

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

Monday, May 1, 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

Absent:

Brady Phillips (excused)

Also Present:

Dave Campbell, Township Planning Director
Paula Lankford, Planner
Jay James, Engineer/Building Official
Larry Gray, Township Supervisor
Mark Gall, Township Fire Marshal
Randy Thomas, Insite Commercial

B. APPROVAL OF AGENDA

MOTION by Loskill, supported by Weber, to approve the Planning Commission Regular Meeting Agenda of May 1, 2023, as presented.

Discussion –

Campbell – We have two public hearings on the agenda tonight, and we always put public hearings at the top of the agenda on the assumption that they will be well attended, and that the public will want to have their opportunity to speak before we dive into the rest of the agenda.

One of the public hearings is for a project that the Planning Commission has already seen on a conceptual level, which is the Special Land Use for the expansion and relocation of the Costco gas station. The other public hearing is for the accessory building at 3000 Glengary. It's my thought that the accessory building should maybe go toward the end of the agenda after the three projects that this Planning Commission has already seen multiple times, specifically the Lafontaine project, The Cove at Benstein Crossing, and the Costco gas station. If the Planning Commission is planning to take action on those projects, they should do so earlier on the agenda, and then take the new business item of the accessory building toward the end of the agenda.

I can see a scenario where we hold the public hearing, but then table any action until later on the agenda.

Parel – We did talk about that earlier and I'll take your recommendation, Dave.

Campbell – So that would not be an amendment to the agenda. The public hearings go early on the agenda, but then discussion and possible action for the pole barn will be later on the agenda. After you close the public hearing for the accessory structure, then table any action until after Item I3.

MOTION CARRIED UNANIMOUSLY

C. APPROVAL OF MINUTES

MOTION by Winkler, supported by Loskill, to approve the Planning Commission Regular & Special Meeting Minutes of April 3, 2023, and April 10, 2023, as written.

MOTION CARRIED UNANIMOUSLY

D. UPDATE OF ACTIVITIES

Brian Winkler – Downtown Development Authority

- We had a routine meeting on April 18th, which was an informational DDA meeting. There were a couple of items worth noting.
- Insite Commercial Report: Bruce Aikens, developer for Five & Main, will be back in front of the DDA Board in June or July.
- Asset & Liability Report: The DDA financial report was reviewed by Treasurer, Molly Phillips.
- Attorney's Report: The deed for Parcel L, which is Guidepost Montessori, was finally successfully recorded with Oakland County.
- Public relations Chair, Jose Mirkin, discussed the Walled Lake schools K-12 Art Exhibit, which will take place May 20-28, with a reception on May 24th.
- Efforts are underway to clean up Martin Parkway and replace trees and landscaping that have failed. The work will be done in phases.
- There was an Adopt-A-Road event this last Saturday. Jay, did you attend?

Jay James – I did not, but I heard there were 6 or 7 people.

Vice Chairperson Winkler – Wow, great. Thank you, Jay.

Chairperson Parel – Thank you, Brian. Jay, any updates?

Jay James – Building Department

- Projects that have come in for building permits:
 - The long-anticipated Chipotle has pulled their building permit and that will go into the new strip mall on Haggerty, just north of 14 Mile.
 - We have the gelato ice cream store on Pontiac Trail that will be opening very soon.
 - The Township's renovation of the building next door for the new Sheriff's station has begun.
 - The Super Car Wash on Richardson Road will be doing some renovations.
 - The car wash on Union Lake Road at Willow, they will be changing two of the bays into interior repair. I believe two car wash bays will remain.

George Weber – Township Board of Trustees

- The last Township Board meeting was on (April 11th). It was a long agenda, so I will hit the highlights.
- We reappointed five members to existing boards
 - Bill Petsch was reappointed to the Parks & Recreation Committee for an additional 4-year term.
 - Shane Lakner and Donald Peterson were both appointed to 3-year terms for the Library Board.
 - Steve Matta and David Smith were reappointed to the DDA for 4-year terms.
- We discussed 4 ordinance introductions.
 - The first will move to adoption at the May meeting; we are going to require all FOIA requests to be submitted in writing now, and no verbal requests.

- The second one; ordinance language presently requires residents to have their septic systems inspected every 5 years. We deemed that was not necessary and too burdensome on the residents. We have revised the language associated with that to remove the 5-year requirement.
- The third, we began, and are continuing, discussions on rental properties and how the Township should help renters ensure that the properties they are renting are safe and secure, and requiring some level of inspection from the landlord.
- The fourth and final ordinance that we adopted was an ordinance for The Cove at Benstein Crossing, which we will talk about here momentarily.
- We had a good discussion regarding the use of tri-party funds for some road and traffic signal improvements. Supervisor Gray has done a lot of legwork on that. I'm assuming we will be moving forward with some of those projects in the near term and hopefully they'll be completed before the end of this year.
- We approved Emily England to apply for an Oakland County Parks grant to help with some of the funds and expenditures that were taking place, primarily at the Richardson Senior Center.
- We also discussed a very expensive generator for the Library and whether we should move forward with that or not. For the public, in order to provide a generator to run the entire Library would be over \$200,000. We're wrestling with the pros and cons and the benefit to the community with an expense such as that.
- We've asked Dave Campbell and our Township Attorney to begin looking at an ordinance regarding short-term rentals, or Air B&B's, and how we can get ahead of that curve to make sure we're still respectful of individual property owners rights, but at the same time not having residential communities turned into commercial communities with hotels next to homes.

Bill McKeever – Zoning Board of Appeals

- Nothing to report from the ZBA.

E. PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

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

No comments.

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

F. TABLED ITEMS

None.

G. OLD BUSINESS

ITEM G1. TREE REPLACEMENT ORDINANCE – UPDATE

Dave Campbell – The Township Attorney took into consideration the comments we received from the Planning Commission at our April meeting relative to the tree replacement ordinance. He got back with us this afternoon with a redline version, which I have not had the opportunity to look at in detail. I will communicate with the Township

Attorney on that and bring it back to the Planning Commission, probably for the June meeting.

Chairperson Parel – Appreciate it. And the general concept there is when a developer comes to us and wants to develop a parcel of land, we want to do our best as a Planning Commission and as a Township to preserve as much of the natural greenery on the site as possible.

Dave Campbell – We do; however, the scary example is what Canton Township went through, and we don't want to meet the same fate when they tried their own version of a tree replacement ordinance. We have to walk that tightrope.

H. SCHEDULED PUBLIC HEARINGS:

ITEM H1. PPT23-01 – DON & MARY BLISS – ACCESSORY STRUCTURE – PUBLIC HEARING

Don & Mary Bliss of Commerce Township MI are retroactively requesting approval as provided for in Section 33.01.A of the Commerce Township Zoning Ordinance for a 4,000 square foot accessory structure (pole barn), along with five pre-existing accessory structures (detached garage, equine shelters, etc.) totaling approx. 4,000 square feet, for a combined total of approx. 8,000 square feet. The 9-acre property is located at 3000 Glengary Road. Sidwell No.: 17-20-101-019

Chairperson Parel – As Dave mentioned before, we will continue with the public hearing on Item H1. but we will refrain from action until later in the meeting. Dave, can you bring us up to speed?

Dave Campbell – My hope is that we hold the public hearing now, and then later on in our agenda, we will go into more detail of what is being proposed.

Dave Campbell brought up the aerial of the site on the overhead and gave a brief overview of the request for a conditional retroactive approval of a 4,000 square foot accessory structure (pole barn) already constructed in 2018 at 3000 Glengary. The property is approximately 9 acres. According to the ordinance, property owners in the single-family district are allowed to have an accessory structure of up to 900 square feet and can only exceed that under a couple conditions. First, the property has to be in excess of 2 acres, and secondly, the Planning Commission has to approve the structure. Part of that approval process is to hold a public hearing. Dave also noted that two letters were received for public comments which he would read into the record. He asked that the Planning Commission table any action until later on the agenda.

Chairperson Parel opened the Public Hearing and explained the process for those present.

Chairperson Parel – We ask that you come up to the microphone to speak. We'd like to limit all comments to two minutes and be respectful to everyone here. Although we may not respond, we will listen and take your comments into consideration.

