

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

Monday, February 3, 2025
2009 Township Drive
Commerce Township, Michigan 48390

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

ROLL CALL: Present:

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

Also Present:

Dave Campbell, Township Planning Director
Paula Lankford, Senior Planner
Hans Rentrop, Township Attorney
Jason Mayer, Township Engineer

B. APPROVAL OF AGENDA

Chairperson Parel – Dave, I think we’re going to make modifications.

Dave Campbell – Yes, I think based on how many folks I presume are here for Items H.1. and I.1., I would recommend moving those items to the top of the agenda and moving Item G.1. to after those two items.

Chairperson Parel – Okay, so H.1. will be the first item, I.1. will be the second item, and then we will move onto G.1., and then eventually our other new business, which is I.2.

MOTION by Phillips, supported by Loskill, to approve the Planning Commission Regular Meeting Agenda of February 3, 2025, with the changes as discussed herein.

MOTION CARRIED UNANIMOUSLY

C. APPROVAL OF MINUTES

MOTION by Winkler, supported by, Loskill, to approve the Planning Commission Regular Meeting Minutes of January 6, 2025, with one correction at the top of Page 4; the term *reasonably* occurs, and the intent was *unreasonably*.

MOTION CARRIED UNANIMOUSLY

D. UPDATE OF ACTIVITIES

Brian Winkler – Downtown Development Authority

- The January 21st DDA meeting was a very short and routine meeting.
- Regarding the Insite Commercial Report:
 - Five & Main: Their work on a deal for the market component continues. Discussions with three different groups for the hotel site are underway.
 - Some preliminary plans for the Phase II site have begun.
- Parcel J1 (Haggerty and Oakley Park): This is the remaining parcel in front of Public Storage. A retailer is considering this site, as well as other sites within the Township.

- Parcel M (Five & Main Outlot): An offer has been made on this site by an unidentified food user. More work needs to be done by Insite before the offer is ready to be considered by the DDA Marketing Committee.
- Bruce Aikens is going to update the DDA at the March or April meeting. A March update would be preferred so the DDA is updated on what plans Aikens has for the spring and summer.

Chairperson Parel – Dave, obviously the apartments are currently being built on the Five & Main property, and there are a lot of new structures going in. Is it reasonable to assume that the next couple steps appear to be a hotel and a grocery component?

Dave Campbell – Hopefully those are in the foreseeable future. I think what we're going to see sooner than that is at the existing driveway, which is going to be the primary entrance from Pontiac Trail and already serves the Walmart property. That entrance is going to be realigned, and the new traffic signal will be added there. At that entrance, the developer wants to do a credit union, and to the west he wants to do what he's calling a shopette, which is a 3-4 tenant retail building that would probably have a drive-through user on the endcap, a coffee user most likely. I think we will see those proposals sometime this spring and we'll go from there. I think the developer's intent is to develop the perimeter along Pontiac Trail and Martin Parkway, which to some degree is the low hanging fruit because the utilities are right there. Once they generate some cash flow from developing perimeter lots, then he can focus that cash flow on the internal core of the downtown, which is what we all really want to see come to fruition.

Chairperson Parel – Thank you. I appreciate that. Bill, any updates from the ZBA?

Bill McKeever – Zoning Board of Appeals

- We had only one agenda item, which was to elect the Zoning Board members.
- The Board remained the same with Rusty Rosman as Chair, Clarence Mills as Vice Chair, and Bob Mistele as Secretary.

George Weber – Township Board of Trustees

- The Board of Trustees had two meetings in January.
- The first was our regularly scheduled meeting and there are just a couple of notes for the Commission.
- First, Johnny Walker was reappointed to the Parks Committee for a 4-year term. And, since we have so many community members here, I would like to open that up. If any of you are interested in serving on any of the boards for the Township, please get your information to Larry Gray. We always want to keep a good stable of people that are interested in serving on any of the boards and commissions.
- Next, we approved the appraisals for the Pontiac Trail and the Beck Road water main easement acquisitions. This is what we hope won't be too arduous a project; it's a critical step for us to ensure that we have backup routes for our water supply.
- We approved the ordinance to clarify the water rates for 2025.

- We approved some new equipment for the Library. If anyone is into engraving or laser engraving, we have a great makerspace within our Township Library. It's one of the best in all of western Oakland County. If you're not taking advantage of it, please do so.
- We have approved the position of Ordinance Manager. As the Township has grown, we presently have two part-time Ordinance Officers. One is a retired deputy, and the other is a retired fire marshal. As the volume has grown to where it is, the residents need more support. So, we have agreed to hire another person. He presently works as an Ordinance Officer in Novi, and he is also a part-time deputy in Livonia. We're looking forward to Mario coming onboard.
- Also at that meeting, we talked about the Bicentennial. Commerce Township's Bicentennial is taking place this year. The event will be on June 14th. We will be closing off the road at Commerce Village, which is basically at the Commerce and Commerce intersection. We're going to make a day out of celebrating our 200 years.
- Finally, the quarterly discussion meeting held last week was primarily focused on our Township fund balances.
 - The Township has numerous fund balances, whether that's the General Fund, Fire, Police, Water, Sewer, Library, Parks & Recreation, et cetera.
 - The purpose of the discussion was to identify a formula so that we can best protect the Township in case of an emergency, in case we have another 2008 market crash, where we will have somewhere between a 4 to 6-month fund balance of operating before we would need to take drastic action.
 - On the flip side of that, we also want to protect that if the fund balances are growing too large, that maybe we're taxing everybody too much. We're trying to find that balance to say, here's what we should have at the end of the year to make sure we're protected, and at the same time we're being reasonable and rational.
 - Just as a note on that, the Township has not increased the millage tax rate for our General Fund in over 30 years. So, it stands at 1.41%, and there is no intention of the Board to do anything on the upper side of that.
 - Also, the Township is \$47 million in debt from the DDA that we hold. So, taxable values are an important consideration for us.

Chairperson Parel – Dave, I see we have Jason here. Any updates from Building or Engineering, or anything you'd like to share?

Dave Campbell – I know of nothing from the Building Department that is particularly earthshaking. It sounds like everything is moving along smoothly over there.

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

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

No comments.

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

F. TABLED ITEMS

None.

>>Items H.1. and I.1. were moved up on the agenda as approved under Item. B. These items were reviewed concurrently, with separate motions for each.

H. SCHEDULED PUBLIC HEARINGS

ITEM H.1. PSU24-04 – TOWNES AT 42 NORTH – SPECIAL LAND USE – PUBLIC HEARING

Schafer Development LLC of Farmington Hills MI is requesting approval for a Special Land Use for a new residential attached townhome development in the HRC Haggerty Road Corridor Overlay district proposed on approximately 5 undeveloped acres along the north side of Crumb Road between Haggerty Road & Meijer Drive.

PIN# 17-25-426-015

I. NEW BUSINESS

ITEM I.1. PSP24-08 – TOWNES AT 42 NORTH

Schafer Development LLC of Farmington Hills MI is requesting condominium site plan approval for a new residential attached townhome development in the HRC Haggerty Road Corridor Overlay district proposed on approximately 5 undeveloped acres along the north side of Crumb Road between Haggerty Road & Meijer Drive.

PIN# 17-25-426-015

Dave Campbell – The project is one that is familiar to the Planning Commission. It came before you as a concept plan in August 2024. Now, it is coming before you more formally. The developer is seeking three motions this evening if the Planning Commission is prepared to grant those three motions.

The subject site is a 5.3-acre site on the north side of Crumb Road, just west of Haggerty Road. (Dave reviewed the site on the overhead, indicating the location of Meijer store, Goodwill, and the new Chase bank). Upon this 5.3-acre site, the prospective developers, Schafer Development, propose to build Townes at 42 North, which is an attached townhome product consisting of 39 units. I'll bring up the site plan, which was included in your agenda packets.

There is a total of 8 buildings with 39 units. The buildings are a mix of mostly 5-unit buildings. There is a 6-unit building and a 4-unit building. There's two points of proposed access; one on the north side of Crumb Road, and one on the east side of Meijer Drive. Crumb Road is public under the jurisdiction of the RCOC. Meijer Drive is privately owned and maintained by Meijer.

The property's base zoning is B-3, General Commercial, which as the Planning Commission knows is our most intensive commercial zoning district. I think it's relevant to tonight's conversation to understand the types of uses that could be permitted under B-3 zoning, either by-right or by Special Land Use. Uses including commercial uses, retail uses, office, medical office, and even more intensive uses are permitted if Special Land Use is granted. Those uses could include a gas station, a fast food use, a car wash or some combination thereof.

The property is also within what we call the Haggerty Road Corridor Overlay. The Overlay allows for uses that are not otherwise allowed under the property's base zoning, so long as those uses are developed to the specific standards for the Haggerty Road Corridor Overlay. One of the uses that's allowed in the HRC Overlay is attached residential. The prospective developers, Schafer Development, are looking to take advantage of the uses allowed in the Haggerty Overlay for this 39-unit townhome development.

The attached residential is allowed in the HRC Overlay, but only as a Special Land Use. Part of the procedure for Special Land Use approval is holding a public hearing, which includes a sign being installed in front of the subject site, a notice being published in the Oakland Press, and all of the property owners within 300 feet receive a letter notifying them of the public hearing. I think in this case, recognizing that there was going to be particular interest from some of the residents in Treyborne Cove and Treyborne Pointe to the west, I think we expanded the mailing to beyond the 300-feet. We tried to cover more people than just those within the 300-foot perimeter.

There are specific considerations for any Special Land Use, and there are more generic considerations/criteria that would apply to any Special Land Use in any zoning district, and then there are also specific use standards for a use type in a particular zoning district. In this case, the Planning Commission needs to look at the overall Special Land Use standards, but then also the use standards specific to attached residential in the HRC Overlay.

With any project in Commerce Township, one of the criteria that is looked at for Special Land Use consideration is traffic impacts. So, we did have the Township's traffic engineer do an analysis for this project, looking at the number of trips expected to be generated by these 39 proposed townhomes, and looking at how those trips would be distributed, primarily to the intersection of Crumb Road and Meijer Drive which would be the primary intersection for residents of this development. The traffic engineer also compared the trips expected to be generated by this development for some of the other uses that could plausibly be developed on this site, such as office, medical office, retail, et cetera. The traffic engineer's report did a comparison of the number, volume and peak hour of trips that could be generated by some of those uses compared to the use being proposed.

The Township's Fire Marshal took a look at this project and came back with some review comments that required the project to be reconfigured somewhat; particularly, additional gaps had to be provided between some of the proposed buildings. Originally, the unit count was the same 39, but they were hoping to do more 6-unit buildings; however, per the latest version of the International Fire Code (IFC), some of the units had to be broken up because there are standards for how far a hose can be laid from the nearest hydrant to the furthest possible point where a fire would need to be fought. The project is proposed to be for-sale as opposed to a for-rent product.

These are going to be condominiums. With any condominium project, whether it's attached or detached, approval is necessary from both the Planning Commission and the Township Board. The Planning Commission typically focuses their attention on the condominium site plan. The Township Board focuses their attention on the master deed and bylaws.

If the Planning Commission were prepared to take action on this proposal tonight, there would be three prospective actions to be taken, and then this could proceed to the Township Board as soon as the Board's meeting on Tuesday, February 11th, which is a

week from tomorrow. It would only make that next step if the Planning Commission were to take three actions tonight.

The first action would be the Planning Commission's consideration of the Special Land Use. The Planning Commission would only do that after holding the public hearing that we will have here in a moment. If the Planning Commission is prepared to take action on the Special Land Use, then the second action would be approval of the condominium site plan. Finally, the third action would be a recommendation to the Township Board on the condominium, particularly the master deed and bylaws.

Per State law, anytime we have a public hearing, as I mentioned, it has to be properly noticed. The Planning Department has fulfilled all of those noticing requirements. When we get to the public hearing, Mr. Chair, when you opt to open the public hearing, there are some rules that we tend to go by with these public hearings just to keep everything orderly and to make sure everybody has their fair opportunity to address the Planning Commission.

Usually first, before we get to the public hearing, we ask the developer, Schafer Development, to come up and make a presentation on their own behalf, which I know Spencer Schafer is prepared to do. He has a PowerPoint he has prepared, and we received the latest revisions to the presentation earlier today. We sent that out to the Planning Commissioners.

When we get to a discussion on the specifics of the site plan, there are some details that I want to discuss with the Planning Commission and with Schafer development; items like the architecture and the building design. There is some discussion in the Planning Department's review of potential revisions/upgrades to the buildings. I also want to have a discussion on the sidewalk that the site plan shows along the north side of Crumb Road.

We know that we want to get a sidewalk all the way from Haggerty Road over to where Crumb Road dead ends into northbound M-5, because right through that area is the Michigan Airline Trail, the Rail Trail, and we think that the terminus of Crumb Road would be a good opportunity to have a paved connection from that terminus and hook it back up with the Michigan Airline Trail so that the folks who live in that vicinity would have a means to use Crumb Road to get to the trail. The question is whether the north side or the south side of Crumb is the more appropriate location for that sidewalk extension. That might factor into how the sidewalk is included or not included on this particular site plan.

I will take a pause there and see if there are any questions for me. Otherwise, I would encourage the Planning Commission to invite the Schafer Development team to come up. I think Spencer is going to give a presentation on his own behalf.

Chairperson Parel – We will give Spencer an opportunity to come up. Just one comment from me before we kick this off. Dave, you mentioned a few things. I think it's important, at least for me. We have a lot of discussions about how commercial developments, or even larger residential developments like this affect the folks around it. Assuming there was not already a gas station there, this site is zoned where a gas station would be allowed, under a Special Land Use.

Dave Campbell – It's zoned for that now. I think part of what you're saying is that because Meijer is the owner and seller of this property, it's doubtful that they would sell to a gas station developer, but yes, based on the zoning, a gas station could plausibly be developed here as a Special Land Use.

Chairperson Parel – It could be a high-intensity use like that.

Dave Campbell – It could be a gas station, a Taco Bell, a car wash. I don't know about you, Mr. Parel, but I enjoy Taco Bell every so often, but there are appropriate places for it and there are not so appropriate places. There is an argument that along Crumb Road might not be the ideal location for an intense use such as that.

Chairperson Parel – I totally agree. The other point I want to make; there was another proposal a while back ... I don't know if it was you guys.

Dave Campbell – No, it was different developer. I want to say it was about 5 years ago, and it was for apartments; a total of 100 apartments in 4 buildings. I think they were 4-story buildings.

Chairperson Parel – I think what you're telling me, and I want everyone to hear; we started with a property that could have had a gas station or high-intensity commercial use like Taco Bell. We moved to a first proposal that was more than double the units, and it was a for-lease apartment property, as opposed to now what we will hear from Spencer and his group, this project is 39 units and for-sale, correct?

Spencer Schafer – Correct.

Chairperson Parel – I just wanted to kick that off and make sure everybody is on the same page. Spencer, I'll turn it over to you.

Spencer, Aaron and Steven Schafer, of Schafer Development, 31400 Northwestern Hwy, Suite H, Farmington Hills, MI 48334, were present to address the request.

Spencer Schafer – Thank you, Dave, for the summary. I know Dave and Paula always do a phenomenal job and have some humor in their Planner's reports. I always like that when I get to read their letters. For the record, my name is Spencer Schafer and I'm with Schafer Development. I've had the opportunity to speak with a lot of these residents on Thursday of last week; Ian and the homeowner's association at Treyborne Cove invited us for an informational meeting. So, we were able to relay to the residents the broader details of our development proposal. Also, we did have a chance to meet with the HOA in December once we really started to formalize our plans, and I know the Planning Commission will be familiar as we met with you 6 or 7 months ago for a conceptual review on this project.

I'll give a highlight on where we are now, share a prior plan we had in the works, and again, this is a little bit different. It's not a PUD; we're doing a Special Land Use within the Haggerty Road Corridor Overlay district, but there were some beneficial items to the public, as well as to the residents of our development. We will be going through all of those shortly.

I know everybody is generally familiar with the property and where the parcel is located. We are under contract to purchase the property from Meijer, who is actually working with us. I don't have it in my presentation, but Dave mentioned it; Meijer Drive is a private road. We will be working with them on an easement so we can have a secondary form of access in the development. We thought that was very important. Normally when you have a development that has a minimum of 30 units, you're required

to have two dedicated points of ingress/egress. We thought that would be difficult to make that workable on Crumb Road, so we reached out to Meijer and they were agreeable to that.

Dave also mentioned it in his report, but the stormwater detention facility behind Meijer was designed to accommodate the storm flows for all of the parcels, all of the outlots around Meijer. As you can imagine, the zoning on this property is for a much higher intensity commercial use. So, we feel our proposed development is going to put less storm water in that basin because we do have more greenspace and more opportunities for the water to infiltrate naturally.

As part of our development, we have not looked into it yet, but a pretreatment device or something to that effect. I know the letter from the neighbors mentioned water quality. There are going to be certain things that we have to do before the water even makes its way to that stormwater basin.

So again, I know Dave talked about it. I'm going to go through it briefly; the zoning and the master plan. The property is currently zoned B-3 which is a more intense commercial district. I know Dave stated some uses of other things that could be developed; an urgent care, medical office, retail, restaurants, and as we showed in our traffic study, our development is going to generate substantially less traffic. I have those numbers here, later on in the presentation.

Residential is not allowed as a by-right use under the underlying B-3 district, but it is allowed as a Special Land Use with the Haggerty Road Corridor Overlay. We have followed all of the design requirements and guidelines. I actually have an earlier plan, one we shared with you at a conceptual meeting, that had 42 units. It met all of the dimensional requirements of the HRC Overlay, and all of the referenced ordinances, so that it is in compliance. That is the maximum density that could be developed on this parcel. What we're here with tonight is ultimately a plan with 39 townhomes.

An overall development summary; these are going to be 2-story townhouses. I think this is a great opportunity to provide an orderly transition in uses. You look at Treyborne Cove and Treyborne Pointe, those are ranch condominium developments, 1-story developments. As we go closer toward Haggerty Road, there's Meijer, and there's a lot more retail and commercial high-intensity uses. As we go south toward Maple, there's the Lowe's piece. Just east of Lowe's, there's a couple dozen single-family homes, and then there's a large vacant parcel. That property is actually zoned and future land use for commercial.

So, we see the commercial uses, the residential uses at play. Also too, I think we're all familiar with the Rolling Hills senior living facility. My aunt actually lives there. It's a 3-story community. So, we feel this is really an orderly transition. You have 3 stories close to Haggerty Road, you get to this property and it's a 2-story development, and further west toward M-5 is one story.

Unidentified Resident – We're a story and a half.

