensure Meijer and Chase Bank peacefully share driveways, drive aisles, and parking areas and all necessary easements and agreements for utilities and storm water maintenance.

MOTION CARRIED UNANIMOUSLY

ITEM 13. PSP24-04 – UNIT 19, HOMESTEAD INDUSTRIAL PARK

Premier Building Solutions of Livonia MI is requesting site plan approval to construct an off-site parking lot located on the southwest corner of Pioneer and Richardson Road for an existing medical office located at 4057 Pioneer. PIN# 17-13-326-042

Dave Campbell gave a review of the Planning Department's report. He noted that Mr. Beal had commented on this item earlier during the public comments portion of the meeting. Dave explained the anticipated phasing of the proposed project. Anytime the Planning Commission has a phased development presented to them, the Commissioners have to assume the worst case scenario that the future phases may never come to fruition.

Dave detailed the specific requirements for allowing an off-site parking lot and possible deviations from the standards that the Planning Commission can consider. He also noted that Dr. Syed's intent is to use the additional 13 parking spaces for her employees, and potentially other employees of the other tenants.

The parking lot is proposed to be curbed on only 3 of the 4 sides. This is in anticipation of future expansion in the next phase, so the south side is proposed as uncurbed. Dave elaborated on the storm water management for the site.

He discussed landscaping requirements, retention of the existing deciduous vegetation along the south side of Richardson Road, and supplementing with evergreens to screen the proposed parking lot. Dave also reiterated the notes from the conceptual review of this item back in June of last year, which included comments about the site needing to be well landscaped if it is to be only a parking lot.

Dr. Suzan Syed, MD, 4057 Pioneer Drive, Commerce Township, MI, was present to address the request, along with her team; John McParland and Sean McParland of Premier Building Solutions, LLC, 33917 Plymouth Road, Livonia, MI, and Alexander Orman, PE, Orman Engineering, 5476 Vivian Lane, Waterford, MI.

Dave Campbell – Paula reminded me of a couple things. They are not proposing any sidewalk along the south side of Richardson Road, which is in our nonmotorized master

plan. If they were to put it in today, there wouldn't be much to connect to. In those scenarios, the Planning Commission often considers having them contribute to the "In-Lieu-Of Sidewalk Fund", or punt until Phase II, but we may never get to Phase II. Also, in my mind, it makes sense to put a shot clock on the south side curb. If they don't get to Phase II within 2 or 3 years, whatever it might be, they need to come back and put a curb along that south side to make that a legitimate engineered parking lot.

John McParland – Good evening, gentlemen. We appreciate your time. Do you mind if I give you a couple pictures so we can chat about it. *(Provided handouts to the Commissioners)*.

You can see Lot #1. It's not a manicured lot. It is just a lot that collects trash. The second picture is the building directly south of our lot. As you can see, it has just a gated chain link fence where they park things outside. The third one is a building that parks a lot of things outside, and then you've got the lumberyard there. The point we're trying to make is that what Dr. Syed is proposing will certainly enhance that area. It's not really a detriment like Mr. Beal feels. That condominium complex has a variety of different uses, and this particular use would only enhance that area.

McKeever – It has changed zoning since it was initiated. Speaking to Mr. Beal's point, higher restrictions or requirements were put upon him to develop a building, and I think it should apply to a standalone parking lot as well. I don't want to see something that is based on income, and is not a full complete project. Before I would even entertain a standalone parking lot, first I question why we would want to go against the wishes of the HOA.

Dave Campbell – I can speak to that a little bit, but I'm no attorney. The bylaws that Mr. Beal referenced, those are a private agreement amongst private property owners. There are certain restrictions that exist in neighborhoods that aren't necessarily Township or municipal restrictions. We have these discussions with folks fairly often. The answer is, Commerce Township cannot enforce those bylaws. We were not a party to those bylaws. The Township didn't agree to those bylaws. We can only enforce what's in our Zoning Ordinance. I certainly understand where Mr. Beal is coming from, from the association side, that the association may not want this based on their bylaws, but Commerce Township, globally, cannot enforce private bylaws.