Dave Campbell – And for the benefit of our recording secretary, please include your name and address in your comments for the record. Also, so you're aware, it is not meant to be a dialogue. The idea is that you have two minutes to speak, and the Planning Commission will listen.

Attorney J. Robert Langan, 128 N. Center Street, Northville, MI – I just hope that the change in this agenda allows me to speak later on behalf of the applicant.

Dave Campbell – It will. Typically, what would happen is I would introduce it and go into a little more detail, and then the Planning Commission would give you an opportunity to address it, on your client's behalf, and answer any questions that they might have.

Attorney Langan – Fantastic, then I reserve comment. Thank you.

Dave Campbell – When we do get to the prospective action on this item, we're not going to have another public hearing. At that point, really only the property owners are going to have an opportunity to address the Planning Commission.

Wes Wilkinson, 3070 Glengary, Commerce Township, MI – I live just to the south of Don. I just wanted to say that he doesn't do anything the wrong way. I can guarantee that there won't be any public danger to that. It doesn't bother anyone. Nobody around there even cares. These guys help out more people than you know. They've got a nice place back there. They built it themselves.

Dave Campbell read the following two letters into the record:

1. *I am writing in regards to PP23-01 Don Mary Bliss accessory structure, along with the 5 preexisting structures. As a neighbor, we have no problem with this request. Thank you for reaching out.*

Have a great day.

Scott & Kathy Hauer, 3200 Glengary Road

2. *5/1/23*

Planning Commission Board Members,

Regarding the Bliss pole barn building which was constructed without the required Charter Township of Commerce Township building permit, my understanding through visual observation and photos, there are numerous possible problems with the property in the entirety.

- *There are 3 to 4 active fuel tanks ranging in 100 gallons to 500+ gallons located on the residential property. These active fuel tanks do not have secondary containment.*
- *There are 6 semi-truck trailers parked on the eastern property boundary which has been observed by the writing of this 5/1/23 letter, to be entered by Mr. Bliss to secure a tool for then delivery to the in-question oversized pole barn.*
- *There are 2 additional ½ sized semi-truck trailers which I have observed through photos to hold a tractor/brush hog equipment.*

- *In addition, there are “too many to count” unlicensed trailers of various sizes which may have hauled heavy equipment at one time.*
- *There may be additional noncompliance items for which I will submit at a later date.*

Cynthia Weaver representing the property adjacent, directly east of the parcel 17-20-101-019, 3020 Glengary Rd, Commerce Township, MI 48382.

Robert Long, 1342 E. Commerce Rd, Commerce Township, MI – I wasn't even aware of this. I see it on the agenda and what's coming up. I just wanted to say, there's two reasons to own acreage in Commerce Township. I see this is a 9-acre parcel, which by these standards today is a pretty big piece of property in Commerce. There has been a lot of discussion here tonight, and I think you've taken months talking about how you can lessen impact with development in the Township. There are two reasons to own property in Commerce. One, we like it. And the other is, it's going to appreciate in value. If you can do anything to work with these people, so that they like it and their property goes up in value, so that they can keep it as acreage as long as they can keep it as acreage, I think it benefits everybody, as long as it doesn't encumber on the neighbor's rights.

Chairperson Parel closed the Public Hearing as there were no additional comments.

Dave Campbell – Could we get a motion to table any action on this item until after Item I3?

MOTION by Loskill, supported by Winkler, to table Item H1., PPT23-01, Don & Mary Bliss, Accessory Structure, until after Item I3. **MOTION CARRIED UNANIMOUSLY**

ITEM H2. PSU23-01 – COSTCO GAS STATION – SPECIAL LAND USE – PUBLIC HEARING

Stephen Cross representing Costco Wholesale Corp. of Commerce Township MI, is requesting approval for a Special Land Use for the relocation & expansion of an existing gas station to a new location on the property located at 3000 Commerce Crossing Road. Sidwell No.: 17-36-200-028

Chairperson Parel – Dave, we have potentially three things we have to do for this; the public hearing, potential action for Special Land Use, and potential approval for the site plan, correct?

Dave Campbell – Correct. This is a relocation and expansion of a gas station in the B-2 zoning district, and gas stations are an accessory use in B-2, accessory to the principal use which is the Costco warehouse store. It was determined back in 2003 that the gas station was an accessory use, so that has been affirmed by your predecessors. Costco is now looking to relocate and expand the fuel center, within the existing parking lot. So, they are expanding a Special Land Use and therefore a public hearing is required. After the Planning Commission has an opportunity to open and close the public hearing, then they have the option of two action items. One is consideration for

action on the Special Land Use, and if that is approved, then two is action on the corresponding site plan.

Chairperson Parel – Okay. Would you like to give more of a summary before we open the public hearing?

Dave Campbell – I'm happy to do so and the folks in the audience may want to have a better sense of what is being proposed. The Planning Commission has seen this earlier in conceptual form.

Chairperson Parel polled the audience to see if anyone was present to speak during the public hearing regarding the Costco gas station proposal.

Dave Campbell, Planning Director, brought up the site on the overhead and gave a review of the Planning Department's report. The relocated fuel center is proposed to be within the parking area east of the existing fuel center, and the area occupied by the existing fuel center would be repurposed with replacement parking once the relocated fuel center is operational. The relocated fuel center would double the number of fueling stations from 16 to 32, would include wider bypass lanes, and would be located such that the queues of fuel customers would not spill back into the adjacent public roadway, as sometimes happens with the existing fuel center.

Costco previously acquired the undeveloped outlot along the east side of Loop Road south of the existing gas station and received Planning Commission approval last year for additional surface parking. Once complete, the project will result in an additional 16 parking spaces. Elevations were provided for the new canopy. The topic of sidewalks at the development site was addressed in the Planning Department's report and a future SAD is anticipated. Costco proposed significant landscaping improvements.

Larry Dziurdzik, Project Manager, JNL Design Group, 1955 Raymond Dr, Ste 119, Northbrook, IL, was present to address the request on behalf of Costco.

Larry Dziurdzik – I represent Costco. With me tonight is Kayleen Burnett, Costco Real Estate Manager, all the way from Washington. I'm happy to have her here tonight assisting me with the presentation. Dave, were you able to download the presentation?

Dave Campbell brought up the plans on the overhead.

Larry Dziurdzik – Last time we met, we spoke about the plan for relocating and expanding. The time before that, we actually looked at just expanding the existing fuel station, and we agreed with you that that was just not going to work, given the site constraints and overall dimensions. Tonight, I think we have a really good plan that incorporates a lot of your concerns. As Dave mentioned, the lane widths, the number of fuel pumps, and just the overall circulation.

We're looking at this area of about 3 acres that we're going to be changing and redeveloping. This is the existing fuel facility here, and there's quite a bit of traffic backup here on Commerce at this western location. Cars that are coming off the loop as they make their way north get backed up right here because they can't make the left turn into the station. Today I got gas and at 3:30pm, it was already starting to backup. I

believe that is a recurring daily event. It took me about 7 minutes from the time I entered the queue line to get gas.

Our proposal tonight is going to basically eliminate this backup on Commerce because we're bringing all the traffic back to our east/west internal drive, and then having really nice circulation.

Here is our proposed site plan. Back in November, I appeared before you with the 55-car parking lot. We talked about that, and the purpose of this parking lot is to facilitate and supplement the loss of parking here, which is about 111 cars. With the 55-car parking lot, and the existing stalls today, I believe we're at 841 spaces. Dave, you had mentioned that we're gaining 16 spaces.

Dave Campbell – That was my math.

Larry Dziurdzik – I think the math is that we're actually losing about 39 when this is fully built out, including the 72.

Dave Campbell – Our math was, including the 55 that are already approved, but that don't exist yet, plus 72, less 111 equals 16.

Larry Dziurdzik – Correct. We started off at 841, and we determined 802 for the final. We can talk about that.

Dave Campbell – You've got plenty of parking. That's what we determined.

Paula Lankford – Yes.

Larry Dziurdzik – So the circulation as Dave mentioned is from the west. Most of the traffic is coming in here and here off of Commerce. Very little traffic is coming off of the main drive. We're having them queue in this direction, and basically all exiting is here. Right now, we have 8 pumps, and we're doubling that to 16, with 32 fuel dispensers. By doing so, it basically takes up this entire property, with our fuel tanks here.