Spencer Schafer – A story and a half, okay. These townhouses, we're catering them more toward younger individuals, younger families and first-time home buyers who are looking at an attainable housing solution. I will say there is a very familiar concept in the community right across the street, the Townes at Merrill Park. This concept in general is going to be a sister community in essence to that development, and I know that community is selling very well. I have to imagine that here in the next 6-12 months, it will

be sold out. By the time this development comes online, there won't be many other townhome offerings in the community.

This is the site plan. It's not an ordinance requirement, but one of the key features ... When we walked the site initially, we saw that there were a lot of scrubby trees, especially on the eastern end of the property. There is also a substantial dirt pile there and we have done soil testing. It was excess material from the Meijer property. Over the years, not very substantial vegetation has grown on the east side of the site, but on the west side particularly, in the southwest corner, we saw some of the most dense, mature trees and foliage. As part of our development, we wanted to try to figure out a way to preserve that because it acts as a natural buffer to Crumb Road and to Meijer Drive, and we feel it helps preserve some of the rural characteristics of this property.

I have an exhibit here on one of the next few slides that talks about required perimeter setbacks. Our setbacks far and away exceed ordinance minimums, which was done intentionally. We understand the area we're in, even though it's within the Haggerty Road Corridor Overlay, we still want to make sure we have proper buffers, proper setbacks and proper opportunities for berming and landscaping to our neighbor to the east, which is Goodwill, and then our neighbor to the north which is Meijer. Obviously, you can see as we get closer toward Crumb Road, we do have a substantial setback and the same goes on the west portion of the development.

This was one of the earlier plans that we put together. I did share this with residents, but I wanted to bring it back up for everybody's attention. The setbacks that we do have on all portions of this property still do slightly exceed ordinance minimums, but again, we wanted to be good neighbors. Again, we like the quality of the trees there and wanted to aim to preserve them as part of this development.

This is a landscape plan. I always like when we're doing residential developments to give a taste and flavor of the landscaping that we're going to be planting throughout the community. As you can see, we are going to be proposing a great degree of landscaping wherever we are performing any disturbances. That is predominantly on the western, eastern and southern property lines. The northern property line gets a little bit more difficult because there is a Township water main easement, but you can see a pretty significant setback. I believe it's a minimum of 40-feet to the northern property line, but again, wanting to provide ample screening to Meijer. Right here, you can see a lot of the trees and then some of the additional plants and shrubs that we'll be proposing at the entrances of the development and around the buildings.

So right here, a site plan aerial; I thought residents in particular would find this interesting so we could determine what our setbacks are from Crumb Road and what our setbacks are to their closest residential unit. As we look at the western portion of the development, the nearest separation from a portion of their structure to ours is 280 feet, so that is a very healthy setback, with a substantial amount of trees in between that are going to be preserved. From our Townhomes in the western/southwestern portion of the development to Crumb Road, we have over 172 feet of setback to the centerline of Crumb Road.

Our northern setback, the required setback for the underlying B-3 zoning is 30 feet; that's the front yard setback to the south and at its smallest location, it's 37 feet. Crumb Road has a larger right-of-way than some other roads in the Township, so we are dedicating more right-of-way to the RCOC. But you can see the right-of-way line and we're actually mimicking a similar right-of-way line there. If we're looking at that setback, it's 128-feet, but it's still very healthy.

We looked at our side yard setbacks on the east and west sides. They're required to be 15-feet to the property line. We are double or triple that. And then as we look at the rear yard setback, 30-feet is the requirement, but we proposed 40-feet.

This is the development footprint. I wanted to perform this calculation to give everybody an idea of what the open space looked like. I do want to apologize, we did have an older figure in one of the summary letters that I believe Dave referenced in his report. Open space is sometimes a subjective determination, but after reviewing the ordinance and talking with staff, we determined that the open spaces to what would be the new right-of-way line, which is this dashed line, if we're looking at that area, we have over 23% open space. Again, as part of the HRC Overlay and the B-3 district, there is no requirement for open space. So, we do have a substantial degree of open space, and if we're looking at the effective open space, which actually is probably going to go to or slightly past our sidewalk, we're probably in the upper 20's and potentially low 30's in terms of open space percentage.

I know we're going to have more conversations about materials. I am joined this evening by David Straub, who is in real estate development with M/I Homes. He will be able to better field any questions about the product and the elevations. I will help set the table here by going over some general details from the materials that we submitted.

There are a couple of key elements I want to point out. First and foremost, we're looking to propose a brick wainscot on all four sides of the buildings. That will go to the bottom of the window and that's actually a consistent design feature to what was approved at Merrill Park. We really did look at the townhouses that Pulte did over there for some base guidance on architectural and in consultation with the ordinance and recommendations given to us by Dave and Paula in Planning.

One of the key features, it's not a requirement, but you can see here, we do have a white trim around all of the openings; all of the windows, doors, garage doors. We think that is a nice architectural detail that helps separate between the materials and allows for a nice color transition. You can see here, there's black windows. I do have the rear elevations for all three buildings, but I tried to highlight in purple where there is a 3-foot bump out. I think we will be able to see that better once we go to the floor plan and elevation slides, but there are substantial in's and out's or protrusions on the buildings. It's not going to be a flat elevation. There will be a lot of character and architectural intrigue. I do talk about the Hardi trim, and we understand the Township's ordinance, so what we're proposing is all Hardi. There won't be any vinyl here whatsoever.

I am a huge fan of these side elevations. As a developer, we do a lot of entitlement and development work with national builders, and I think M/I Homes has done a very attractive job here on their side elevations. They do have a substantial amount of windows and different types too. Dave, if we could go back to the front elevation. I do point out some of the gable brackets and such that are included on the front elevation. What we tried to do here was to change some of the gable elements as we look at the 4, 5 and 6-plexes. The 5-plex is the dominant building type. I believe we have 5 of those. There's one 6-plex and two 4-plexes. We would like to hear your feedback, and we do want to make sure that we have some nice architectural distinctions so it's not a monotonous feel as you traverse through the development. If you have some feedback on the elements, we're more than open ears on those.

This is for the 5-plex building. Specifically, I do want to point out on the front elevation, the building all the way on the right, you can see how that double gable element is a little bit different than the other four buildings on the left hand side of your screen. I'll also point your focus to the rear elevation where you can see how we've done some

differences with the 3-foot bump out. Right here, this is the 6-plex elevation. Again, a lot of those same design features hold true here.

Then, I want to talk about the floor plan and share with you what we're proposing. All of the perimeter units will feature three bedrooms. The interior units will have two bedrooms with a loft option. All of these townhouses are going to have a 2-car garage. We think that's obviously important when designing a product for younger families who have school age children. Also too, here in purple, I tried to highlight where some of those in's and out's were located on the elevation.

I believe this is the last item I wanted to talk about; it's the trip generation analysis. I know Dave gave a general summary. You have the whole report in your packets. But one of the key findings, highlighted here in yellow, is that Table 1 shows that the proposed Special Land Use is expected to generate less traffic as compared to the potential use of the site as currently approved as a B-3 use. The point of this table was to show the traffic generation potential of an allowable by-right B-3 use. There were three different uses depicted, and I have some additional summary figures below.

[Phone ringing in the background.]

You can see that the highest traffic generator is this shopping plaza, and that's over 4,000 daily trips. What we're proposing with our development, it's projected to have 247 daily trips. You don't have to be a math whiz to know that there's a substantial difference there, at least in the form of traffic.

This general office building, which was the lower intensity ... I don't know why, but I did speak about this with Paula, and I'll let Paula and Dave speak for themselves, but all of these uses you can develop at similar types of square footages. The parking requirements are actually more for the shopping plaza, so theoretically you would be able to get more general office or medical/dental on the site. Dave, if you can zoom out. I wanted to put all of these figures into perspective if we're using 60,000 square feet. The townhouses we're proposing are going to generate between 3-16 times less traffic than a by-right use for a B-3 development.

Again, we think this development is obviously a great area within the Township's strong, healthy commercial base. We do have some nearby residential. It's a great opportunity to get some ... I hate to use the word affordable, because trust me, nothing is affordable nowadays, but it does give us an opportunity for some attainable housing and young families love to be near amenities, so being in close proximity to Haggerty Road and some of the adjacent retail we think is a huge plus for this development.

With that, I want to thank you for the time. I know this is Round 1 of 2. We do have a second item on the agenda. I'm more than happy to answer any questions, and if you have any product specific questions, Dave Straub with M/I Homes can help answer those.

Chairperson Parel – Okay, thank you, Spencer. Dave, are we thinking we'll take questions? Sorry, it's not time for questions yet.

Dave Campbell – I wonder if you would want to hold the public hearing first and see what sort of questions come out of that, and then that would be an opportunity for you to pose any of those questions to the developer, or to me, or anyone else.

Chairperson Parel – At what point do we want to talk about sidewalks?

Dave Campbell – I would think after we hold the public hearing. Sidewalks are more of a site plan specific issue, and the public hearing is more for the use itself. I did want to mention, I anticipate, based in part on conversations we've had with some of the residents in the Treybornes, and in the letter we received from the HOA president for Treyborne Cove, I'm expecting we might get some questions or concerns relative to stormwater and drainage for this property. That's why I asked the Township Engineer to be here this evening. He actually did a summary and if you'll allow a couple minutes, he can explain how this site will drain and also what the regional drainage course is for this area. I think it will help to answer some questions we might get.

Chairperson Parel – We can do that now.

Jason Mayer – This map shows the regional drainage in this area. As you can see, there's an overflow route that flows between Treyborne Cove and Treyborne Pointe, and everything eventually flows to the south side of Maple Road. But, the Meijer pond was designed to handle this site, or at least a portion of it. So, when we get to the engineering review, we will make sure that if any upgrades need to be made to the pond, or if they need to have onsite detention, that we will account for that during the engineering review. The Meijer pond has an overflow elevation that is lower than the homes in Treyborne Cove, so if that pond were to fill up, it's going to flow north, and then west, and then eventually south through the drainage course down the south side of Maple Road. That's the general overview. I don't know if there's a specific question, but the main point is that we will take a look at this as part of the engineering review and make sure that it's not causing any storm issues.

Chairperson Parel – Jason, thank you.

Weber – Maybe before we start the public comments, I know there is concern with traffic. I just want to clarify and/or educate on Township responsibilities and what the Township controls. In Mr. Mailing's letter, it's referenced a couple times of the *Township's complete disregard for traffic problems it continues to be complicit in creating*. That's just not accurate. My memory is not quite as good as it used to be, but I don't recognize a lot of familiar faces in the crowd. But those who have attended board meetings know that traffic is probably the top of our priority list.

So, a couple of facts:

- At least along the Martin Parkway corridor, which is the worst traffic area we have, and significantly worse than traffic on Haggerty, 71% of that traffic is not Commerce traffic. It is people that live in Waterford and White Lake. The State, in its infinite wisdom, chose to take an 8-lane expressway and dump it into Pontiac Trail, which really was part of the advent of our Downtown Development Authority. So, the construction of Martin Parkway was a way to help funnel northbound traffic. Traffic is top of mind.
- We are presently in the middle of 8 significant intersection studies that we are paying for to try to figure out different ways that we can improve what we have. We are aggressively going after a grant to try to create a couple of new roundabouts, specifically where Martin Parkway dead-ends into Richardson Road, to try to increase the ability for traffic to flow through there and not get bottlenecked the way it does.

- And, just as important, know that we are a Township. We don't own, nor control, any of the roads in our Township. They are County roads. Townships are a little different than cities, whereas a city owns the roads and Townships don't. Now we actively petition the Road Commission to get things done, whether it's paving projects or intersection improvements, and our success is not great. It's not just our success; it's any of the surrounding Townships – success is not great. So, we see some of the suggestions here on widening Haggerty or Maple, and we are all for it. Unfortunately, more than likely, the County is not going to do it. Same thing with paving roads; we don't get to choose which roads get paved and which ones don't. I highly encourage you to reach out to the County Road Commission if you have specific issues, as we do. We are your advocates for it, and we try to make it happen, but just know that the Township does not control the roads and we don't own the roads. We can't change the road structures on our own.

Again, I know traffic is an issue. I think Brian mentioned it, and understand that we had this discussion 5 years ago when the apartments were coming in – the intensity this project is going to create is so much less than what could be there. If this doesn't happen, I'm not sure what will. So, the three primary requests we get for commercial development are:

- 1) Gas stations with a liquor store
- 2) Car washes
- 3) Gas stations with a car wash and drive-through's

Worse than that would be a large retail store where every tree would basically go away. It would be a sea of asphalt, and you would have thousands of trips a day. So, just as we go through this, this is what we're looking at. That's one of the reasons we voted down the apartment buildings that were originally proposed for this site, as you'll recall. We are looking for lower density and the lowest possible impact. In my personal opinion, before we get to a vote, I can't think of a lower impact than 39 for-sale properties. That's my commercial.

Chairperson Parel – George, I think that's great. If I could add one thing to it. I was taken aback a little bit by that comment as well. I'm not sure there is a project that comes before us where traffic implications aren't #1 or #2 on our minds. We consistently push back and try to obtain the best results as it relates to that. I think the people on this Commission do a great job of it, along with Dave and his team, and we will continue to do that.

We're going to open the public hearing. I would appreciate it if everyone could keep their comments to 2 minutes or less. Be respectful. There's no need to repeat anything. You're not getting extra credit if one item is mentioned more than others. We hear you. We may not be able to respond to every comment, but we appreciate it, and we will take it into consideration. Some comments we may choose to address at the time, and some we may wait until the end. The last thing I ask is, when you come up, please clearly state your name and address. Dave, any other comments?

Dave Campbell – Yes, what we expect in a public hearing is that it's not meant to be a dialogue, it's not meant to be a back and forth or question and answer with the Planning Commission. The intent is for you to have your 2 minutes to speak, and for the Planning

Commission to listen to what you have to say. Once the public hearing is closed, we will go back and do our best to answer any and all questions that come up during that public hearing.

The other thing we ask, out of respect to everyone, is that we're not talking over one another. We're not cheering or booing; this isn't meant to be a pep rally. We're all grown-ups and we can have a public hearing without outbursts and things of that nature. We want our recording secretary to be able to adequately transcribe everything that gets said. In order for her to be able to do that, it's necessary for everyone to be respectful to each other and not be making noise and chatter while others have their opportunity to speak.

Chairperson Parel opened the public hearing.

Chairperson Parel – The first item to be entered into the record is this letter?

Dave Campbell – Yes. As has already been mentioned, there was a letter from the HOA President, Mr. Mailing, from Treyborne Cove. That is going to be entered into the record. The primary concern summarized in the letter was traffic, but also some concerns relative to stormwater and relative to density.

The 2-page letter referenced herein was submitted by Ian Mailing, President of Treyborne Cove Condominium Association, dated February 1, 2025. The general consensus of their 150 residents is that the proposal, Townes at 42 North, is a much more agreeable plan for the property than was proposed 5 years ago; however, they have concerns with drainage, density, and piling onto existing traffic problems in the community. The specific concerns were detailed within the letter, along with suggestions for traffic control, especially for safety reasons.

Carol Dawes, 1464 Treyborne Circle – I'm familiar with the letter that Ian, our President, submitted. I understand what Mr. Weber said about the traffic, and the County and the Township, and I'm not going to reiterate that. I've been a resident for over 20 years, and the traffic has gotten so much worse that it is now dangerous at Meijer and Crumb. There's a 2-way stop on the Meijer side. I tried to pursue getting stop signs; a 4-way stop on the Crumb Road side at some point, and it fell on deaf ears. There have been so many near misses. We hear the ambulances. We hear the car crashes. Do we have to have a fatality before something like that can be done? Putting in two more stop signs seems like a really small item to try to accomplish. That's #1.

And #2, there's so much traffic that we've got people that are constantly ... There's a steady stream of traffic, and they're going behind Meijer. I don't know the legality of it, but I do know that trying to avoid intersections and traffic lights by bisecting private property is a ticketable offense.

The third thing is, Meijer Road is a 2-way road, and there is no yellow line all the way along. People come flying around the curve from Maple up to Crumb and there's somewhat of a blind spot where the Subaru dealer is, and so there's people there driving down the middle of the street. A yellow line might help. I don't know, these are things that probably would have to be discussed with Meijer, but this proposed development, that traffic flow, that has nothing to do with the awful increase in traffic and we don't see any resolution. Respectfully, Mr. Weber, I hear what you're saying and I'm not disputing, however, doing nothing is not really a good solution. We have to do

something else and we have to find a different way to get the County's attention, because this is untenable. Someone is going to get killed.

Chairperson Parel – Thank you. We appreciate the time.

Larry Pienta, 1425 Covington Crossing in Pointe at Treyborne Cove – Adding on to what this lady said a minute ago, I did contact the Road Commission concerning our famous intersection there at Meijer Drive and Crumb Road. I told them the situation and we've had some accidents there, as she mentioned. I tried to first get them to put a light in there and they wouldn't even hear of that. I said, how about a 4-way stop? They said, no, we're not going to do that either. They said the best they could do is to trim the trees back there at the intersection because it is kind of a blind intersection and that's part of the danger there. We need more than that and maybe you can help us get that from Oakland County. Thank you.

Chairperson Parel – Thank you.

Lauar Szumlanski, 1813 Treyborne Circle – I'm just wondering, there are two entrances/exits to that place. We have 100 families in Treyborne Cove and there's one. There doesn't seem to be a problem. One reason is because the driveway that's going to go east/west, when those cars are going west, their headlights are going to go into our units.

Chairperson Parel – Dave, correct me if I'm wrong; that's a requirement of the Fire Department?

Dave Campbell – That's correct. If you have 30 units or more, you're required to have two points of access. Now, how that got applied to Treyborne Cove, the IFC is always evolving. So, I would have to go back to see whether that requirement existed when that development got approved. Do you have a boulevard?

Ian Mailing – We're a circle.

Dave Campbell – If it's a boulevard entrance ...

Unidentified Residents – It is a boulevard.

Dave Campbell – Some fire marshals will consider the boulevard to be two points of access. Our previous fire marshal may have made that determination. Our current Fire Chief and Fire Marshal are of a different opinion; that a boulevard is still only one point of access. So, while I'm speculating, it may have been at the time that the boulevard was considered two points of access.

Renee Pittman, 1414 Covington Crossing at the Pointe at Treyborne Cove – Okay, good evening everyone. This is like Deja vu. I stood here 5 years ago with that first group. I'm the board president for our association, so I represent everyone's voice. I'm an original resident; I've been there 20 years. I've seen countless accidents at that Crumb Road Meijer. Two of our residents were involved, and one was up the tree with

the car. Even though there's a 2-way stop sign, people don't stop. They want to run the stop signs to go north and south on Meijer.

Even if you put in a 4-way stop sign, they still don't know what stop means. They don't know right-of-way. We've got all these different drivers now that their uncle taught them how to drive and get their driver's license. Nobody goes to school anymore.