Weber – I'm familiar with some of the discussions with HOA's, versus our ordinances and our enforcement, but this is a little different to me. One, you went in eyes wide open, knowing what the HOA said. You had the discussion. You knew when you purchased the property and you had the HOA bylaws. We did have discussion, and my discussion on the preliminary ... My recollection on the preliminary is a little bit different than a focus just on screening, but personally, I think I'm with where Bill is. Even if we can legally override the HOA, it's always a question of should we? Where does government come in and start enforcing itself on private agreements? I know we're not to the discussion phase yet, but I get where Bill's coming from and my head is kind of in that same area.

Dr. Syed – My issue was, there's nothing in the HOA guidelines that say you can't have a parking lot. When I first even thought about purchasing it, because of the extra cost, I thought maybe I would do something else. So, [Ron Garina] contacted Mr. Beal, as the

head of the HOA, and asked about parking options and if I could get in touch with other owners. He was very upset. He said something to the effect of, *Didn't you read the guidelines? It's in there. You can't do it for parking.*

In full honesty, I went through that three times. There's nothing in there. So then I replied to him and said, *Can you tell me what paragraph and what page? I would love to see where it says that.* Then he said, *Well no, I didn't say that.*

There isn't anything in the guidelines. I wouldn't have bought the property if it clearly said that I couldn't have parking.

Weber – I don't know that it's an issue of parking. It's can you have parking without a building.

Dr. Syed – It didn't specifically say that you can't.

John McParland – Right, and it's what Mr. Beal is saying. For some reason, obviously, he has an issue with the doctor at this property. We're not really sure what it is. It would be interesting to have a conversation with him at some point. Again, the way we look at it is, it enhances the doctor's building. It puts us one step closer to ultimately building a building there, and the doctor is in conversation with different tenants. But as David pointed out, we're just not ready to make that commitment at this point in time.

McKeever – Wasn't there initially an issue with the amount of parking provided for the building that you have now?

Dr. Syed – No, I do have enough. My thing is this. When I look at my progress in the last 24 years, approximately every 5 years I've expanded. I actually live in Commerce. I started my practice privately, from scratch, in West Bloomfield. When I chose to move back to Commerce, it wasn't to become stagnant. I grew out of West Bloomfield three times now. I upgraded from that location. The location I have now, even though I have half the building, is 4 times bigger than what I had before. The last time I expanded in West Bloomfield was 2018. Now, we've had lots of things happen as everybody knows, with COVID and interest rates and everything. So, I can't promise that it's going to happen on my same path, but I have no intentions of sitting back.

McKeever – It's not a question of your intentions. We're questioning what we're going to be left with. We're going to have a standalone piece of property with a half-built parking lot, because you're not even proposing to build a complete parking lot. You're looking to cut out the gutter and landscaping. I don't know, if somebody were to bring this us as strictly a standalone parking lot, I don't know that it would have gotten past the front desk because it doesn't have the things it's required to have.

Dr. Syed – If we put the whole parking lot in now, we wouldn't know what we need for the building, so it's just waste.

McKeever – But you also say that you have enough parking as you are, so why not just wait until you do need it?

Dr. Syed – I invested in the land and it's just sitting there. I'd like to get ...

Weber – Doctor, we are so sensitive to our business partners, we want to be creative in finding solutions, but there have been numerous times where we have had “if-comes”, and I'm going to do a Phase I, but they never get to Phase II. You don't know what might happen. You might not ever get there. We have to assume with what you're presenting to us that it's going to be 13 parking spaces and that's it forever. We can't assume that there's going to be a building built on that property. That's the quandary that we're in. We can only move forward with what you're putting in front of us today, that you're asking approval for.

John McParland – Right. But can't we assume that the parking lot is to service her building, if in fact we were saying, let's just build a parking lot. Well, you wouldn't do that. Why would you spend the money to build a parking lot; no one is going to want to park there.

