

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

Monday, July 10, 2023
2009 Township Drive
Commerce Township, Michigan 48390

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

ROLL CALL: Present: Brian Parel, Chairperson
Bill McKeever
George Weber
Sam Karim
Brady Phillips
Absent: Joe Loskill, Secretary (excused)
Brian Winkler, Vice Chairperson (excused)
Also Present: Dave Campbell, Township Planning Director
Paula Lankford, Planner
Jay James, Engineer/Building Official
Jason Mayer, Township Engineer, Giffels Webster
Mark Gall, Township Fire Marshal
Debbie Watson, DDA Director

B. APPROVAL OF AGENDA

MOTION by Phillips, supported by McKeever, to approve the Planning Commission Regular Meeting Agenda of July 10, 2023, with modifications to arrange items in the following order:

- 1) I2. – 6th Amendment
- 2) H1. – 5 & Main Sub PUD w/public hearing
- 3) I1. – 5 & Main Sub Condo
- 4) I3. – 7th Amendment
- 5) H2. – Text Amendment (Pole Barns) w/public hearing

Discussion –

Dave Campbell – We always try to put public hearings at the top of the agenda on the chance that we get a lot of public in attendance, but tonight I think it's safe to move the hearings down on the agenda and move the 6th Amendment to the top of the agenda since that has been in our queue for a while now.

MOTION CARRIED UNANIMOUSLY

C. APPROVAL OF MINUTES

Phillips – I have a couple of comments, not necessarily changes. With respect to the discussion captured on Pages 22-23, regarding Five & Main changes and layout; I just questioned was this going to be re-presented or did he have it all planned out. Mr. Aikens said, "No, everything's the same." And in fact, it's not. Dave Campbell's summary noted seven very significant changes. As I went through the documents and saw the revised proposal and the details on the modified layout that I was expecting, I actually think, Mr. Aikens, you could have said, "Mr. Phillips, that will be provided when we resubmit." So, thank you for that. There may have been some confusion in our earlier discussions.

Chairperson Parel – Thanks for clarifying.

Dave Campbell – I will mention too that Mr. Winkler had an opportunity to review these minutes. He is probably the most thorough of all of us in reviewing minutes, and he gave them his blessing.

MOTION by Weber, supported by Phillips, to approve the Planning Commission Regular & Special Meeting Minutes of June 5, 2023, and Special Master Plan Open House Meeting Minutes of June 26, 2023, as written.

MOTION CARRIED UNANIMOUSLY

D. UPDATE OF ACTIVITIES

Jay James – Building Department

- Nothing in particular to update.
- We have definitely seen a decrease in permits, especially new homes, in the last month or so. I think the interest rate hikes have finally caught up to the field of building.

Debbie Watson – Downtown Development Authority

- At the June 20th DDA meeting, Bruce Aikens updated the Board on the recent ICSC event (International Council of Shopping Centers) that he attended in May. He reported that there is new and increased interest in the project from potential tenants for retail and restaurants.
- Bruce also discussed a potential partnership with Continental for the residential portion of his development.
- In addition, he inquired about purchasing a half-acre of land from the DDA, located in Unit 14 or Phase II, which would help to facilitate Continental's proposed multi-family project. The attorneys are working to finalize a draft purchase agreement for that half-acre parcel and we expect to see that at our July 18th DDA meeting.
- Five & Main has three items on your agenda, so you will be hearing much more about these matters tonight.
- The DDA Board discussed defining "Pad A" or Parcel M, which is an outlot along Pontiac Trail in the Five & Main project that is being retained by the DDA for future development.
- We discussed Jim Galbraith's 6th Amendment to the Commerce Towne Place Master Deed, which is also on your agenda this evening.
- Last but not least, on June 15th, the DDA closed on the sale of Parcel C, to Lafontaine Automotive Group.

Bill McKeever – Zoning Board of Appeals

- No update.

George Weber – Township Board of Trustees

- Just an update from the Board meeting on June 13th.
- Of note, the Township is entertaining a proposal from Charge EV. They're a group who has a relationship with General Motors. They're looking to place several EV charging stations on Township properties. We are reviewing what we think might make sense in that regard.
- We adopted the ordinance for Special Land Use for smoke shops that this Commission reviewed earlier in June. That is taking effect.

- It's a little late now, but we approved all the fireworks permits. Those have taken place.
- We are in review with the RCOC. We're using our Tri-party monies for other projects and we're trying to understand their prioritization for traffic lights, road repaving, etc. throughout the Township.
- We have agreed upon the sale of most of the properties that we were looking to divest ourselves from. Tomorrow night, we will be looking at two of the final four.
- Finally, we reconfigured and changed the policy for the renting of the Richardson Community Center, making it easier for the residents as it relates to serving or bringing their own alcohol and/or food.