There is a very important sanitary easement here that we're respecting, and we've worked with your Township Engineer. She basically approved, as long as we're not building foundations or any sort of development within that easement.

This is an enlarged concept of the fuel station. You can see that we are 4 across by 4 deep. We have some really important dimensions here because we're giving some generous lane widths. Right now, we're at about 9 feet, and we're almost approaching 12 feet for that bypass lane, so I think the larger trucks will be able to maneuver around a parked car in front of the gas pump and around.

The elevations are very similar to the architecture that's there today. They're basically replicating the metal canopy. The colors would be the same for the CMU block. I think there is one correction to note on Dave's report which is the signage. We have two signs on this elevation, on the east-facing and on the west-facing. We would like to replicate exactly what we have there today, which is two signs.

Dave, can you zoom into the pier and the column? This is something that is not currently there. This is a light indicator table. As you are in the queue, you're able to see what pump is available so you can navigate, or if they're all red, then you know they're all occupied. This is something we're doing across the country, and I think that will

improve as well. We had conversations that people are sitting there when there is an open pump.

On the next slide, Dave touched upon our proposed controller enclosure. One thing we are adding is a small warming hut for employees. There is not one there today, but for a larger fuel station like this with multiple lanes, during the colder months, he can actually go in there to warm up as he assists Costco members.

I'd like to conclude with just a couple of notes. We're going from 8 pumps and 16 fuel dispensers to 16 pumps and 32 dispensers. We're eliminating the narrow 9-foot bypass lanes and increasing those to generous 11-foot 8-inch lanes. The pump spacing is moving from 24 to 28 to allow people to get in and around cars, which is very generous. We all know about the slow traffic flow and the backups on Commerce; we're greatly improving circulation, reducing wait times considerably, and reducing the congestion on Commerce Crossing, which at times can be dangerous. We are eliminating those backups. Parking as I mentioned, we're starting at 841, and the total parking for the property is 802. We have a net loss of 39 when looking at the additional parking. I would be happy to answer any questions. Dave, should we address the sidewalk issues at this time?

Dave Campbell – Sure, we can. I know my letter went into some detail about the sidewalk. I was trying to hopefully make a case that there are arguments in favor of sidewalks, and there are arguments not in favor. There are arguments for or against making an in-lieu-of contribution. As I mentioned, I thought the appropriate middle ground was for a commitment by Costco to be a willing participant in a future SAD, if and when the Township does come up with a plan to develop a sidewalk network around the Commerce Crossing development; not just Costco, but Target, Home Depot, and whatever becomes of the movie theater. My understanding is that Costco is not opposed to that concept, but their concern would be that they're agreeing to something that they don't have a lot of detail on what it would be. Larry, if you want to speak to that topic specifically, I think now is the perfect time.

Larry Dziurdzik – Thanks, Dave. Costco is doing its work with the Township. We understand the purpose of sidewalks. We're not against sidewalks. I think the language that they drafted for that condition is something that Costco probably could not accept the way it's drafted, just because there are so many unknowns. I know there are plans in place, or that you've talked about sidewalks for this area. We haven't seen the plans. We're not really sure about the costs or the materials. Are we talking about a 5-foot sidewalk, or an 8-foot or 10-foot bike path? We do have some problems with that language. I think the way the condition is written, *That Costco will not object to being included in a Special Assessment District (SAD)*. *Object* is a word that we probably cannot agree on at this time. We would *consider* being included in the SAD. We like the word *consider*.

Chairperson Parel – I'm sure you do.

Larry Dziurdzik – But *object*? What are we objecting to? What are the plans? Costco wants to be a good neighbor.

Chairperson Parel – I understand you can't commit to an unknown. I think there is going to have to be some type of commitment from Costco on some type of plan for

sidewalks, whether it's the SAD later on, or maybe we could work the language to detail where we think where the sidewalks should be now and the costs now, then put some inflationary index onto it. I understand there are a lot of questions and a lot of ambiguity, but we know the requirements for the width.

Dave Campbell – It might depend on whether we want a 5-foot sidewalk or an 8-foot pathway. We haven't developed a plan for what the nonmotorized network in this area might be. Part of the reason that plan doesn't exist yet is that we don't have a great idea of how to get nonmotorized traffic across that roundabout. I am confident that between my office, the Township Attorney and Costco's representatives, we can come up with a commitment from Costco that doesn't necessarily scare their lawyers too much.

Chairperson Parel – Okay.

Weber – It's probably not their lawyers. It's probably a contingent liability on the books that is more of an issue. I would be interested in what you think the solution might be.

Larry Dziurdzik – Okay, thank you.

Chairperson Parel – Thank you. It's good to see you again.

Chairperson Parel opened the Public Hearing.

No comments.

Dave Campbell – We did not receive any written comments for this public hearing.

Chairperson Parel closed the Public Hearing.

Commission Comments:

Karim – No comments.

Vice Chairperson Winkler – The petitioner has done everything we asked them to do regarding the site plan. I have no comments.

Loskill – I have no comments. They did everything we asked them to do.

Weber – I agree.

McKeever – No comments.

Chairperson Parel – Dave, can you pull up the rendering of the canopy and the ancillary building? On the canopy, this is all metal cladding?

Larry Dziurdzik – Yes.

Chairperson Parel – Is the latest and greatest prototype? Is Costco developing sites with a nicer looking or higher quality building material?

Larry Dziurdzik – I'll let Kayleen answer that question.

Kayleen Burnett – With a new site it's the city's design standards, but with an expansion or relocation, typically we try to match what's existing as usually the gas station matches the warehouse. We like to have that aesthetic look. Typically, our materials are sustainable, and we try to use ... If you have been in our warehouses, we're a low-cost operator. That's how we keep our costs low for our members. We choose materials that don't require a lot of maintenance.

Chairperson Parel – I appreciate it. One of the considerations I made was if this was a new project. We frequently look at gas station renovations and we don't necessarily look at them as a brand-new development, but what would we consider in another scenario. On the other side of the coin, I do understand that you are trying to match it to the existing buildings. You wouldn't want to build something that is a mismatch.

Dave Campbell – With respect to the canopy itself, we do typically require on new gas station proposals, or renovations, that their columns be clad in some sort of masonry material. They're proposing the CMU units. It's up to the Planning Commission whether that is the appropriate material. I'm guessing that Costco will say that they're matching what is existing and what is consistent with the existing building that they're not planning to alter at this time.

Chairperson Parel – I think it helps me that it's not on a main road. I'm good with that. Dave, any other comments before we take a vote, other than the fact that we have to first address the Special Land Use?

Dave Campbell – Correct. Special Land Use would go first and if approved, then you will move onto the site plan. If we're to the point where you're inclined to make a motion, then I think we're back to Larry's concerns about condition #2, *A written commitment from Costco to be reviewed by the Township Attorney stating that Costco will not object to being included in a Special Assessment District for the design and installation of sidewalks.*

Chairperson Parel – I was under the impression that you were confident you could handle that administratively.

Weber – I'd like to hear a proposal from Costco on how we get some kind of definition, and something more definitive than *consider*.

Larry Dziurdzik – We have looked at different language. What Dave has indicated here is a very detailed statement. I think we have a statement that generally says, *Costco will work with the Township, their Planners and Engineers, on their master pedestrian plan for this area, and will consider entering into an SAD once final numbers and materials have been selected...* I think we could probably finish it from there, but just keeping it simple and saying that this agreement between Costco and the Township would be handled administratively, so that a public hearing for a Planning Commission would not be required.

Chairperson Parel – I do agree that is simple, but I also think it's noncommittal, respectfully. I don't know if you disagree with that, David. Just saying that we will work with the Township doesn't guarantee that ...

Weber – Obviously we are trying to accomplish some level of certainty, outside of saying we're going to require you to build sidewalks right now, or something outside of saying contribute to the sidewalk fund in a predetermined amount, or an amount that we could calculate now, to something that is more flexible. Working with the Township and saying you will consider it, it's easy to say, "We considered it, and the answer is no."