Weber – We generally wouldn't approve off-site parking like this on a lot that has no other building.

McKeever – With a street dividing it.

Weber – Right.

John McParland – That services the building that ...

Weber – Across the street, we would not. I'm not aware that we have entertained a disparate parking lot across the street from a building, just for the sake of a disparate parking lot. I could be wrong.

Dave Campbell – I can't think of an example where we've done it, but I would be remiss. It is something that is specifically referenced in our Zoning Ordinance. I pulled it up and it spills onto the next page, but outside parking is permitted so long as these criteria are met. It has to be approved by the Planning Commission, like any other commercial improvement. We talk about the 500-foot rule, and then we talk about the same side of the street. This is where the petitioner would need some consideration by the Planning Commission.

Weber – It's not on the same side of the street.

Sean McParland – And currently, the doctor is actually purchasing and renting down the street so she can have her employees park in an area and leave extra room for her patients to be courteous. These poor gals have to walk 500-600 feet to the building. There are a lot of pros and cons. Number 1, it's a vacant piece of property. There's people that dump there. There's things that happen and people park there anyway. This only helps her promote her business so she can actually build something sooner than later in that area.

Weber – I get your argument. I can't assume that you're going to build a building.

John McParland – But, doesn't it make sense to have that lot there to service her current building?

Weber – For her, I understand it makes sense. I get where she's coming from. For us, why would we want to just pave over greenspace right now, even though you own it, for the sake of a disparate parking lot across the street? I struggle with that.

Dr. Syed – So, I'm not going to lie to you. I'm not a business person. I'm medicine and that's really my primary training. But, I'm not dumb at business either. I've obviously made it over 24 years and I have a thriving practice. One of the things that I always heard while I was in West Bloomfield, where I was at the Lakes Medical Building, and if you're familiar with it, you would drive around for 18 minutes to find a spot, and walk a heck of a long way to get to your practice. Part of the reason why I'm having my staff walk is because I want excess spots for my patients. Yes, we have enough for my staff to park there too, but I don't want people to have to wait. I'm creating a quality. I have verbal agreements with people for that building. I get it; it's not in writing, so I'm not going to bother you with details. But, my goal is not to let money just sit there. That lot is a waste of money to me. Even if I use it just for parking my staff, if you think I have no business knowledge to think that 13 spots is going to solve that, it's ...

Weber – I know what that property was up for sale for. I don't know what you purchased it for.

Dr. Syed – Exactly, more than what it was worth, because he knew I needed it. The thing is this, I don't know if that building is going to be 3,000 square feet, or 12,000 square feet. I have two groups interested. They're not interested in doing it this year. They're waiting for the interest rates to go down. I totally get it. I'm not going to do it again with 8% interest right now. From everything I've heard, rates are supposed to start dropping this summer, but I won't be ready this summer. We just moved into the building in November and we're just getting started there. I'd like to have a couple years under my belt before I actually put more into it.

Whether you need to know or not, I've never missed a payment on anything I've done. That is my honor. So, I'm going to wait until I'm financially stable enough to go back to the bank and get another loan. As you know, a building of that size, that's not easy for anybody. But if I can't step one step forward, then it's just going to take longer to get there. For the people I'm talking to, they already know my reputation. I don't see an issue. I don't know what qualifies as medical, but we are looking at a Mom and Pop pharmacy and radiology. It may be something else. I have no idea. But, those are my verbal agreements. It does come down to trust, and I get that.

Dave Campbell – If I may, I just want to go back to the question of the bylaws. If the Planning Commission is going to base a decision on what is or isn't in the bylaws, I guess I want to see them. I think Dr. Syed asked to see them. I'm zooming in on the letter we got from the association, which says, *Homestead Industrial Park has strict construction bi-laws [sic] that the owner of unit 19 agreed to.*

What the letter doesn't say is that there are bylaws that specifically prohibit what is being proposed.

Dr. Syed – Correct.

Loskill – My question is, is it our job to enforce their bylaws?

John McParland – No, it's not.