Chairperson Parel – The Township is looking at the proposal for EV charging at the parks and library. Do you know if there is a charge to residents for that?

Weber – Yes. It would be e-based, whether it is an app or a credit card. Charge EV would be responsible for the infrastructure of the machines and maintaining of the charging stations.

Chairperson Parel – So it's no cost to the Township to put in.

Weber – Correct.

Dave Campbell – All we'd be giving up is a couple parking spaces.

Weber – We are debating on whether we want a commercial, for-profit company doing business in a park. The library might be easier, but you've got to be careful if what you do for one, you don't do for all.

Chairperson Parel – I'd be interested to see how much use from residents other communities are getting that have already gone down this path.

McKeever – Is it going out to bids?

Weber – Yes that's part of the discussion.

Dave Campbell – We did get some use information from Walled Lake Schools because they've been putting these in. They are resurfacing their parking lots on a rotating basis and installing charging stations. She gave me a general overview, and I asked about Oakley Park in particular as its closest to Township Hall. She can get me use information across all of their facilities.

E. PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

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

No comments.

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

F. TABLED ITEMS

None.

G. OLD BUSINESS

None.

(Refer to Approval of Agenda above for revised order of items.)

ITEM 12. PSP23-07 – COMMERCE TOWNE PLACE CONDOMINIUM 6th AMENDMENT

MM Commerce Martin Retail LLC (Jim Galbraith) of Farmington Hills MI is requesting an amendment to the Commerce Towne Place condominium to divide Unit 11 into “new” Units 15 & 16. PIN’s: 17-24-300-072 & 17-25-126-127

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

MM Commerce Martin Retail, LLC Shapiro Real Estate, Jim Galbraith and friends, is requesting a 6th amendment to the Commerce Towne Place Condominium to divide Unit 11, which is 11.4 acres, into “new” condominium Units 15 & 16. Proposed Unit 15 would include three 12-unit Barrington Apartment Homes buildings, aka Barrington Phase 2, while proposed Unit 16 would include the existing detention pond, decorative wingwall, and an undeveloped commercial pad on the north side of Pontiac Trail. Amendments to site condominiums require both Planning Commission and Township Board approval. If the proposed 6th amendment were approved tonight by the Planning Commission, it will also be on the July 11th Township Board agenda. Because the DDA is the developer of the Commerce Towne Place condominium, the DDA Board must also approve the 6th amendment. The 6th amendment is expected to be included on the DDA’s agenda of July 18. As such, both the Planning Commission and Township Board’s respective approvals of the 6th amendment would be conditional upon subsequent approval by the DDA.

Phillips – I have a question for you, Dave. On a lot of these drawings, it references detention ponds. I always thought they were retention ponds, and detention was for after school.

Dave Campbell – One is meant to hold water until it percolates back into the ground. The other actually has an outlet. Remind me, Jason, which one is which.

Jason Mayer – If it’s a detention pond, that means it lets the water out, like you would get let out of detention. In retention, the water stays in and infiltrates.

Chairperson Parel – Mr. Galbraith, would you care to speak?

Jim Galbraith – I think Dave has done more than an adequate job of explaining what we’re doing here. Unit 11 is part of the overall development. It’s governed by the PUD agreement of Commerce Towne Place. Unit 11 was originally intended to be a retail development. Many of you were on the Planning Commission when I was here about 18 months ago. We made a decision at that time, as we completed the core part of Barrington on Unit 10, that we felt a more appropriate use of that parcel would be to expand Barrington, given current circumstances. We did that on the northerly two-thirds of Unit 11. It was always the intention that on the southerly part of this site, albeit a small pad,

would be for retail or office. There's actually a curb cut in there for a right-in, right-out configuration. We also share that one drive with Kingstown. It would probably be no greater than 3,500 or 4,000 square feet of a soft retail, or perhaps a medical office, a financial institution, something of that nature. We don't have anything specific in mind. We're really doing this with a long view. We couldn't consolidate Unit 11 into 10, that's not possible for a variety of reasons, but it is operated as one community and it's seamless from a management standpoint.

I think we've done an exceptional job on the frontage along Martin Parkway with the setback of those buildings. Those buildings are nearing completion. We were held up a little bit by supply chain issues and getting utilities to the site after the fact, but we will be done and occupied in those buildings by September of this year. We're delivering the first of those buildings at the end of this month.

I'm happy to answer any questions. In my view as the developer, it's more of an administrative or ministerial situation with respect to the condominium configuration.

