

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

Monday, August 8, 2022  
2009 Township Drive  
Commerce Township, Michigan 48390

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

**ROLL CALL:** Present:

Brian Parel, Chairperson  
Bill McKeever  
George Weber  
Sam Karim  
Joe Loskill

Absent:

Chelsea Rebeck, Secretary

Brian Winkler, Vice Chairperson (excused)

Also Present:

Dave Campbell, Township Planning Director

Paula Lankford, Planner

Jay James, Engineer/Building Official

Larry Gray, Township Supervisor

Debbie Watson, DDA Director

Nancy McClain Giffels Webster

**B. APPROVAL OF AGENDA**

**MOTION** by Rebeck, supported by Loskill, to approve the Planning Commission Regular Meeting Agenda of August 8, 2022, as presented.

**MOTION CARRIED UNANIMOUSLY**

**C. APPROVAL OF MINUTES**

**MOTION** by Weber, supported by Rebeck, to approve the Planning Commission Regular Meeting Minutes of July 11, 2022, as presented.

**MOTION CARRIED UNANIMOUSLY**

**D. UPDATE OF ACTIVITIES**

Chairperson Parel – Brian Winkler is not here. Dave, do you by chance have an update from the DDA?

Dave Campbell – I might look to Deb. Was there anything earthshaking that occurred at our last DDA Meeting?

Debbie Watson – Downtown Development Authority

- There was nothing earthshaking.
- We are working on the sales of Parcel C and Parcel L. Those are both progressing.

Dave Campbell – Parcel L is the new daycare.

Debbie Watson – Yes, and that should be closing in September. Parcel C is moving forward for Lafontaine. The Planning Commission saw that last month for the text amendments.

Dave Campbell – And speaking of Lafontaine on Parcel C, their next step is to start the PUD process with the Township. That starts with an internal meeting with the Township Supervisor, the Building Official, myself, the Township Attorney and Lafontaine's attorney to rough out the framework of a PUD agreement. At some point in the near future, they will approach this Planning Commission with their proposal. At that time, we will be scheduling a public hearing for that PUD.

Bill McKeever – Zoning Board of Appeals

- We granted a variance for an accessory structure in the front yard at located at 201 Annison, due to the odd configuration of the lot.
- We also granted a variance for fence height restrictions at 4883 Halberd.

George Weber – Township Board of Trustees

- The Township Board has had two meetings since the last Planning Commission meeting.
- Most of those agenda items were associated with SAD's for snow plowing, dust control, aquatic weed control in our lakes, and some maintenance. We had 7 or 8 SAD's that we were reapproving going forward. Chickory Lane still remains open. We're still working through that and it will be one of the subjects at next Tuesday's meeting.
- We adopted several amendments to ordinances; one as Deb discussed regarding Lafontaine Automotive Group in the Towne Center Overlay district. We also adopted an amendment to the ordinance associated with storage pods and utility trailers.
- We are actively purchasing new equipment. Some of our Maintenance trucks are more than 20 years old.
- We do have openings in our Maintenance Department. I see a large crowd here. If anyone wants an awesome summer job cutting grass in our parks, we desperately need staff like most other places.
- We approved some special liquor permits for Multi-Lakes for a celebration that was held last Saturday.
- Finally, I think of note, we are finishing up the renovations for parking and landscaping at Hickory Glen. There will be 40-50 trees planted.
- We have moved forward with the eight pickleball courts that are being installed at Richardson Center. There will be associated parking, a nice shaded pavilion, water fill stations, et cetera, for that facility.

Chairperson Parel – I just learned that pickleball is the fastest growing sport in the world.

Weber – I think it has been for the past 5 years or so.

Chairperson Parel – George, was there also some type of special alcohol permit for Kickstand Brewery to do an Oktoberfest party in the parking lot?

Weber – I want to say that was a couple months ago, but yes, we did approve that.

Jay James – Building Department

- New building is continuing.
- Obviously with the recent rainfalls, we've a deluge of drainage and soil erosion issues that we're still trying to get through. That's taking up most of our time right now.

Dave Campbell – I don't know if any of you have met Nancy McClain. You've seen her name on lots of reports from the Township Engineer. Jason Mayer typically joins us, but he's off tonight and Nancy is here in his place. I wanted to introduce her.

Chairperson Parel – Thanks, Dave. Pleasure to meet you, Nancy.

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

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

Larry Gray, Township Supervisor, 2115 Glen Iris Court – I wanted to make everyone aware of a transit millage that our County Commissioners are going to be looking to put on the November ballot. They will be having a vote this Wednesday at 4:30 to see if the verbiage will be placed on the November ballot.

What they're looking to do is have a .95 mill per household in Oakland County. This does not give any cities, villages or townships the option to opt out of this program, which we had previously. With this mill, Commerce Township would be adding approximately \$2.3 million toward the transit that would cover everybody in Oakland County.

Just a couple facts here. Less than .04% of Oakland County residents use public transit. Right now, SMART has an operating cost of about \$150 million, and they collect about \$10 million a year, so \$140 million of that is all paid by taxpayer dollars.

I just wanted to bring that up. Whether you are for or against public transit, most homes in Commerce would be looking at about \$250 extra per year, per household. Again, this is no choice, no opt out.

Weber – I commend Larry for his leadership on this. Literally, Commerce Township could be forced to pay an additional \$2.3 million in taxes, all of us will be paying more, for services that are not likely to benefit the vast majority of Commerce Township residents. Those tax dollars are primarily going to be spent in other areas of Oakland County. Historically, we have been able to opt out of that. If other communities in Oakland wanted that, they could have it. But now, the Oakland County Commissioners and leadership are forcing it upon us without an ability to opt out. Many of us will be attending the meeting on Wednesday to voice our concern and displeasure. The Commissioners will have a vote on it. It just doesn't look good for us. It's something our Township Board has been vehemently opposed to, and we have voiced our opinions, but now it's being taken out of our hands.

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

### **F. TABLED ITEMS**

None.

## **G. OLD BUSINESS**

None.

## **H. SCHEDULED PUBLIC HEARINGS (4):**

### **ITEM H1. PZ22-05 – COMMERCE TOWNSHIP – TEXT AMENDMENT – PUBLIC HEARING**

An amendment to the Commerce Township Zoning Ordinance No. 3.000, to update sections within Article 30 – Signs, to ensure consistency with precedential case law including rulings by the United States Supreme Court regarding Constitutional protections of free speech.

Dave Campbell, Planning Director, gave a review.

### **Chairperson Parel opened the Public Hearing.**

No comments.

**MOTION** by Loskill, supported by Rebeck, to adjourn the public hearing for PZ# 22-05, a series of amendments to Article 30 - Signs of the Commerce Township Zoning Ordinance, to the next regularly scheduled Planning Commission meeting on Monday, September 12, 2022.

**MOTION CARRIED UNANIMOUSLY**

### **ITEM H2. PSU22-01 – PCI INVESTMENTS, LLC – SPECIAL LAND USE – PUBLIC HEARING**

PCI Investments, LLC of Lyon Township, MI is requesting approval for a Special Land Use for an outdoor storage facility in the Industrial zoning district, located at 1367 & 1387 Claranton Drive. Sidwell Nos: 17-27-352-004 & 17-27-352-005

Dave Campbell, Planning Director, gave a review of the Planning Department's report. He reviewed the history of the property, which has been zoned industrial since at least as far back as 1975, and the Claran Industrial subdivision was approved by Commerce Township, Oakland County and the State of Michigan in 1999 and 2000. He noted that there was a full house present and concerns have been expressed by the residents of the condominium development adjacent to the west, Benstein Crossing; 43 emails were received from those residents all expressing their opposition to the project.

Weber – For outdoor storage, we require an 8' fence, correct? I'm assuming the berm, with the fence on top of that, is getting to 8'?

Dave Campbell – You're correct. The baseline for an outdoor storage yard is 8' in height. However, the Planning Commission has the discretion to deviate from that as you see necessary, and a lot of times, you deviate based on the type of equipment that is being stored within the yard and the manner in which they will operate the yard. You're correct that at least along the west property line, they're proposing a 2' berm with a 6' fence on top of it, so collectively, 8' in height for screening.

Loskill – On that western fence, they're looking at putting the fence on the property line. How are they going to build on top of a 2' berm if they're putting it right on the property

line? Wouldn't it have to come in at least a couple feet in order to be able to construct the berm on their property?

Dave Campbell – That's a great question, and you're right, because the berm would have to be sloped on both sides, and you have to have a 4/1 slope.

Chairperson Parel – Could that be resolved with an 8' fence?