Loskill – Our job is to enforce the Zoning Ordinance, and if she is violating the covenants of the HOA agreement, it's up to the HOA to then take legal action against her to stop her from doing what she is planning.

Dave Campbell – I will agree. Again, I'm no attorney. From a legal standpoint, we can only enforce our Zoning Ordinance. We cannot enforce the association's bylaws. But, to Mr. McKeever and Mr. Weber's points, should we at least take into consideration the desires and the requirements of our existing property owners and existing businesses?

Loskill – My issue is that I don't know what the bylaws are.

Dave Campbell – That's my point. We have not seen the bylaws.

McKeever – At a bare minimum, we should require a complete project. This is half a parking lot.

Loskill – We allow off-site parking.

McKeever – But we don't allow a piecemeal parking lot. There are no sidewalks. There's no crosswalk across the road. I'm not voting for that.

Dave Campbell – And this is a question for the petitioner. If they were willing to offer constructing a complete parking lot, which in my mind includes curb and gutter ...

McKeever – In consideration of this, and how do we account for them crossing the road? Does the 500 feet account for, as the crow flies, or a path of egress? This is just taking a patch with part of a curb and gutter.

Loskill – I do agree, it should be a complete parking lot.

John McParland – It's more than just a piece of concrete.

[Crosstalk 8:55pm]

McKeever – [After everything we put the developer through on this piece], I just think it's kind of disingenuous to approve something like this.

John McParland – Why do you say that?

McKeever – Because you're bringing us a partial project.

John McParland – It's a phased project.

McKeever – With no guarantees that any other phasing will take place.

Weber – We can't look at it that way. It's not a phased project. You're bringing us-

John McParland – You can look at any of the projects that we heard today. Now, Chase isn't going to go out of business, but honestly, Chase could start the project and halfway through it, stop it. Taco Bell could go halfway through their project. I don't think either one of those will.

Dave Campbell – You're correct and we're kind of getting off track a little bit. In those comparisons, it's worth pointing out the Township requires a financial guarantee, a completion guarantee. You have to put in a bond, a letter of credit, or if you want to throw down cash, you can. It's effectively to ensure that you complete your project, and if you do walk away, we have the financial means to return the site to a safe condition.

John McParland – We could do that with our lot.

Dave Campbell – I feel like maybe that's what we're talking about. I don't think you want to guarantee you're going to build the building necessarily, but can we get to a point where you can guarantee this is a complete parking lot? This is a parking lot designed like any other parking lot in Commerce Township that could live on its own for 10 to 20 years.

Loskill – I think that's the minimum we need to have. It has to meet the requirements of the ordinance for what it is.

John McParland – Well yeah, it has to meet your requirement.

Dave Campbell – For example, we're talking about curb and gutter. If all goes well and you're building a building two years from now, you're ripping out some curb and gutter.

John McParland – We would just sawcut it out and continue to extend it.

Dave Campbell – Does that get us anywhere with the concerns that you're raising?

Weber – Not for me.

John McParland – Our engineer is here. Alex, is there anything you want to add?

McKeever – I'm not there.

Chairperson Parel – Even with a complete parking lot ...

McKeever – How do we get around crossing the road?

Chairperson Parel – It's an issue.

Dave Campbell – I have to look to our Zoning Ordinance. These are the two conditions.

Chairperson Parel – It says "same side of the road", right?

Dave Campbell – It does. It would be a deviation.

John McParland – It is a private road.

Dave Campbell – Pioneer is a private road. Richardson is not, but you're not asking to cross Richardson.

John McParland – Right, which is like crossing your driveway. It's all private.

Sean McParland – And it's employees only. It's not patient driven.

Phillips – So when the property was purchased, wasn't there some agreement to comply with the bylaws? You have an agreement with the association?

Dr. Syed – Correct, and there was no issue with this in the bylaws if you read the bylaws.

Phillips – But we had somebody very strongly disagree.

Dr. Syed – Right, he told me that in the beginning. When I asked him what page and paragraph, he told me then that it wasn't in there.