So, it's interesting that the first development ... I think they were going to put in 4-5 buildings and this is now 8, which I think is totally over the top, overkill. I don't know what families would buy in here. There's no place for children to play. And you were mentioning to put a sidewalk to the Airline Trail. Forget that – the bikers run that trail, they rule that trail. They will run you over. My grandson almost got hit twice by bikers. So, if you think that families there are going to enjoy the Airline Trail, forget it, you're going to get killed and run over by bikers.

Secondly, I remember the first building group wanted to preserve those trees along Crumb Road. They're 100 years old, or more. I haven't heard from Schafer – if you're going to put a sidewalk, you've got to cut down those 100-year old trees. Is there any plan to save those trees? It doesn't look like it because they showed all the landscaping with new plantings. Either way, it's just too small of an area of 5.2 acres for 39 buildings, so you double that, so you've got each family ... They're working to afford the mortgage. They've got two cars, *[phone ringing in background]* so that's like 78 cars more in that intersection. It's like that woman said, someone is going to get killed, especially children. There's no place to go, not at all.

Chairperson Parel – Thank you. And just to clarify, I still personally like the idea of 39 units as opposed to 100. I think there's a reason we turned that one down.

Linda Makohon, 1480 Treyborne Circle – I have a question. I'm worried about the traffic also unfortunately off Crumb and Haggerty. How do we get a traffic light there? I just want to know.

Julie Budde, 2026 Meadow Ridge Dr, in the Hill 'N Dale neighborhood off Decker – I have lived in Commerce for about 6 years now. Part of the reason that my husband and I chose to move to Commerce was because of the trees and the natural areas. It's one of the few cities left in Metro Detroit that does not have development everywhere, but more importantly, as a relatively young person, I might be among the youngest person here, I'm extremely concerned about the worsening impacts of climate change in my lifetime and what that means for my future.

We're at a critical point in time right now where we need more trees to sequester the carbon, and not less, and to just cut them down with little care for the consequences of that. I understand that there are some trees that are being preserved and it's not completely clear-cutting it, but obviously the vast majority of them are going down. And, even if we were to make up for that and replant them somewhere else, we're talking decades and decades of time for the trees to reach the maturity and the same level of carbon sequestration that we're getting right now currently in that area. Climate change aside, not only do trees sequester carbon but they keep our air clean, they filter particulate matter, they provide a habitat for the ecosystems and help us protect really fragile biodiversity. They support stormwater management on their own just by existing. They help prevent flooding in that way. They boost our mental health. They provide a cooling effect in extreme heat that's only getting worse and worse. All that said, the somewhat callousness of removing mature trees like that without thinking about the

consequences, I just find it concerning and not something that should really be taken lightly. I'll just close really quickly on a quote that's one of my favorites from the American Conservationist, Mollie Beattie; *In the long term, the economy and the environment are the same thing. If it is unenvironmental, it is uneconomical, and that is the law of nature.* Thank you, appreciate you taking time to listen to us today.

Stacie Joseph, 1475 Treyborne Cove – I was here at the meeting for the large apartment building. I remember the huge parking lot that was going to be there and the very tall buildings. So, I would say that this looks a lot better and could look a lot worse. I will say there is a concern with the Airline Trail. That sounds really good. I don't know who ... Is that Schafer development that's going to be doing the connection, or is that something that would be in the works, because that would be very good to have that. I think a lot of people in my community, and in other nearby communities would like that as well. Thank you.

Ian Mailing, 1842 Treyborne Circle – I am the association president of Treyborne Cove. I stood here 5 years ago, representing my community. At the time, I wasn't the president. I was just an interested citizen. I made some of the arguments then that I made in the letter that I put together. I want to compliment Spencer because he has done a good job of reaching out to us, being respectful, and listening to what our community has to say. We conducted a zoom call on Thursday night, and I think we had 35 of our condos represented, about a third, and he gave his presentation. Most of the comments that you see in that letter came out of the conversation after his presentation. I don't think it's as much that the community rejects the development of that property – I don't think we can avoid it for many of the reasons that have been stated. But I want to defend my statement where I said, *the Township's complicit*. You guys may not control the traffic or what happens on the roads, but you sure control what developments get approved, how dense they are, et cetera. In the last line here, as I used the words in my letter, *piling on*, the number of developments on Haggerty that have happened in the last 5 years, and fairly large developments. We have the first 3-story building at the corner of Crumb and Haggerty which is the retirement center, and it's a classic example.

On Crumb Road, we have 2 or 3 other vacant properties that I'm sure are going to be in front of you in the next couple years, next to the Subaru dealership and across from this property. They're big properties where you can approve 5-story buildings or something modest. The density really does matter in terms of the overall picture, and if the Township doesn't have a plan to expand Haggerty Road and fix the Haggerty and Maple intersection, then you ought to be paring down the developments. You can't have it both ways. And Mr. Weber, you may only be able to control half that equation – we're asking you to control it. That's the reason I made the comment I did.

That one comment from Mr. Campbell, you may or may not remember; I think about in the same time frame, 5 years ago, I presented the Planning Commission with an access plan for getting to the Airline Trail at the end of Crumb. I never heard any feedback on that; even a receipt of the plan or it's a good plan, or we might be able to go forward with it, et cetera. If you can't find that, ask me and I'll resubmit it. Those are my comments.

Chairperson Parel – Thank you. Great comments, everyone. Would anyone else like to speak before I close the public hearing? Well, thank you for the participation tonight.

Chairperson Parel closed the public hearing.

Dave Campbell – I was trying to write down the questions that came up. I can try to go through them and do my best to address them, or if you want to have discussion with Spencer, maybe some of those questions could get answered that way.

Chairperson Parel – We can start with you.

Dave Campbell – The one we heard a couple of times was the potential for a 4-way stop at Meijer Drive and Crumb Road. So, the answer there that some of the nearby residents aren't going to love is that the Road Commission has looked at the potential for a 4-way stop at that intersection, both under existing conditions and with the traffic from this proposed development. The Road Commission has specific warrants for where a 4-way stop is warranted and where they will allow it, and those warrants are based on a number of different factors; crash history, peak hour traffic, which is the busiest hour of the morning and the busiest hour in the afternoon/evening during a typical weekday, and then they also have 8-hour warrants, so the total volume of traffic that passes through an intersection during any 8-hour period during a typical weekday. It was determined by the RCOC and our traffic engineer that none of those warrants have been met.

In fact, they were quite far from being met. The only potential warrant that could be met is at the northeast corner of the intersection and the proposed site, given the vegetation there, there might be a sight distance issue. That issue would likely be a matter of pruning back some of the vegetation, or paring down some undergrowth just to create more sight distance. If that were to be addressed, and probably would be as part of this project, then that would eliminate that sight distance warrant. As Mr. Weber stated, all of us are at the mercy of the RCOC and their traffic control standards. We can want a traffic signal or a 4-way stop there, but ultimately it's up to the RCOC and they have very strict requirements and criteria for where they allow certain traffic control measures, and this is one where they have said it does not even come close to warranting a 4-way stop, let alone a traffic signal.

Weber – Dave, maybe on that. I will take that on and all they can do is say no at the worst. I will try to have another conversation with the Road Commission specifically on that. The other thing that I think we can do is, I will get with the Sheriff's Office at our substation which is right next door now. I'm not going to speak to their manpower and their issues, but I'll ask them if it's possible to get some patrols there during peak hours. Maybe they can get a deputy to sit there once in a while. If nothing else, whether they're catching people blowing through the stop sign, or it's just a deterrent that somebody saw them there one time, so they'll slow down to make sure there is not a deputy parked down the road looking for them. I will take those two items on.

Dave Campbell – The other one that got mentioned a couple times is the potential for a traffic signal at Crumb and Haggerty Road. Again, the answer that a lot of folks aren't going to like is that the Road Commission has warrants for where a signalized intersection can be, and one of the warrants that's relevant here is the distance from existing traffic signals. We've got the existing signal at Maple and Haggerty. We've got the existing signal at Haggerty and the Meijer driveway. To add another signal at Haggerty and Crumb would be too close to those two intersections. They have

standards for how close together traffic signals can be based on existing traffic volumes. They also look at cross traffic, so they would compare the traffic volumes along Haggerty with the current and future traffic volumes along Crumb. Those traffic signal warrants are not met and the RCOC would never allow for a signal at Crumb and Haggerty, at least not under existing conditions, or under the conditions that would exist if this development were to move ahead.

As far as the proliferation of development along Haggerty Road, keep in mind that Haggerty is the boundary line between Commerce Township and West Bloomfield Township. As to development along Haggerty, Commerce Township can only control what's on the west side. You've all seen the new development on the West Bloomfield side. Obviously that generates a lot of traffic.

Commission Comments:

Bearer – Would this be an appropriate time to discuss the sidewalks?

Dave Campbell – It's your meeting, but sure, I'm happy too.

Chairperson Parel – I think it would be an appropriate time.

Dave Campbell – So anytime we have a development such as the one before you this evening, it's the Planning Commission's discretion whether or not to require a sidewalk along the frontage of the subject property. Typically, the Planning Commission puts a high priority on getting sidewalks or pathways constructed in Commerce Township to try to fill in these gaps we have in our sidewalk network. We wish we were better about it 30 years ago and we would not have so many gaps, but we're trying to make up for lost time and require them with new projects that come before us today.

The developer is showing an 8-foot sidewalk along their Crumb Road frontage. A couple thoughts there. One is that the Chase bank, that's already being constructed two doors down, they have already put in a 6-foot sidewalk along their Crumb Road frontage. If we do opt to have a sidewalk along the north side of Crumb, along this frontage, it would make more sense for it to be a 6-foot and not an 8-foot sidewalk.

Per our nonmotorized master plan and our Parks & Recreation master plan, and our master plan for land use, if the intent is to have a sidewalk along Crumb Road, that would lead from Haggerty Road to where Crumb Road dead ends into M-5, with the intent of then extending the path up to the Michigan Airline Trail, the bigger question is, would it make more sense on the north or south side of Crumb Road? I believe there's logic to both. If we look at Rolling Hills, the aforementioned retirement community, a senior living facility; they were required to put in a sidewalk along their frontage, along the south side of Crumb. Chase bank put in their sidewalk along the north side of Crumb, and then we're talking about this property here.

So, in discussions with the developer, if this plan were to move ahead, there are seemingly two options. One is to have them put in a sidewalk along their frontage on the north side of Crumb Road. Or, what we have done in the past is where a sidewalk on a subject site does not make sense, we instead have the developer take what it would have cost to put in that sidewalk and dedicate that amount to the Township's sidewalk fund, so that at a later date, we can take those funds and fill in some of the gaps in our sidewalks somewhere in the neighborhood of the subject property. In other words, if we decide that a sidewalk would make more sense on the south side of Crumb Road, then the Planning Commission could have the developer deposit the cost and we would use

the funds to someday take the extension along the south side. That's a point of discussion with the Planning Commission.

It is worth pointing out that in our nonmotorized master plan, we do show it on the south side. There was reason to think that it made more sense on the south side.

Chairperson Parel – How does it connect to the Airline Trail if it's on the south side?

Dave Campbell – The thought is-

[Crosstalk unidentified resident]

Dave Campbell – Folks, we had the public hearing, and everybody had their two minutes to speak. Now it's an opportunity for the Planning Commission to have their chance to speak and ask questions.

The thought is to have the sidewalk run and hug along the side of the ramp of the Michigan Airline Trail, and hook up with the trail once it gets down to grade level.

Chairperson Parel – So take us from that point to the development please.

Weber – What is Spencer proposing?

Dave Campbell – Spencer's site plan shows it on the north side of Crumb, but Spencer, I'll let you speak for yourself.

Chairperson Parel – I'm just asking, how do folks get from the Airline Trail. There's no sidewalk there, right?

Dave Campbell – No, not currently. The thought is that at a certain point in time, the Township will find the resources to take a sidewalk from the end of the Crumb Road cul-de-sac and hook it up with the Airline Trail.

Chairperson Parel – So, although you see pros and cons of each, it seems like we're leaning toward it being most effective on the south side of the street?

Dave Campbell – I see logic in both sides. If it were on the north side, to some degree we've already started the process with Chase bank. A sidewalk on the north side is seemingly more accessible for the two condominium developments. But, on the south side we have more of a head start with what was done along Rolling Hills. I think it's only a matter of time before somebody does something on this site, which as you can see was approved for a retail building here, and the parking lot was built but the retail building never was.

The other assemblage of properties where something will happen in the foreseeable future is all of these properties west of the Subaru dealership. At that point, it may make sense for whoever develops that to extend the sidewalk along the south side of Crumb.

McKeever – Is that water across the street from where your cursor is right now?

Dave Campbell – Here? Yes.

Weber – So you can't ...

Dave Campbell – This would be expensive. You'd be looking at a boardwalk or some sort of a bridge to get across here.

Chairperson Parel – And if they were to pay into the sidewalk fund, and we utilize that somewhere else ...

Dave Campbell – We would want to use it along Crumb Road.

Chairperson Parel – Sure, totally agree, but does that change the maintenance requirements? If they develop their property and put it on their side, are they responsible for the maintenance in perpetuity?

Dave Campbell – Yes, if you have a sidewalk across your property ...

Chairperson Parel – Then if we take the money and apply it to another sidewalk, the Township becomes responsible in perpetuity?

Dave Campbell – I might look to our Township Attorney since I invited him here tonight. If we were to install a sidewalk along another property's frontage, what becomes of the liability and maintenance requirements?

Attorney Hans Rentrop – Under the current ordinance, the property owner upon which the sidewalk is constructed would be responsible for maintenance.

Dave Campbell – Now we would likely have to acquire an easement from that property owner, so in negotiating that easement, the property owner would want to take into account the long-term maintenance obligation that they're taking on.

Weber – So just for comparative, what's the frontage along the property right now?

Dave Campbell – Spencer, do you know off the top of your head? Take a guess.

Spencer Schafer – I want to say 800 to 820, but I'm way off.

Loskill – It's 585 feet.

Weber – What's the linear, from the cul-de-sac to where you would propose to hook it into the Airline Trail, just as a comparison?

Dave Campbell – It's 600 to 650, plus or minus.

Chairperson Parel – George, is it your thought that might be a good start?

Dave Campbell – We would have to get some cooperation from MDOT because it would be within their right-of-way, which is oftentimes easier said than done.

Phillips – I'm a tree lover. I appreciate all of the input on these beautiful old trees, and I hate seeing them cut down. So, if we could go on the south side of Crumb Road, does that better preserve the beautiful trees?

Spencer Schafer – I can offer some general comments.

Chairperson Parel – Yes, please.

Spencer Schafer – When we talked with Dave initially, our preference really was to try to figure out a way to explore the southern option. A good family friend of ours are the Lublin's who actually own the property to the south, the commercial development that was never built. I can talk with him and see if we can help secure an easement for the benefit of the Township. But, if the Township doesn't want to see a sidewalk to the south, it would be our preference to do a donation as it's the path of least resistance. Also too, because we're working with Meijer, we can try to help facilitate that. I have spoken with LaFontaine, the individual who manages the real estate over there, and I know for certain they'd be interested in granting an easement for a future sidewalk extension. And, just so you know, to the west, the big developer who has done I think the most amount of development in Commerce Township, the Shapiro team, does own that property and I think they own about all of those houses with the exception of two or three. You'll be dealing with a familiar face with that development.

Given that that's going to be slated for development, as some residents said, there's a very substantial wetland complex to the north, and to try to do a crossing there, it's likely a bridge, it's expansive and would be very expensive. Therefore, I think the much more feasible route is probably the south side. So, being able to do a donation, I think that helps gear the wheels for that future improvement. The owners from Rolling Hills have expressed a desire, at least to me. We'd be more than willing to help in any way necessary to help the Township get easements there. I think this starts to at least make some of this more valid. It can happen possibly in the short to intermediate term. It is kind of a sidewalk to nowhere on the north side. There's nothing in front of Goodwill right now. Sure, we could build it on our property, and there could be an extension across from Meijer, but given how Treyborne Cove was developed at different standards, the buildings are situated a little bit closer to the road, especially on the front portion of the development, the wetland complex ... it's partial third-party and I think it makes more sense to do the south side.

Chairperson Parel – Dave, in hearing that conversation, at least for me, taking into consideration the potential for future development on the south side, along with the conversation that has been had with the LaFontaine group, and the existing sidewalks on the south side, I think the south side makes a little more sense. Question, do we have to make that determination tonight?

Dave Campbell – No. In fact, if a contribution to the sidewalk fund is the desire of both the Planning Commission and the developer, then that effectively buys the Township time to figure out what makes the most sense.

Chairperson Parel – Could we also keep the option open that they would install the sidewalk on their property?

Dave Campbell – You could ask them to give an easement as a condition of approval, if we want to come back and do a sidewalk later with their money.

Chairperson Parel – Okay. I don't know if we need to keep talking about sidewalks. I think it's a great conversation and I think the goal is to connect it.

Dave Campbell – Yes, I think this started with Ms. Bearer’s question. You were going down the line.

Chairperson Parel – Okay, Caitlin, does that answer your question on sidewalks?

Bearer – It does. I have one other question. Talk to me about the preservation of any of the existing trees and landscaping.

Spencer Schafer – We do have an open space exhibit. It’s probably better if we go to the landscape plan.

Dave Campbell – You also did a tree inventory and a clearing plan, correct Spencer?

Spencer Schafer – Yes, but I don't know the calculations off the top of my head. I can speak to the landscape plan though. You can see that area hatched out in the southwest corner. That’s where a large majority of our tree preservation is going to be occurring. Unfortunately, with the pile of dirt that’s on the property, we’ve got to find a way to deal with it. Unless we can figure out a way ... I've been in talks with two other developers who may potentially want to take some of that dirt, but it’s lukewarm right now. We’re trying to work through that and we’re trying to preserve tree canopies wherever we can.

The reason why we have more extensive setbacks on our perimeter is so we can hopefully preserve an element of those trees, but until we finalize our engineering plans and our grading plans, it’s hard for me to say. It would be our goal and intention that any of the trees that are outside of this dashed yellow line and outside of our required setbacks ... We’re going to have to put in some rear yard storm in the backs of these units. Any place where we don’t need to put in rear yard storm, or we don’t need to potentially perform any grading, it would be our intention to preserve those trees. And then too, our setbacks are a lot larger than they need to be, even to Crumb Road, even where we look at where our two units are on the southeast portion of the development. Unfortunately, we’ve got to put in this little fire access drive for the 6-plex building. I won’t get into that too much but it’s a requirement of IFC. We worked with the Fire Marshal, and he was willing to approve the plan. We have to do that in a lot of communities with the new IFC that’s being developed. Whatever we can preserve, we’re going to do a valiant effort to try to do it.

Chairperson Parel – Thank you, Caitlin. Brian?