Dave Campbell – That would be the alternative. I may look to the Township Engineer. Was the berm along the west property line part of their stormwater management too?

Jay James – No.

Dave Campbell – It didn't have any role with that, so that would be the other option, an 8' fence in lieu of the 2' berm with the 6' fence.

Chairperson Parel – If there are no other questions, we invite the petitioner to come up.

Terry Sever, 1883 Teakwood, White Lake – Regarding the berm and the 8' fence, we came forward primarily to get the Special Land Use, and the site plan was done as a conceptual. As far as the fence and the berm, we'll do whatever the residents would prefer. We could do the 8' on grade, or we can do the berm. We can offset it from the property line. We're open to that.

I've been in meetings like this before and the one thing I respect most is listening to the residents. I think they're going to find that some of the earth-shattering impact they got when they received the public hearing letter is not all what it was intended. Some people, thankfully, have done their homework. I would also encourage them to go on the website and look at the many uses that would be permitted without a Special Land Use permit. The idea of the Special Land Use is to give the Township more control over screening, aesthetics and things like that.

I'd like to show some history and the need for the outside storage. And yes, as you move forward, it's probably fortunate that we're the first ones to come forward. We're a small construction business that wants to be neighborhood friendly. We will do what it takes to coexist. I think that was the spirit back in the late 90's and early 2000s when these two property owners started looking at this. I remember, I was a realtor. At the time, the property that was eventually built residential was industrial. A lot of times you can get a rezoning to a multiple zoning classification, and I think that's what it was. At that time, it probably looked like a very good thing.

I'd like to pass out some information. (Approached and distributed to the Commissioners). I also have historical information. I do have extra copies. On the first page, I happen to have a zoning map from 1992. Being a realtor, I was keeping track of stuff so I would be informed. If you look down ...

Weber – Dave, do you have a copy of this?

Terry Sever – I worked on this today. I'm not savvy with getting stuff on the screen.

Chairperson Parel – Could we pull up the aerial?

Terry Sever – I'll go through this and then if the residents have questions, I'll be happy to address it. This is the area in 1992 before it was developed. Then this page shows the aerial, the red box is the property. It shows a number of areas and it was a time when the Township was beginning to move forward because of the expansion of the sewer and water. The next color page shows the existing conditions; if you go to the front, you obviously would think this whole area was going to be built industrial. This map shows Industrial I & II, and I think somewhere along the line you combined it and had only one industrial. The color page shows the property as it is today. The north part of the subdivision, that is all industrial all around it going north and east. If you were a planner in 1992, looking at what's in the best interest of the community, you would be hard pressed 50/50 whether you wanted to go industrial or residential.

The last page, which I think is the most interesting, shows Rock Road. This is the intersection of Pontiac Trail and M-5 on the east side, south of Pontiac Trail. This was a proliferation of outside storage.

When you look at the history, there's a lot of small businesses like this contractor, lawn cutting and landscaping businesses. When I first bought my home and I was young and vigorous 50 years ago, I'd get out and cut the lawn. As I grew older and made more money, my wife insisted I wasn't doing a good job so we started hiring a lawn service. Many of the people in your community are now living in \$400,000 to \$500,000 homes, and they're expecting to get their lawncare. Where do these people park their equipment? 20 years ago, you could park it in the driveway or the backyard, but all the communities said no, we can't have that. So, you designated the industrial zoning classification as the place where these businesses would have to locate if they wanted to open or run a business. When this industrial area went to residential, you lost acres of industrial.

As far as a need, there's definitely a need. Also on that last page, take a look at all of that outdoor storage, and the fact that this is all an industrial area, and look at the condo project that's in there. There's a condo sub and I don't have any idea how that got there because it's nestled in the back of this and around, and they have managed to coexist for 20 years or more. That's my deliberation on showing the documentation and the need.

Now, I have another packet to distribute. (Approached and distributed to the Commissioners). I'll go through our intent for the property, the impact and things like that. We are expecting to hear from the public and we'll do what we can. We would appreciate the Planning Commission giving us approval, with the considerations that the residents are asking for. We're not going to build a Taj Mahal. We recognize and we want to screen it. The subdivision there is beautiful and well-kept. I'm sure they have a lawn service that comes in and maintains it.

We have a small construction company, run by family. Their business starts in April when the frost laws come off. They typically will have a job lined up, they'll move their equipment to that job, and then hopefully they get another job lined up and jump into another. They don't have a need to come to this yard every day at 7:00 in the morning, like a lot of businesses will, the other businesses that would be permitted in there. They don't need lighting because they're not going to be coming there at night. In fact, if the residents hear any noise at night, we'd like them to call the police. Basically, their equipment is going to be there November through April.

Their equipment consists of smaller types; a skid steer, a backhoe, a trailer to carry their equipment to and from the site, a flatbed, scaffolding. They're pretty much a masonry company. They will have their brick and material sent to the jobsite, so they won't be

storing any real material onsite. I apologize for the gravel comment. My language wasn't so good on that. During off hours and daylight hours, they may go in there and clean and do maintenance on their equipment.

I can skip the history of the site. I think we have it. I would like to show the pictures I took. (Dave Campbell brought up photos on the overhead). I took this picture from the street that is closest to the industrial property. Between the two houses, you can see larger trees. Those were wisely left as part of a natural barrier, and they've grown to some 30' tall. If you look close at the evergreens that are closest to those tall trees, those are the ones that the builder put in as additional screening for the residents. On the next picture, this shows the development taking place in early 2000. In the pink area, in 2002, that's the screening that was left as part of the natural barrier between our property line and theirs. That is where the 25' of industrial was done for the zoning classification. That was untouched.

Dave Campbell – The 25' of industrial, that is this area right here. Where my cursor is moving, this is actually Benstein Crossing property, but that 25' strip has remained zoned as industrial.

Terry Sever – While most of us weren't there when that discussion took place, that was to create a coexistent atmosphere where they would have that 25' undisturbed from a developer on either side, and it would become a barrier. That's very uncommon. Other communities don't do that. That was a very good move on the part of the Planning Commission and the owners at the time.

This is a picture I took from Claranton, and that's our backyard with all of those trees. We're talking about a wall which is 6' or 8' high, and that's fine. We will do what the residents feel most comfortable with, but those trees are easily 30' tall. You can't see a rooftop or anything through those trees. That photo was taken about 30 days ago. We're here today to ask that the Planning Commission approve the Special Land Use and follow the intent of the ordinance which says that you're allowed to do it, but we have the right to listen to the residents and put proper restrictions on it. Other companies that could go in here would be lawn cutting businesses, auto repair which would have parked broken cars, landscaping companies, a porta-john company could come in here. If you stop and think about it, a community should be built to provide a community that can coexist and has all their services in their community. It's not fair to say, *Hey, build a house for me, but go park your stuff in Novi or somewhere else*. When you get someone to build a deck, where do they park their commercial vehicle? People don't want these parked in the neighbor's yard anymore.

Lastly, with regard to the need and the shrinking of available spaces for these businesses, all that industrial space that shows up on the zoning map, along M-5 on the east side, that's all big business. They're taken up by office buildings, et cetera. This is for the small business guy who needs to put his equipment somewhere. I've been working with this family for over a year and they are very community minded. Their small business is growing and they'd like to be here.

Dave Campbell – I would just mention that this could potentially be Mr. Sever's only opportunity to address the Planning Commission. Once we close the public hearing, the intention there is that all comments have been received and then it is the Planning Commission's turn to speak amongst themselves. However, I would expect that Mr.

Sever would at least want the opportunity to address any issues that come up here in the public hearing, and answer any questions that he hears.

Terry Sever – Yes, I'd like the opportunity to respond or clarify.

Dave Campbell – But it's your discretion.

Weber – But as the process would be, it is not an individual Q&A session.

Terry Sever – Let's do this; when they're done speaking, the Chair will ask me the questions that are pertinent for the residents. I want everybody to leave here understanding what our intent is.

Weber – I just want to manage the expectations. It is not an individual Q&A session.

Dave Campbell – It's key to a public hearing that one person talks and everybody else listens. It can't be something where there's dialogue going back and forth, or dialogue with the Planning Commission, or people shouting questions from the audience. That does not lead to a productive conversation. Everything that is said has to be recorded by our recording secretary, so when we do open the public hearing, we ask that it is one person talking at the podium and everyone is listening.

Terry Sever – Okay.

Chairperson Parel – Dave, the property is currently zoned industrial.

Dave Campbell – Correct.

Chairperson Parel – I always like to look at what the alternatives are. If this were to be developed into a typical industrial building, what building height could be built there?