Commission Comments:

Phillips – You've got planned access already from Pontiac Trail. Is there a plan to have access from the north end?

Jim Galbraith – It's possible that there will be some cross-access there. We have a series of cross-access agreements in place between the parcels. It's really going to be more dependent upon the final use of the parcel, and of course, we can't develop that parcel until we come back to you with site plan, appropriate engineering and a study of the use. But, it could work in that fashion, particularly somebody could go to the north out of that site and out onto Martin Parkway, and take advantage of the southbound utilization of the roundabout.

Phillips – That seems like it could help the traffic flow.

Jim Galbraith – Yes, it could. We are right-in and right-out on this parcel by itself, just by virtue of the tapers, so it's a distinct possibility.

Phillips – Otherwise if you're exiting, you have to turn right onto Pontiac Trail, and if you want to get back to M-5, you have to find a place to turn around.

Jim Galbraith – Right.

Weber – I don't have an issue with what you're doing here, but is there any rationale that you're keeping the detention pond as part of the new parcel, versus keeping it as part of the current parcel?

Jim Galbraith – No, that really has more to do with the where the logical boundary falls. If you start to wiggle that description around the pond and put it with Barrington, we thought that was better covered by cross easements. It's also a very unique situation here; Unit 11 is two tax parcels, which has to do with the boundary of the DDA capture area. So, we elected to keep it in that fashion with the hope that Unit 16 would become one tax parcel. That's up to the County.

Chairperson Parel – Dave, anything else from you?

Dave Campbell – I don't think I have anything else. I provided recommended motion language if you're inclined to take advantage of it.

MOTION by Phillips, supported by McKeever, that the Planning Commission **recommends approval, with conditions**, to the Commerce Township Board of Trustees, of Item PSP23-07, Commerce Towne Place Condominium 6th Amendment, the request by MM Commerce Martin Retail LLC (Jim Galbraith) of Farmington Hills MI for an amendment to the Commerce Towne Place condominium to divide Unit 11 into “new” Units 15 & 16. PIN's: 17-24-300-072 & 17-25-126-127

Move to recommend the Commerce Township Board approve PSP23-07, the 6th amendment to the Commerce Towne Place condominium master deed, to divide Unit 11 into new Units 15 and 16.

The Planning Commission's recommendation is based on a finding that the proposed amendment is consistent with the objectives of the Commerce Towne Place condominium, the Commerce Towne Place planned unit development (PUD), and the Town Center Overlay district within the Township's Zoning Ordinance.

The Planning Commission's recommendation is subject to the following conditions:

1. Corresponding approval of the 6th amendment by the Commerce Township Board of Trustees, with final review by the Township Attorney and Township Engineer;
2. Corresponding approval of the 6th amendment by the Commerce Downtown Development Authority (DDA) Board, subsequent to review by the DDA Attorney.

MOTION CARRIED UNANIMOUSLY

ITEM H1. PPU23-01 – FIVE & MAIN – 2nd AMENDED & RESTATED SUB-PUD – PUBLIC HEARING

Commerce Downtown II, LLC (Bruce Aikens) of Birmingham MI is requesting approval for a 2nd amendment to the approved “Five & Main” Planned Unit Development (PUD) to reconfigure the layout of the mixed-use development to consist of retail, restaurants, entertainment, hospitality, and residential uses, to be located on the northeast corner of Pontiac Trail and the Martin Parkway.

PIN's: 17-24-401-060, 17-24-401-050, 17-24-300-067, 17-25-226-056, 17-24-401-062, and 17-24-401-061

Dave Campbell, Planning Director, gave a review of the Planning Department's report. Bruce Aikens intends to partner with Continental Properties of Menomonee Falls, WI to develop the 300 apartments approved within the Five & Main PUD, last approved by the Township Board in January 2019. The apartments would occupy approximately 12.5 acres along the east side of Phase I of Five & Main, adjacent to the Walmart property. Because the location of the residential component has been shifted from where it was approved in 2019, the Zoning Ordinance requires approval of an amended PUD including a public hearing with the Planning Commission, a formal recommendation from the Planning Commission, and final action by the Township Board. Since Continental Properties hopes to break ground in Fall 2023, the development team proposes an aggressive schedule of holding the public hearing tonight, and if the Planning Commission is prepared to offer a formal recommendation, advancing to the Township Board during their quarterly discussion meeting scheduled for July 25, with review and approval of related items by the DDA Board on July 18th.

Dave further elaborated on the changes proposed to the Five & Main development, which are on three parallel tracks; the Second Amended & Restated Sub-PUD, the New Five & Main condominium, and the 7th amendment to the Commerce Towne Place condominium. He explained that in order to accommodate the layout of the residential portion of the development, a swap was required of .44 acres from Unit 14 to Unit 13. That contraction and expansion will amend the Commerce Towne Place condominium, which will be the 7th Amendment. All three approvals are dependent upon one another for the project to move forward.