Winkler – I think the one comment I have is in regard to the exterior elevations. I think they can be improved quite a bit. The Planning Department report mentioned some possible enhancements to the elevations to make them a little less monotonous. I think that’s a good point that should be explored further.

Spencer Schafer – We’re more than happy to sit down with Dave and talk about it more. In our comments, that was mainly relating to the front elevation and how we could make some differences in double gables, gable roofs or brackets, or things along that line. I will agree, looking at this 4-plex building, the windows on the second floor; it all does look very similar. I don't think it’s a huge feature, but we will have black doors on some, white doors on some. But I think there's something we can do specifically on that

second floor of the front elevation to help break up the elevation. We have five 5-plexes and three other building types. Maybe we do a dichotomy there. I don't know if it's colors, if that's potentially what you want to see different. Siding colors that are cohesive but a little bit different between the buildings. I guess I'd like to hear some of your thoughts so we could implement those specific feedback items. Otherwise, we'll do whatever we can to try to meet the intention of Dave's comments.

Dave Campbell – Given that Mr. Winkler and Mr. Loskill come from architectural backgrounds, if this project were to be approved, maybe it could be conditional upon myself, and if they're willing, Joe and Brian, helping with Spencer to come up with some reasonable ideas to make some improvements to the architecture.

Winkler – I'd be glad to.

Loskill – Absolutely.

Chairperson Parel – I think that would be great. When we're ready to take a vote, would we add that to the language?

Dave Campbell – In the recommended motion language for the site plan, which would come after the Special Land Use, if you choose to take action on the Special Land Use tonight, there is a condition of any direction on building materials and architecture as directed by the Planning Commission. So, if you wanted to adjust that language to make that a condition of approval, if Spencer is okay with it, working with Mr. Loskill, Mr. Winkler and myself to come up with good ideas.

Spencer Schafer – I think that's shown under 5.a. already on Page 11 if that helps.

Chairperson Parel – Yes, I see what you're saying. It sounds like we don't need to adjust it.

Dave Campbell – You don't want me to do it by myself. I'm a terrible architect.

Chairperson Parel – No, the idea is perfect. I think we get the architects together and have a conversation with the developer to come up with a solution. I think we're on the right track.

Phillips – I want to circle back to George's opening statements and comments. I very much prefer a residential development than a B-3, commercial, high-intensity use. I think this does as good a job as it can in preserving greenspace so that's highly valued. It minimizes the traffic intensity, even though the traffic is clearly a big safety issue. In my mind, looking at other development potential for what could happen there, I think this is a really good alternative.

Loskill – My big question is, what is the point of raising everything up so high? On the west side, you're raising the grade up almost 9 feet. That's a lot. As far as the engineering goes, he's going to be taking all the water on the north and the east sides of his site and dumping it on Meijer and on the site to the east side. It's not going to stay onsite. You're not capturing that before it gets offsite. That's not usually something we like to see. We like to see everything contained on your site. I'm still trying to figure out

why you're raising everything up so high. As a thought, as an architect, have you ever thought about doing walkouts? That would really decrease the grading requirements on the backside of these.

Spencer Schafer – That's something we're taking a look into are the walkouts. I wanted to pull up the topo survey here so you could see that large dirt pile that we have on the eastern portion of the property. When I was looking at it initially, there's about 12 feet there. I think if we can find some ways to export some of that soil, it would be our preference so we don't have to raise the site. Otherwise, we have to balance it across the property.

Loskill – Or you remove it.

Spencer Schafer – Yes, we're trying to figure out those options right now. I think as we go through detailed engineering, we're going to work through those items. In terms of our stormwater management, Meijer already has a storm pipe on top of this hill. I don't know why because it's obviously not capturing any water right now, but we are going to have two connections in the stormwater system. It's our intention, regardless of what we have to do, if we aren't capturing all of our rear yard drainage, to swale it in areas where we could then capture it.

Loskill – The other comment I had; if they're going to do a sidewalk on their property, it should be concrete and not asphalt. I think we need to look and see, there's a sidewalk on the northeast corner that drops off to nowhere at the back corner of Meijer. I don't know if there is a better spot for that to go, because that's not getting anybody anywhere.

Spencer Schafer – We'd like to do a connection into the Meijer plaza. We believe right now, it's more feasible in that area due to the grade. We've had some preliminary conversations with Meijer. Meijer wanted to wait until the results of this meeting and ensure we had approval before we talked further. The Meijer Drive kind of aligns where the front of the store is, where their concrete walk is, it's roughly here. We'd potentially look at doing an extension of this nature so it could present a direct connection into Meijer. We thought the grading here would be too challenging. We're not sure if we would be able to do an ADA compliant walk. We're going to investigate those two options as part of our engineering plans and figure out what's more feasible.

Loskill – It only drops about 4 feet over that whole length, so that shouldn't be too difficult to do. You mentioned grading challenges. Between buildings 8 and 7, you're going to have a serious grading challenge. You've got everything sloping down into a swale between those two buildings. I would like to see these things not so high up off the ground. Unless this is just trying not to export soils off the site, and that's where you're putting all of this. My concern would be, are you going to have to surcharge this to make them buildable pads, or what are you going to have to do there?

Spencer Schafer – We've done geotechnical investigation and all of the material that's onsite is quality engineered fill.

Loskill – Still, it's compacted 8-feet high.

Spencer Schafer – I understand. Look, I'm not going to lie to you. There's a lot of soil on this property and I wish I could figure out an easy way to get rid of it, but it's very expensive to export soil. We're trying to balance everything right now. I'm having conversations with two different folks, individuals who were supplied to us by the Planning Department. One of them is Continental Properties. They don't know if they have a need for dirt now, but they said they'd reach back out to us in the spring. And there's another developer who is working out in the White Lake area. I will follow up with them to see if we can make some traction. We are early. It's going to be a 6-month process to go through our engineering plans. We're going to investigate these avenues fully. If we are going to have more substantive clearing on either the east or the north side, what we'd like to do is take some of that material and berm it so we can create a landscape berm to potentially not have to do as much fill on the balance of the site where the building pads are. We've got our homework cut out for us.

Weber – I think I've said most of my piece. Just two things to add. When I drove past the property, the vegetation is sparse on the north side.

Spencer Schafer – On the east side too, yes.

Weber – Specifically on the north side, and the east side too, to a degree, but the north side you're looking at the back end or side of Meijer. So, whether it's evergreens or something else, and I didn't get that when I was looking at the landscape plan. Something just to fill that in.

Spencer Schafer – We will look at that more holistically. One thing I do want to mention, and it's not shown here, but there is a water main easement on our property. So, if we can do some stuff with Meijer, we will look to do that.

Weber – The only other item, and I don't want to step on Brian or Joe's toes, but one way that maybe you could help with some of the elevations is you could mix some stone with the brick, some units stone, some brick, and you could also take that up into some of the second story, at least on the front, and it might break up that monotony. Again, I shudder to think what Meijer could do with this property and I can't see a lower intensity development than this.

McKeever – I have nothing to add.

Chairperson Parel – Dave, are we ready for a potential motion? Is there anything I'm missing?

Dave Campbell – I just had Paula go through our review letter and make sure that we've touched upon everything that is bolded to make sure there's nothing I want to bring to your attention that we haven't already. I don't think we've missed anything. I'll repeat myself that there are three potential actions this evening. The first is action on the Special Land Use for attached residential in the Haggerty Overlay. If that were to be approved, then the subsequent action would be conditional approval of the condominium site plan; conditional on some of these discussion points about architecture and the sidewalk location. And, the third action would be a recommendation to the Township Board on the condominium. Then the Township Board would have the

final authority potentially a week from tomorrow to approve the condominium that is what this project will ultimately be if it were to be approved.

Chairperson Parel – Sure. Spencer, anything else?

Dave Campbell – I'm sorry. Speaking of the condominium, the master deed and the bylaws have been drafted. They've been reviewed by the Township Attorney. The one revision that we typically want to see made in condominium master deeds is a provision that says "no variances". The property owner, whether it be the developer or subsequent property owners, shall not have the opportunity to seek a variance. This is meant to put everybody on full alert when they buy a unit within a site condominium that they need to make use of the building envelope that they have and think ahead to where they may someday want to put their deck or other accessory structures. What we see too often with single-family site condominiums is the builder maximizes the building envelope for the house and leaves a door wall to a deck that doesn't yet exist. Then 5 years later, the homeowner comes to the Township to put in a deck and they find out they can't put in the deck without a variance because the builder built the house right up to the building envelope line. This is probably a moot point on this project because I don't think any of these owners are going to have the opportunity to do any exterior modifications. Correct me if I'm wrong, Spencer.

Spencer Schafer – There is a deck or a patio option shown on the site plan, but nothing outside of the building footprint.

Dave Campbell – So, I think it's something of a moot point, but again, if the Planning Commission wanted to condition their recommendation for the condominium on adding the "no variances" provision, it's just something we consistently do.

Spencer Schafer – We take no issue with that.

Chairperson Parel – Okay. Before we ask for a motion, I just want to say thank you to everybody for showing up tonight and for the comments. For me and the other members up here, we don't get as much participation as we'd like and it means a lot to us that you care about the community like we do. Know that your issues are our issues. We're only one board in the community and I can only speak for us, but I can tell you that traffic is a #1 thing for us, along with trees and open area. I cannot think of one item that ever comes to us that we don't seriously consider and, for lack of better terms, beat up these developers to try to get the best results and add the least amount of traffic impact possible. Thank you again. With that, would someone care to make a motion on the Special Land Use? And can we reference the language and approve it?

Dave Campbell – You're correct. We often cite the motion as written. Be reminded that if and when we get to the site plan language, there are a couple of revisions that were discussed this evening.

MOTION by Phillips, supported by McKeever, the Planning Commission approves Item PSU24-04, Townes at 42 North, Special Land Use, the request by Schafer Development LLC of Farmington Hills MI for approval of a Special Land Use for a new residential attached townhome development in the HRC Haggerty Road Corridor Overlay district proposed on approximately 5 undeveloped acres along the north side of Crumb Road between Haggerty Road & Meijer Drive. PIN# 17-25-426-015. Move to approve PSU#24-04, a special land use for the Townes at 42 North, to allow an attached townhome condominium development within the Haggerty Road Corridor Overlay zoning district on undeveloped property along the north side of Crumb Road between Haggerty and Meijer Drive.

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 Sec. 26.106, including the use standards as they apply to quality building design and materials.

Special land use approval is based on the following conditions:

1. Approval of a corresponding site plan by the Planning Commission;
2. The proposed driveway on the north side of Crumb Road include a right-turn deceleration taper as recommended by the RCOC.

MOTION CARRIED UNANIMOUSLY

Chairperson Parel – Okay, onto the next for site plan approval.

Phillips – We had a lot of discussion about this regarding approving architecture and sidewalks. I don't know if we've captured everything.

Loskill – I'd be more comfortable seeing a little bit more work developed on this. Honestly, I'm looking at some of the numbers. The Meijer parking lot is at 960. The lower level of this building is going to be 15 feet above that, and the second story is going to be 15 feet above that.

Chairperson Parel – Could I make a suggestion. I do remember when the developer developed the retirement home, that was a challenge there too. When you drive by, you see that; it's up by the road. I just wonder if the issue that you're bringing up is something that can also be addressed. Dave, the issue of height?

Loskill – My concern is that all you're going to see out the back is Meijer. You're looking over the top of any vegetation you could ever plant there.

Chairperson Parel – Is this something the developer can work on over the next few weeks, and then you, Brian and Joe could work through it, along with the architectural?

Dave Campbell – So, this isn't yet a fully engineered site plan. A developer typically will not make that level of investment until they know they have approval. Some of these issues with grades may get hammered out to greater detail when we get to engineering. The concern of landscaping along the north perimeter, adjacent to the Meijer parking lot, that could be a site plan issue that if you want to see more effort dedicated to creating a buffer between the backs of those four buildings and the Meijer parking lot, now would be the opportunity to do so. Now maybe, Mr. Loskill, if the elevations and the

grades are altered, then maybe the need for that buffer becomes less because the buildings aren't sitting as high as what you're seeing right now. I don't know if the landscaping along the northern property line is something you want to discuss with Spencer.

Loskill – There's nothing you can plant that won't screen that for 30 years. They're not going to come in with 25 or 30-foot tall trees. They're going to come in with 6-foot tall trees.

Dave Campbell – Typically 6 or 8, yes.

Loskill – My concern is that it's just too high and all the water is going to run off into the Meijer and Goodwill parking lots. I know this is all one common drain system. Is Meijer good with all this water running across their property? It's going to affect their landscaping as well.

Dave Campbell – Meijer is the seller of the property, and this site has to contain its own stormwater, or at least whatever stormwater-

Loskill – It's not.

Dave Campbell - ... it generates beyond what is just naturally flowing off of it currently. That has to be contained and either percolate back into the ground onsite, or make its way to the pond just east of the Meijer store.

Weber – Jason, do you have any views on the elevations, on the topography?

Jason Mayer – I can see what you're saying about the grades being raised 9-feet in some areas, but there will be rear yard swales that will catch the water before it goes off to the north on the Meijer site. I'm assuming that once Spencer gets into engineering, he'll do some land balancing and see if he can get the dirt offsite, so that may change the final grades that we see.

Loskill – It starts off at the mid 970's and it drops all the way down to 962 by Meijer's parking lot. There's nothing you're going to swale in there that's going to stop that. There are no swales shown currently in this plan to catch anything.

Spencer Schafer – There are proposed swales shown on the plan.

Loskill – You've got catch basins but they're not going to catch anything because the water is going to run right by it.

Weber – Do you have a minimum height?

Loskill – I'm just one board member. I don't understand the reason for jacking this thing up so high.

Weber – He's got too much dirt.

Loskill – I understand that, but just because it's going to cost him money ...

Weber – I'm out of my element here. Is there a minimum?

[crosstalk]

Loskill – If they cut it in half, they could probably get the swales to stop the water from running off the property. If you look at the numbers, they go right from the mid-970's all the way down to 960's. They've got catch basins in the back, but they're not going to do anything.

Chairperson Parel – Dave, I don't know if we're going to solve this problem tonight. Brady asked me ... I would hate to table something if it's not necessary, but is this something in your opinion, and in Jason's opinion, that can be resolved? Assuming there is a motion on this, can this be resolved at a later date?

Dave Campbell – Yes, my opinion is that the engineers, both for the developer's team and the Township engineers, will figure out all of the above.

Chairperson Parel – And can we take a similar approach as we are with the architectural in that we get the members of this board, particularly Joe, involved with Jason in making that final call and making sure everyone is comfortable with the elevations prior to approval?

Dave Campbell – It's your decision as a Planning Commission. I don't see the harm in getting Mr. Loskill's insights, if and when this gets to the engineering approval stage.

Loskill – If everybody else is good with it. I'm just really concerned.

Chairperson Parel – It seems like a valid concern.

Spencer Schafer – We have to balance it with the fact ...

[crosstalk]

Dave Campbell – Can I jump in here for a moment? I know Deb is going to echo what I'm about to say. In Deb's effort to transcribe everything that is discussed in the Planning Commission, what we want to try to avoid is crosstalk, sidebars and talking over one another.

Chairperson Parel – With that, the other issue you brought up was the landscape buffer on the north side of the property.

Dave Campbell – I think that started with this discussion of elevations and grading. I think Spencer-

Chairperson Parel – I just wonder if that's something that should be addressed now.

Spencer Schafer – We have a Township water main easement. You can actually see it right here where it says, "water main marker". A 10-foot easement, Jason? I don't know what that is. Normally, how far away does landscaping have to be, or can it be right outside, as long as it's not in that easement?

Jason Mayer – It can be right along the easement boundary.

Spencer Schafer – We have a certain amount of plantings that we have to do onsite. If we have to reposition some plantings, that's not a problem. That's something we can look into, but it all comes down to how we manage our grading too. I point back to Mr. Loskill, it's one comprehensive, circular issue. I think we can work through this on engineering, no question.

Chairperson Parel – Are you good with that Dave?

Dave Campbell – If you look at recommended Condition #2; *Review and approval of engineering construction plans by the Township Engineer, Fire Marshal and Building Department*. That's a standard condition that the Planning Commission includes with any site plan.

Chairperson Parel – Okay. So, we're going to make a motion. I think Brady was going to be so kind to do it. We're going to have our two architects on the Commission meet on some of the architectural details to make it less monotonous. We're going to also have Joe involved in some of the topography conversations with Jason. And, Dave, your group is going to handle making sure we have the right landscape buffer.

Dave Campbell – Yes, and you want to include in the motion where you want to land on the sidewalk, which I think was a contribution in lieu of constructing the sidewalk along the property frontage.

Chairperson Parel – In order to not repeat anything, if Brady were to make a recommendation, do we have those? Deb, are you good with everything?

Debbie Watson – Yes, and “no variances”?

Dave Campbell – That would be within the master deed and part of the next motion.

Debbie Watson – Got it. So, yes Brian, we've covered it all.

Chairperson Parel – Okay.

[Motion follows on next page]

MOTION by Phillips, supported by McKeever, that the Planning Commission approves Item PSP24-08, Townes at 42 North, the request by Schafer Development LLC of Farmington Hills MI for condominium site plan approval for a new residential attached townhome development in the HRC Haggerty Road Corridor Overlay district proposed on approximately 5 undeveloped acres along the north side of Crumb Road between Haggerty Road & Meijer Drive. PIN# 17-25-426-015

Move to approve Site Plan #PSP24-08, Townes at 42 North, a 39-unit two-story attached townhome condominium development to be located upon 5.3 undeveloped acres along the north side of Crumb Road between Haggerty Road and Meijer Drive.

Site plan approval is subject to the following conditions, and to the additional meetings as discussed here this evening:

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 as discussed herein, with involvement by Commissioner Loskill as it relates to elevations and topography;
3. Review and approval of the proposed Crumb Road driveway by the Road Commission for Oakland County (RCOC), including a dedicated right turn lane and/or acceleration/deceleration tapers comply with the RCOC's warrant and design standards;
4. Compliance with the Fire Marshal's review letter dated January 15, 2024;
5. Administrative review and approval by the Planning Department of a revised site plan with the following revisions:
 - a. The proposed building materials and architecture to be revised based on the direction of the Planning Commission; as discussed herein, the two architects on the Commission, along with the Planning Director, will meet with the developer to determine the appropriate architectural improvements;
 - b. The proposed frontage sidewalk along Crumb Road will be waived in lieu of a contribution to the Township's sidewalk & pathway fund proportionate to the construction cost estimate of the sidewalk to be confirmed by the Township Engineer, and as discussed herein, with an easement to be granted on the developer's property to allow north/south side options along Crumb Road to remain open and at the Township's discretion at a later date;
 - c. The sidewalk connection between the site and Meijer to be relocated to a safer location based on the direction of the Planning Commission;
 - d. Any revisions required by the Landscape Architect's review; and as discussed herein, once elevations and topography are finalized, screening of the north and east sides of the site will be carefully reviewed by the Planning Director to ensure sufficiency;
6. 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;
7. 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.