Dave Campbell – The maximum height in the industrial zoning district I believe is 2 stories or 35' in height, whichever comes first.

Chairperson Parel – The existing zoning there would allow for a 35' building.

Jay James and Paula Lankford confirmed.

Dave Campbell – Article 23 of the Zoning Ordinance includes the table you see up on the screen, which has the principal permitted uses. The subsequent pages list Special Land Uses.

The Commissioners and members of the public took a couple of minutes to review the extensive list on the overhead.

Chairperson Parel – For my purpose, knowing that the alternative could be a 35' tall manufacturing site is relevant.



McKeever – Doesn't Special Land Use limit the height of what could be built on there in the future?

Dave Campbell – Whether there is outdoor storage on a property doesn't have any bearing on how tall the building could be. You can condition your Special Land Use approval, and one of the conditions you could consider is the types of equipment and types of material that could be stored there. If the Planning Commission considers approval of the Special Land Use, it can be conditioned upon storage of certain types of equipment as provided in their narrative, such that they can't sell it a year from now to someone who might stack up wrecked cars or scrap metal.

McKeever – Is this property currently owned by the developer?

Terry Sever – We're working on a purchase agreement. That's the reason we want to get the Special Land Use and know what it is that we're going to be able to build there. We have no problem if you put a restriction, even a 22' building, because that is a more normal industrial height.

McKeever – Of all the other vacant properties, from the two dozen or so that don't border on residential property, was there any thought to pursuing a Special Land Use there?

Terry Sever – I've looked everywhere, and this is the only site that provides sewer and water to the site, with a paved road.

McKeever – There's two dozen lots around that site.

Terry Sever – The only reason we went with these was because they told me they were working on buyers for the others. These were the only two available. We originally wanted to be on the south end, but this owner is going to be the friendliest you're going to see. We don't mind being the guinea pig and coming up with all the things that the residents want to see. I tried 18 & 19, 9 & 10, 22 & 23. I was told they were negotiating a contract. Unfortunately, I don't know why this hasn't sold, but it's probably that the market has just gotten there. It has been all this time. As a result, these people have a lovely development.

Dave Campbell – I think we can speculate from the Planning Department; the question was, *Why haven't these lots sold?* The original developer, who is still the owner of these lots, Mr. Valvona, put in a very significant investment to bring in the water and sewer, putting in a storm water management system with detention ponds, and then bringing in public roads. His intent has always been to get a return on that investment. His timing was probably bad in that, right as these lots came available for sale was right around the time of the recession of 2008/2009. So, the owner held onto these lots through all of that and into the current time period where now there seems to be significant interest in these lots, including the petitioner you have here this evening.

Terry Sever – Yes, in summary, the market is catching up. He's got X number of dollars to recoup for all of his expenses, and now the market is getting in.

Chairperson Parel – The equipment that will be stored on the lot, do you have an idea of the height of that equipment?

Terry Sever – It's all going to be under 8', plus the trees are 30'. We have nothing over 30'.

Chairperson Parel – Good, thank you.

**Chairperson Parel opened the Public Hearing.**

Chairperson Parel – I'd just like to reiterate a couple things regarding the public hearing. It's important to be respectful, please. It's not necessary to repeat. We absolutely hear the comments. I know personally, I've read all the emails, even though some of them came in late today. I think one of the most important things is to be respectful of people's time and keep comments to two minutes. Chelsea has graciously offered to run the timer. I'm going to apologize if I seem rude when I cut you off at two minutes, but it's for the overall benefit of everyone.

Diane Therasse, 1354 Andover Circle, Commerce Township – I'm a little frustrated by the pictures that he put up there because the pictures that he showed are not the property where this is going to fall behind. This is going to fall behind my home and my next door neighbor's home. We don't have that berm there so we don't have that added protection. That's very concerning to me because in the wintertime, when I look out back, I can see all the way back there. That wasn't an accurate photo, based on the information that came from Paula to one of our residents that showed where the bullseye is. That was a big concern to me.

I'll just go over a few things from my letter. What I would like to know is, and I'm confused about what this Special Land Use is; from what I understand, this property was listed for industrial, light industrial. What is the stipulation of that Special Land Use? Does that increase it from light industrial to medium industrial? Or heavy industrial?

Chairperson Parel – That's a good question. Dave, I think it's appropriate to answer that.

Dave Campbell – The Township no longer has a distinction, as far as zoning, between light industrial and heavy industrial. In the early 2000's, the Township combined what had been the general industrial and the light industrial districts into just an industrial zoning district.

Chairperson Parel – And the Special Land Use doesn't change the zoning at all.

Dave Campbell – It does not. It's a Special Land Use that's permitted with Planning Commission approval in the industrial zoning district.

Diane Therasse – So it could be heavy industrial back there then, is that what you're saying? If that's what they chose.

Dave Campbell – We don't have a distinction between general industrial and light industrial.

Chairperson Parel – That's what I was getting at, it could be a 35' building that's doing heavy industrial manufacturing.

Dave Campbell – You saw some of the uses that were on the table earlier. I think a lot of people would consider those to be heavy industrial uses.

Diane Therasse – The other question I have is on the map that was put up there. Are all of these lots redlined back there, are those all going to be included in this decision for this special industrial, or is every time that another company comes in and asks for special industrial, it will have to be approved?

Chairperson Parel – I'm going to say that it will have to be approved every time; correct me if I'm wrong.

Loskill – It depends on what the use is going to be. If they come in with a permitted use, they would not have to get a Special Land Use. Manufacturing and industrial uses would be permitted uses by right.

Diane Therasse – So that would not be considered a special.

Loskill – No.

Chairperson Parel – And we would not have a meeting with a public hearing like this.

Dave Campbell – You would have a meeting, but we would not schedule a public hearing with notices.

Rebeck – The reason that certain uses are Special Land Uses is so that we can control the outward appearance in some cases, for instance, a storage yard. It falls well within the zoning, but we want the ability to be able to tell them, please put extra buffering and things like that. But what they're asking for does fall within the zoning. We just want the ability to tell them, put up an extra fence, put up more screening, in cases like this when it's adjoining a residential area, but it's definitely within the industrial zoning. If someone asked for, I think one on the list was a sewage storage area, they wouldn't have to ask for a Special Land Use. They could just do it.

Chairperson Parel – With that, we're over our two minutes. I want to be respectful. I appreciate your comments.

James Aughton, 1175 Andover Circle, Commerce Township – I have three questions. What about diesel fuel and diesel trucks going in there? The smell won't have any problem getting around their berm or fence. I've only been in home improvement since 1964, and a lot of the little guys like he's talking about went out and purchased old warehouse for storage so they can service their own trucks. That's something they might want to look into. I'm also worried about the traffic. Those trucks have to get in and out of there. Benstein Crossing is a fight getting out of there some days. I'm worried about more traffic that comes down through there. I know he's going to say they go the other way, but then they're going to be driving through your residential properties. The other thing is, I almost lost my wife more than once since we moved in. I want to make

sure that ambulances can get in and out of our subdivision without worrying about the traffic. That's why I wear the mask all the time. I'm scared to take something home. Thank you guys for doing your job. I've dealt with more than one of you. The main things are, traffic, smell, noise, dust. Are they going to give us masks to sit on our decks so we don't have to worry about the dust?

Chairperson Parel – One comment in regard to the traffic, a full industrial building on the site could have 30 to 100 cars per day coming in and out. The alternative, if this is their plan and what comes to fruition, a few cars a week seems to be a better situation for traffic. That's my opinion and we're relying on the petitioner to fulfill his obligations.

Rebeck – Is Claranton off of Ladd Road?

Dave Campbell – Yes.

Rebeck – Does it go onto Benstein?

Dave Campbell – Not directly. You go to Maple.

Rebeck – They're not sharing any kind of traffic flow at all?

Dave Campbell – There's no direct connection between the subject property and the Benstein Crossing development.

Dennis Clynick, 1316 Andover Circle, Commerce Township – I have a dual role here tonight. I am a resident, in fact the first resident, north of the retention pond. A picture that he took is in the summer. If he came back in December and took that picture, you'd be able to see right through to Ladd Road. I can see it from my deck in the winter. In the summer, you see evergreen trees.

Secondly, I also represent the board of directors for Benstein Crossing. We did, as a board, write to the Honorable Mr. Campbell. I would like to read that letter with permission.

Chairperson Parel – As long as you fit within the two minutes.