Dave reviewed the shifting of the residential component within Five & Main. He presented the proposed site plan and block plan on the overhead. The theater that was previously contemplated is not part of the revised plan. Block 3 follows the dimensions of what would be a new condo unit within Five & Main, which would be sold by Aikens to a residential developer partner, which sounds to be Continental Properties, represented by Eric Thom this evening. Continental proposes a total of nine 3-story buildings, along with a clubhouse, detached garage buildings, a dog park, and a maintenance building. Continental presented a conceptual at the June Planning Commission. They have made some revisions to the plan based upon the Commissioners comments, and also in response to discussions that they've had with Aikens to ensure that the residential portion is integrated with the commercial portion of Five & Main, striving for a walkable downtown environment.

Dave Campbell proceeded to review additional condo units within Five & Main for retail frontage pads, including a potential drive-through use, a multi-tenant retail building which also includes a drive-through, and a third unit to be sold to an owner operator. The bulk of Five & Main would be its own unit of the condo. Five & Main now includes one larger civic space instead of two smaller spaces.

Dave explained changes to the PUD agreement which were reviewed by counsel for Aikens, along with the Township Attorney. The hope is that the changes are agreeable to both parties by the time the amended PUD agreement gets to the Township Board.

There is a purchase agreement for the .44 acres between the DDA, who owns Unit 14, and Mr. Aikens, who owns Unit 13. The DDA could act on that PA at their July 18th meeting.

There has been a lot of discussion about when some of the shared improvements for the Five & Main development are to occur; driveways, the traffic signal, access via Martin Parkway, and necessary infrastructure in terms of water and sewer. Continental needs to reconfigure a detention pond; when in the process would that occur? The position of Mr. Aikens and his attorney, based on the call this morning, is that those shared improvements, and who is obligated, and when they are to occur, would be determined when Continental properties comes back to seek site plan approval from the Planning Commission. At that point, Mr. Aikens and Continental will have an agreement regarding shared improvements, and those would be a condition of site plan approval. The Township Attorney has some concerns with that approach. He would rather see commitments to shared improvements as part of the amendment to the PUD. Between now and the Township Board meeting, there is an opportunity to work out the concerns. There are a lot of parties involved; the developer, the partner, the Township, the DDA, the RCOC, and the permitting necessary from the County and the State. A lot of things have to be agreed upon before anyone is in a position to break ground on this development. Originally, Continental's hope was to break ground in the fall. Since the Planning Commission packet went out, Continental is now considering breaking ground in the spring of 2024. Dave deferred to Mr. Thom to speak to that, and to Mr. Aikens to speak regarding the project.

Bruce Aikens of Robert B. Aikens & Associates, LLC, and Commerce Downtown II, LLC, 350 North Old Woodward Ave. Ste. 300, Birmingham, MI 48009, was present to address the request, along with Dawn Faxon Singer, Attorney, Dickinson Wright PLLC, and Sue Neumann, AIA, LEED AP, JPRA Architects. In addition, Eric Thom was present on behalf of Continental Properties.

Phillips – We received the amendment to the agreement documents for review. They included all of the marked-up changes. One page that showed changes was Exhibit B, Page 2. Can you pull that up? It was very confusing.

Dave Campbell – Yes. I think that is a formatting issue, where something got flipped upside down. With all of the emails and attachments that were flying back and forth, I think a PDF was mis-formatted.

Dawn Faxon Singer – Right, so when you do a redline like that, what it should show is deletion of the old page and an insertion of the new page, but the programs tend to try to cross things out.

Phillips – Okay, I just hope everyone agrees, that is not a useful exhibit. If they were side by side, I think it would be fine.

Chairperson Parel invited Mr. Aikens and his team to deliver their presentation on the overhead for the Commission. Bruce Aikens introduced himself and his team.

Bruce Aikens – We thought we would go through the history and what has occurred since the last time the PUD was in your hands. The original plan that was approved was a little bit longer, and critically, the theater was the anchor on the east side, at the buffer by Walmart, and then the market and the hotel were acting as anchors on the west side. We were trying to create cross-traffic between those two concepts. That was potentially a Chick-fil-A next to Pad A. Then you can see the boxes Dave was talking about that got moved down along Pontiac Trail, and actually, that retail is still pretty intact.

In 2019, we purchased the property. I was at an entertainment conference in Los Angeles in February of 2020, when covid started, and amazingly they didn't even mention covid at that conference. Soon thereafter, covid occurred and we all know what happened over the next couple years. Immediately, the theater industry got knocked down and is still trying to find its future. So, we went to work on what we were going to do with the theater location.