Dave Campbell – It's not my intent that this becomes a game of chicken between Costco and Commerce Township. What Costco has to appreciate is that the Planning Commission has it within their authority to require sidewalks as part of their site plan approval. That's right in our Zoning Ordinance. In lieu of that, the Planning Commission has it within their authority to accept an "in-lieu-of" payment in an amount consistent with what it would cost to put in the sidewalks.

The Planning Commission has to appreciate that Costco could say, "Well, if that's what is required then we retract our proposal for this relocated fuel center." I don't think the Township wants that either. The intent is to come up with a reasonable approach, with Costco agreeing to be a willing participant, if and when the Township determines that a sidewalk program is necessary here.

Chairperson Parel – I don't disagree that it's a reasonable compromise. Is it possible to take action tonight, and put that aside to be worked out later administratively between your department and them?

McKeever – Contingent upon them reaching an agreement.

Dave Campbell – I'm comfortable with that. I don't know if someone wants to practice how to re-verbalize condition #2 of site plan approval, within the recommended motion language on Page 9.

Weber – So, *A written commitment from Costco to be reviewed by the Township Attorney stating that Costco will not object to being included in a Special Assessment District for the design and installation of sidewalks in and around the Commerce Crossing development, and particularly within Costco's frontage along Loop Road and Commerce Crossing Road.* That's the language right now. We're asking Costco to agree to an SAD that is undefined.

Dave Campbell – And I understand what their concern is. But again, Costco has to appreciate that this Planning Commission could say, "If we can't come to terms with that, then ..."

Chairperson Parel – I don't think either party is saying we can't come to terms. I think we just have to come up with reasonable language that the parties agree to.

Dave Campbell – I think we can do that. If you want to revise condition #2, *A written statement from Costco relative to the future design and installation of sidewalks*, I would be comfortable with that.

Chairperson Parel – But again, Costco isn't just going to agree to that statement tonight.

Weber – I think it goes to Bill's comment, that we would change this language to say that, *The Special Land Use is conditioned upon an agreement between the Township Attorney, the Planning Director and Costco on language to address sidewalks.*

Dave Campbell – That sounds okay to me, if it gets us over this hump.

Larry Dziurdzik – That sounds great. That was perfect.

Chairperson Parel – Perfect, thank you George. Thanks, Bill. Are we good with parking lot lighting?

Dave Campbell – It's the same lighting style and the same pole height as elsewhere throughout the development, but it is taller than what the Zoning Ordinance would typically allow. As we did with the parking lot expansion, it's an effort to maintain consistency across the entire development. The other one I think Larry mentioned earlier was, *No outdoor storage or display.* Larry, correct me if I'm wrong, but Costco does have Christmas tree sales outside?

Larry Dziurdzik – That's correct.

Dave Campbell – So if and when we get to site plan approval, for condition #3, if we could amend that to say, *No outdoor storage or display without necessary approval from Commerce Township.* For the Christmas trees in particular, they can get a temporary outdoor sales permit.

Larry Dziurdzik – That's correct.

MOTION by Weber, supported by McKeever, that the Planning Commission **approves, with conditions,** Item PSU23-01, Costco Gas Station, Special Land Use, the request by Stephen Cross representing Costco Wholesale Corp. of Commerce Township MI, for approval of a Special Land Use for the relocation & expansion of an existing gas station to a new location on the property located at 3000 Commerce Crossing Road.

Sidwell No.: 17-36-200-028

Move to approve PSU#23-01, a special land use for the relocation and expansion of the Costco fuel center accessory to the Costco Wholesale Store #841 at 3000 Commerce Crossing Road.

Approval of the special land use is based upon the following findings:

1. The fuel center is confirmed to be a special land use accessory and customarily incidental to the principal permitted use in the B-2 (Community Business) zoning district, as it was when originally approved in December 2002; and,
2. The fuel center complies with the Standards for Special Land Use Approval listed in Sec. 34.08 of the Zoning Ordinance; and,
3. The fuel center complies with the applicable Use Standards of Sec. 26.302 of the Zoning Ordinance for Automobile Fueling Stations/Gas Stations.

Special land use approval is conditional upon the following:

1. Approval of a corresponding site plan for the relocated and expanded fuel center, as well as the parking area proposed to replace the existing parking area; and,

2. A written agreement from Costco, to be reviewed and approved by the Township Attorney and the Planning Director, regarding future sidewalk funding.

MOTION CARRIED UNANIMOUSLY

I. NEW BUSINESS:

ITEM 11. PSP23-03 – COSTCO GAS STATION (SITE PLAN)

Stephen Cross representing Costco Wholesale Corp. of Commerce Township MI, is requesting site plan approval for a relocation & expansion of an existing gas station to a new location on the property located at 3000 Commerce Crossing Road.

Sidwell No. 17-36-200-028

Chairperson Parel – Dave, now we move onto the potential approval of the site plan itself.

Dave Campbell – Correct, and if that is your pleasure, I'll remind you that when you get to condition #3, *No outdoor storage or display, unless approved by Commerce Township.*

MOTION by Weber, supported by McKeever, that the Planning Commission **approves, with conditions,** Item PSP23-03, Costco Gas Station, Site Plan, the request by Stephen Cross representing Costco Wholesale Corp. of Commerce Township MI, for site plan approval for a relocation & expansion of an existing gas station to a new location on the property located at 3000 Commerce Crossing Road.

Sidwell No. 17-36-200-028

Move to approve PSP#23-03, a site plan for an expanded & relocated fuel center for Costco Wholesale Store #841 at 3000 Commerce Crossing Drive, including the parking spaces that would be constructed within the area currently occupied by the existing fuel center.

Site plan approval is based upon the following findings:

1. The information presented demonstrates that the site plan meets the applicable standards and requirements of the Commerce Township Zoning Ordinance; and
2. The number of spaces proposed, while in excess of the maximum permitted by Sec. 28.09.C of the Zoning Ordinance, is necessary to accommodate Costco's typical operation; and
3. The height of the three new exterior light fixtures would be consistent with the spirit & intent of Article 31 of the Zoning Ordinance.

Site plan approval is conditional upon the following:

1. Engineered construction plans to be reviewed and approved by the Township Engineer and Township Fire Marshal; and
2. A Sign Permit application to be reviewed and approved by the Building Department for the proposed canopy's wall sign along with any other directional signage proposed; and
3. No outdoor storage or display, unless explicitly approved by Commerce Township.
4. Final stamping sets to be reviewed and approved by all reviewing bodies, including the Planning Department, Township Engineer, and Fire Marshal. Revisions in the stamping sets to include:
 - a. A revised landscape plan to address the comments of the Landscape architect

MOTION CARRIED UNANIMOUSLY

ITEM 12. PSP23-06 – LAG DEVELOPMENT

LAG Development of Hartland MI is requesting PUD site plan approval for a proposed dual-branded automobile dealership (Hyundai & Genesis) to be located on the northwest corner of Pontiac Trail and Haggerty on Unit 3 of the Commerce Towne Place site condominium, consistent with the approved Planned Unit Development (PUD). Sidwell No.: 17-24-401-056

David Campbell, Planning Director, brought up the site on the overhead and gave a review of the Planning Department's report. The property is currently owned by the Commerce Township Downtown Development Authority, DDA. It is Unit #3 within the Commerce Towne Place master site condominium. The project is being proposed by Lafontaine Automotive Group, LAG, who wants to develop this property with a dual-branded new car dealership for Hyundai, and their premier brand which is Genesis. That would consist of two buildings on the property, along with a vehicle inventory storage area.

This project was submitted as a PUD. The key components are the PUD agreement, which is a contract between the Township and the developer, along with the PUD concept plan. This project received PUD approval from this Planning Commission, and then from the Township Board, at their respective March meetings, which was a big step in the PUD process. Now potentially the final step is the PUD site plan, which is meant to be a fully detailed version of the PUD concept plan and includes details of building materials, lighting, landscaping, et cetera.