MOTION CARRIED UNANIMOUSLY

MOTION by Phillips, supported by Loskill; Move to recommend the Township Board approve the master deed and bylaws for Townes at 42 North, an attached townhome condominium, per the standards and procedures of Sec. 37.03.B of the Township's Zoning Ordinance. Approval by the Township Board should be conditional upon compliance with the terms of approval for the special land use (attached residential townhomes in the Haggerty Road Corridor overlay district) and the condominium site plan, and should further be conditional upon final review and approval of the master deed and its exhibits by the Township Engineer and Township Attorney prior to recording with the Oakland County Register of Deeds. Additionally, no variances from the requirements of the Township Zoning Ordinance will be granted under any circumstances as discussed herein. **MOTION CARRIED UNANIMOUSLY**

Chairperson Parel – Thank you. I honestly did not think we'd be here this long on this, but I do appreciate everything. I think, because we were here this long, we got to a good resolution. To George's point, I always look at the alternatives and I try to put myself in your shoes, and I think this is a good project. I know we've got a good partner who is familiar with the Township. We're going to move onto the next item and we will not be offended if you want to clear out and enjoy your evening. Thank you again.

[9:00pm to 9:04 break]

G. OLD BUSINESS

ITEM G.1. PPU20-02 – MIDTOWN ON HAGGERTY – PUD AMENDMENT

Schafer Development of Farmington Hills MI is requesting approval for a first amendment to the approved "Midtown on Haggerty" Planned Unit Development (PUD) to eliminate the residential apartment component of the development and replace it with a new Kroger store and fuel center located at 155, 255, 279, & 297 Haggerty Road. PIN#'s 17-36-400-035, 17-36-400-036, 17-36-400-037, & 17-36-400-038

Spencer, Aaron and Steven Schafer, of Schafer Development, 31400 Northwestern Hwy, Suite H, Farmington Hills, MI 48334, were present to address the request, along with Attorney Alan Greene.

Chairperson Parel – This is a PUD that was previously approved for apartments, and the developer, a familiar developer, will tell us what they'd like to do there instead.

Dave Campbell – Yes, a familiar developer and a familiar project. This was before you last month on January 6th for a public hearing for an amendment to the approved Midtown on Haggerty PUD. With any PUD, one of the main points of discussion and consideration is the recognizable public benefits of the PUD, with the intent being that the recognizable public benefits combined with the project result in a better project than could have otherwise been achieved under the base zoning. In the case of Midtown on Haggerty, this area up on the screen, that is now proposed to be a new Kroger store with a fuel center, it was previously approved in 2020 for 187 apartments. The developer is now looking to amend the PUD for the Kroger and the fuel center. With the 2020 approval of the PUD, many of the recognizable public benefits were related to the residential component which had to do with sustainable development, additional open space and less density. With the change from apartments to the Kroger store, a lot of those recognizable public benefits now need to be

rethought. That was a lot of the discussion with the Planning Commission back in January; what is the appropriate recognizable public benefit for the Kroger with a fuel center?

The fuel center is a key component to that conversation because the underlying zoning of this property is B-2, which is a zoning district that would not otherwise allow for a fuel center. A gas station would require B-3 zoning, and even then, a Special Land Use under B-3. The recognizable public benefit in large part needs to be proportionate to the deviation that the Planning Commission and the Township Board would be making in order to allow for the fuel center.

So, in the discussion with the Planning Commission back in January, the recognizable public benefits were really tied to four specific areas, which I hope are summarized in the cover letter that I provided to the Planning Commission for tonight's meeting. The first being sidewalk connections and extensions. The second being reuse of the existing Kroger store at 14 Mile and Haggerty Road, and what would reoccupy that building, assuming Kroger vacates it in order to occupy this new building. The last two have to do with the valuation and tax assessment for the existing building, and for the proposed new facility, both the store and the fuel center.

The Planning Commission took no action at the January meeting on the amendment to the PUD to give the developer, the Township and staff an opportunity to take a harder look at recognizable public benefits. We did hold the public hearing, which is required by State law any time you amend a PUD. We've had several meetings and discussions, and a whole lot of emails since that January 6th meeting. One of the key meetings I think was a meeting that the Township had with the development team back on Thursday, January 23rd. The Township had staff members, members of the Planning Commission, members of the Township Board, the Township Supervisor, and the Township Attorney present to meet with several members of the development team, both from Schafer Development, the master developer for Midtown, along with representatives from Kroger and from Atwell, who is the engineer for Kroger. We had a very healthy and robust discussion about recognizable public benefits. Leaving that meeting, the Township felt we had established a good and solid framework for what we thought the recognizable public benefits for the PUD amendment should be.

Since that meeting, what we thought we had established within that framework has seemingly not all come to fruition in the language that has been drafted within the development agreement. The Township Attorney has gone back and forth with the developer's attorney on what the language within the amended PUD should be. The developer's attorney is obviously working very closely with Kroger on what they're willing and able to offer in terms of recognizable public benefits. That's part of what I hope we can discuss this evening and what I did my best to summarize in my cover letter dated January 30th.

One update that came in just today was that the developer, Schafer Development, made an addition to their offer of recognizable public benefits relative to sidewalks. If you'll recall when the development came before the Planning Commission in January, they were offering an Option #1 and Option #2 for sidewalks. They were offering offsite sidewalks as recognizable public benefits. (Dave reviewed the options on the aerial.) Option #1 was to take the sidewalk already built along their frontage and extend it southward across the frontage of Newberry Square, the plaza that houses the existing Kroger, and also the credit union here at the hard corner, then take that sidewalk all the way down and hook it up with the crosswalk at the northwest corner of the intersection at 14 Mile and Haggerty. Option #2 was to instead take the sidewalk along the north

side of 14 Mile and extend it westward, and get it as far as just west of the existing driveway to the existing Kroger.

Since the January meeting, the developer has said, we will offer both Options #1 and #2, so a total of about 1300 linear feet of sidewalk along Haggerty and 14 Mile. Then today, the offer was extended to also include approximately 500 feet of sidewalk on the north side of 14 Mile, from the existing landing on the east side of M-5 where there already exists a crosswalk and pedestrian signals, pavement markings and so-forth, and extending this about 500 feet eastward to get it as far as Loop Road. They're calling that Option #5. Spencer will correct me if I'm missing any of this, but what's being offered as of today is those three sidewalk portions.

With respect to the reuse and repurposing of the existing store, Kroger has volunteered restrictions on the use that can go into that store. They have said that while they cannot allow a competing grocer to reoccupy the store, they will not lease or sell it to a "dollar store", and they will not do a lease of anything less than one year. That seemingly would avoid a transient store such as a fireworks store or a Halloween store. Their intent is to aggressively market this building, for sale or for lease, to a quality, credit worthy tenant. The only restriction is that they don't want it to be a competitor to Kroger. They have also offered language within the draft PUD agreement for how the existing building would be assessed, and that they would not contest the building's assessment for 3 years, or until they sell it, at which point the building would become uncapped and the new owner would be subject to the uncapped tax assessment. But the item that has generated the bulk of the conversation is how the proposed new store, the building and the improvements around the building, would be assessed. What the Township has discussed as being a viable public benefit in our eyes is for Kroger to not appeal their tax assessment for the first 5 years that the building is occupied. The question of how would it be assessed has seemingly been answered, at least on a preliminary basis, because the Oakland County Equalization Department, which does the Township's assessing, has given us a preliminary assessment of the true cash value and what the taxable assessed value of the building would be.

Kroger has said, we can't agree to the 5 years without appealing, but we will put a floor on what we won't appeal. If it goes anything below that floor, we won't appeal it below the floor. But the floor is lower than what Oakland Equalization thinks it would be assessed at. So, we've had a lot of conversations about that dynamic of what the building is assessed at versus what Kroger would want to have the option to appeal it to.

A lot of the language that's going back and forth in the development agreement has been crafted and discussed amongst the developer's attorney and the Township Attorney, and that's why I asked Mr. Rentrop to be with us this evening, to ensure that any discussion we have on the contractual terms of the development agreement, that we're discussing those appropriately.

That is where I know us to be at this point. If the Planning Commission were in a position to take action tonight, that action would be to make a formal recommendation to the Township Board for the amendment to the Midtown on Haggerty PUD agreement. Obviously Spencer Schafer is here yet again to speak on his own behalf on where we are with this PUD amendment. As I mentioned before, if you have any questions that lean more toward the legal side of things as it pertains to the development agreement, that's where I would look to Mr. Rentrop to help us with those answers.

Chairperson Parel – Any questions from anybody before we give Mr. Schafer the opportunity? The only thing I would say is that I don't think we need to repeat anything that was discussed at the prior meeting.

Spencer Schafer – No, we're going to avoid that. I'm just going to give a summary of some of the changes. Dave did a good job as always of setting the table. I'm going to start by apologizing to Mr. Noles. I know him very well and he has to sit through two of my presentations.

Dave Campbell – You should apologize to Mr. Maher. Do you know what kind of bill he's going to get from Mr. Noles for this?

Spencer Schafer – I don't know him, but I know Mike. I'm going to start this off by summarizing the changes that we've made. We really tried to take your feedback to heart on recognizable public benefits; the feedback that we received at the January meeting, and the roundtable discussion as Dave alluded to where we had several Commissioners and the Township staff, and a couple of people on the Board of Trustees. We're just going to highlight those changes so we can figure out unequivocally, what is this invisible public benefit hill we need to cross in order to move forward? It's tough, it's a PUD and it's something that you have to approve, and obviously we have to propose. Again, we've tried to take all of that to heart and I think we frankly have substantially, significantly and materially addressed every single issue and really met the intention and the spirit of everything that you've asked for, with the exception of this tax comment. So, that's where we're going to focus the majority of our time.

Again, the public benefits justification; this is all for that accessory fuel use. That use that is considered a Special Land Use under B-3 zoning that we're looking to get approved as part of our PUD. We're going to go through the public benefits items, some of the updates and then we're going to close on a fiscal impact analysis, and then a summary.

I know we've discussed this extensively, but again, the Kroger is a fully compliant use with the underlying B-2 zoning. The accessory fuel center is a Special Land Use under the B-3 zoning district. We've got four predominant items of public benefits and I'm not going to belabor these because each of the individual slides will go into it. We'll start with use restrictions on the existing store, then we're going to pivot into offsite sidewalk extensions. Mind you, this says \$200,000; this was an approximation of the price based off the Atwell cost estimates for Options #1 and #2. Once we consider Option #3, we think that's closer to \$275,000, potentially \$300,000.

Items 3 and 4 are the property tax agreements or the assessment language surrounding the existing and new store. First, use restrictions on the existing store. Kroger obviously is a grocer. One of the use restrictions they're adamant about is restricting the use of the existing store for a food store or a food department, but this is only going to last for a 2-year period. The other restrictions we looked to impose were really at the direction of Township staff, and it's that we wouldn't agree to a short-term lease of the existing store for less than one year. This is to prevent the Halloween and fireworks users. What I want you to understand is that this is going to be leased up eventually, this space, if Kroger was to relocate. This is going to be leased up at market rate to a Class A quality tenant. I have a broker that keeps on reaching out to me. There is a fitness user who

wants this space extraordinarily bad, and it would be a single user who would take over that space.

Phillips – I have a question for you, Spencer. What is the typical lease duration for a high-quality retailer or somebody we expect to come in there? Because I look at one year and we're saying we're trying to avoid transient tenants. To me, if you're getting a new tenant annually, that's transient. So, what's typical for the industry?

Spencer Schafer – For a gym, you could ... I do a lot of smaller term leases, and even those we try to get a minimum of 5 years. This is going to be a large, corporate tenant. I have to imagine they're going to want at least 10 years. They're going to do a substantial buildout, so at a minimum, I would say it would be 10 to 15 years. I wouldn't be surprised if it was 20 years.

Phillips – So the proposed one year is insufficient to address the concern about a transient tenant. If the typical is-

Spencer Schafer – If you have thoughts, we're willing to modify it, but this is what we've heard from staff to date.

Chairperson Parel – They're saying that they will not enter into an agreement for less than one year.

Phillips – That means it could be one year.

Spencer Schafer – The bigger item is, I think, the dollar store.

Chairperson Parel – I agree with that.

Phillips – If you want to say less than 5 years.

Spencer Schafer – This is the language that has been recommended.

Chairperson Parel – I think it gets rid of the seasonal stores.

Phillips – But it doesn't get rid of a concern of a revolving door, or if the lease expires, we have a vacant building again. To me, that's not sufficient and I'm sure there's an easier way to address it. If the industry norms are longer leases, then why don't you pick something that's more consistent with the industry to give us comfort.

Spencer Schafer – I think that's something we can look into, but I'm telling you, our intention is to get a fitness user or a clothing user in here and they're going to have a substantial, long-term lease.

Phillips – Well, intentions are good, and so was the initial PUD.

Spencer Schafer – I'm glad I'm hearing this because this is an additional form of public benefit that we can look to include in our agreement. I don't think that's a problem, but I personally think the more material item, and I think staff would agree, is the prohibition

on a dollar type store. I think that's the concern because if somebody like that signs a 15-year lease, you're stuck with a user like that for a 15-year period. Look, there's going to be a substantial amount of reinvestment by any tenant to get in the space. It was a former grocery, and it's 40 years old at this point. So, whatever tenant goes in here is going to put a substantial amount of investment and by virtue of that, they're going to want a longer term lease to justify that investment. We can look into that, and we can talk about that with the attorney and see what's most proper.

Chairperson Parel – I've got a question. Your first point there in regard to the restrictions that Kroger would have on the existing store once they move out, I'm seeing a couple different things. I think the language in your letter dated January 16th might differ from what we're seeing up here.

Spencer Schafer – The PUD agreement has the most updated, the most accurate language and this is reflective of what's included in the PUD. This is more expansive.

Chairperson Parel – I agree. So let me ask you a question, it's saying they can restrict a food store or food department. But then it also says, *it's defined as a store for the sale of groceries, meats, fish, produce, dairy, bakery or alcoholic beverages*. So, some tenant could come in by that and ...

Spencer Schafer – It's for a two-year period. It's only for a two-year period, and if I'm going to be honest with you, let's count how many grocers-

Chairperson Parel – Two years after they vacate.

Spencer Schafer – Correct. How many grocers are in the area already? There's ALDI, there's Zerbos, there's Costco, there's Target, there's Meijer, and Kroger.

Chairperson Parel – But technically, let's say a gym wants to come in and they want to do ...

Spencer Schafer – There's percentages. It's not going to be a problem.

Chairperson Parel – So there is more detail.

Spencer Schafer – Yes, in the PUD agreement.

Weber – They've got to be 5%, right? So, the food aspect or whatever it was has to be less than 5%.

Spencer Schafer – Look, if it was a gym and they sold 6% or 7% of food, I can't speak for Kroger, but I'm sure if it's something market rate for a lease ...

Chairperson Parel – I noticed that Kroger would not keep any restrictions in place post sale.

Spencer Schafer – Again, this runs only for two years, in terms of the grocery store, these other terms are while Kroger owns the real estate.

Chairperson Parel – But they don't have the ability to sell it with some type of deed restriction.

Spencer Schafer – There's no deed restriction or restrictive covenants.

Chairperson Parel – Got it. You've answered my question.

Phillips – Can I suggest that if you address the duration of the lease and the initial tenant signing that 5-year lease, you wouldn't need that language?

Spencer Schafer – We can talk about that. I don't think that's an unreasonable request. I think that's reasonable and it's workable.

Phillips – Thanks.

Spencer Schafer – So, that's item #1. These were material changes and these two changes that we looked to implement, they came directly from you because Kroger really doesn't like to place restrictions. They have a corporate mandate of who they obviously need to fill up this space with. A lot of it, most of the time when communities ask for this, it's done something in the form of a side letter. But these were items that we were willing to put in the PUD agreement because it gives the Township more security and gives them a way to police this action.

So, #2 is our offsite sidewalk extension. We talked about #1 and #2. I think everybody knows what #1 and #2 look like. In total, that is projected to cost \$200,000. Some of the Commissioners, George and Brian, who did attend our roundtable discussion, may be more familiar with the nuances. Again, if anybody has specific questions, I'm willing to go over it, but what I just want to chat generally on is what this includes. I do have some exhibits because I always like to show pictorial representations rather than just battering everybody with language. But what does this \$200,000 include?

And again, you're going to see what Newberry Square looks like on its frontage, but I think a lot of you are familiar with that area. Where the urgent care is, there is a large bermed area and there are a handful of trees, at least half a dozen trees. I call them battered trees because they've frankly been butchered by DTE, and I understand why. They're growing into the power lines. There are a lot of pine trees and they grow up to 40 to 60 feet, and DTE has cut off the tops of these trees. They've cut off the back half of these trees.

So, these trees are in that berm, and we'd look to remove the berm, we'd look to remove the trees, we'd look to grade the area so we can install an ADA compliant sidewalk. We'd install the sub-base, whatever drainage we need to do and the sidewalk itself. And, there are going to be adjustments that we're going to have to do to the landscape walls, particularly in front of Todd Murray's Center, because the sidewalk is going to go in place of right where those landscape walls are. Beyond that, we have the cost of doing all of our design, engineering and permitting. And first and foremost, we have to secure easements from these property owners. This is private property, these owners are in control of that property, and we already have reached out to Mr. Murray, which is the section in purple actually up to that white line right under where it says Community Choice. I know I mixed up my colors; that's pink.

Kroger owns a small frontage along 14 Mile and Community Choice. It appears that both Mr. Murray and Community Choice are willing to grant us easements. So again, we

drafted those easements. We have to get an understanding of if this is enough, because we're not going to send it to them. We're not going to start incurring legal bills unless we know that that's a satisfactory public benefit. That's Option #1. And again, this showcases some of those existing conditions. There is a lot of work that we're going to have to do, and I don't want anybody to look at this as an oversight. This is a 620-foot 640-foot sidewalk extension, and then we're also looking to propose another 600-plus feet along 14 Mile, so that's over 1300 lineal feet of sidewalk. And then we'll talk on Option #5, which is about another 500-510 lineal feet sidewalk. Then this showcases that second area.

So, we analyzed what we called Options #3 and #4. We did prepare some cost to that effect, which I will relay here shortly, but it's substantially more expensive to the point where it's cost prohibitive for us to explore full connection from Haggerty Road to M-5, whether that is on the north side or south side of 14 Mile. What we're willing to do here in this revised proposal we think is an enormous step from where we were initially, and is hopefully an item that we can reach a compromise on, because I'm telling you right now, if we have to build a sidewalk here, this deal is dead.