Sean McParland – So what if you go to build a building and he says, *It can't be 4,000 square feet, I only want it to be 2,000.*

Phillips – I'm just saying, there's some agreement for that property with the association of the other property owners that you agreed to. I don't feel comfortable inserting ourselves between that dispute.

Dr. Syed – And we're not asking you to.

Dave Campbell – I don't think legally we want to insert ourselves, especially if the dispute is over bylaws that none of us have seen.

Chairperson Parel – That can be resolved.

John McParland – That's why you almost have to take the bylaw issue and make it go away. It's irrelevant, isn't it?

Chairperson Parel – So, let's say that's the case and there's nothing in the bylaws that prevents this. Do you still have enough votes up here, assuming it's a complete parking lot, to approve a deviation which would be the crossing of a private road? That is the question. It sounds like we have two no votes. I don't know how everyone else feels. I also don't know if there is anything else we could do. Somebody mentioned a crosswalk.

Dave Campbell – Striping a crosswalk?

Weber – To me, that's perfuming the pig. To me, the issue is that it's across the street. I don't know what the bylaws say. I am a believer that we should take into consideration what the bylaws say. Even if the bylaws allow that to happen, I struggle with just

building a parking lot across the street with no assurance. You can't give it and I know you can't give assurance that there is going to be a building attached to this disparate parking lot.

I would add that you don't have an issue now. I understand you're trying to be convenient to your customers, and presently part of that convenience is that you're asking your employees to walk further, but it is a convenience. It's not that you have a problem with cars lining up down the road, or safety and traffic issues. Today, it's convenience you're trying to solve for. In 18 months or two years, if these verbals come to fruition, bring us a whole site plan that says here's what we're doing, then I'd be happy to have that discussion. I've heard too many times, here is what we want to do, but we never get there.

Chairperson Parel – If the doctor had a full plan; she put together a plan for another building across the street with the parking lot, but for whatever reason, the employees were walking back and forth across the street all day long, it's kind of the same thing but we couldn't control that.

Weber – But you have a guarantee in place that's she's building the whole project at that point in time.

John McParland – And what happens in the event that there is overflow, and they have no place to park? You know darn well where they're going to park. They're going to park along the street there. They're going to park somewhere.

Chairperson Parel – I'm not sure we've been presented with that.

John McParland – I understand that, but I know from listening to the Taco Bell explanation, and the Chase about how they have to have so many spaces for their customers, it's always part of the issue with customer service.

Loskill – I have a question with regard to the intent of the ordinance. Most of the time when it comes to off-site parking, the concern is the users of that parking and they don't want people on a continuous basis to keep going across the street in fear of accidents. This would appear to be slightly different if she restricted the use of that parking lot to only her employees, so that there would not be any continued use during the day, except for her employees.

Weber – Are you saying to put a gate on there?

Loskill – No.

Dr. Syed – We get there before anybody else.

Weber – Common sense would say that employees are there. Customers are not going to park over there because of the convenience of being by the front door.

Chairperson Parel – I don't think she'd be spending the money if she didn't have a challenge. It may not be immediate or dire, but she wants to make a better business for her clientele.

John McParland – And they're local people. It's serving the community.

Loskill – To get this reviewed on its merits, maybe she needs to come back, delete the building and just show a parking lot. Not say this is Phase I, but just come back and say, this is the parking lot we're going to add, and show how you're going to address some of the concerns you've heard here tonight. That way, you're proposing one finished, complete thought.

Dave Campbell – Are you suggesting they come back with a two-phase plan, with Phase I being the entire parking lot, and then Phase II being the building?

Loskill – No. Instead of saying this is Phase I and this is Phase II, just do the 13 parking spaces as one finished lot. Don't promise anything else.

Dave Campbell – I'm unsure. I'm not looking for anybody to roll the dice tonight and force you to vote.

Loskill – Curb the lot, add the landscaping, and the turnaround areas so that it is a complete finished parking lot. Do it on its own merits.

Dave Campbell – I hate doing this, but do they have the votes to do that?