This plan we developed in September 2020. Not knowing what was going to happen to the retail industry, we started to say we should do more multi-family. It was extremely active and was still happening. We thought maybe we don't need so much retail, and maybe we should use the residential component in a stronger form, in a better location to be more of an anchor for the future retail. We've worked on 10 different iterations of that, keeping residential in its original box, and expanding residential into the theater location. Then we started thinking about putting a retail component between Walmart and the lifestyle center. This example was done in 2021. That includes a TJ Maxx, Michael's crafts, Ulta Beauty and things of that nature. We basically hated it and couldn't figure out how to get the two to merge together. We didn't like the big parking field or the strip center ideology and look. We didn't feel it complemented the lifestyle center, which has always been the main goal.

This is where we ended up in a way that we felt pretty good about with the viability of the residential component. In our minds, it's still a major, critical and appropriate anchor to the project. It makes the project more financeable. It's \$12 million of retail sales generated out of the apartment complex. We love how it's connected. It allows us to enlarge the main park. The new park is larger than the two previous parks that were proposed.

You can see, we're still struggling with how to connect to Phase II. That restaurant may or may not go there. It's a placeholder. If we are successful in Phase I, we believe we can drive more retail to the north onto Phase II, and probably connect it with restaurants.

I had agreements for two years where we could have committed to the residential much earlier, but we really vested and worked hard to make sure that was a good decision. It took a lot of thought. We now feel closer than ever to the retail component. Our leasing and our trip to Vegas was the best we've had. There are a lot of tenants that we have worked with over the years, I call them legacy tenants, that have been with us all my life. Since 2008, they have basically been closing stores and redoing leases and not opening anything. Those tenants are now back on the move. That's great news for us because we have great relationships with them. There are no brokers involved; we go directly to the head of the real estate department. They understand what it takes for us to develop projects like this. This is how we developed the Village of Rochester Hills. To us, that's a real game changer as far as our ability to lease the center, which has proven extremely difficult.

This allows us to say that we're starting, which I think is more important than ever. To be able to show that shovels are going in the ground and infrastructure is being put in. The first phase typically on a project like this is multi-family, so it's totally normal. We hope that will be the catalyst that can propel us forward. We're the master developer, but our focus is developing the lifestyle center. That will be ours. We aren't going to allow anything to happen that, in our minds, would be detrimental or somehow a negative for that development. Instead, we're pushing as hard as we can to make that a really cool product, to make it interconnect properly, and to create an anchor for the lifestyle center.

That's basically the road we've been on. There are 40 different plans that we have done, and hours of work and thought have gone into this. I really couldn't be happier with the direction I think this is going. On the renderings, those are the original block plans overlaid on the new plan, and then the new block plan.

Phillips – That works much better than the exhibit.

Bruce Aikens – I think so. So that is looking north, and the restaurant we talked about on top of the park. It's a big park, so we need to schematically make that look architecturally correct.

Chairperson Parel – This is the new version?

Dave Campbell – Can you help orient us on the direction?

Bruce Aikens – You're looking straight north. That's the restaurant we showed when we talked about connecting to Phase II. To the east is the 3-story multi-family product. That is looking due east to the road that will run out to the entrance at Martin. We've worked hard to bring the multi-family tighter into the retail component. This is modern farmhouse I guess, but I think it's very appropriate for the area. It's a lakes feel, with rock and natural materials. This is something we will focus on when we do our approvals for the multi-family component.

Phillips – On one of the diagrams, it states that the apartments are either 3 or 4-story.

Bruce Aikens – They will be 3-story. We were approved for 4. We think this is going to happen and we intend to make it happen. We'd like to maintain the ability to do 4 if we somehow switch back, but we're fine.

Phillips – I'm fine, you just don't want your documents to contradict what you're presenting.

Dave Campbell – I know Mr. Thom came all the way from Wisconsin, representing Continental. I don't know if there are any questions for him.

Chairperson Parel opened the Public Hearing.

No comments.

Chairperson Parel closed the Public Hearing.

Commission Comments:

McKeever – Dave, for clarification, is our attorney recommending that his list of items be rectified prior to us making any decision on this?

Dave Campbell – I'm always cautious speaking on behalf of the attorney. That's where people like me get in trouble, but I would think he would want the items resolved prior to the Township Board taking final action on the PUD agreement. However, the Planning Commission as a recommending body could certainly make recommendations.

McKeever – Well if their recommendation is for it to be rectified, then I don't understand why we would push forward without that being the case.