When the Planning Commission saw the PUD concept plan in March, the bulk of the Commissioners' comments had to do with the building elevations. Dave explained the architectural recommendations and reviewed the improvements that were incorporated into the revised plans. He also discussed the frontage road sidewalks included in the development. LAG is also proposing to fund a connection from the frontage sidewalk, on the southwestern side of the site along the Wal-mart retaining wall. That funding will get the pathway to the back of their property. Then, once the Township puts in the sanitary sewer, which will hopefully be built in the near future, an area would be prepped to hookup the existing pathway network to LAG's pathway. The network of pathways meander through Commerce Towne Place conservation area and currently dead end at Wal-mart's parking lot. LAG would like to make a contribution for the future construction of that, to coincide with the timing of the Township installing the sanitary sewer which would then close the loop on that nonmotorized amenity.

A big point of discussion throughout this project was screening along the public roads. The site plan and landscape plan show a healthy landscape buffer along Haggerty Road. The Township's Landscape Architect has reviewed and recommended approval. Because this is a PUD and Lafontaine was required to provide recognizable public benefits as part of the project, one of the benefits is the pathway connection, and also this gathering space at the corner, with a pergola feature, enhanced landscaping and seating, and a great big American flag. In addition, there is a gateway feature, a "Welcome to Commerce" wing wall, given this is a high-profile corner and an entry point into Commerce Township, coming in from the West Bloomfield side of Haggerty.

The applicants, Elizabeth Marchese and Gary Laundroche of LAG (Lafontaine Automotive Group) Development, LAG Commerce Township, LLC, 9990 East Highland Road, Hartland, MI, were present to address the request.

Elizabeth Marchese – Dave hit all of my high points. We did address the issues for the glass service doors. Also, as Dave stated, we did go back to Hyundai to get permission to extend the ACM along the north and south elevations.

Chairperson Parel – We do thank you for that. So, these renderings we're looking at show those changes?

Elizabeth Marchese – Correct.

Chairperson Parel – It's a good-looking product. We appreciate you working with us. I think we will just go down the line to see if anyone has any questions.

Commission Comments:

McKeever – I have no comments.

Weber – I think I have questioned them to death in the past.

Chairperson Parel – You have.

Loskill – The one question I haven't heard addressed is the flagpole. Are you still planning on doing a 100-foot-tall flagpole?

Elizabeth Marchese – My understanding is that the flagpole is what we currently have at our Cadillac Highland dealership, and that is 120-foot pole with a 30x60 flag.

Loskill – That's not representative on the renderings. You're looking at a 40-foot flagpole there and it's going to be 3 times that height.

Chairperson Parel – Can we handle the flagpole administratively?

Dave Campbell – Sure, but if you let me do it, it will be even bigger than 30x60.

Chairperson Parel – Are you concerned?

Loskill – If you expect it to look like that, that's not what it's going to look like. It's going to be 3 times that size.

Chairperson Parel – I'd like to say I'm very patriotic.

Loskill – I would have the flagpole, but I'm just concerned it will be really big on that corner. I think it's too tall and the flag is too big.

Dave Campbell – Does it help the conversation if I pull up the aforementioned flagpole at the Cadillac dealership in Highland?

Weber – Why not.

Chairperson Parel – While we're doing that, Brian, any comments?

Vice Chairperson Winkler – I have one comment, and that is to express my appreciation to this petitioner for addressing the comments brought up by the Planning Commission through the process.

Karim – No comments.

Loskill – This building is 25 feet tall, which is a 40-foot flagpole. I think that looks great and I have no problem with that.

Dave Campbell – So this is the Cadillac GMC on the north side of M-59 in Highland Township. I think what Gary and Elizabeth are saying is that is a 120-foot tall, 30x60 American flag.

Elizabeth Marchese – Yes, that's exactly what it is.

Weber – I like it. It's a flagship corner coming into the Township.

Chairperson Parel – That doesn't look obnoxiously large to me.

Dave Campbell – I'm trying to remember who stated it, but the flag itself is the same size as what Belle Tire currently has on Haggerty, and maybe Discount Tire as well.

Loskill – I just thought I'd bring it up to see what everybody else's opinion is.

Chairperson Parel – It sounds like George is good with it. Anyone else with comments? Unless anyone has anything else, I recommend we take a vote.

Dave Campbell – There is recommended motion language starting on Page 5 of the Planning Department's review letter.

MOTION by Loskill, supported by McKeever, that the Planning Commission **approves, with conditions,** Item PSP23-06, the request by LAG Development of Hartland MI for PUD site plan approval for a proposed dual-branded automobile dealership (Hyundai & Genesis) to be located on the northwest corner of Pontiac Trail and Haggerty on Unit 3 of the Commerce Towne Place site condominium, consistent with the approved Planned Unit Development (PUD). Sidwell No.: 17-24-401-056

Move to approve PSP#23-06, a PUD site plan application from LAG Development for Lafontaine Hyundai-Genesis, a dual-branded new & pre-owned vehicle dealership consisting of two sales & service buildings and an outdoor vehicle inventory display lot located on the northwest corner of Pontiac Trail and Haggerty Roads upon Unit 3 of the Commerce Towne Place condominium.

The Planning Commission's approval is based on the following findings:

1. The PUD site plan is consistent with the PUD agreement and its exhibits, particularly the PUD concept plan, approved by the Commerce Township Board of Trustees on March 14, 2023, subsequent to a recommendation of approval by the Planning Commission on March 6, 2023.
2. The PUD site plan complies with the applicable requirements of Article 35 (Site Plan Review) of the Zoning Ordinance, and incorporates the comments received from the Planning Commission as part of their review of the PUD concept plan

during the March 6, 2023, meeting particularly those relative to the design of the Hyundai building;

3. The proposed landscape plan satisfies the intent of the PUD agreement, PUD concept plan, and Article 29 (Screening & Landscape Requirements) of the Zoning Ordinance;
4. The PUD site plan's signage plan shall be the basis for the review by the Building Department of all Sign Permits, including wall signs, freestanding signs, and directional signs.

PUD site plan approval is conditional upon the following:

1. Review and approval of engineered construction plans by the Township Engineer, Fire Marshal, and Building Department;
2. Road Commission for Oakland County (RCOC) review and approval of the location and design of the driveway approach onto Haggerty Road and any road improvements required;
3. Coordination with Walmart on the construction and perpetual maintenance of the extension of the shared frontage road;
4. A deposit in an amount equal to the estimated cost of an 8-foot paved pathway along the entirety of the site's south property line (approx. 800 feet) to be deposited into a dedicated fund, with said estimate to be confirmed by the Township Engineer;
5. A deposit in an amount equal to 2% of the RCOC's estimated cost of a traffic signal at the intersection of Pontiac Trail and Haggerty Road, based on the findings of the Township Traffic Engineer's Traffic Impact Study;
6. Wall signs, freestanding signs, and directional signs to be reviewed by the Building Department under separate permit subject to the PUD agreement and the PUD site plan's signage plan;
7. Final stamping sets to be submitted for administrative review and approval with the following revisions:
 - a. A revised photometric plan that includes standard fixture cut sheets;
 - b. Confirmation that the proposed wingwall's "Welcome to Commerce" letters will be backlit to create a "halo" effect
8. Site landscaping, street trees, and ground sign design to be coordinated to avoid landscaping obscuring the proposed ground signs.

MOTION CARRIED UNANIMOUSLY

ITEM I3. PSP23-04 – THE COVE AT BENSTEIN CROSSING

MM Benstein, LLC of Farmington Hills MI, is requesting condominium site plan approval of a two-family site condominium development located at 1420 Benstein Road consistent with an approved conditional rezoning. Sidwell No.: 17-28-476-002

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

Dave brought up the aerial on the overhead. He explained that the Planning Commission held a public hearing on March 6th for a conditional rezoning petition for this 4.25-acre property at 1420 Benstein Road, on the east side of Benstein Road just north of Loon Lake Road. Most people recognize the site based on the silo that still exists on the property.

The prospective developer, MJC Development, intends to construct for-sale duplex condominium units, 18 units in 9 buildings, comparable in size to those within the Benstein

Crossing and Benstein Commons developments that bookend the subject property. 1420 Benstein was zoned R-1B, One Family Residential, and the conditional rezoning petition sought to have it re-zoned to R-2, Attached Residential.

The Planning Commission made a formal recommendation for approval of the conditional rezoning at their March 6th meeting, and the Township Board at their March 14th meeting granted final approval of the conditional rezoning agreement. The associated map amendment for this conditional rezoning was included on the agenda for the Township Board's April 11th meeting.