Loskill – I don't know.

Chairperson Parel – If this was what Joe is saying, just a finished parking lot and we don't talk about Phase II, and maybe it has a crosswalk, and it has all the curbs and gutters, and all the landscaping, what is the vote? I think I'm hearing two no's. Is it worth it to even go back?

Phillips – I'm a no without resolution of the bylaws dispute.

[Crosstalk 9:06pm]

John McParland – How about if we get a resolution then?

Loskill – We don't need to insert ourselves into that discussion. I would believe our job is to just look at the Zoning Ordinance and apply what's in the Zoning Ordinance to this situation, and if there are extraneous laws or agreements that come into play, that those parties who are part of that agreement have to resolve that amongst themselves in whichever way is required.

Chairperson Parel – And Brady, if that was resolved and that wasn't a restriction?

Phillips – [Crosstalk, inaudible].

Weber – Best case scenario, the first decision would need to be, are we willing to deviate from the ordinance for across the street?

Loskill – That's the one we can't solve.

Weber – It's a yes or no.

Dave Campbell – If this were to get denied, that would be the basis for the denial.

Weber – We have the authority to deviate if we so choose for putting the parking lot across the street.

Chairperson Parel – We can get an answer on the bylaws if that's an issue for people. We can get an answer on a proper site plan for just the lot. I think we could resolve those two issues. To George's point, the distance across a street will remain an issue that we'd have to deviate from. If we can't get the votes for that, it's not approved.

Dave Campbell – Rather than asking them to roll the dice, and force the Commissioners to go into a vote, is there any logic in tabling this tonight? And, giving them an opportunity to come back in May with some changes to the plan and to their approach.

Chairperson Parel – With an answer on the bylaws.

Dave Campbell – With an answer on the bylaws. We can look at things like crosswalks, curbs and landscaping, all those things. Is it worth doing that?

Chairperson Parel – It makes sense. I just feel bad. If we don't have the votes, I don't want these folks to go through spending thousands.

Weber – Yes, so two things.

Dave Campbell – By the way, this is Alex Orman. He is the engineer on the project. He looks like he has something to say.

Weber – If we table it, are we putting any other financial costs on them from the Township? If they come back to another meeting, other than their time.

Dave Campbell – No. We're not going to charge them anything. I think they're probably going to want to make some changes to their plans, which I'm guessing Mr. Orman is going to charge for.

Alex Orman – But what is the reason to come back?

Dave Campbell – Because you might get denied tonight.

Alex Orman – The biggest concern is of course about the future Phase II, right. In this stage we are enforcing just the Phase I, which we can have hopefully, with a financial guarantee for the Phase I only, not for the entire parking.

Loskill – Let's assume you come back with just a finished parking lot proposal. There are a lot of maybes in the current proposal. We need to get rid of those and get you to a

point where you might garner enough votes to get this passed. I don't think the approach you're taking is going to get you that right now.

John McParland – It seems like a reasonable compromise. We can live with that.

Alex Orman – Like Dave said, it's not like you're enforcing the bylaws. You're enforcing zoning laws. Between the bylaws and the doctor, this is a separate thing. They're going to resolve it between each other. But the Township enforcing their laws, which is where, in good condition, from that standpoint, it's allowed.

Weber – So, I'm-

Alex Orman – Only problem is the Phase II-

Loskill – There are circumstances that contraindicate a clean plan. That's something you're going to have to address, which is the parking lot being across the street.

Weber – But even if they come back with a complete plan, it basically just says, I'm putting curb and gutter on the south side.

Alex Orman – Which is what we're going to do there.

Chairperson Parel – And the landscaping.

Weber – Okay, so we put some landscaping and we put a curb and gutter on the south side. Are we willing to deviate from across the street?

Loskill – I don't see a big issue if she restricts it just her employees. I don't see an issue with the parking lot being across the street, since it's not a main street; it's a private drive.

Alex Orman – And we'll have a financial guarantee for Phase I.