Dave Campbell – I think there is an opportunity for the Township Attorney's comments to be addressed between now and the Township Board's meeting on the 25th. If they are not to the Township Attorney's satisfaction, then that would be the Township Board's authority to say, "We're not ready to approve this until our Township Attorney is recommending we do so."

Weber – If we want to move forward, we can make it contingent upon the Township Attorney being happy.

Dave Campbell – And I think the Planning Department's recommended motion language is meant to say as much.

McKeever – I just wanted to be sure that we weren't just pushing forward without an out to cover ourselves if his recommendation was to truly make sure we got clarification on all of these items prior to moving it down the road.

Dave Campbell – I've had several conversations with the Township Attorney. I think he doesn't object to the Planning Commission making a recommendation this evening, if you're comfortable. But again, if these items are not resolved to his satisfaction by the time it gets to the Township Board, that would be an opportunity to not let it go further.

Weber – Kind of on the same thing from the legal side of it, and I know you had a conference call this morning; the way I understood it though, the items that we would normally require in a PUD, we're saying we can handle those during site plan approval. Those are things such as access. For example, we're going to put 300 apartments in, and as we move forward with this, there's only one entrance off of Pontiac Trail, because the rest of it isn't contingent within the PUD.

Bruce Aikens – That's one of our problems. There will be a road built from Library Drive across to the project, and we're going to have to enter into a cross-easement agreement, what the road is, and who is going to pay for it. There are a lot of negotiations between us and the multi-family developer.

Weber – That's my point. While we would normally require that in the PUD tonight, that says that road is going to be built, what I've read is that you're saying you have to have your eggs sorted with Continental first, before that. Therefore, our control on that, whether it moves forward, is based upon site plan approval for the Continental project. That site plan approval is when you will have your agreement in place with Continental, and that agreement then will have the infrastructure in place, and that is where the commitment comes in.

Bruce Aikens – Correct.

Dawn Faxon Singer – Correct, and the important point to know is that perhaps different from other PUD's, this is more of a conceptual PUD and conceptual plan. Here are the uses, and here is how it would work, as opposed to a concrete development coming in for site plan approval with a PUD at the same time. It is kind of a different process.

Weber – I'll ask the lawyer in you; there were comments on here that speak to the site plan approval and the term *not unreasonably withheld* was included in there. I know Hans, our attorney, is not here. That language makes me a little bit uncomfortable because we're putting our eggs in the site plan approval as our control point to make sure that the rest of the infrastructure actually does happen concurrent with the residential. That might be something that we want to address with Hans.

Dave Campbell – I agree.

Weber – We have to protect ourselves if Continental's development goes in, and it's awesome, but then nothing else happens, and we have covid II, or who knows what might happen. We've got to have some of that infrastructure in place. If we can handle that with Hans and at the site plan approval, then I'm fine with that.

Just a couple of things. I think some of it was on Jason's point. There was the discussion within the agreement that it be a 10" sewer versus 12".

Bruce Aikens – 12" is fine.

Weber – Okay, so again, we just have to sort out some of those details. DTE; the last time we talked, DTE thinks they have enough power. They're not going to commit to it, but you were going to get them the data that they were looking for. I'm assuming you knew what that meant.

Bruce Aikens – We're trying to get in front of DTE as soon as possible. Again, having Continental's plan more fleshed out and trying to get an idea of the usage, along with having our plan more fleshed out, we can now go and propose that to them.

Weber – DTE is going to be first-come, first-served on whatever that is.

Bruce Aikens – And between ourselves and Continental, if there's not enough power and Continental uses so much, and there are costs to upgrade down the road, then we will have an agreement relative to that.

Weber – I just wanted to point that out. That was one of my items. Dave, one of the items Hans talked about was providing significant administrative authority to the Planning Director. For the most part, the language that was in there was fine, but there were some things that I thought were a bit broad in terms of the administrative authority of one individual. That's something we might want to get our heads around.

The last thing I had, Bruce, is just a suggestion. You've been looking at this for years. Most of the Township Board hasn't seen any of this since the last PUD. My suggestion would be to go through some of your slides, specifically looking at some of the visuals and the look and the feel. Show where you started and what everyone fell in love with that they wanted to see move forward. You've gone through 30 different iterations of this. It's not so much what the changes are, because they can see those, but give them the rationale as to why you're making those changes, as you did for us. We have all seen this and we've had discussions with you more frequently than most of the Board. Give them the logic behind why the changes were made. It will help the questions that you're likely to get.