Dennis Clynick – *We are reaching out on behalf of Benstein Crossing Condominium Association within the Township concerning the upcoming public hearing schedule for August 8<sup>th</sup>, 7:00pm, proposed Special Land Use by PCI Investments.*

*It has come to the attention of the Association that an investment group is proposing approval for Special Land Use for an outdoor storage facility in the industrial zoning district located at 1367 & 1387 Claranton Drive. The location of the proposed area is not acceptable by the Association, which includes 145 homes.*

*There are units that would have a direct view of this facility (which is mine) based on the current location that is being proposed. For some, it is approximately 45' from the lot line, which is unacceptable, even with a barrier constructed to separate the two.*

*In addition, there is concern throughout the Association about the nature of the facility; in close proximity, that will create more than an appropriate, acceptable level of noise. Noise stemming from machines, traffic entering/exiting, and/or normal business*

*practices all contributing factors to this action being further unacceptable. These factors will ...*

Chairperson Parel – Sir, I'm sorry. I have to cut you off there. That's two minutes, but I do want you to know, we have read your letter.

Dave Campbell – That letter was included in the packet.

Dennis Clynick – Just how many people here are in Benstein Crossing? (Many hands raised.) We will all be seeing the assessor on the devaluation of our property coming this fall. Any money you take in from this facility will be more than offset by a reduction in the assessments.

Chairperson Parel – I'd like to continue, but please, let's be respectful. I don't think we need to clap and things like that. We want to make time for people to speak their minds.

Nancy Randlett, 1482 Andover Circle, Commerce Township – We're very much affected by where this will go. The one thing I want to expand on is the noise. Right now, we have Rousseaux Excavating back there. It's a very large parcel, and I think it's called Glow Path Paver. Every morning at 7:00 in the morning, we hear, beep, beep, beep and it gets louder and louder. As the big trucks dump their load, it sounds like bombs going off sometimes. They can build a berm, you can do whatever you want to make it pretty, but it's the noise that we really listen to that I think is a really important point not to disregard.

Constance McCrea, 1345 Andover, Commerce Township – I'm across the street from the people directly on the abutting property. I've had some experience with this at a previous condo that I lived at. My biggest concern when they started talking about this was, is this the devil you know versus the one you don't. I understand the point you're all making. The issue I have is when you talk about putting a berm up, and he was talking about making water go into the pond. There's also the flipside which is our property. I think we would really like to see this not happen.

What could go in there, especially talking about sewage is not exciting, so what input truly do we have at that point? I would hate to see what I've experienced before, where you have a developer come in, they developed a bunch of stuff and all the trees went. We had some water runoff that created a lot of problems. They needed to put a French drain in, but they decided not to do it. The drains they put in had sand under them instead of proper underpinnings.

What guarantees do we have then? I'm in insurance. Is there a surety bond that we can request that will cover something? I don't know, but I think if this is something that you ultimately go forward with, which again, my preference is of course nothing ever go back there, how do we control what happens a year from now if the trees die? If there's water issues in the back yards? How do we control what they build? Once you approve it, is that the end of it? If you say, *Hey, the most you can put in here is a 20-foot building*, is that it? Once they build on that, is it carte blanche after that?

Chairperson Parel – Thank you. We'll try to answer some questions at the end.

Sharon Routsaw, 1273 Andover Circle, Commerce Township – I've heard the objections and I do too. If I had my choice, you wouldn't do it. We're talking about the berms and stuff; I don't think it's the sight of the building that is the issue. It's everything that goes around it. If PCI can address those issues, and make us feel comfortable that they will abate the noise, they will do whatever they can if there's any dust or traffic noise, if they can assure us that they're going to minimize that, then perhaps this isn't such a bad deal. We all know that we have to coexist, but certainly we'd like to do it where there's no impact on all of us.

Scott Johnson, 1372 Andover Circle, Commerce Township – Like she said, I know we need to coexist here. The gentleman said something about the 30' trees that are behind the property right now. As part of Special Land Use approval, you said you'd put conditions in there. I would ask that you put a condition in there that they not take those trees down. Right now, you can see right through there. My aunt has Parkinson's and she lives two doors down at 1388 Andover. I can look through her yard and see the Special Land Use sign at the other side of the road from her property.

One of the other comments the gentleman made was he was going to have backhoes or dozers. My understanding of light industrial is you can run a business, you could have ice cream trucks or delivery trucks, but once you get to dozers and backhoes, that goes to commercial. Everybody has been around dozers; they constantly leak fluids, some of those things have 50 gallons of hydraulic fluid in them. If you're on a gravel lot, that stuff is going right through there into the groundwater if they do maintenance on the equipment there. I would suggest, if you're going to approve, another condition be that they not have heavy equipment stored on that lot as well.

Unidentified Resident of Benstein Crossing – I just want to say right quick, I haven't heard one thing about how this is going to benefit the Township at all, including what these people also had to say. It's not like a business where they're hiring people or anything like that. They're just using a storage area.

Chairperson Parel – Sir, could I get your name and address?

Unidentified Resident – I live in the condominium complex.

Ron Randlett, 1482 Andover Circle, Commerce Township – Nancy and I purchased new and we've lived here for 8 years. My concern is, you talked about a skid steer, which is a very small piece of equipment. How many pieces of equipment are we talking about actually? We're talking diesel fumes, leaks, air brakes, any of that involved as well does increase the noise level. Secondly, the Pomponio Construction address is a condominium out at Woodbridge Glen in South Lyon. That's a beautiful complex, we have friends that lived out there. The value of their condo would not want to be devalued with the vacant property across the street behind their location. Also, there's Pomponio Brothers Construction in Taylor. There's a vacant lot next to that home, and next to that is Cordell Trucking which has semi-trucks and trailers stored there. Would that be an alternative site for consideration?

Linda Reynhout, 1599 Andover Circle, Commerce Township – Are we beyond rezoning to disallow any industry in that area? If it was rezoned at one time to allow Benstein,

some extra condos be put in, why can't that area be rezoned now to prohibit all that construction?

Loskill – Well, it could be, but you'd have to buy it and have it rezoned.

Linda Reynhout – Well, the Township can't do that? To protect its residents that are here, who have moved in and are very happy there without any noise and air pollution?

Chairperson Parel – Typically, the Township is not in the business of developing homes. George ...

Weber – To answer that quickly, the Township is the taxpayers, and for the rest of the community, it would be illogical for the Township to buy up land, specifically for the purpose of not allowing somebody who owns land to do what they're rightfully able to do.

Linda Reynhout – Yes, and I can assume that none of you live anywhere near this area.

Weber – I do.

Linda Reynhout – One of you. This construction company is from Lyon Township, and that gentleman lives in White Lake, so they don't even live in this area, yet they want to destroy our area.

Sun Barker, 1325 Andover Circle, Commerce Township – I would like to express myself. There's an elementary school down the street. You all know that. The road is a very narrow road. Another thing, the very hazardous material will all affect us. This is going to be open book on a lawsuit. You know what's going to be filed next. Please, think wisely, for us and for this Township.

**Letters and emails opposing the project were received from the following:**

1. Linda Reynhout, 1559 Andover Circle
2. Michael & Sharon Routsaw, 1273 Andover Circle
3. Carol Sobocinski, no address provided
4. Mary Johnson, no address provided
5. Frances Gapp, 1213 Andover Circle
6. Jordan Stevenson, 1683 Andover Circle
7. Inez Stevenson, 1683 Andover Circle
8. Kris Bunting, 1300 Andover Circle
9. Anupama Sanehi, 1350 Andover Circle
10. Wayne Dasher, HOA President, Benstein Crossing, no address provided
11. Pamela & Stanley Tokarz, 1463 Andover Circle
12. Michael Morfino, Secretary, Benstein Crossing Association, no address provided
13. Vahram Fantazian, 1583 Andover Circle
14. Dianna Wilson, 1262 Andover Circle
15. Annette Mechanical, 1486 Andover Circle
16. John & Mary Felix, no address provided
17. Nora Handy, 1234 Andover Circle
18. Paul Kogut, 1498 Andover Circle

19. Sun Barker & Elizabeth Shears, 1325 Andover Circle
20. Ozzie Hardin, no address provided
21. Patricia Leblond, 1645 Andover Circle
22. Dennis & Patricia Cummings, no address provided
23. Michael Handy, 1234 Andover Circle
24. Sam Spade, no address provided
25. Shirley Felczak, 1470 Andover Circle
26. Marianne Webster, 1195 Andover Circle
27. Mike Felczak, 1470 Andover Circle
28. Larry Wells, 1206 Andover Circle
29. Patricia Bishop, no address provided
30. Don & Mary Burch, 1494 Andover Circle
31. Roxanne Sander, 1474 Andover Circle
32. Suzanne & Richard Franczak, 1545 Andover Circle
33. Timothy Barton, 1458 Andover Circle
34. Mary Lee, 1363 Andover Circle
35. Dave & Joyce Czerwonka, 1454 Andover Circle
36. Constance Nicholas, 1266 Andover Circle
37. Barbara Stanko, HOA Vice President, no address provided
38. Steven Ceresnie, 1417 Benstein Crossing
39. Connie McCrea, 1345 Andover Circle
40. Melissa Morgan, Co-owner, Benstein Crossing Condo Community, 1614 Nottingham Court, Commerce Township
41. Diane Therasse, 1354 Andover Circle
42. Fred Levine & Janis Braun-Levine, 1394 Gloucester Ct.
43. Teresa Frey, Community Association Manager, Benstein Crossing Board of Directors

**Chairperson Parel closed the Public Hearing.**

Terry Sever – People are concerned about diesel fuel, traffic, trucks, semis, noise, trees. I'll say this; yes, in the wintertime, you're going to see that fencing. And, all of these other things will be addressed if you just take a minute and read what's allowed in there. You could put that 35' building in there, probably 20,000 to 30,000 square foot and have semis going in and out of there on an hourly basis. The residents should take a strong look at that. I honestly believe that we're the best bet for that site. I can't speak for the rest of it.