Chairperson Parel – I think I would take a similar approach to Joe and I could vote for it, if it looked good.

Weber – And in consideration of the bylaws. To me, that's the only thing we don't have here today.

Chairperson Parel – We can get that answer.

John McParland – Yes, we'll take care of it. That's reasonable.

Chairperson Parel – Let's say that's not an issue and we can get past putting together the proper site plan, and we don't talk about phases, I'm okay with allowing them to go across the street, especially if she puts on a restriction. I understand we can't enforce restrictions, and she may not be able to either, I think the intention is there.

Dr. Syed – I get to the building at 6:00am. My staff is there by 8:00. The patients don't start until 9:00.

Chairperson Parel – Do you gentlemen have an issue?

Phillips – I don't have an issue with the proposed use, but there's clearly a conflict.

Chairperson Parel – So, assuming that got resolved, are you okay with giving them the modification to our Zoning Ordinance that the employees would be able to walk across the street?

Phillips – I think so.

Chairperson Parel – I think that answers it. Brian, do you have an opinion?

Vice Chairperson Winkler – I agree with what has been said about how the project is “the cart before the horse”. But, I think it's worth mentioning that when Dr. Syed was in front of us before, we were talking about the building across the street, across Pioneer Drive, and I recall during that discussion, we realized that site across the street was short on parking. We did a quick calculation based upon the usable square footage of the building, versus the parking she had on that side. All I'm trying to say is, I commend Dr. Syed for being proactive and trying to solve the parking issue that was raised when she came in front of us. But, like you're all saying, having the cart before the horse and not having a guarantee that the building on Phase II will ever be built is problematic.

Chairperson Parel – Assuming she can meet all of the other challenges, are you okay with deviating from the Zoning Ordinance and allowing her employees to walk across the street?

Vice Chairperson Winkler – That might be grandfathered or [crosstalk inaudible 9:23pm].

Chairperson Parel – You might be the deciding vote, if we don't have Sam. David, my recommendation is that we table it. We get an answer on the bylaws and see if that changes anything. Right now, I'm hearing that it's potentially 3-2. Brian, I'm not sure which way you're leaning. I don't know if I got a clear answer there. What do you think, Dave?

Dave Campbell – It certainly sounds important to a couple of you to get a resolution on the bylaws issue, understanding that it's a private agreement that we are not a party to. But, we represent the whole of the Township, we represent Dr. Syed, and we represent all of the other owners within the Homestead Industrial Park. So, I think it's worth giving ourselves some time to look into the bylaws issue.

McKeever – And we would still be setting a precedent with crossing the street.

Dave Campbell – You would be setting precedent. I think it's relevant that Pioneer is a low-volume private road. I don't think you're setting a precedent for people to cross Haggerty or Pontiac Trail.

Chairperson Parel – Are we also going to potentially set a precedent that every time bylaws differ from our Zoning Ordinances, we're going to ...

McKeever – I'm not speaking to the bylaws. It's people crossing the street.

Dave Campbell – That probably happens more often than any of you realize. When somebody comes into the Building Department with a house plan, and they have 60% brick, and the HOA says it has to be 75% brick, the Building Department says, it meets the Township standards, but we can't meet your HOA standards.

Chairperson Parel – Hopefully we just get an email tomorrow that says the bylaws aren't an issue and that is addressed. Bill is correct though. This would set a precedent. I don't know how we could tell anybody else in the future they couldn't cross a private road.

Dave Campbell – First, I've worked here 9 years now and this is the first time anybody has asked for an off-site parking lot. I'm not sure how often we're going to get this request. Secondly, in terms of setting a precedent, Pioneer Drive is a different stretch of road than any other road. Every situation is unique, and the Planning Commission makes determinations based on the unique criteria of every scenario put in front of you.

Chairperson Parel – Does anyone disagree that we should table this and get an answer on the association?

No comments.

Chairperson Parel – I'm assuming it would be up to the petitioners.

Dave Campbell – Yes, I think your team would want to ask that. I think we would all want to agree to take some time.