Dave noted that the conditional rezoning agreement and the master deed reflect that these cannot be rental units. In addition, a term of the conditional rezoning agreement was that the developer proposed to extend the existing right turn acceleration taper along the east side of Benstein Road. The photometric plan was included in the packet, along with the landscape plan which showed significant buffering to all neighboring projects. The elevations included a variety of floor plans and high-quality materials.

The developer is now seeking approvals for the condominium site plan and the master deed from the Planning Commission, which if approved, will then proceed to the Township Board on May 9th.

Chairperson Parel – Dave, I feel as if nothing has changed with the site plan since the last meeting.

Dave Campbell – I can't think of anything that has changed other than they've provided additional detail with respect to landscaping.

Mark Kassab, Senior Vice President, MM Benstein LLC, MJC Land Development LLC, M. Shapiro Real Estate Group, 31550 Northwestern Highway, Ste 200, Farmington Hills, MI, was present along with Jim Galbraith to address the request.

Mark Kassab – We have tweaked the plans slightly. We have worked with the association president to the north, and we talked to some residents to the south of us. We believe we bring a product that's going to be beneficial to the community and to the neighbors. I'm happy to answer any questions you may have.

Commission Comments:

Karim – I have no comments.

Vice Chairperson Winkler – No comments.

Loskill – I only have one item. I noticed you added a mailbox cluster to the south side of the cul-de-sac area. You might want to take a look at that. You have no place for the mail person to park their vehicle. You have a grass island they will have to walk across to get to the sidewalk, and you have your mailbox cluster sitting on grass. At a minimum, I think you're going to need a walkway to get from the street to the mailbox cluster. Will the cul-de-sac be considered a fire lane? I don't think it's wide enough to meet the requirements while someone is parked there.

Dave Campbell – Fire Marshal Gall is still here, and he did review this. Speaking of the roads, this is going to be a private road, which is permitted in a development other than

single-family, so because these are attached residential, private roads are permitted so long as they are built to the specifications of the RCOC.

As to the question about fire accessibility and circulation, Fire Marshal Gall, are the dimensions of the streets satisfactory to you?

Fire Marshal Gall – Yes, I just need 20’.

Loskill – Okay, every place is different.

Weber – Nothing additional.

McKeever – Nothing additional.

Chairperson Parel – Nothing from me.

MOTION by Winkler, supported by Loskill, that the Planning Commission **recommends approval, with conditions,** to the Commerce Township Board of Trustees, of Item PSP23-04, The Cove At Benstein Crossing, the request by MM Benstein, LLC of Farmington Hills MI, for condominium site plan approval of a two-family site condominium development located at 1420 Benstein Road consistent with an approved conditional rezoning. Sidwell No.: 17-28-476-002

Move to recommend the Commerce Township Board of Trustees approve PSP#23-04, a condominium site plan by MM Benstein, LLC (Mark Kassab) for The Cove at Benstein Crossing, an 18-unit attached residential condominium to be developed on approx. 4.23 acres on the east side of Benstein Road between Loon Lake Road and McCoy. The Planning Commission’s recommendation of approval is based upon a finding that the proposed site condominium complies with the applicable standards of Articles 11, 35, and 37 of the Commerce Township Zoning Ordinance. The Planning Commission further finds that the proposed building materials are sufficient and waive the requirements for the “anti-monotony” standards of the Zoning Ordinance.

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

1. Final approval of the condominium site plan and Master Deed and its exhibits by the Commerce Township Board of Trustees based on a recommendation of approval by the Township Attorney;
2. Review and approval of the master deed’s Exhibit B documents by both the Township Attorney and the Township Engineer;
3. Review and approval of engineered construction plans by the Township Engineer, Fire Marshal, Building Department, and the applicable departments of Oakland County and the State of Michigan;
4. Review and administrative approval of a revised site plan and landscape plan that includes all “as noted” items of the respective engineering and landscape reviews of Giffels Webster;
5. Approach to Benstein Road and the extension of the right turn lane to be reviewed and approved by the RCOC;
6. Entrance sign and/or features to be reviewed and approved under a separate Sign Permit by the Building Department subject to the requirements of Article 30 of the Zoning Ordinance.

MOTION CARRIED UNANIMOUSLY

Dave Campbell – Mr. Kassab and Mr. Galbraith, your request will be on the Township Board agenda next Tuesday evening.

ITEM H1. PPT23-01 – DON & MARY BLISS – ACCESSORY STRUCTURE – PUBLIC HEARING (continued from above)

MOTION by Loskill, supported by Winkler, to remove Item H1., PPT23-01, from the table. **MOTION CARRIED UNANIMOUSLY**

Dave Campbell brought up the aerial again on the overhead and provided a detailed review.

Dave Campbell – I know that the petitioner and their counsel want to have an opportunity to make a presentation. As I mentioned, the main focus is the 4,000 square foot pole barn. Based on the aerial photography, it looks like work was started in the second half of 2018 and wrapped up in 2019. The structure was constructed without any necessary permits from Commerce Township. In the case of a structure like this, it would require not only a building permit from the Building Department, but it would require approval from this Planning Commission.

Based on Article 33 of our Zoning Ordinance, an accessory structure of this size, greater than 900 square feet, is only allowed on properties greater than 2 acres, and only after approval from the Planning Commission, subject to a public hearing, which of course we've already held.

This particular structure has been the subject of enforcement efforts with the Township's code enforcement division, and with the Township Attorney. My understanding of where we stand on the legal side of things is that the petitioner asked for and was granted an opportunity to appear before this Planning Commission to seek retroactive approval of this structure.

In the Planning Department's review of this structure, it got somewhat more complicated in the sense that this is one of several accessory structures on this property. If we do a lap around the property, there is a barn with a lean-to on the north side which would have to be taken into account when we're determining the total square footage of all accessory structures on the property. There's another structure there, and granted, some of these look like simple horse shelters, but because they are a vertical, permanent, anchored structure, per our Zoning Ordinance we have to consider them accessory structures.

When you total up all of these existing accessory structures, in addition to the newly constructed 4,000 square foot pole barn, we're talking about approximately 8,000 square feet of accessory structures, accessory to the principal permitted use, the home, which is right here. So really what the petitioner is asking the Planning Commission for is not just retroactive approval of the newest and the biggest of the accessory structures, but retroactive approval of all the accessory structures scattered throughout the property.

The other thing that the Planning Department hopes can be a part of the discussion tonight is the existing outdoor storage of materials throughout the property, particularly these; a mix of shipping containers and/or semi-trailers. We count 7 of them on this aerial which was taken fairly recently on March 30th. The Planning Commission has the authority to condition their approval of this pole barn, if they so choose, on bringing the rest of the site into compliance. The Township typically would not allow a storage container on a single-family zoned piece of property, and certainly not 7 storage

containers. In addition, there is a collection of equipment, materials and building materials stored along the east property line.

If the Planning Commission is inclined to retroactively approve, not just the newest pole barn, but all of the cumulative accessory structures on the property, then the recommendation of staff is that they do so on the condition that by a certain date, all of this existing outdoor storage is either removed from the property, or is relocated into the new pole barn, or some other existing accessory structure on the property. As I mentioned, the pole barn is 4,000 square feet and that seems like plenty of space to store what historically has been left outside. Staff is recommending December 1st of this year, which is 7 months, to get the rest of the site brought into compliance.

Obviously, there is some history involved here. As I mentioned, Mr. and Mrs. Bliss and their counselor would like to have an opportunity to address the Planning Commission.

Chairperson Parel invited the petitioners to approach.

Attorney Langan, 128 N. Center Street, Northville, MI – Very well done on the presentation. There's a lot of history here, and a lot of detail. I have the sense that you might not want to listen to me for 40 minutes, so I'll make my comments brief; however, if there is an area that I have not addressed in my short presentation, we are here, and the applicants are here with me. The neighbors are here, and some declined to speak earlier, but they are some of the neighbors that are impacted by the Bliss's activities on the property, and they're here to show their support.