**Commission Comments:**

Karim – Are you willing to add some more trees and the berm on the back to close the gap which the residents are afraid of?

Terry Sever – That's a good point. I think what people aren't understanding is that fence is going to be at or near the property line. The vegetation that is there and growing is going to continue to grow. Now, I think if there were some reason to screen the wall, we could do that, but we opted to go with a decorative wall that's more attractive. Most places, if you put a chain link fence and try to obscure it, they want arborvitaes or something like that. I'm not sure it's a good idea to obstruct that beautiful wall which is probably three times more expensive to build.



Chairperson Parel – And on that subject, Sam, and this is directed to Dave, but if the alternative was the industrial building, and assuming they had no outside storage, would there even be a requirement for fencing?

Dave Campbell – No, there would not, if they did not propose any outdoor storage.

Chairperson Parel – So there would be no screening, other than whatever landscaping...

Dave Campbell – It would be our standard landscape screening and no requirement for a solid obscuring 6' or 8' wall.

Terry Sever – Probably 4' arborvitaes.

Chairperson Parel – Yes, okay. And Sam, since you brought it up, I think we should all consider the question that George brought up earlier regarding what height of fencing we would require.

Weber – I think we need to get a number. You said nothing would be taller than 8'?

Terry Sever – Right. Now, just keep in mind, I think that what you have us do, more than likely, you're going to want down that whole row to block all that, and we're willing to do whatever you ask of us, whatever the residents want. That will lock you in with the future proposals. Some might want a 4' fence. We will take your direction and build what is in the best interest of the aesthetics there for the residents, and that is something you can hang your hat on.

Chairperson Parel – I like the decorative fence as opposed to chain link or any other options. I don't want the residents seeing equipment, and that's why that was important to me. Whether it's 6' or 8'. I hate to use the term, on the fence, but we require 8'. Sam, I cut you off. Were you done?

Karim – Those are my comments.

Rebeck – I don't know if it's appropriate here, or further down in the process, but we need to make sure that no fuel is being spilled.

Terry Sever – That's part of the reason for using the gravel. If there's a spill, you can clean the gravel up and dispose of it. Whereas if it's paved, it hits the pavement and runs off. The gravel is actually a benefit. Remember, approval will be subject to us getting engineering approval on some of the drainage and other things, where there are requirements in your ordinance to protect from that type of thing.

Rebeck – Well I have no doubt that Dave and Jay will make sure that you stay in line. It's important to us here too to make sure that you're not affecting the neighbors environmentally. I agree on the 8' fence for sure, and whatever else they come up with to make sure that you're not interfering with the peace.

Terry Sever – I read the report and I'm in agreement with the recommendations from the Planning Department.

Chairperson Parel – Jay, could you speak on the drainage question?

Jay James – We were just talking about that. Dave asked the question, *Is there a requirement for an oil/water separator?* I do not believe our Ordinance actually requires it, although it is something we can recommend to the developer. The catch basin can be turned into an oil/water separator, in which the oil will float to the surface, but the clean water on the bottom is allowed to filter out and go to the retention basin. As long as the developer doesn't have a problem with that, I'm sure Giffels can work with him to have that designed.

Terry Sever – Yes, there is a system you put in your catch basin that is a filtering system and you replace it once a year. We came up with that at a project in Livonia.

Jay James – The short answer is yes, there's a way we can do it.

Chairperson Parel – I like that idea and I think we should incorporate it. I think we should make sure, especially since it's so close to residential, that we require that for the balance of these properties as they get developed.

Dave Campbell – Jay, am I correct that both the Claranton Industrial Park and Benstein Crossing are serviced by municipal water?

Jay James – Correct.

Dave Campbell – I just wanted to clarify that this isn't an area serviced by wells.

Rebeck – Can we also confirm, Dave said that you don't intend to put any lighting up at this point?

Terry Sever – Yes. We would have to come back. There is potential for them to put a smaller building there. If so, then they would probably have wall lighting, but nothing toward the back of the yard. There will probably be a good 100 feet from the front to back where not much is being used. The noise, I've done some research on that; the decibel level for a lawn mower in your yard is about 75, and these at most are 100. The beepers are designed for a 50 foot radius for safety. Again, these properties are going to get developed, there's no question about it. Something is going to go there on the rest of the lots.

Loskill – I have nothing to add that hasn't already been asked.

Weber – Just some clarifications as I want to make sure I heard what you said. It's primarily going to be operating from April to November, the general Michigan construction season.

Terry Sever – Yes, most of the equipment is going to be out of there during the construction season. I don't know if the word storage means a year or not.

Weber – You also state that because of the use of this, it's anticipated that it would only be three trips to the site per week, so very minimal.

Terry Sever – Yes, something like that.

Weber – One of the gentleman asked about the number of pieces of equipment. We're talking about skid steers, backhoes, trailers.

Terry Sever – What I've seen, they have probably 8 or 10 to start with. They have a flatbed where they put their scaffolding. They have trailers which are only 4' high that they put their skid steer or attachments on. They're primarily a cement block company, so a lot of their stuff goes directly to the job site.

Weber – We've talked about the height of material. We've talked about water management, an oil/water separator, lighting and an 8' fence. The only other thing I have is a comment, and some of it for the residents. I want the residents to understand that there's actually a property owner who has a right to do with his property what it is zoned to do, and it is zoned industrial. We as a government entity should not, and cannot generally restrict somebody from selling their piece of property. It would be just like if somebody owned 5 acres of land and you wanted to sell it to a developer that was going to put 3 homes on it, and the people around it didn't want any more homes on it. It's not the government's job to tell a property owner and to restrict their investment. That's a challenge that we have here, because these are obviously emotional, and we get that. But, we are also trying to make the best possible decision, and not just in this instance, but in numerous pieces of property, we're trying to understand what might potentially go there, and what do we think is the best thing to do. I think that's what you're hearing from this Commission so far. I hate the term, lesser of evils, but if it's something that we can properly control, this to me is potentially a much better solution than what might be able to go there without us having any input at all. The final thing I'll say is, you're not going to store any diesel fuel on the property.

Terry Sever – No.

Weber – That's all I have.

Terry Sever – I want to respond to one thing. I would encourage the Planning Commission to re-look at some of those uses because of the residential zoning; for instance, the plastic and rubber manufacturing company. Look at that strongly. You might want to move that to a special use as well. You've probably heard about South Lyon having trouble with the manufacturing company that has polluted the air there, and they've had a hard time dealing with it. In the interest of the residents, maybe just go one by one on all of those items and see what should be moved to the classification like we're doing tonight.

Chairperson Parel – Appreciate it.

McKeever – I feel like I'm the odd man out. I think it's a poor use and I'm not in favor of it at all. I've seen this board be more concerned about outside storage on an industrial property surrounded by industrial property. I'm not in favor of it.

Chairperson Parel – Are you removing any trees?

Terry Sever – No. Actually, the only trees that are left are in the industrial zoning property with the residential.

Chairperson Parel – Dave, let's say 6 months from now, one of the residents notices equipment higher than the fence. How do they handle that?

Dave Campbell – They would start with contacting me in the Planning Department, or our Code Enforcement Division. We would go out and inspect the situation. If it's determined that the activities that are being conducted are contrary to any approvals granted by you as a Planning Commission, then it would potentially come back to the Planning Commission to see if it could be rectified, or whether the Special Land Use approval would need to be rescinded.