We don't have the margins for it, but what we're willing to do is install a sidewalk up to here, grant the Township, or whoever it may be, easements for this area in yellow, and again, I do highlight it on another slide, but I'm trying to do this in a little bit more of an abbreviated version. We would look to do a sidewalk here and we have been in touch with MDOT. We have been in touch with Oakland County Road Commission, who would actually be the permitting agency here. There's still a lot of work that we have to do, but on its face they are agreeable to giving us an easement for a sidewalk extension.

Chairperson Parel – The area that's the wetlands, just up until the Kroger, and maybe it's half of that yellow line approximately, do you have a price?

Spencer Schafer – Yes. We're going to get into that. It's about \$800,000 if we did a sidewalk from here all the way to here. What we're proposing with just the sidewalk here, and the sidewalk here, is roughly \$300,000. So, the large portion of the expense is for this area because a pedestrian bridge or a boardwalk would be required.

Dave Campbell – So, Spencer, the map of that means that the dashed yellow line on the north side of 14 Mile, that's effectively a half a million dollars? It's \$800,000 less \$300,000?

Spencer Schafer – Correct.

Dave Campbell – Thank you very much.

Spencer Schafer – And this just shows the design features. Obviously, this area is a little bit easier, not as intense of a grade. Fortunately, with the way all these trees were planted, I think we would be able to install a sidewalk with limited grading and limited disruption of the natural features. Again here, this is a much smaller landscape wall, but we may have to potentially do some impact there. As part of our proposal, it will include striping for crossings across all drive aisles.

So, Mr. Parel, as you asked, showing the cost. I know I had represented it earlier, but these Options #3 and #4, #3 was the north side of 14 Mile, and #4 was the south side of

14 Mile, between 3 to 4.5 times more expensive. In terms of dollar amounts, we're talking \$450,000 on the low end, to \$750,000 on the high end. This variation does differ based on whether a boardwalk is needed, or a bridge, but I will say a lot of communities are starting to phase out boardwalks because they've got to be redone every 10 to 15 years and it's an extraordinary expense. Even for a little bridge they did on the north side of 14 Mile where Henry Ford has their entrance; West Bloomfield did a bridge that crosses a culvert. It's about two feet wide and they did a steel pedestrian bridge. These top end figures do include a similar scale of bridge.

We're going to get into the tax issue here briefly, and I think we're both steadfast in our approach of what the Township is looking for, and what's really the maximum extent of what we can agree to. We've got to understand, Kroger is a public company. They operate in a mandate. They're worried about setting a standard, for an ask to not challenge property taxes, that could be applicable to other municipalities. It's a dangerous precedent and Kroger has got to be careful because they're a large public company and they have several hundred stores here in the State of Michigan. So, it's not just this one project that we're worrying about; it's about all the other future projects. I don't want to put the cart in front of the horse. We're not there yet. But, as part of our revamped public benefit proposal, we're willing to include that Option #5 sidewalk extension, and then again, for all of those areas where we would not be proposing a sidewalk, we're more than willing to put together easements for the Township. So, once the millage has passed, I'm sure this would be a key area where the Township would like to see a fully connected sidewalk network. What we're proposing is filling a major gap of what's in your trails master plan, specifically Page 74.

This shows the area. Commerce Township recently did a sidewalk extension across Long Park. Again, the pedestrian signaling is already in place to get across M-5. We'd be proposing at this terminus for this green circle, and then this would be the area for easements, and then the balance of this area we would be constructing that sidewalk. Look, I think this is an extraordinary form of public benefit.

Chairperson Parel – Dave, this might be to you. The area in yellow that they're not proposing; let's say the balance of the 14 Mile sidewalk is approved and that's the plan. Does that pose any safety issues for folks walking from, let's say, the east to the west and trying to get to the trail? Now that we've potentially given them the two bookends, we have that yellow line in the middle. Are people going to be more likely to walk on it?

Weber – It wouldn't be any different than it is now.

Dave Campbell – It's a fair question. I would say both Option #2 and Option #5 terminate at a fairly logical location, one being the existing driveway into Newberry Square, and the other being Loop Road. Are you inviting people to walk along the obstruction of the northside of 14 Mile where they're maybe not being invited to walk right now? Perhaps, I mean the crosswalks are there. There's the crosswalk at Haggerty. There's the crosswalk at M-5, so that is something of an invitation already. I think I understand the question and I understand the concern. It may be an invitation to walk along the shoulder of the north side of 14 Mile.

Chairperson Parel – And I guess I'm more concerned about people heading east. I think to George's point, once they're in the shopping center, they're not necessarily going to be invited more to head west. But if people are coming from M-5 and they stop at Loop Road, I don't know ...

Spencer Schafer – I know we talked about it for the previous item on Crumb Road, and in all the conversations, from the initial preapplication meeting where the Supervisor was present, the public benefit needs to be tangible benefit. It needs to be real benefit and not just a check. But, in this case, if there is a safety concern, and again if it's something the Township was willing to entertain for Crumb Road, could we potentially do something like that for the option in green. And again, we haven't prepared a formal cost estimate, but I've been doing this for a little bit of time now. I have to imagine that sidewalk, \$75,000 to \$100,000 is probably a pretty accurate amount, but we'd be more than willing to produce a formal cost estimate. That can be an open-ended question. If that has to be finalized as part of the PUD agreement now, maybe we have an asterisk in there that talks specifically about that Option #5, but ...

Chairperson Parel – You mean about the timing for it?

Spencer Schafer – If you didn't want to see us install that for some reason, that there'd be a donation to the Township and they could use it for that improvement, or an improvement in the area if there's a safety concern.

Phillips – I was just going to suggest that.

Spencer Schafer – The logical terminus is Kroger's entrance. I get what you're saying, until the rest of that is in.

Spencer Schafer – Item #3, real estate taxes for the existing store. So, what we were willing to do in the initial PUD agreement; we had proposed an existing store tax freeze period at one year. A lot of the Planning Commissioners felt that was immaterial, and mind you, this was one year post vacation. So, what we've been willing to do is increase that to a 3-year period to give the Township security and taxable revenue for that store. Again, I don't think this is going to be a Union Lake situation. We did talk about it extensively. We have had conversations with multiple commercial brokers. We're getting a call now every single week from the same broker who represents a Fortune 500 fitness user who wants the space badly. And the soonest Kroger would probably vacate the store is post-construction, which would be late 2026, potentially early 2027. So, it is an issue that's a little bit further down the road, but again it was a request of the Township and we look to agree to the unequivocal language that that has been proposed by staff.

Now, this is where it gets a little bit fuzzy and dicey and hairy. I know a lot of our conversation is going to be on this and Alan Greene is present here. He will be in a much better position to address this item extensively. As I alluded to, Kroger has got to be careful and certain that they're not setting a dangerous precedent here in Commerce Township that could end up biting them in the behind in other communities. The Township had asked that we get a property tax assessment. We did get an assessment number from Oakland County and that's used as a guide. It's not an estimate, it's just a projection. And the crux of this is that Kroger does not have the ability to contest

property taxes below that stated amount, assessment upon completion, for a period of up to 5 years.

Now we have an extensive real estate background. Kroger has been in business for over 40 years. My attorney, I don't want to date my attorney, but I know he has been in business for well over 25 years. Not once has a similar request ever been made by a community. We are trying our best to find a bridge, to find a compromise on this issue. Kroger has viewed this with Alan Greene, who's our attorney and who is acting as local counsel on behalf of Kroger, and they have spoken with their corporate counsel, and this is what their corporate counsel is willing to agree to.

I know Commissioners are going to have comments on it. I'll defer any more language to Alan Greene, but I'm telling you right now, we're trying our damn hardest to capitulate on this, and my hope is with everything else that we've done, we're listening to Mr. Phillips' comments and did agree to these other minimums on the tax assessment for the existing store. We're really trying our hardest, but public benefit is always so tough because we're trying to find that invisible bridge, that invisible hurdle across.

I know it's on us to propose the language, but this is a tough one for us. I don't want to belabor it, but we are trying our hardest to find some type of compromise on this issue.

Phillips – This was one of my biggest issues. I know Kroger said, hey, without gas pumps it's a no-go. My feeling on it was, if we don't get something reasonable in place for the tax assessment, then it's a no-go, at least from my perspective. I think the concept of the floor approach, if that's acceptable by Kroger, that's a good approach. What I'm concerned about is Kroger is looking at a 35% reduction from the initial assessment. Basically, from Day 1, they can start pursuing that, and I don't think it's reasonable for Kroger to make what we think is a \$9.3 million investment and then say, no, really we shouldn't have. To me, that sounds like it's a bad investment. They're not willing to do it because they think it's only worth \$6 million. To have the 35% reduction in the tax base, it doesn't seem reasonable to me. I think if you're looking at something that maybe was 80% of the value, you might be able to get us there, or get me there. The other thing I would say is, Kroger has every right to challenge the initial assessment.

Spencer Schafer - Well, that's not the way the language is written in the PUD agreement. You made a similar statement. I'm looking at the minutes of the last meeting that says, *I think Kroger can challenge the initial assessment once the store is open. I would say that Kroger can also challenge any assessment increases after that point in time.* I'll let Alan speak to this.

Phillips – That was just my simplified approach to it.

Attorney Alan Greene – Yes, thank you. This has been a tough issue as Spencer said. I also investigated with other attorneys outside of my firm, other people I know that do development, and other tax attorneys, and no one has quite done anything like this, period. The second thing is that virtually everyone says we're perilously close to violating the Michigan Constitution and statute regarding taxes, which are very, very specific about uniformity. So, what happened is, I saw what you guys said and I thought that might work, and it still might work, but what we got really was, this is really going to be the assessment 3 years from now, and other than challenging like a mathematical error, that's what we're going to agree to.

We could not agree today to an assessment 3 years from now, or 4 years from now, not knowing the economy, not knowing how much the store is going to cost or not cost depending on inflation. We don't know that, and the law that we're applying is very specific on how you do assessments for tax purposes, and it's not doing it in advance like that. It all talks about uniformity. That's the constitutional test. So, what we looked at, we came up with this alternative solution. That was really to get to Mr. Weber's comment from the original meeting in which you said that you're *concerned about big box stores, in a short period of time, being able to leverage Michigan tax tribunal to get their taxable value less than what they paid for property*. So, what we decided to do, at least what we recommended to Kroger, and they went through their whole, very difficult approval process, and they said, okay. I said let's just pick a number, like a minimum number, below which you can never challenge in 5 years. And the number is not an assessed number. You're not agreeing that the number is the proper number, and we're not agreeing that's a proper number. I could be honest with you that the number that's going to happen 3-4 years from now, it's going to be a higher number. It's very difficult to challenge an initial assessment right after you build a brand new store. So, we know that's going to happen. All we're saying is that, at a minimum, you're protected from what you were concerned about, from that downside risk. That we will never challenge it below that number. But just because 3 years from now, if you come up with a number that's what the estimate is today, that doesn't mean Kroger's going to challenge it in any way. It means they have the right to challenge it over that number if they choose, for the initial assessment.

Now there's another solution that we just talked about a little bit ago as a possibility, which is what I thought you were saying, Mr. Phillips. There's going to be an initial assessment after they build the store. That's going to be hard to challenge, but they have the right to challenge it. Like, if the assessor goes crazy and says it's \$15 million and they go, what are you talking about? They would have the right to challenge that because that's the law.

But once that assessment is set, whether it's challenged or not, they will abide by that for 5 years. I think that's what you were saying back then. And then we would not challenge it. We would live with that assessment for 5 years. That might be okay. I think you think it's okay (to Kroger representative). You might have to get approval for that. So that's another alternative. We're trying to be fair, protect the community from the things that you're concerned about, the downside risk, but on the other hand, protect ourselves. There's a real concern about doing something that's subject to challenge by somebody, and would set a precedent. Kroger does not want to be going into every community in which it does business and have them look and say, well, in Commerce Township you agreed to an assessment before you built your store. I'm really the attorney for the developer.

Phillips – I don't think we're asking you to do an assessment in advance of the completion of the store.

Attorney Alan Greene – That's sort of the way the language was as we got it. I think what I'm saying is what you're talking about. I read exactly what you said. You can challenge the initial assessment, and then once that initial assessment is set, you've got it for 5 years. You agree not to challenge it for 5 years.

Phillips – That's what we suggested, yes.

Attorney Alan Greene – I think we could agree to that, or at least I was told we can agree to that, if that's really what you want.

Dave Campbell – Can you say it again? What you would be willing to agree to based on the conversations you've had up to this minute. Can you repeat it?

Attorney Alan Greene – Yes, it's exactly pretty much what Mr. Phillips said. I think Kroger can challenge the initial assessment once the store is open. It goes onto say, you could challenge assessment increases after that time, but it would be good for 5 years otherwise. So, you get that initial assessment, whenever the store opens, and whatever it is. It's a hard assessment to challenge as a matter of fact, because they're going to have a brand new store.

They're going to have all the information to the assessor. But they would still not be giving up their statutory right to challenge an assessment, the initial assessment and then they may not ... More than likely, they won't challenge it, but if they don't challenge it, or whatever the result of the challenge is, that's the assessment, the brand new initial assessment, and they're not going to come back and do what you were concerned about, whittling away it every year. Now something has changed and now it's not worth what we paid for it.

Phillips – That's exactly it.

Attorney Alan Greene – Is that reasonably clear? It's late. I'm not very articulate right now. It has been a long day.

Attorney Hans Rentrop – I guess I'm confused, because it sounds like what you're saying is exactly the language I last proposed. I'll read that just so everyone is clear what it is. It talks about the initial assessment, the estimate that was given. It goes down to say that:

Kroger has reviewed the Estimate and agrees that the assessed/taxable value is appropriate based upon the currently available information but that the final assessed/taxable values will be determined upon completion of construction, known as the ("Assessment Upon Completion"). With knowledge that the Assessment and that the Assessment Upon Completion can only be calculated after construction is finished, Kroger agrees not to challenge the Assessment Upon Completion of the Kroger Development for five (5) years following issuance of a certificate of occupancy except that Kroger may challenge the Assessment Upon Completion for errors and omissions within thirty (30) days of receipt of the assessment following issuance of the certificate of occupancy. The Parties agree that the decision to reduce assessed/taxable values after the Assessment Upon Completion shall be exclusively that of the Township assessor and that any increase in taxable value after the Assessment Upon Completion shall be subject to the limitations of Proposal A which limits increases above to 5%, or the inflation rate multiplier.

So, is that what you're talking about?

Attorney Alan Greene – No, that's not what I'm talking about.

Attorney Hans Rentrop – Okay, then I misunderstood.

Attorney Alan Greene – We read that as we're agreeing, essentially, to this estimated assessment today, that the assessed value is, based upon the estimate today, is \$9 million.

Attorney Hans Rentrop – No, it clearly says upon completion, and the assessment upon completion be done by the assessor.

Attorney Alan Greene – Right, but upon completion, it's going to be this number. That's the number. If we take away the language about the pre-assessment and the assessment number, and that we agree that that number is reasonable today, no one has looked at that. No one has done a tax analysis to determine what the store ... and the store can cost ... It could be different. We don't agree to that because it sounds like we're agreeing today to a number, and a number that the County just gave us.

Attorney Hans Rentrop – That's not what's being asked, and I thought it was clear that the number would be *upon completion*. So, once the project is finished, the assessor will take a look at all of the improvements that are made, the costs associated with the construction project, reach final numbers using the standardized assessment methodology, and then if there's a challenge by Kroger for errors, omissions or inconsistencies with that methodology, then it can make that.

[crosstalk]

Attorney Alan Greene – Well, it sounds like we have a basis to work on something, but I don't think they want to talk about the numbers. They're not agreeing today.

Attorney Hans Rentrop – Understood. That number was put in there as an estimate, so that everyone was clear what we're roughly talking about.

Attorney Alan Greene – I think that's probably a serious concern, is talking about numbers today.

Attorney Hans Rentrop – I can't speak for the Planning Commission or the Township Board, but I would not anticipate that we need to necessarily reference the estimate.

Phillips – I would recommend we don't reference any specific numbers.

Attorney Hans Rentrop – It was done really as a benefit for all parties to understand what the numbers were, but it's not material in my opinion to the agreement on the assessed and taxable value after completion.

Weber – That's the spirit of what ... Again, the framework that I thought we had from Thursday was, we talked about those numbers just to give Kroger an idea of what the assessor was looking at, based on the information he has today. When the store is built and when there is a certificate of occupancy, at that point in time, the assessor will utilize the generally accepted principles of assessing to develop a number, based on the same way they do for every other property in Oakland County.

Attorney Alan Greene – Right.

Weber – From there, then, Kroger has 30 days to say, your methodology was screwed up and here's why, and to come up with a final assessing number, and ultimately there will be a final assessing number. I think you're there so far, right?

Attorney Alan Greene – We're there. We haven't discussed changing the methodology, both the statutory and procedural methodology of how we challenge an assessment. That would have to be discussed. I agree that there is going to be an initial assessment, and the assessor is going to follow all the procedures that he's required, or she's required to do, and then we will get that assessment. Then we would have a right to challenge that. At least it's my understanding that we would have a right to challenge that initial assessment. And when I say this, we're arguing about something that may never happen, just so you know. But, we have the right to challenge it, as we do under the law, and if we don't challenge it, or if we challenge it, and whatever the results of that challenge are, that becomes fixed for 5 years. We don't argue about it. We don't come back and challenge the assessment again.

Weber – What is the process for the challenge? Who hears the challenge? Does it go to the Tax Tribunal?

Attorney Alan Greene – What initially happens, my understanding, and you know this better than I do; we'll get an assessment in the mail, the initial assessment. Then, we have the time period within which to file a challenge to that assessment or it goes to the Board of Assessment?

Attorney Hans Rentrop – No. So, upon certificate of completion, you get a notice of assessment. The first step would be to speak with the assessor and say, hey, you missed this, or you added that, or you erroneously did something. In theory, given that it's brand new construction, that should be pretty black and white. In the event that's not the case, they would then I presume would go to the Tax Tribunal, provided it would ... and that's probably a good point. We could make some language in there, given the timing of when Kroger may get a C of O, because you can only appeal during certain times, but we could do that, within that period of time.

The idea is that, on new construction, and I'm not an assessor, but my understanding is that it's a fairly fixed number. It's done using uniformity of assessing methodologies.

Attorney Alan Greene – I agree. Is there a Board of Review?

Attorney Hans Rentrop – There is a Board of Review, but typically commercial properties don't go to the Board of Review. They have the option, but most of them don't.

Attorney Alan Greene – Okay, and that's probably true. One I worked on this past year, we just talked to the assessor and he said, okay, I see a couple of errors. We worked it out. I think hopefully we get there by doing something like that, that protects ourselves from agreeing to an assessment today.

Weber – I think we're trying to agree to a methodology.

Attorney Alan Greene – Okay.