Something that's critical in this examination, which I know we included in our application, is pictures of the view of the pole barn from various angles. You can see it here on this topographic survey, and what's critical are these contour lines where the pole barn rests. For lack of a better explanation, it's in a hole. It's not visible or impacting the neighbors; it's a minimal impact. There's the home, and if you look to the right behind that tree there, that's from the road where they have a gated entrance to the property. It is minorly visible from the low traffic road.

One thing about the preexisting accessory structures is that these are agricultural structures. The one reference to a barn was actually originally permitted as a residential home and was converted to a shop/barn when the Bliss's merged these properties, and they built their own home on the property. The other four agricultural structures are out in the paddock. They have horses and donkeys. Those structures were imported from their other farmland, and point of fact, two of them are not permanent structures.

They're on skids and they basically hold hay, and they push the mangers around the property in various spots to get hay to the horses. I don't know how much the agricultural nature, or the movable nature of these structures influences your decision, but we thought that was important criteria to discern for you.

My focus for this was to examine and address the specific ordinance that is at issue here. These three points of the ordinance are:

1. *Compliance of the proposed building with local ordinances.* You already addressed that it is. It's well-built and within the setback, height and other standards of the ordinance.
2. *Whether the proposed building and landscaping are aesthetically compatible in design and appearance with other buildings in the vicinity.* Well certainly the home that the Bliss's live in is splendid, and this barn, if anything I would say has

a tendency to be overbuilt, and so they're probably the two best structures in the vicinity. I think aesthetically, we would certainly argue that the barn is about as good as you can get.

3. *Whether the proposed accessory structure would negatively affect the surrounding property values or constitute a nuisance.* I think, if anything, again we would strongly argue that the barn is the nicest thing back there.

The Planning Department has correctly noted that it would be an improvement to put the recreational and agricultural vehicles and equipment in the barn and eliminate those trailers and shipping containers. I will say that yes, we agree. If you were to look at more aeriels dating back further, you would see that the outdoor storage activity on this property is already dramatically reduced, and we have no objections to the proposed agreement to get all of the equipment and items inside and get rid of those trailers and shipping containers. There may be a lot more questions, but that was basically the substance of our presentation tonight.

Chairperson Parel – Appreciate it.

Dave Campbell – Is the date agreeable, December 1st of this year?

Attorney Langan – Yes, that's agreeable. I spoke with the Bliss's earlier today and they agreed that they can do it easily by then.

Dave Campbell – One thing that the Planning Commission has typically included as a condition of approval for other large size accessory structures that they have reviewed and ultimately approved, was as follows: *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.*

Attorney Langan – Yes, that's a good point and we agree. These are the former owners of a trucking business. They've gotten rid of the trucking business on the property. They have a yard in Howell. Unless horses are not permitted ...

Dave Campbell – I think when we talk about the type of uses, all of us can agree that oftentimes there might be a temptation to operate out of a building such as this whether it be auto repair, or a landscaping business. Those are commercial entities that should be located in a commercial zoning district, not in single-family.

Attorney Langan – Yes, as I said the trucking business now has its own place in Howell. They're retired.

Dave Campbell – You're telling me it won't be a distribution hub or a repair hub.

Attorney Langan – I'll state this clear as a bell. By the way, I personally toured the property and observed this. This isn't a court, but as an officer of the court, this is not being used for any commercial activity.

Dave Campbell – So if the Planning Commission is inclined to make a motion after their discussion, I would want to include that language in that motion. I'll remind you of that.

Commission Comments:

Chairperson Parel – Why are we hearing about this after the fact?

Attorney Langan – I need to fall on my sword here in large part. When the Bliss's first got an indication from the Township that this had happened, they engaged me back in 2021. I spoke with Mr. James, the ordinance enforcement officer.

Dave Campbell – He's not anymore.

Attorney Langan – At the time; so, the delay from then until now is entirely on me. Please don't let that be ...

Chairperson Parel – I'm good with that. My question was in regard to the 2018 construction.

Attorney Langan – Yes, that's a little more ... They did apply for permits and maybe got confused or didn't fully understand the requirement to come here. They can address this if needed, but they did apply, and somehow it wasn't approved. How much or how little that's forgivable, I think we could explore, but it was attempted and failed, or misunderstood, or some variation thereof. To be clear, anything post-2021 is on me.

Weber – Jay, do you have any recollection?

Jay James – I don't recall. I could go check our records, but I don't recall it being applied for prior to its construction. I believe once we made note via letter that it had come to our attention, they did submit plans after that point, which I had to deny due to the size. Then it moved into 2021.

Chairperson Parel – The approximate year of that letter?

Jay James – It was just prior to covid, because I know then covid took effect and things got lost for a period of time because of that. Then we took it back up probably in 2021, as he is referring to. So, I want to say it was 2019 or early 2020.

Chairperson Parel – My underlying theme is that I don't want to get this Commission into setting a precedent.

McKeever – Are there any accommodations being made for construction inspections?

Jay James – We probably haven't gotten to that point yet, Bill. I'm assuming that if it does get approved tonight, the order would be that they will have to formally submit plans for review. When we go out to do inspections, they will have to make accommodations for us to do the inspections.

McKeever – Would that have to be added to the motion language?

Dave Campbell – I think that would be a wise inclusion.

Attorney Langan – We have no objections to that.

Weber – Obviously there are concerns about a building without any permits. We need to be equitable to all. My view would be that I'm not happy with where we are because of not getting permits for something like this. I would ask, what would we require if they did come in proper order? I think you've addressed all of that with primarily removing all of the other materials from the property. I have nothing else.

Loskill – I don't have anything that hasn't already been mentioned.

Vice Chairperson Winkler – No comments.

Karim – No comments.

Chairperson Parel – I don't love the situation.

Attorney Langan – I absolutely respect that. It's a significant challenge. If there was some measure that you felt was appropriate. I was trying to think of a metaphor, but I couldn't come up with a good one, except for the kid who eats the cookie out of the cookie jar. You don't make him puke it up. You give him a punishment. That's not a good one.

Weber – I don't think you're advocating for your clients to be punished on top of this.

Attorney Langan – No, it's not a good one. If there is something that I could potentially stress, it's that yes, the sequence of events was suboptimal at best, but if you were to consider the language of the ordinance, and consider the improvement to the property, and the reduction of the nonconformity, or the elimination of the nonconformity, I would ask that you favorably do that, and I think that's material.

Dave Campbell – I think what Mr. Parel is asking you and your client to appreciate is that anyone who tries to do this the right way, the same project, comes in, applies for the proper permits, comes before this Planning Commission and gets all their approvals, are they a sucker for trying to do it the right way? Then, here comes the next guy who asks for forgiveness. That's where I can see where Mr. Parel and his peers on the Planning Commission are struggling with this.

Attorney Langan – I absolutely can appreciate that. I've been at this for 30 years.

Chairperson Parel – I get it. I also can't appreciate the comment that the petitioner is giving us something by bringing the rest of the site into compliance, because it should have been that way from the beginning. That said, I appreciate your situation. I'll leave it up to this group, unless anyone has any more comments.

Weber – I have a question. Dave, in your document, you recommended an evergreen buffer to be maintained along the east side of the property, but you've got a comment about additional screening to the west. I'm looking at the aerial.

Dave Campbell – As noted in the Zoning Ordinance, it is the Planning Commission's discretion whether to require any additional screening or buffering to offset the views for the neighbors for a structure of this size. When we talk about the west, we have to be

mindful of this parcel which we call the hammerhead property. This property has a history, but it's inevitable that this property will develop. When it develops, there will be a question of whether this is a wide-open view to this large accessory structure. That is a question I wanted to bring to the Planning Commission; is there any additional landscape screening, evergreens or whatever else, that would be appropriate to adequately screen a structure of this size? It's within your discretion to make that decision if you are inclined to retroactively approve it.

Chairperson Parel – And why only to the west?

Dave Campbell – This is fairly wide open. I assume this is the horse pasture.

Mr. Bliss – Correct.

Dave Campbell – There is certainly vegetation here, but it looks to be deciduous.

Chairperson Parel – Dave, one of the letters you read into the record was the property owner to the east?

Dave Campbell – I think that the individual who wrote that letter, I think this is her father's property. So, she was writing on behalf of her father.

Chairperson Parel – One of my questions is, if this is the individual that's having an issue, why are we not talking about screening on that side?