Bruce Aikens – And my hope is we will have more of a definitive understanding of the infrastructure and what's getting done. As we've discussed, our efforts here are totally focused on building the retail component. We're using the residential and the income it will produce to put millions of dollars into infrastructure necessary for the development of the retail. That's really driving us. It allows us to do the light, the sewer, the roads, and allows us to start clearing the site. That's my main driver and why I want to go now is because I'm going to use millions of dollars from these transactions to put into the retail component of the project. We should be able to be clearer on how that's going to work.

Weber – I think that is spot on, that the focus of this is the downtown area, not the residential. We have more than enough residential, so the Board isn't going to care about that. All of that is a means to an end to develop the vibrant downtown area.

Bruce Aikens – That's our entire goal, and I think we can elaborate on exactly how that's going to work. I do think that is the point here, how we are pushing the retail component forward with this project. It does create an anchor and it creates customers for the shopping center, but most importantly it gives us the financial ability to start with the infrastructure work necessary for the development of the retail. That's my 100% focus. I wish I was further along, but we can get there.

Phillips – I'm going to put my Joe hat back on. In the last meeting, he had a couple issues with the revised layout. He kept referencing the move of the residential. Where was the residential area previously, that he thought was better?

Dave Campbell – I don't know that Mr. Loskill thought it was better or not, but on the 2019 approved plan, half of it was here, encompassed by four 4-story buildings, and then there was an undefined area up here that was going to be the other half of the residential.

Phillips – I share his concern with not utilizing the adjacent greenspace to the north. The way this is laid out, it's parking. If I wanted to move into an apartment there, I would love to have one that faced the greenspace, and possibly premium units that have walkouts directly to greenspace access.

Discussions continued regarding Continental's proposed site plan, the additional half-acre of land to be purchased from the DDA, relocation of the detention pond, and the work and economics involved to make the project work. Phillips reiterated that the greenspace offers an opportunity. Chairperson Parel invited Mr. Thom to comment.

Eric Thom, Senior Development Director, Continental Properties – There's a couple different things happening there. Once we get to the final site plan phase, there are some engineering issues with the sanitary line that has to come through there. There are also some grading concerns that we have in that area. That's the part of the site that falls down. I think once we gather all of that information, that will become a little bit more clear. I can tell you a couple things in general on how we layout the buildings and our thought process. We like to create communities within the community. You're going to see buildings bunched together. We do that intentionally because it creates mini-communities or pods. We find that more valuable than having a building isolated by itself. There are also fire access concerns that we have. You can see where that connection wants to be to the north. There are other conditions we have to factor in, not just looking at that building separately in a box.

Bruce Aikens – It's also where the sewer is going to run.

Sue Neumann – Can you pull up the exhibit with the sewer on it?

Dave Campbell – It will take me a minute to track that down. While I do, Mr. Thom, are you willing and able to provide an update? I know internally, your group had some meetings today to discuss this project. Is there anything that came out of those meetings that you're able to discuss with the Planning Commission?

Eric Thom – Yes, our internal committee takes a look at our portfolio; all of our projects at an early stage and then right before we close. We got the green light to move ahead on this project. Our investment committee is very excited about this opportunity. It's not unlike other opportunities where we're next to Walmart, but also on this opportunity, we have kind of a front door. We can get in before a lot of the other development piles around us. We're excited about that. Knowing that there are a lot of complexities, we obviously would love to try to break ground this year, and we still want the opportunity to do so, but with all of the different things that are happening out there, we understand we may have to hold off until spring.

You can see this connection and where that sanitary has to come, not all the engineering has been done on that yet. That's where we hope it will go, but it may not. That has a lot to do with soils and other conditions. We just don't know the answers yet at this conceptual stage.

Weber – Do you have a target for site plan approval?

Eric Thom – Yes, it all falls into this process first. We really can't get our site plan approval finished and submitted until we have this process going forward. With all of the condominium restrictions, something could fall apart, and that makes anything we would do moot. We can do some things right now on a parallel path, but we can't get too far into engineering at this point.

Weber – If we have an assumption that there's PUD approval on the 25th of this month, then the ball is in your court, assuming you and Bruce have signed your documents.

Eric Thom – Right.

Weber – On an assumption that there's going to be PUD approval on the 25th, when would we expect to see site plan back in front of us?

Eric Thom – We would be pushing our engineer to try to get on the next available Planning Commission meeting, or it might be the next one. It depends on that availability. The good news is, as mentioned earlier, permitting on single-family is starting to drop off. That's giving us more capacity for engineers to help us on our project. It all kind of flows together.

Weber – So you would love for it to be on the 13th.

Dave Campbell – To clarify, the August meeting is on the 7th. Paula and I are taking the month of August off.

Eric Thom – If we can't get it reviewed, it's going to be in September.

Weber – They have to get approval before they can take vacations.