Chairperson Parel – Okay, thank you.

James Aughton, 1175 Andover Circle – The gentleman said that none of the equipment would be over 5', except he's going to put it on a 4' trailer, and that makes it 9'.

Chairperson Parel – Sir, I have to be respectful to everyone. We've already had our public hearing, but thank you. We're going to move for a motion. If the motion is to approve, I wrote down the items that I think need to be addressed:

1. The 8' fencing, and which side of the perimeter that will be located on.
2. The fact that there will be no lighting on the property.
3. The requirement that all storage must remain under the 8' fence, and not visible from the street.
4. The language in regard to the oil/water separator for the drainage.
5. No diesel fuel storage.

Dave Campbell – Those are consistent with the notes that I took. I will point out, as mentioned earlier, the potential tonight is for two actions, accompanied by two motions. The first would be relative to the Special Land Use. If you'll notice in the recommended motion language that was provided, starting on Page 8 of the Planning Department's review letter, some of the conditions include deviations for the fence. I just want to be sure that everybody has an opportunity to look at those deviations and maybe strike some of them. What they're proposing is, as I mentioned, a 6' fence on top of a berm on the west side; but it sounds like the 8' fence and no berm is the route to go with that instead. I'm not sure if the 8' discussion I've heard also applies to the east side, and if that also applies to the north and south sides where he is proposing a fabric covered chain link fence.

Chairperson Parel – Okay, the side facing residential and also facing the road would both be the same, as the ornamental stone fence, and then we have the two others that are proposed to be covered chain link on the north and south.

Weber – Dave, pull the aerial back up again. The north and south are still potentially viewable.

Dave Campbell – Keep in mind, the south side is the detention pond.

Weber – I would still propose 8', even if it is screen material and not the stone fence.

Chairperson Parel – I understand. The east and west would be 8' architectural stone look, and the others would be an 8' chain link screen.

There was a consensus among the Commissioners.

Discussion continued regarding the motion language. Dave Campbell recommended striking items 1-3 under deviations, and restating conditions in the motion, specifying east and west with 8' vinyl faux stone fence/wall, and on the north and south sides, 8' fabric covered chain link.

**MOTION** by Weber, supported by Rebeck, to approve, **with conditions**, Item PSU22-01, the request by PCI Investments, LLC of Lyon Township, MI for approval for a Special Land Use for an outdoor storage facility in the Industrial zoning district, located at 1367 & 1387 Claranton Drive. Sidwell Nos: 17-27-352-004 & 17-27-352-005  
Move to approve PSU #22-01, a special land use for Pomponio Construction, to allow a contractor's outdoor storage yard on two undeveloped lots at 1367 & 1387 Claranton Drive, Lots 10 & 11 of the Claran Industrial subdivision.

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 of Sections 23.01 and 23.02.

**Special land use approval is subject to the following conditions:**

1. That an oil water separator will be implemented within the existing retention pond;
2. That there will be no outside lighting;
3. That the east and west sides of the property will include an 8' ornamental stone vinyl fencing;
4. The property lines on the south and north sides will include an 8' chain link fence with a dark screening;
5. There will be no diesel fuel storage on the property;
6. Water management for the site will be approved by the Township Building Department and Engineer;
7. The height of all materials on the property will not be viewable above the 8' fence;
8. Approval of a corresponding site plan by the Planning Commission;
9. In the future, if a building is built on the property, it will not be higher than 22'.

**AYES:** Weber, Rebeck, Karim, Loskill, Parel

**NAYS:** McKeever

**ABSENT:** Winkler

**MOTION CARRIED 5-1 (1 excused absence)**

**I. NEW BUSINESS (3):**

**ITEM 11. PSP22-09 – PCI INVESTMENTS, LLC**

PCI Investments, LLC of Lyon Township, MI is requesting site plan approval for an outdoor storage facility in the Industrial zoning district, located at 1367 & 1387 Claranton Drive. Sidwell Nos: 17-27-352-004 & 17-27-352-005

**MOTION** by Rebeck, supported by Loskill, to approve, **with conditions**, Item PSP22-09, the request by PCI Investments, LLC of Lyon Township, MI for site plan approval for an outdoor storage facility in the Industrial zoning district, located at 1367 & 1387 Claranton Drive. Sidwell Nos: 17-27-352-004 & 17-27-352-005

Move to approve PSP #22-09, a new contractor's outdoor storage yard at 1367 & 1387 Claranton Drive, Lots 10 & 11 of the Claran Industrial subdivision. Approval is based on a finding that the site plan satisfies the applicable review standards of the Township's Zoning Ordinance.

**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, and by applicable agencies of Oakland County and the State of Michigan as required;
2. Review and approval of the proposed driveway approach along Claranton Drive by the Road Commission for Oakland County (RCOC);
3. Any installation of a dumpster/enclosure to be administratively approved by the Planning Department;
4. 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;
5. Review and approval by Giffels Webster's Landscape Architect of a landscape plan with standard details and notes.

**AYES:** Rebeck, Loskill, Weber, Karim, Parel

**NAYS:** McKeever

**ABSENT:** Winkler

**MOTION CARRIED 5-1 (1 excused absence)**

**ITEM I2. PSP22-08 – SHEPHERD'S GROVE**

The Innovant Group of Brighton, MI is requesting site plan approval for a new single family residential site condominium of 32 units on the undeveloped portions of the Union Lake Baptist Church, located at 8390 Commerce Road and adjacent undeveloped parcel to the east. Sidwell Nos: 17-12-251-015 & 17-12-251-002

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

Chairperson Parel – Dave, I think the sidewalks are a really important piece of this and that school is the reason for it. A lot of those kids go to defy. You also mentioned that the developer has agreed to our rules on anti-monotony and no vinyl siding?

Dave Campbell – Yes, they have agreed, and I assume they will confirm that. It's not optional. I will mention too, if you look at the configuration of the property lines, the church itself is divided into two properties. My understanding is that they are also agreeable to clean up the property lines, so that there is one defining the new proposed condominium, and this would become one combined property.

Obviously this is a wooded property and anytime the Township, the Planning Commission, our residents, our Township Board see a proposal come before them where significant vegetation will have to come down, there's always a cringe factor that goes along with that. This will be no different here. When folks start seeing tree removal that goes along with this project, if it gets approved, the Township is certainly going to hear about it. We stress in our letter, and hope it can be written into any action the Planning Commission opts to take, that the developer, their engineer, and the Township Engineer have made every effort to preserve as many trees as possible. It's a difficult

task sometimes when you're bringing in water, sewer, and a storm system. In that regard, one of the conditions of approval could be, as the Planning Commission often does, to require that before any trees come down, the entire property is staked, marked, snow fenced, caution taped, whatever it might be, so that Jay and I can walk the property and ensure that it's very clear what is staying and what is going.

Weber – The county will be responsible for plowing the subdivision?

Dave Campbell – To the extent that the County plows roads.

Weber – So the County will have access to that gate as well?

Dave Campbell – No, that's why this one section of road is proposed to remain private.

Dave reviewed circulation of the County snowplow, and explained the private road area. It's up to the HOA to ensure that be kept cleared. The Fire Marshal had a good idea; by giving the residents access to the gate, it gives them motivation to keep it clear.

Mike Noles, Vice President, Umlor Group, 49287 West Road, Wixom, MI, was present along with Todd Ewers and Keith Anderson, The Innovant Group, 315 E. Grand River, Ste B, Brighton MI, and Pastor Jeff McKeever, Union Lake Baptist Church, 8390 Commerce Road, Commerce Township, MI. Mike Noles delivered a PowerPoint presentation.

Mike Noles – Thank you, Mr. Campbell, for a great summary. I have a couple slides to show you that might help clarify things. It's a single-family detached site condominium, for sale, 32 homes, called Shepherd's Grove. There are 21 acres on the piece that would be split, and 17 will be in the proposed residential development. This is two parcels. The Baptist Church owns this parcel, and the 21 acre parcel is shaped like this. We intend to combine the remainder of the split, along with the existing Union Lake Baptist Church parcels so that they have a nicely shaped piece and they don't end up with a flag lot situation.

You'll also note that the access for the Redwood development and the Wendy's is on the Church property. There is an existing easement agreement along this private access drive for the benefit of this property, as well as some use of the storm water management pond that's just north of that drive. It only allows us about 3 acres of drainage area to go into that pond, and of course we have 17 acres, so you'll see on the site plan, we put a nice sized retention basin here.