John McParland – Yes, I think that would be the approach. At least it will clear up a couple of points and then you can make a better decision based on-

Chairperson Parel – And get clarification before you spend more money on engineering.

Weber – Yes, we don't want you to spend more money. We don't need to see new drawings that have curb cuts on the south side. We understand what that would look like, and what the requirements would be for that. And the same thing with the vegetation along the north side, we can figure that out and provide administrative authority, if we get that far.

Dave Campbell – If not necessarily updating the plans, would it behoove them to come back on May 6th with a commitment to landscaping, curb, gutter, et cetera?

Weber – And or anything else. I mean you've heard what our concerns are, and any other creative solutions you might have to address those.

John McParland – Right, sure. Okay.

Weber – I think it would give me time to soak on this. I was not in favor of it the first time because of a disparate parking lot across the street, and that to me is something I need to soak on as well. I don't want any false impressions here.

Chairperson Parel – Dave, how do we get an answer on the bylaws?

Dr. Syed – I have a copy.

John McParland – We'll get it.

Weber – Just send it to us.

Dave Campbell – And it's a recorded copy with the Liber, Page and all that?

Open discussions continued.

Chairperson Parel – So we agree to table?

John McParland – Sure, yes.

MOTION by Weber, supported by Loskill, to **table** Item PSP24-04, Unit 19, Homestead Industrial Park, the request by Premier Building Solutions of Livonia MI for site plan approval to construct an off-site parking lot located on the southwest corner of Pioneer and Richardson Road for an existing medical office located at 4057 Pioneer.
PIN# 17-13-326-042 **MOTION CARRIED UNANIMOUSLY**

John McParland thanked the Commissioners, along with the Planning Department, for their help.

J: OTHER MATTERS TO COME BEFORE THE COMMISSION:

None.

K: PLANNING DIRECTOR'S REPORT

Dave Campbell discussed the following with the Commissioners:

- **NEXT REGULAR MEETING DATE: MONDAY, MAY 6, 2024 AT 7:00pm.**
- At our next meeting, it sounds likely we will see these folks again for Unit #19.
- We are likely to see the Lowe's store on Maple regarding outdoor storage, which is the same process we went through with Home Depot.
- There is a guy on Pontiac Trail who built a pole barn without a permit, and is now coming before you retroactively seeking approval. He does have more than 2 acres, and we did recently amend the Zoning Ordinance to allow the Building Official and myself to collectively approve pole barns on 2-acre properties. But, in the case of somebody who already built it without a permit, our administrative decision is that it goes back to the Planning Commission.
- There is also a possible text amendment which is a housekeeping item. It looks like something in our pre-2010 Zoning Ordinance fell off when we adopted the new Zoning Ordinance. We want to bring that back and it has to do with minimum separation between an accessory structure and a primary residential structure.
- I already talked a little bit about Five & Main and their infrastructure challenges.

- I mentioned that Costco will be back in front of you. That's probably not going to happen until June. They want to move their gas station again to where Ghost Taco is located.

Discussion continued regarding Costco's plans and possible negotiations.

- Also in the neighborhood, the United Artists Theater; there is a group out of Cleveland that is tire-kicking on that property and they want to build apartments. I had one Zoom meeting with them and I told them it will be an uphill challenge. Apartments are a tough sell in Commerce Township.
- I also gave an update on where LaFontaine is with the former Dick Morris property, and the with the corner of Haggerty and Pontiac Trail.

Chairperson Parel and Dave Campbell discussed an update on Lakeside Marine and the code enforcement timeline that has to be met.

Weber initiated discussion with Dave Campbell regarding special purpose zoning of gun club properties.

Weber inquired about an article regarding the effects on a community of high-volumes of drive-throughs, and some communities are starting to put a limit on them as they are devoid of community. Paula would forward the article to Weber. Discussion continued.

L: ADJOURNMENT

MOTION by Weber, supported by Loskill, to adjourn the meeting at 9:31pm.

MOTION CARRIED UNANIMOUSLY

Joe Loskill, Secretary