Weber – I can wrap my head around how we get the assessment. The number is what it is. You've got 30 days to appeal it. It sounds like, unless there's a material flaw in what the assessor did, based upon the process that they have to follow, that it's going to be ballpark whatever that initial assessment is at time of completion.

Attorney Hans Rentrop – Correct. I think the initial assessment could be high, or it could be low compared to what's being done after the final site plan is approved. As you all know, a site plan can change from the PUD amendment to the final site plan.

Chairperson Parel – And Hans, that language that you, I believe, proposed in regards to errors and omissions, is that more stringent than the rights that they normally have?

Attorney Hans Rentrop – Yes, it is, from the standpoint that you wouldn't be using a sales comparison, or ...

Chairperson Parel – Would they be restricted on utilizing other methods?

Attorney Hans Rentrop – Yes, it's going to be basically, did you assess it right using the cost approach of a new building? It's not going to be what else does it look like in Canton, or some other place on this building. You do that because, once you open that up to those other types of methodology assessments, now it's completely wide open all together. We're trying to focus it on, was it uniformly assessed as according to the standards?

Weber – So, originally Spencer had talked about, and I'm going to look to Hans for this, including language that said that, if they were going to challenge, that they would utilize the proposed language from House Bill 5865. With what we've just discussed, is that material?

Attorney Hans Rentrop – No.

Weber – Okay.

Attorney Hans Rentrop – With my understanding of people I've talked to on the Township Board and the Planning Commission, that doesn't get you to where you want. What you want is what we've talked about this evening.

Weber – I was looking at it as an additive.

Attorney Hans Rentrop – Oh, additive. I see.

[crosstalk]

Attorney Hans Rentrop – I think what we're talking about is more direct and to the point. I think you've talked about the House Bill, you're talking about the dark store theory of methodology which of course, that House Bill did not pass. That gets into the market approach to valuation. I lecture on tax appeals, but there are three approaches to tax

appeals; market approach, income approach, and cost approach. When a new building is constructed, they basically use the cost approach to it. After a while, you don't use that approach. So, the market approach is when they're using comparable sales, and that's when the dark store theory kicks in. That's why I say I don't think it's applicable in this case.

Weber – So, what needs to change from the original language you put together that at least we felt comfortable with?

Attorney Hans Rentrop – I think all we're talking about is removing reference to the estimates. Again, the idea behind those estimates were just to kind of explain it in more of recital language as opposed to agreement language. If there is concern about any agreement, we can even say it is not agreed upon, or remove it all together. I don't have a problem with it.

Weber – Can you read what that would be so that everybody can hear what the final language might sound like and look like?

Attorney Hans Rentrop – Alan, did you want to say something?

Attorney Alan Greene – I just want to make this clear because I've been told this. We will not agree to language that limits or restricts the assessor the proper assessment process, whatever that is. I'm not the person to challenge. It's not my job, but whoever wants to challenge something 4 years from now, they don't want to give up their rights.

Weber – I'm sorry, I don't understand the difference between that and what you just said about 5 years after the assessment is ...

Attorney Alan Greene – Okay, what I'm saying is there will be an initial assessment. Whatever that assessment is, there will be an initial right to challenge it or whatever they choose. We've just discussed the fact that with brand new construction, there's probably little to challenge, but Kroger will not agree to then restricting the statutory basis for challenges, whatever that is. To say, you can only challenge the calculation in this manner, even though your rights are to challenge it in two other manners. The statute on taxes is 200 pages long on the Property Tax Act. It has all this stuff, you know that. So, we're willing to say, okay, we'll get the initial assessment. We don't lose the right to challenge it, but if we don't challenge it, or if we do, whatever the result is, we will stick with that for 5 years. We won't challenge it again. We will pay that tax.

Weber – So, I think we're still saying the same thing, however, I would say that because it's 200 pages long, I don't know what you would not utilize. We're talking semantics here, but in that ability, you would not utilize the dark store methodology for that initial assessment. I don't know that they can, but I want to make sure that we know what we're agreeing to.

Attorney Alan Greene – What Hans was saying was a little bit different. What you're saying is something that Kroger already agreed to. If we wanted to add that ... maybe I should explain it to the whole Commission. We understood from our original discussion a month ago that there was concern about this dark store strategy that big box stores

were using. We looked into it. It turned out that the Michigan legislature had prepared or proposed legislation to amend the property tax to eliminate the dark store option. It did not pass this year. Who knows whether it will get adopted in a subsequent year. What we initially did is, I took the language from the statute, the exact language that the legislature was using to try to cure this, and Kroger agreed to put it in the agreement. I think, Mr. Weber, that's what you're talking about.

So, since Kroger already agreed to that, I'm hoping ... before we even got to this issue, then we could do that too. We could do what we're talking about, with respect to the initial assessment, the 5-year freeze, and add language, there's a whole paragraph on the dark store issue that would prevent that from being utilized as an argument by Kroger, even though it's still lawful to be used today apparently.

Attorney Hans Rentrop – If I'm understanding correctly, it's basically what I'm proposing, plus the dark store, and I have no objection to that.

Dave Campbell – Can I call a time out and ask a question? So, we're getting further into the weeds of tax assessments and legislation regarding taxation than I've ever gotten into in any Planning Commission meeting ever. So, my question maybe, and this is to Spencer, and maybe a question to you, Mr. Greene, and to Hans. I feel like we're saying a lot of same things. Just from a timing procedural standpoint, if the Planning Commission were to take action tonight ...

Spencer Schafer – Can we talk with Alan for 30 seconds because I think there's one point of confusion and I want to make sure that the three of us are on the same page? Then we can get it on the record and then we can just move past this issue.

Dave Campbell – Fair enough. My question is going to be, is it your intent that all of this is going to be ready to go in front of a Township Board meeting a week from tomorrow? All this language that we're slicing and dicing right now? Or, are we thinking about the Township Board meeting in March? I think it would be March 11th.

Spencer Schafer – It's the tax language and it's the addition for the dark store.

Phillips – The lease duration on the existing.

Spencer Schafer – So we're talking about two provisions.

Attorney Alan Greene – I would say March.

Spencer Schafer – Okay.

Chairperson Parel – You guys want to take a quick 30 seconds?

Spencer Schafer – Yes.

Chairperson Parel – While you're doing that, Hans, can I ask you a question? How I see it is, there's going to be an assessment, and then we're giving them the right challenge it, but only on the basis of errors and omissions.

Attorney Hans Rentrop – Correct.

Chairperson Parel – I don't think they're saying the same thing.

Bearer – I think that's what they disagree on. They want to be able to challenge any method they have a statutory right to. And I don't know legally, would it be upheld if they agreed to limit their statutory right?

Attorney Hans Rentrop – So, this has been a bone of contention. Mr. Greene is absolutely correct in saying that this is not something common. We have done this once before with LaFontaine and that was because the Township has had a constant concern as several recent developers have come in and built very nice buildings, very nice structures, and very quickly said, oh no, they're not worth that much! And they shoved it down. In this particular case, this project in particular, of course, you had a residential component which was going to be the basis of all the public benefits. That residential component had a substantial tax value as well, and that was one of the listed public benefits on their original PUD agreement.

So now, they're coming in and asking for a change to something else, and something that does not provide the same taxable values. That's less of a benefit than was originally provided in the original PUD. There is an absolute right to challenge the constitutionality of your taxes. There's no doubt there. Where we are a little gray, and I'll be honest with you as to whether this can be strictly enforced ... In other words, if they come in to say, we're challenging our tax assessment anyway, two years after it's done, can we really go in and enforce otherwise? It's a new area and it's not a clear cut, black and white issue.

The idea is that it's an agreement that, as much as anything else, that's what we're agreeing to do. It's bad business for Kroger and it's bad business for the Township to renege on any of these agreements. I think that's what it comes down to at the end of the day. We're trying something new. There's a problem with this problem and Spencer's bringing it upon himself because there aren't a lot of public benefits to be had, given its location and its design. The original public benefits that were provided in the original PUD agreement are lost because of this amendment, and that's why we're struggling now to find new ones to make up for it, and this is one idea.

Phillips – Hans, I've got a question for you. We've talked about the challenge for omissions and errors, but earlier you said something else. You said, omissions, errors and methodology.

Attorney Hans Rentrop – I don't believe I said that.

Phillips – There was a third element that suggested if they had data or information that their property was being valued incorrectly relative to similar properties.

Attorney Hans Rentrop – Yes, I think I understand what you're saying and I may have confused things a little bit. The idea is that when a certificate of completion is issued, the assessor will come in and they'll produce a final valuation of that building. There is a uniformity methodology to do that process; if a garage door is X for example. If they came in they said, no, we didn't put the garage door in, that would be an error or omission and he'd have to adjust it accordingly. It would not say, well you can't use the

cost approach or the valuation approach for assessing an initial building differently. They're not going to say you can go in and use a different methodology. Does that answer your question?

Phillips – I'm not sure. We're using comparative properties, right?

Attorney Hans Rentrop – We're not actually. That's the mentality. We're trying to get away from a comparative property approach, because once we open that ... First of all, in my opinion, and I think most people would agree, a comparative property approach on a brand new store is not appropriate. Cost approach is going to be your best valuation because it's what you're paying for it, it's what it's worth. So, #1 and #2, you also start getting into the dark store theory. You start getting into all that stuff and again, when you start doing market comparable approach, I know George Weber knows this well, it gets really gray really fast, like whose different store is doing what, and how this is, and trying to compare a 1:1 is a really tough thing to do. We're trying to avoid getting into that and making it too broad.

Phillips – I don't want to get too deep into it, but there is a methodology to standardize how the square footage tax assessment is determined, right?

Attorney Hans Rentrop – Correct.

Phillips – So, if they violated that methodology, if the assessor violated that standard methodology, then would they have a right to challenge it?

Attorney Hans Rentrop – Yes they would, within 30 days.

Phillips – Okay, thanks.

Chairperson Parel – So, we had the issue, we had the challenge. We had the issue from them that we put the estimate number in, and they don't like the estimate. You'll pull the estimate out of your language. Are they comfortable with that language? It sounds like maybe ...

Attorney Alan Greene – No, because what we will not agree to is the specific methodology for a challenge. Whatever the law says you have the ability to challenge you can challenge initially.

Chairperson Parel – You're saying on the initial, you're not willing to have restrictions on the way that you can challenge, and Hans is proposing that there are restrictions?

Attorney Alan Greene – Right.

Chairperson Parel – He's trying to get us there. I understand.

Attorney Alan Greene – I think you're right, and Hans is probably right about how it gets assessed, but it's the same thing that Mr. Weber said in the first meeting. *If the initial assessment is out of line on a per square foot basis with what other buildings of similar*

size are paying within a close geographic area, I'm sure we can craft something like that. Now that's completely different than what we're talking about now.

Chairperson Parel – That is.

Attorney Alan Greene – Now we're not even suggesting that. But what I'm trying to say is, we don't want to agree to a methodology. That's all I'm saying.

Weber – I get it, but we need specificity. I have no idea the difference between the two of you and how it's material. I understand what Hans' language says. I don't know what the restrictions are based upon the tax code or the assessing process. I don't know what those differences are.

Attorney Alan Greene – I understand.

Attorney Hans Rentrop – I'm going to throw this out there for you all to consider. If we're not going until March anyway, does it make any sense for us to sit down and talk to the assessor in a room and go down and see if we can hammer out the details?

Dave Campbell – I don't see a scenario where the Planning Commission is ready to make a decision this evening. I shouldn't speak for all of you, but it sounds to me like there's still enough ambiguity.

Chairperson Parel – Well, the developer may also not want us to take a vote, right?

Dave Campbell – That could be as well. But let me make this point again. If the intent is to get a development agreement in front of the Township Board by next week, Tuesday, that agreement needs to be in executable form by the middle of this week. I don't know that we're there. I guess I'm looking to the two attorneys. Maybe we're close, but I don't know that we're there.

Attorney Hans Rentrop – I'm still confused. I guess I'm not there.

Spencer Schafer – We're fine with March.

Chairperson Parel – So assuming it's March, do we want to take Hans' approach and table this?

Weber – Well, can I –

Zack Bickerton of Kroger – Can I make one comment?

Weber – Yes. Can I ... if between Hans and Alan, take Hans' language that he has, remove the figures from it, then craft what are the differences are between his language and his understanding of what that language means, and what Kroger is trying to accomplish with keeping its right open to challenge the initial assessment. I don't know what the specifics are that they can challenge, and I guess I'd like to understand what those specifics are compared to what we had in the initial language, if that makes sense. Otherwise, personally, I don't know what I'd be agreeing to.

Chairperson Parel – Do you have a comment?

Zack Bickerton – Yes, if you don't mind. I'm from Cincinnati, Ohio. I work in the real estate department for Kroger. I think I'm confused here as well, but attempting to restate what I think I've heard. Kroger's position on the taxes, whatever the 200 pages of law states, are your rights. That's all we're asking for. Whatever the number is after the store is built, if we ever get to that point, whatever that number is, if we have 30 days, if that's what the law says, that's all we're asking for. We may challenge the assessment, we may not. We're not going to agree to limiting those rights in any capacity. It's just whatever the number is, just like I think every other person who has ever developed in the Township, regardless if that's commercial, residential, industrial, outside of the one dealership, maybe. But the overwhelming majority, you don't have any of this protection in there. So, just attempting to simplify it. If we could get to that point, I do think if we ignore any of the prior assessments, that would make us comfortable, but at the end of the day, whatever the number is, we may challenge it and we may not. But then we're locking it in for 5 years.

Bearer – But you're not willing to do anything less than what your statutory ...

Zack Bickerton – No, we've used ... our counsel-

[crosstalk]

Bearer – I think that's where the confusion is. They're not going to be willing to do just errors and omissions and limiting the methodology. They want their full statutory commitment.

Attorney Hans Rentrop – Well, then I guess that begs the question, what is the public benefit? Why have the language in there at all?

Zack Bickerton – You have the protection for 5 years, right?

Attorney Alan Greene – You also have the protection on the dark store. That's where it all started, I thought.

Attorney Hans Rentrop – The question is, and maybe I'm getting a little closer to understanding what it is; I understand Kroger wants to reserve the same rights as everybody else. The rights that everyone else has is what has been used against the Township and has caused the problems, which is why we're having this discussion. So, we need to figure out a way to ... I'm sorry, but if this is a public benefit, there's got to be something to it. Now, if somehow we tied that in with 5 years, I guess you could sit there and say ... I guess this is something for the Planning Commission to say. If they can challenge their taxable assessment for any reason, on any basis, within the first 30 days, and then they agree to that for 5 years, I suppose that's an alternative.

Chairperson Parel – That's the alternative they're proposing.

Attorney Hans Rentrop – Correct.

Chairperson Parel – Which is different than your language currently states.

Attorney Hans Rentrop – Correct.

Weber – I do want to say one thing, Alan. What got us here wasn't the dark store loophole. What got us here was an amalgamation of public benefits. I'm going to use as my compass, significant and recognizable public benefits to the Township residents. Those, in the original PUD, included significant taxable revenues, residential revenues, which we know are substantially higher than commercial. And, comparatively speaking, it could be three times as much, and that's probably a safe number. That's a benefit, and that was part of the initial, when we were looking at the residential PUD, because of the tax capture that's required for the DDA, which is a critical and a huge benefit to the Township. It had ... I've got some items here. It had significant-

Spencer Schafer – We had solar panels. We had EV's.

Weber – ... green space. It had significant-

Spencer Schafer – We were 23% over on the open space.

Weber – Stop. It had significant green space. It had significant natural buffers. The density was lower than what we would normally do in that area of nine units per-

Spencer Schafer – 4 units is what I think it was, but ...

Weber – ... acre. So, there was a significant number of public benefits that we could all wrap our heads around. This project has real challenges with the benefits that, again, a Commerce Township resident can recognize. That's why we are trying to get back to this and really understand what's the benefit to the Township residents, and part of that is the tax capture, which again, is something that is significantly less than what we originally agreed to. That's what we're trying to wrap our heads around.

Attorney Alan Greene – I'll probably be argumentative by saying this. When I read the original PUD agreement, I don't think it ... I mean other than there was an analysis of taxes-

Spencer Schafer – Fiscal impact analysis.

Attorney Alan Greene – The fiscal impact, which you guys require-

Spencer Schafer – It wasn't a public benefit.

Attorney Alan Greene – It wasn't a direct public benefit, and it wasn't listed as a direct public benefit. I've done this so many times where I try to talk about taxes and the communities look at me every time and say, we're going to get the taxes and that's not a benefit of your project. You're going to pay the taxes. So, what we're-

Weber – But it's comparative.

Attorney Alan Greene – I understand, but that also means that ... Remember, the property wasn't zoned for residential, so they had to convince you guys to let them build apartments on this business zoned property. I understand. They're saying that right now, the market is not there for apartments. We don't know if we're going to build it. The economy is the wrong direction. Interest rates are high and costs are high, so the property could sit vacant for however long, and maybe you'll get apartments someday. So, what we tried, and we're forgetting the \$3 million issue too that we could add there. We're trying to address your concern that someone initially is going to go in and say, the property is worth less than what we paid for it, and it's going to harm the DDA, so what we tried to give you is the information on what is the current taxable value of the property. It's pretty low, right? What is it?

Spencer Schafer – \$412,000. We're saying, and we could still add this in – I forgot about this part, is that no matter what, we agree that we will never challenge a tax assessment under \$3 million, which also means that if it was \$5 million, we could only challenge \$2 million if we decided to do it. We can't challenge \$3 million. All we're doing is allowing us the right to do that initial challenge, under whatever basis you're allowed to, and then we'll freeze it for 5 years.

Weber – Alan, I get all that. I'm just saying that we drank the Kool-Aid on the first project, and we were looking for something comparable to what we agreed to, from a total package perspective. Maybe it's just me, but this isn't there; however, I think with what we just discussed tonight, that maybe we are there. Maybe this is the framework that we thought we agreed to on Thursday. But, again, maybe to Caitlin's point or Hans' point, it's just understanding, what are we agreeing to? I think we just need some time to digest that, in between you and Hans, and crafting what we're actually signing up for. The spirit of the 5-year window, and the spirit of once the assessment is agreed to without being onerous on either side, that's what we were looking for as part of that, with the other things that we've obviously talked about and can wrap our heads around, the old store, the pathways, et cetera.

Attorney Alan Greene – Okay, that's fair. It's a tough issue.

Chairperson Parel – I'm not as confident that we're there. Even with the framework on that, I still think we're far apart on their ability to challenge the initial assessment.

Weber – But maybe we can get with the assessor and find out, what does that mean?

Bearer – Is Kroger set at \$3 million being the floor, or would they be willing to come up?

Attorney Alan Greene – I would have to ask. That was the number that I was given.

Phillips – I think we're talking about abandoning the floor concept.