As you can see, we're here with another straight zoning application, my favorite kind to present. I'm not asking for additional density, waivers on setbacks, or Special Land Use. We are doing what is zoned. In fact, we're doing one better because it's zoned for minimum lot sizes of 10,000 square feet, with a minimum lot width of 60'. What we've done is we have two different lot sizes; we have 70' wide lots and 90' wide lots, so we're able to mix in both side entry and front entry garages for a larger lot and more diversity within the product offering.

This was a big selling point for the Church. They did put this out to the public and got a look from some of my other clients that looked at maximizing the density here with 60' lots. You could probably get just under 40 units if you did that here, but they wanted to have some diversity of product, and some of the additional amenities that Innovant has

brought to the table. There's a path amenity, a shared amenity space, and also a tree save area.

This is a photo of the site. You can see as we were talking about, some of the trees can be saved along Commerce Road. These pines are coming down. They're somewhat of a nuisance tree for the Church with branches coming down on the cars.

Slide #3; here I've highlighted a portion of the 33% open space that we have in our plan. Remember, we're going straight zoning, so we don't have to meet that 20% open space that you would if you were doing a PUD, or a cluster development, but yet we have 33% open space instead of clearing it. Why are we doing that? The open space does include our retention basin, back-to-back 100-year events, the large basin we talked about last month for the other neighborhood. It's the same type of configuration here.

Here's that nature path coming through here, and a shared amenity space for both the Church and the neighborhood folks to be able to use. In addition to some of these open spaces, I've highlighted the undeveloped areas in green. Mr. Campbell is right, when we come through and we put rear yard storm through the back of these lots, we're going to take out the trees. And when we put sanitary sewer and water main down the front of the lots, we're going to take out the trees. We have limited ability to save trees within the lots themselves, and within the road rights-of-way, so I don't have any of that highlighted in green. What I do have highlighted is our potential tree saves. There will be a 20' strip in my green shaded area that will have a storm pipe cutting through it. Not all the trees will be 100% preserved in those areas, but it really gives a fantastic screening between the uses.

The owner does not have trees on the other side of the lot along the commercial parcels. The trees there are owned by the commercial businesses, and there's an open space. So, we've done some additional landscaping and added that fence along that wall to give some privacy to the residential users that will back to the businesses.

I highlighted here the red private portion of the street. As Dave mentioned, there are three projects that have been reviewed that had issues with public and private roads. I happen to represent two out of those three. What we do here, it's not the responsibility of just these homeowners; it's written into the documents that the maintenance of this road is a common element to the entire condominium, so all 32 units pay for the maintenance. I also wanted to give you an idea of what that gate might look like. The gate is to prevent cut-through traffic. We wanted to avoid that, and solve the problem that the Fire Chief brought up, and the potential siren activated gate was brought to our attention. The developer was happy to comply with that.

Again, the open space total is 5.53 of the 17 acres, and that's 33.1%. I would beg to differ that developers and tree preservationists can't coexist. I think we've done a fine job of doing that here. This came from the desire of the developer and the land seller to make this the best neighborhood they could make it.

A couple of the homes; you're seeing a 3-car side entry ranch with a loft option. This actually has 3 bedrooms upstairs. It's a nice looking home with craftsman styling with the side entry. These are more colonial, standard traditional, also with some of the craftsman touches, with shake siding and masonry, no vinyl siding. There are two-car fronts and you can see back on the site plan where those go. The fronts are down the main drag, and we made the larger lots on the cul-de-sac.

I'm always pleased to come before you when I have unanimous recommendations for approval from all of your outside consultants and your staff. Tonight is no different. Obviously some of those are conditioned, and yes, we agree to all of the conditions set forth within the review letters. I was speaking with Keith Anderson earlier today about



some of the conditions. I said listen, Commerce is a great place to work and they are always in your court. Jay, Dave and Nancy are fantastic people to work with, and for us to make a commitment to talk to the neighbor to try to work out that sidewalk is not a big issue. You can see we care about the sidewalks already; we've already planned sidewalks on both sides, and we added the path through there which was not necessarily required. We also value pedestrian connectivity.

The last item is drainage. This is the pre-development drainage map, and the post-development drainage map. There's a wetland in each of these corners. Both of those come from the Church parking lot through this drainage channel. The Church was built at a time when stormwater management wasn't a huge priority as it is today. We're going to correct that situation by ensuring that the entire drainage area will all go into this detention basin. This drainage area will go into the detention for the Redwood section, which we have the right under the easement agreement to do that, limited to certain acreage, which we used to base our design. This last part does drain into the woods that we're saving out in the front. There will be some additional landscape plantings in the Commerce Road right-of-way.

Dave Campbell – My question would be for The Innovant guys. Do you have any sense of what the market price will be on these homes when they're built?

Keith Anderson – We're hoping for the upper-fives.

**Commission Comments:**

McKeever – No comments.

Weber – No questions.

Loskill – I have a number of comments. I don't think this is the best use of this land. I think this would be better used for a senior development. It has great walkability to a lot of the buildings and the retail on the corner of Commerce and Union Lake. I'm really not in favor of losing all these trees. You're basically going to clear cut this entire thing. I'd rather see the whole right side, the east side, remain as trees, and then develop the left side, but that's up to everybody else.

My concern is that you're going to cut down all the trees and you're going to get all the noise off Union Lake Road and Wendy's with the speaker out back. The people in units 1 and 2 are going to be listening to people ordering Wendy's all night long. You're going to get the lights from the backs of all these developments shining in the back of the homes on the east side of this development. It's not a great development here. I don't see this having a lot of positives for Commerce Township. It's going to make the developer a bunch of money, but I don't see providing real quality homes on this site with this layout.

Rebeck – I don't have any questions.

Karim – No questions.

Chairperson Parel – What is the height of the fence?

Mike Noles – 6' is what is proposed.

Chairperson Parel – Are you opposed to doing a different color? Are you tied to that?

Mike Noles – We are not tied to the white fence.

Chairperson Parel – I think the idea of a stark white fence, even though it's blocked by some of the retail on Union Lake Road... I think we should try to blend it a little better.

Mike Noles – We're happy to work with staff on that.

Chairperson Parel – The buffer on Commerce Road. Those two areas, it says trees to remain, and those are the two areas that have strikes through them, then there's additional, right? There's one area on the east and one on the west of trees to remain. Unit 15 and the other on the east side, how visible will those be from Commerce Road?

Mike Noles – It has a reasonable setback and existing screening. I wouldn't have an issue with that. I've built plenty of developments in my 30 years of being a developer that were much closer and had tighter screening. We would end up having to put two rows of evergreens right in that side yard, with a 10-15' space, but that lot right there is a 70' lot, so it's 70' off the road. The second lot is probably 100' off the road with existing woods. I've built tighter than that. I think it's sufficient and I think it was part of the appeal. Remember, at the original onset, this was going to be the cul-de-sac and these were going to be the rear yards of the homes. We were trying to save all the trees across there, but having to add an entrance through there forced our hand into having to carve through those trees and fill in the gaps.

Dave Campbell – A question for Mike, and for Nancy perhaps. Is there any additional underground work, other than cutting in the road, that would have the potential to disturb the trees to remain that you're noting?

Mike Noles – No. The sanitary, the water and the storm go through there. The trees that are shown to remain are not impacted by any of those things. Occasionally, there could be some grading, but we haven't shown the saved trees all the way up to the lot line. That first lot, we're going to have to put a side yard swale in there so we have proper drainage on the lot itself. We've backed off that line so that we're able to grade the swale in there before we establish the tree save. If you scroll up to the cut-through and the rear yard storm, zoom in on that wetland in the middle of the site. See how we have the tree save lines; there's a rear yard storm. To pick up the drainage from those rear yards, we've got to be able to get it to that detention basin, so we have to get through the woods. We can't take it through the wetland. We go around it and they're going to cut a 20' path through the woods for the storm system. The trees you see on the site plan before you tonight shown as saved aren't going to be impacted by the utilities. We have a utility plan on here and that's how we determine the tree save areas.

Dave Campbell – Is that a swale through the rear yards, or is that ...

Mike Noles – If you go to the utility plan, it will show, it's a rear yard storm, reinforced concrete pipe with rear yard inlets that outlet into the retention basin.

Dave Campbell – The reason I ask that is because a lot of times when you do a swale, that's where people wind up putting their swing sets and putting in landscaping, and all the things that homeowners do, and not understanding the engineering that their back yard is actually a swale.

Mike Noles – Yes, especially in a site like this, a double loaded site, homes on each side of the road, and then you're right at the property lines, you don't have a choice. You've got to run with the rear yard storm or you're going to have a mess.