Dave Campbell – We certainly can. What we noted in our letter is that there is existing evergreen vegetation, although a lot of it is on the neighbor's property along the east side, and not so much along the west side.

McKeever – The complainant letter came from the property to the east?

Dave Campbell – Representing the property to the east.

McKeever – The property with all of the disabled vehicles scattered around it.

Dave Campbell – That was brought up when she visited our counter to write the letter. It was written at about 5:15pm this afternoon. I did ask the question, "Help me understand the outdoor storage on your property, and in particular these vehicles that Mother Nature is reclaiming." Her reply was that those vehicles are slowly but surely being removed from the property. If we do a split-view, you're looking at March 30th of this year, versus April 10th of last year. You can see that there are less of them. Her response, on behalf of her father, was that she is actually getting those vehicles out of there.

Weber – Dave, zoom out a little bit. We're talking about screening to the west generally. If the hammerhead property does get developed, which we assume it ultimately will, then we will be talking to them about screening the property to the east because they're going into that development with eyes wide open. However, I would say because of the

proximity of the new pole barn, and the proximity of the rear yard of the home to the east, that there's not much ...

Mr. Bliss – There's a privacy fence there.

Attorney Langan – There's an obscuring fence for a portion of the property.

Loskill – Yes, but it's only going to be 8' tall maybe.

Chairperson Parel – How tall is the building?

Attorney Langan – The building is 20', and again it's in a hole.

Weber – I'm not worried about it. I drove by the property last week, so I've got a good feel for it. Dave, if you go further east or zoom out. My concern was whether they enjoy the backyard or not, there is nothing screening along the east property line.

Mr. Bliss – That area there originally had big pines, but Detroit Edison cut them down because the power lines go right along my fence line.

Dave Campbell – Mr. Weber, if you're looking to fill in some portion of that gap with some sort of evergreen, there are species, whether it be an arborvitae or something that would grow tall enough to accomplish what you're looking to do without getting so tall that they would be a target of DTE.

Weber – I would be happy with just simple arborvitae that would provide a little bit of screening to the property to the east. I have no concerns with the property to the west.

Mr. Bliss – We could put them in there if that's what you really need.

Weber – If you had come to us with a site plan prior to building this, we would have asked that same thing.

Chairperson Parel – George, you're not concerned with screening on the west?

Weber – No. They're coming in eyes wide open. Our history says that we will probably be talking to that developer about screening that development from the existing property owners.

Chairperson Parel – I'm glad you brought it up. It makes sense. Dave, that landscape buffer of arborvitae proposed, is that something you can handle administratively?

Dave Campbell – Yes, is there a quantity you have in mind, or a distance in mind?

Weber – I'll give administrative approval to you to determine what's simple, not egregious and appropriate.

Attorney Langan – And effective.

Chairperson Parel – Thank you. I would appreciate a motion, but it sounds like we have three additions to the motion. One is the application of a building permit and process, two is the arborvitae screening with administrative approval, and three is language that Dave was going to supply.

Dave Campbell – I'll read that verbatim of what we've done on several others. *The accessory structure shall not be used for any purpose other than those principally permitted in R-1A zoning district, including but not limited to operating a commercial business within the structure.*

Chairperson Parel – Is your team good with that?

Attorney Langan – Absolutely.

Chairperson Parel – With that, if somebody could make a motion, I would suggest that we include the language that Dave just read for #3.

MOTION by Weber, supported by Loskill, to **approve, with conditions**, Item PPT23-01, the request by Don & Mary Bliss of Commerce Township MI, for retroactive approval as provided for in Section 33.01.A of the Commerce Township Zoning Ordinance for a 4,000 square foot accessory structure (pole barn), along with five pre-existing accessory structures (detached garage, equine shelters, etc.) totaling approx. 4,000 square feet, for a combined total of approx. 8,000 square feet. The 9-acre property is located at 3000 Glengary Road. Sidwell No.: 17-20-101-019

Move to approve PPT23-01, an application submitted by Don & Mary Bliss for an existing accessory structure that is greater than 900 square feet, for their home at 3000 Glengary Road. The motion is based on a finding that the subject structure, when combined with all other accessory structures on the property, 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 evergreen buffer be maintained along the east property line and with additional screening to be administratively approved by the Township Planning Director;
3. All shipping containers and semi-trailers shall be permanently removed from the property by December 1, 2023;
4. All trailers, equipment, watercraft, building materials, debris, and any other various items currently being stored outside be either placed in the new pole barn, or be permanently removed from the site, by December 1, 2023;
5. The accessory structure shall not be used for any purpose other than those principally permitted in R-1A zoning district, including but not limited to operating a commercial business within the structure.
6. The applicant will apply for the proper building permits, with the existing property to be inspected and approved by the Township Building Inspector.

Discussion –

Parel – Before we vote, Dave, just to be clear; the penalty for not removing these items by December 1st?

Campbell – I would think that their approval for the structure becomes void and we are back to talking about tearing down an unlawful structure.

Mr. Bliss – I will guarantee they're gone.

Parel – We appreciate that, sir.

MOTION CARRIED UNANIMOUSLY

J: OTHER MATTERS TO COME BEFORE THE COMMISSION:

None.

K: PLANNING DIRECTOR'S REPORT

Chairperson Parel inquired about an update on Lakeside Marine. Dave Campbell explained that the effort continues to find a reasonable path forward. Mr. Boboige and his attorney, Mr. Silvestri, are going to submit a revised sketch of what they want to do. The concept is that he will have a new building, perpendicular to the existing building, which would then redefine the yards. What used to be side yard would become rear yard, and open the potential for a Special Land Use for outdoor storage in that redefined rear yard. In the meantime, Mr. Boboige has been strongly encouraged to make a good faith effort to clean up the site. It is something of a ceasefire, and he needs to show that he is actively working on resolving this matter. Dave anticipates that the proposal could be before the Planning Commission within the next 60 days or so.

Dave discussed the following with the Commission:

- **NEXT REGULAR MEETING DATE: MONDAY, JUNE 5, 2023, AT 7:00pm.**
- We will have another pole barn next month.
- There is another ceasefire situation with Home Depot until they have an opportunity to come before the Planning Commission with a revised plan for their outdoor storage of rental equipment, mulch, topsoil, plants, shrubs, et cetera. The Planning Commission could very possibly require that these items be stored inside of an enclosure, which is what the garden center was originally meant to be used for. In addition, there is a similar situation with Lowe's, where they tend to put all of their tough sheds in the middle of the parking lot. Both stores have been taking liberties with what they are allowed to do.
- We may have a condominium amendment for Commerce Towne Place. It's something of a rubber stamp. If you'll remember the Barrington project, when they built the three additional buildings, they now want to make that its own unit and then split off the portion of it that has frontage on Pontiac Trail.
- We are going to take another run at the tree replacement ordinance.
- The Township Board approved a resolution for a 90-day moratorium on vape shops, smoke shops, tobacco shops, all of the above, to give the Township Attorney, the Planning Commission and ultimately the Township Board 90 days to amend the Zoning Ordinance to provide standards for those types of retailers. There have been some struggles with these businesses and the Township wants to reign that in. The Attorney is looking at potentially applying a lot of the same standards that currently apply to alcohol retailers, as far as spacing standards relative to each other, relative to schools, parks and so-forth.
- We have talked a lot about the Beaumont property. The prospective developer came before the Planning Commission in December with a concept plan. Randy Thomas and I met with him and other members of his development team, to review revisions to that plan. I don't know that they were drastic revisions. He

wants to get those back in front of you, but as we discussed it, we thought it might be a more productive conversation if we could have a meeting of three Planning Commission members, including Mr. Parel, Mr. Weber and Mr. Loskill.

Weber – Prior to that meeting, can you send them some of the draft materials from Giffels for the Beaumont site? Maybe Giffels can pull together a couple slides of what we have already seen which shows the direction we're going in relative to that property.

Dave Campbell – I can. I think the response you might get is that the market isn't there.

Weber – I'm happy to address that issue.

L: ADJOURNMENT

MOTION by Loskill, supported by Karim, to adjourn the meeting at 9:19pm.

MOTION CARRIED UNANIMOUSLY

Joe Loskill, Secretary