Bearer – Well, I wonder if they were to combine not waiving their statutory rights with bringing up the floor closer to what the SEV is right now, I thought there might be some middle ground there.

Phillips – Well, what I heard Alan say was, once the initial assessment is done, they've got a right to challenge it, but once it's done, they're set for 5 years.

Chairperson Parel – But they can't ...

Bearer – They can't challenge it if it's under \$4 million.

Chairperson Parel – They can't lower it.

Bearer – They can't lower it below \$4 million.

Attorney Alan Greene – There's sort of a bottom line protection for the Township. When I say bottom line protection, we're now assuming Kroger is going to challenge something with a brand new store and-

Chairperson Parel – We have to assume that.

Attorney Alan Greene – Okay, and that they're going to win. That's a dicey issue. I don't know about your other situations and everything. That's why I tried to deal with also putting in the dark store language too because if the Tax Tribunal for example is coming and telling your assessor that you've done something wrong, that you've assessed this improperly in accordance with Michigan law, you're not happy with it. I get it, but that's probably how you're supposed to have taxed it, or somebody did something wrong. That's all I'm getting at. Again, I love it that I think we're really dealing with an issue that's very important to you and us, but probably will never be an issue ultimately. I get that. I've been here before in that kind of situation. So, we're not going to resolve it tonight.

Dave Campbell – My impression is that there are too many unknowns for the Planning Commission to try to make any kind of a formal recommendation this evening. It would not be in the Township's best interest, and it would not be in your best interest. It feels like this needs to come back in March.

Chairperson Parel – But I think we need to make sure it's sorted before March. I was under the impression we were going to come in today and the language was already agreed to. Maybe it's an adjustment of the floor. Maybe it's the conversation that George was suggesting with the assessor. We've got a couple weeks to get there. I don't think we wait until the next meeting. I think we're a little further apart.

Attorney Alan Greene – Can I ask a question though, because we've spent a lot of time. Maybe we could have your thoughts on the pathways that we've got, so we don't come back and then not have the pathways. Also, I think the one year on the lease issues; I was a little frustrated only because that's what the language was. We actually took your language in that agreement. But I think we could do 5 years where you were talking about that one year. More than likely if you're going to lease it to anybody, 5 years is a fairly typical term.

Chairperson Parel – I'm going to go out on a limb and say that if we can make that adjustment you just described with the 5 years, and we understand your position and

your offers on the sidewalk and the public benefit that is. I understand there are some options.

Spencer Schafer – Can we get some clarity on the sidewalk? It doesn't have to be now.

Chairperson Parel – I understand why you're asking that, but could I suggest that maybe we, in the next couple of weeks, we get through the tax issue, because let's be honest. You've got a formula. You've got to meet your formula for your proforma for Kroger. That's going to be a big piece of it for us. And maybe we get to a conclusion with that, that leads us to make a determination on the sidewalks. If there's anything in the meantime that we can help with, or Dave can help you with regarding sidewalks. I mean, I think the sidewalks are, to me, they're getting better. We're getting closer to where we need to be, and it helps you. Anytime you want to talk to Dave or any of us, within reason, we're happy to help. But Dave, I think to your point, we should probably table this, if that is your point.

Dave Campbell – That is my point. I think it's in the best interest of all involved. If we could just do a quick straw pull if nothing else on the sidewalks. Are we close to where we want to be on the sidewalks, with the three combined options?

Chairperson Parel – Everything but the dotted yellow.

Spencer Schafer – Essentially.

Dave Campbell – Which is cost prohibitive.

Chairperson Parel – We understand, but that's the offer.

Weber – The only thing I would say is, the section from Loop Road to M-5, I would say make that part of the construction process rather than cutting a check for that.

Dave Campbell – You're saying you would actually build it?

Spencer Schafer – I think we're open to either option.

Chairperson Parel – I think the Township's preference would be that you do the construction.

Spencer Schafer – And there's terminated, "end-of-sidewalk" signs.

Chairperson Parel – Yes.

Attorney Alan Greene – Okay, that's what we came in here expecting.

Chairperson Parel – I like the sidewalks. We appreciate everything you guys are doing there.

Dave Campbell – So we can informally say that the sidewalk matter is settled?

Loskill – Yes.

Phillips – Yes.

Chairperson Parel – From me, it would be yes, but I want to get the tax thing settled as well.

Spencer Schafer – Then we talked about the existing store and the addition there. I think we're okay on the old store taxes, so I don't know if there's anything else we need to address.

Attorney Alan Greene – Okay.

Chairperson Parel – So do we need to vote to table this?

Dave Campbell – Hans wants a motion to table.

Attorney Hans Rentrop – The Planning Commission has to follow Robert's Rules of Order, so you're required to.

MOTION by Phillips, supported by Loskill, to table Item PPU20-02, Midtown on Haggerty, PUD Amendment. **MOTION CARRIED UNANIMOUSLY**

[Attorney Hans Rentrop exited the meeting at 10:31pm.]

ITEM I.2. BOGIE LAKE RESIDENTIAL – CONCEPTUAL REVIEW

Mike Noles with The Umlor Group representing Jim Maher is requesting a conceptual review for a residential cluster option development on an assemblage of seven parcels located on the south side of Bogie Lake Road just west of the Cooley Lake/Oxbow Lake Road roundabouts.

PIN#'s 17-03-100-004, 17-03-100-010, 17-03-100-019, 17-03-100-020, 17-03-100-021, 17-03-100-022 & 17-03-100-024

Chairperson Parel – Dave, our final item of the evening. We're going to make this a quick one.

Dave Campbell – Let me fly up to the subject site. By the way, Mr. Noles and Mr. Maher, I appreciate your patience. It turned into a late evening.

Mike Noles – I was going to start by thanking you, Mr. Campbell, for inviting me this evening while you had such a thin agenda, and putting me at the end.

Dave Campbell – This is a concept plan for a total of seven properties on the south side of Bogie Lake Road, kind of bookended by Walled Lake Northern to the west and Westlake senior living facility to the east. (Dave outlined the seven properties on the overhead.) This property is under private ownership and my understanding is, despite Mr. Maher's overtures, they're not looking to sell. So, Mr. Maher has assembled these seven properties, which includes the former West Winds nursing home that's been vacant for some time now.

I'm pulling up the conceptual site plan, but what Mr. Maher would like to do with that assemblage of seven properties is to build 42 single family homes. So, that would be the conceptual layout. There are two points of access along the south side of Bogie Lake Road, and a total of 42 lots. The lots would be most consistent with our R-1D zoning district, but even then, they would be pursuing a cluster option under the R-1D zoning. So, right now the properties are a mix of zonings. If I can get back to the aerial, is it these four properties?

Mr. Noles – Correct.

Dave Campbell – These four stacked properties are zoned RM, multi-family. And the two properties on either side are zoned R-1A, along with this property in the back. So, a mix of zoning between RM, multi-family, and R-1A, which is our large lot, half-acre single-family residential.

The master plan for the assemblage is neighborhood residential, with what I think is a mapping error where this property remained rural residential. So, I think for the purpose of this conversation, we can assume that the overall master plan is for neighborhood single-family residential. So given the mix in zoning, RM and R-1A, within this assemblage properties, given what I think are some unique aspects of the property, again being bookended by a major high school on one side, and by an assisted living facility on the other, we thought in our discussions with Mr. Noles and Mr. Maher that there was an opportunity for some creativity here with the type of land uses that would make sense, given some of those unique factors.

So, their hope is to come back before the Planning Commission and the Township Board with a rezoning, most likely a conditional rezoning to R-1D, under the assumption that, if approved as R-1D zoning, it would be done under the cluster option. What the cluster option accomplishes is the lots would be 50-feet wide, which is required under R-1D, but they would not be quite as deep. They would not get to the 7,200 square feet that is a minimum in the R-1D zoning district. They would be a little bit shallower, but then the tradeoff with that is preserving more open space around the perimeter. Instead of these lots extending all the way to the property line of the site, you'd have more perimeter open space and common area.

And I know Mr. Noles is going to go through this on his own behalf, but what we're hoping to do, as we always do with these conceptual presentations, is get the Planning Commission's initial thoughts and reactions and see if everyone's on the right track before Mr. Maher expends the funds necessary to do a fully developed plan and the conditional rezoning agreement, assuming we're going the conditional rezoning route, which involves the attorneys drafting a contract.

I should mention too that this property, Bogie Lake Road, is the municipal boundary between Commerce Township to the south and White Lake Township to the north. So, anytime you have a rezoning on a property that borders another community, another step that gets added to the process is you have to go to the Oakland County Coordinating Zoning Committee. Their job is to just make sure that one community is not doing a disservice to their neighboring community by rezoning something that's completely incompatible with what the neighboring community already has or has zoned for. So, that would be a step in the process, assuming that this were to move ahead with the rezoning and the conditional rezoning. So, with that, I will pause.

Chairperson Parel – One question. A Conditional Rezoning requires the Board of Trustees?

Dave Campbell – Any rezoning requires the Board of Trustees. The Conditional Rezoning would come to the Planning Commission and we'd have a public hearing. The Planning Commission would make a formal recommendation. The Township Board would make a final decision and then, assuming the Township Board approves the conditional rezoning, then they would have to come back to the Planning Commission at that point, with a fully developed site plan with all the landscaping and the preliminary engineering and so-forth. But before they get to that point, they would want to get their rezoning approved.

Chairperson Parel – The parcels that currently reside in the multi-family zoning technically could be developed as multi-family currently.

Dave Campbell – Under current zoning, yes, those four properties. They would have to meet setback requirements and density requirements, and all of those, but by-right, those four properties could be developed with an attached product.

Mike Noles, Umlor Group – I've been before you several times over the years on several different projects in Commerce Township. Tonight, I think David set the stage correctly. This is a zoning question. So, we currently have two zoning classifications on this 15 acres. There's a spot zone of multifamily in the middle of single family zoning. We initially proposed to do 68 townhomes on this parcel and change the zoning to multi-family and that didn't go over great. So, they said, hey, take a look at the master plan and the zoning and get within spitting distance of what we as a community have planned for this property as an aggregate, and see what you come up with.

So, we did some plans that had multi-family in the middle to completely respect the zoning plan, with single family around it, and that zoning calculates out to 47 units. Again, we were at 68 when we were originally thinking townhomes. If you look at your master plan for the entire property, it's at 49 units. It's 3.5 units to the acre, and it's 15 acres. It would work out to 49 units.

So, we said okay, what's the closest zoning district that would get away from the multi-family that is not desired by the Township and get us close to the master plan density, within spitting distance, if you will, and we came up with this concept plan. This concept plan is 42 units. We can't get to the 47, we can't get to the 49. Spatially it just doesn't work. And so, this is a rezoning question. We were offered an opportunity to come here this evening in front of you to find out your appetite for rezoning this property to R-1D. Our intent with the site plan submittal would be to come in under R-1D cluster.

The cluster really doesn't change the density calculation in any way, shape or form. It takes some area out of the lots and puts it in open space. It's a net wash at the end of the day. So, in terms of a density question, we can't get to the master plan density and we can't get to the straight zoning density. And so instead, we would like to propose to rezone the property to R-1D and pursue a site plan under an R-1D cluster that would allow 50-foot lots, 6,700 and some change square feet per lots. Our site plan proposal specifically is for a site condo that would most likely include lawn maintenance and snow plowing. We're offering smaller lots. And the market that we're trying to reach with these smaller lots are your new buyers, your missing middle buyers.

Now you talk about it, and Mr. Campbell had a had a nice write up on this particular thing, and he said if you can consider \$450,000 a starter home, but today, that's true. You can't really build much for less than that. So, we are trying to have that starter home for your sons and daughters, for my sons and daughters, that are looking to get to their first home in Commerce Township. It'll probably start around \$450,000. It will be on a 50-foot lot. They won't have to spend as much time mowing the lawn and shoveling the snow. They can go do all the fun things that there are to do in Commerce and surrounds.

That's what we'd like to propose on this property, before we put a full site plan submittal together where we go out and do a boundary survey, and a tree survey, and a topo, and put a full site plan together. We wanted to measure your appetite for this rezoning, if this is something that would meet your expectations for development of this parcel at this location. That's all we're here for tonight. You don't even have to vote. We're here to get your opinion about whether this would be appropriate zoning for the property. It will be on us to put an appropriate site plan together that meets that zoning, but Step #1 is to get this property zoned to something that works, and our proposal is to rezone this property to R-1D, and we'll develop it under the cluster option.

Chairperson Parel – My thought is we will go down the line and ask some questions. Obviously this is informal and nothing is binding. Did you mention the step down in the zoning as we go east to west for this property? Is that relevant?

Dave Campbell – I did not mention it. I can pull up the zoning map if you'd like. Over here is the Hills of Bogie Lake. I think one of you is familiar with this neighborhood. So, this is a mix of both R-1A and R-1B. And then, obviously, Walled Lake Northern High School, which is its own animal. And then the assisted senior living in through here, and then these are independent units that I think are specifically marketed toward people to live nearby their loved one who lives here in the memory care.

So, if the question is, is there some logic to a transitional zoning from lower density residential here, to maybe more density and more intensity with an assisted living and an independent living campus, then I guess my opinion would be, yes, R-1D is something of a logical transition between the west and the east.

Chairperson Parel – I think your opinion is important and I just wanted to get that out there. With that, I'll go down the line. Bill, any questions or comments?

McKeever – I would be receptive to something like that.

Weber – I agree. I like the lower density that you're proposing and I like the cluster concept to provide more green space for the future residents.

Loskill – Just a couple comments. I think you're going to have a tough time entering and exiting this, especially during the peak morning and afternoon rush hours. As Dave mentioned, I live right next door and I can hardly get out. I live half a mile west of where you are. It's really difficult in the morning. The whole idea with the cluster option is to cluster the homes together, not just spread them all out. I'd like to see more open space and more clustering going on, because the open space that's here is like, it's all the stuff we couldn't do anything with. It's a little slice over here and a little slice around here. I don't think it's really purporting to fill the intent of the ordinance.

Phillips – I don't have any specific issues right now. I didn't realize there was a vacant nursing home on the property. I guess eliminating that and then bringing something of higher value in there is good. I'm curious what the boundary is between the development and the high school. I don't know if there's going to be any particular screening/fencing to keep the high school kids out of your backyard.

Dave Campbell – I don't know if that would be required necessarily. I would think it would be in the developer's best interest to do some pretty significant screening adjacent to the high school. I'd have to imagine when the kids are coming and going from school, it gets rowdy like it did when I went to high school. I would think, from a marketability standpoint, I think you'd want some significant buffering along that southerly edge.

Phillips – Those are the only comments I had.

Loskill – I think it would be a good idea to have a path over to the high school. They've got one in my subdivision by default. It would be nice to see one planned for this subdivision, especially since you're going for younger families.

Dave Campbell – In at least one of our discussions with the developer's team, we discussed that item. We thought maybe punching through here somehow might be the spot to put it. I think that makes sense to everybody that there be some sort of a connection point between the neighborhood and the school.

Loskill – There will be, whether we plan one or not.

Chairperson Parel – That's true.

Winkler – I have nothing to add to what has already been said.

Bearer – I have nothing to add.

Chairperson Parel – I'm not sure I can really add anything, other than to ask you, have we answered all of your questions? Is there anything else that we can answer tonight for you?

Mike Noles – No. I mean I don't have a site plan package for you. I can't speak to path connections and screening and all that. I do know that we would have a very difficult time clustering these any more than they already are because these are already the minimum lot size that we could offer under R-1D. So, in terms of configuration, there's not much I can do here given the configuration of the property. That's problematic for us, but I think there are a couple of engineering challenges on this particular piece of property, particularly with the storm water. It will have its engineering issues. Really, we just wanted to see if there was an alternative zoning classification that you could support that wasn't by-right zoning, that wasn't multi-family. A little sliver down the middle, surrounded by single-family, and I think you answered my questions.

Dave Campbell – Maybe if I can ask one question, and maybe this is more to Mr. Maher than Mr. Noles. You've mentioned that you've at least tried to make some contact here.

Is it worth you continuing to try in an effort to maybe kind of square off this property and maybe avoid some of these irregular property lines? From what you're hearing from them, or maybe not hearing from them, I mean is it or is there just no interest there in that property being assembled?

Jim Maher – I would be happy to re-spark that again and ask that question to that landowner. I have her number so we can reach back out to her again, but at the time, she was not interested at all.

Weber – For what purpose, Dave? To put more homes in there?

Dave Campbell – One of the comments was that the open space that's being offered is portions that aren't very usable anyway. I guess maybe I'm looking at this area down here.

Weber – So you want them to buy the other lot?

Dave Campbell – No, forget it. Never mind. So, they're not wasting their time, money and energy by pursuing this in your preliminary opinions?

Chairperson Parel – Anyone disagree with them proceeding?

None of the Commissioners disagreed.

Chairperson Parel – It sounds like you're on the right path.

Mike Noles – Thank you. We appreciate your time tonight.

Weber and Chairperson Parel – Thank you again for your patience.

J: OTHER MATTERS TO COME BEFORE THE COMMISSION:

None.

K: PLANNING DIRECTOR'S REPORT

NEXT REGULAR MEETING DATE: MONDAY, MARCH 3, 2025 AT 7:00PM.

Dave Campbell – Midtown will return next month. In addition, the property at Commerce and Carey Road; this is a property that we've talked about several times before, the northeast corner of Commerce and Carey. The developer has owned that 40-acre property for a long time and came before this Planning Commission about 5 years ago, wanting to do single family, but on 1/4 of it they wanted to do senior living, and it was a big 3-story building. I think the concern that they heard loud and clear was that the senior living was out of scale with what is otherwise a kind of low density, single-family area of the Township.

So, they didn't pursue it, but they still own that property and they now are looking to develop it with single-family. The property is zoned R-1A and they don't want to develop it under R-1A. They want smaller lots. So, we've had discussions with them about ... maybe a comparable discussion here. Maybe we could get behind smaller lots, but not if the tradeoff is a whole lot more rooftops. So, they thought they wanted to be at tonight's meeting, but after a preliminary discussion that we had with Supervisor Gray,

they said we're going hold off until maybe March. But it's a matter of time before they put something in front of you for the northeast corner of Commerce and Carey Road.

Chairperson Parel – Okay. The last thing I will say is if you have a chance and you haven't already, drive by the boat guy on Haggerty. I think we all deserve a pat on the back, especially Dave's group. Personally, I think looks pretty good.

Dave Campbell – Once spring comes, he is going to put a fresh coat of paint on the building and try to spruce it up. He said now that he has put in all of the landscaping and fencing, it makes the building look even worse.

Chairperson Parel – Great job everyone. Can I get a motion to adjourn?

L: ADJOURNMENT

MOTION by Loskill, supported by Phillips, to adjourn the meeting at 10:53pm.

MOTION CARRIED UNANIMOUSLY

Joe Loskill, Secretary