Chairperson Parel – This is another tricky one. I don't know how much we can affect this. I'm obviously disappointed that you're going to remove all of these trees. I think our residents will be calling your office, Dave. I'd like additional screening on Commerce Road. I understand the homes are setback, but what can we really do about those two items, Dave?

Dave Campbell – Well, on the Commerce roadside, I don't know the species and health of the vegetation to remain. In general, it's always counterintuitive to cut down old trees just to plant new trees, but if this is vegetation that could afford to be trimmed up along Commerce Road, and then be enhanced with some other species, spruce trees or whatever, that might provide a better buffer, especially if it's deciduous and drops its leaves in the fall.

Mike Noles – Commerce Township is unique in that you all don't have a tree replacement ordinance, but you do have a tree replacement provision, that if you identify tree save areas on your site plan, then we're obligated to do a tree survey in the areas that we've identified as preservation. We'll go out and tag and ID the trees, and they will be on the engineering plans as we move forward. Those trees do have a replacement obligation. The other point, because we survey the trees in our preservation areas, we can identify the species and make decisions to remove half dead trees. And, this is the front door. Keith is hoping for low-fives. Based on the sizes of his homes, at \$250 per square foot, which is the market for new construction, to sell homes at that price point, he's got to have the front looking good. He's going to have a nice looking sign and nice landscape. You've got a great developer here. He's following all the rules, and you can see the motivation on the site plan before you tonight, but the fact that we've identified tree save areas, we've identified utilities, and we've mixed the different types of units to put forth the best development.

Chairperson Parel – Dave, why don't we have a tree save program?

Dave Campbell – I might kick that one to Mr. Weber and his fellow Trustees on the Township Board. I've heard it said that other communities take that approach, but it's a bridge Commerce Township has not yet crossed.

Weber – In my time on the Board, I don't think it has been contemplated.

Chairperson Parel – It's something we should look at.

Dave Campbell – This has come up before and I think the opinion among some is, now you're getting into private property rights.

Supervisor Gray – I'll be more than happy to take a look at this.

Chairperson Parel – I think that would be awesome.

Discussion continued regarding tree ordinances and the fine line to preserving resources. Mike Noles suggested having an alternative, such as a tree fund, so you don't prevent a developer from moving forward. He also cautioned the Township to be very careful about how the ordinance is developed.

Pastor Jeff McKeever – We did put this project out for bid. We talked to a number of developers. One of the primary reasons we went with Innovant was because they were going to develop fewer homes and keep a lot more trees.

Chairperson Parel – I appreciate it. A tree ordinance wouldn't apply here. It's more for the future. I understand. My personal preference is that I still would like to see the two front units screened better. I don't want to see them from the road.

Weber – I think there's an option to make that administrative, and we will be trusting Dave's judgment on what the screening will look like.

Dave Campbell – I would confer with our landscape architect with Giffels.

Mike Noles – We're happy to do that. I want to remind you, there won't be any trees in the road, or in the utility easement, so you will see the houses as you drive down Commerce Road, because there's a 60' road right-of-way that's wide open that you can see down the street. We will absolutely work with your staff on bolstering up the buffer and the front entrance the way that we want it to be, and the way you would like it to be, Chairman.

Chairperson Parel – I appreciate it. I think it'll be nice. I'm sad about the trees, but I think it will be a great development.

Discussion continued regarding motion conditions for staking of trees, administrative approval of enhanced entrance landscaping, and of the fence style and color.

Pastor Jeff McKeever – As the presenter mentioned early on, there are three really tall pine trees in bad shape. I'm just bringing it to your attention.

Chairperson Parel – Thank you.

Dave Campbell – The Planning Commission's role is to make a formal recommendation to the Township Board.

**MOTION** by Rebeck, supported by Weber, to recommend approval, with conditions, of Item PSP22-08, Shepherd's Grove, the request by The Innovant Group of Brighton, MI for site plan approval for a new single family residential site condominium of 32 units on the undeveloped portions of the Union Lake Baptist Church, located at 8390 Commerce Road and adjacent undeveloped parcel to the east.

Sidwell Nos: 17-12-251-015 & 17-12-251-002

Move to recommend approval of PSP#22-08, a condominium site plan by The Innovant Group (Keith Anderson) for Shepherd's Grove, a 32-unit single-family residential site condominium to be developed on a 16.7-acre portion of the Union Lake Baptist Church's property on the north side of Commerce Road, just west of Union Lake Road at 8390 Union Lake Road.

The Planning Commission's recommendation of approval is based on a finding that the proposed condominium site plan complies with the applicable standards of the Commerce Township Zoning Ordinance for a new single-family development in the R-1C zoning district. The Planning Commission further finds that the Township should review the standards of Chapter 34 of the Code of Ordinances, which requires most new roads to be public, and address scenarios where developable properties are accessible in whole or in part by existing private roads.

**The recommendation of approval is subject to the following conditions:**

1. Final approval of the condominium site plan and master deed by the Commerce Township Board of Trustees following a review by the Township Attorney;
2. Review and approval of engineered construction plans by the Township Engineer, Fire Marshal, and Building Department, and by applicable agencies of Oakland County and the State of Michigan as required;
3. Administrative review and approval by the Planning Department of revised plans that address any items noted in the Planning Department's review letter, and the following revisions required by the Planning Commission:
  - a. Tree screening along Commerce Road;
  - b. Review of the fence color and style for the fence along Union Lake Road.
4. Review and approval of a revised landscape plan per the Giffels Webster letter dated July 13, 2022;
5. A combination of the remainder of parcel 17-12-251-015 with parcel -002;
6. New roads and new access to Commerce Road to be reviewed and approved by the RCOC;
7. Compliance with the Fire Marshal's review letter dated July 18, 2022, with a particular emphasis on the requirements for the installation of the emergency entrance/exit, siren activated gate at the Grove Street access;
8. Entrance sign 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;
9. A site visit by the Township's Planning Director and Building Official to ensure the areas to be cleared of existing vegetation have been clearly delineated following the approval of engineered construction plans but prior to the arrival of the clearing contractor;
10. A good faith effort to coordinate with Comerica Bank on installing a sidewalk across the bank's 250 feet of Commerce Road frontage.

**AYES: Rebeck, Weber, McKeever, Karim, Parel**

**NAYS: Loskill**

**ABSENT: Winkler**

**MOTION CARRIED 5-1 (1 excused absence)**

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

None.

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

Dave Campbell discussed the following with the Commissioners:

- Regarding the permitted building materials for the 203 homes at the Reserves at Crystal Lake:
  - The developer divided the homes into four tiers; lakefront homes, larger lot inland home, medium lot inland homes, smaller lot inland homes.
  - A revision was made recently, and administratively approved, with a lot of input from Trustee Weber regarding the medium sized inland homes.
  - The builder who will take those 40-something houses, Evergreen Homes, they want to do the craftsman style or modern farmhouse style. Those have less of a brick and stone look, and more board and batten siding, vertical siding, with shake in the dormers.
  - The developer proposed making that amendment to the PUD agreement. We consulted the Township Attorney and determined that it could be administratively approved by the Planning Department.
  - It was a positive change that would help with the marketability of those homes. No vinyl is permitted. It will be all composite, cement fiber material.
- On September 12<sup>th</sup>, we will have another workshop at 5:30pm.
- The Crossroads Presbyterian Church on Welch at Crumb Road; since 1988, they have been interring ashes in the church garden. They will be before the Planning Commission in September. They might sell that property, but they want their cemetery to be protected. They need approval from the local municipality before they can register with the State of Michigan for protection.
- Article 30 will be on the September agenda.
- Costco might be coming to you with the gas station expansion request.
- Union Lake Road – The progress looks to be encouraging. Their contract allows them to have the road closed into the third week of September, but our hope is they are able to complete the project enough to get the road reopened in time for school buses on August 29<sup>th</sup>.
- The M-5 Bridge – The latest challenge is the blue paint for the blue wave panels which is a petroleum-based paint. I'm told you can't find it right now. Bridge paint is a very specific paint with an epoxy to it. They're doing everything they can to locate the paint from Sherwin Williams. Multiple bridges are on hold throughout the State of Michigan due to paint shortages.

Chelsea Rebeck announced that she is moving to West Bloomfield. She will be in attendance for the September meeting. Dave Campbell explained that the Township Board requires board members to be a residents of the Township.

**NEXT REGULAR MEETING DATE: MONDAY, SEPTEMBER 12, 2022**

## **L: ADJOURNMENT**

**MOTION** by Rebeck, supported by Loskill, to adjourn the meeting at 9:55pm.

**MOTION CARRIED UNANIMOUSLY**