Phillips – I understand what you said about the sanitary sewer extension, but I don't think reconfiguring the buildings would prevent re-routing that. It sounds to me that it's more of a capacity issue for you to try to make the economics work. Personally, I think it's a mistake not to better use that greenspace. The other item Joe was concerned about was not having a children's play area within the residential. I saw the renditions provided and it shows a play area. Where is this on the plan? This shows that the development has a play area and it shows kids climbing, play structures, et cetera.

Weber – Is that the center greenspace?

Bruce Aikens – In our park.

Dawn Faxon Singer – The civic space.

Phillips – The center greenspace, okay. So the residents and their children are expected to walk into town to play?

Bruce Aikens – I think, as he said, they create a community space between the apartments. They don't have a road going between them. There are firepits, soft seating,

and I don't know if they have playground equipment. This is more for younger, millennial-aimed renters. There will be young families in there, but I think what we're after is a smaller unit and younger tenant.

Phillips – I'll retain my concern.

Bruce Aikens – I love the dog park. That's a good question for Continental. I think they're very professional, and they want to have all the amenities necessary to get top dollar for these apartments. I think they'll do a good job executing that and they can explain how they'll accomplish that when they're in front of you for their planning approval.

Phillips – One more comment on the layout. I'm not suggesting it has to be changed. I love the entrance where you get the clubhouse; it's a great view and a great introduction to that community. But, if I live at the north end of that, I've got to walk all the way down to the clubhouse. If the north end isn't on the greenspace, then I want one of these southern ones next to the clubhouse. I would make those premium as well.

Bruce Aikens – I do like the clubhouse being a center focal point. I think they will put their best foot forward as far as the look of that. I don't know if they have amenities in the buildings individually.

Eric Thom – I can talk a little about that generally, what our clubhouse typically contains. We have a receiving area where you're going to see our leasing up front. We have a kitchenette in the back. You can see right through from the front entrance to the pool. There is a workout area that is connected. We have fitness equipment and free weights. We have an area where you can do protein shakes. One of the special things we do with our club is that we have a roll-up door. That becomes a 3-seasons area, where you can do yoga out on the deck at the pool. It really becomes a better focal point.

You can still host events here as a resident. You can rent out the clubhouse to do that. You can work out. Some communities have workout groups that get together. There's also Wi-Fi throughout. There's an outdoor grill area, and a seating area by the pool. The pet playground is a huge amenity for us. We find over 40% of our residential demographic have pets, or more.

I think we're getting close to 100 communities now across the United States. One thing we know is that a big chunk of our demographic is empty nesters, about 35-40%. The biggest demographic is young adults. We don't have as many school-age families. We do have some, but usually they're pretty low on the range. We can bring demographic information when we present the full site plan. We feel like the amenities offered here pretty much matches the majority of our demographic, and with additional commercial opportunities for coffee and restaurants.

Phillips – I like the amenities at the clubhouse. I like the dog park. If you also had a separate children's playground for the residents, rather than having them walk into town, I would rather see that.

Bruce Aikens – I will say that a number of the residential guys that we've worked with were not going to have any clubhouse. They were going to utilize the lifestyle center for that amenity. Our plan is to have a major wellness component, with tenants like SoulCycle, YogaSix, Solidcore, a variety of wellness tenants, and a variety of beauty tenants, with a dry bar, nails, hair salons, et cetera. The idea is that not only do you have

amenities in the residential unit itself, but we hope to bring a large number and wide variety of activities that will be used by the multi-family and Commerce. And, an Aqua Tots; although there may not be a lot of children, I think that's a great use for everyone here. It's a great location for a daycare center or an Aqua Tots, or something fun like that.

Phillips – I understand. I like those ideas, but it sounds like you're not expecting too many people to need a daycare center.

Bruce Aikens – But so many people that drive up to M-5 need it. My first job was as a real estate developer in Boulder, Colorado, doing daycare centers. People don't want to drive with their children on their commute. They want to get where they feel they're in the neighborhood, before they get on the freeway where they're commuting to their office. This is one of the best funnel sites I've ever worked on. It's very appropriate for that type of use, for everyone in the community, not just the apartments.

Phillips – Now if you're expecting the daycare to be used by the broader community, is having it that deeply embedded into the development an appropriate spot?

Bruce Aikens – That's where they can afford to go. They don't need to be on the front.

Phillips – Is there drop off space for the traffic of people coming every morning to drop kids off?

Bruce Aikens – We haven't even designed that. It's just a thought. It will have to be refined. Usually a daycare center needs an outdoor play area. We really like the idea of the pool for Aqua Tots. We're talking to them.

Phillips – For residents that do have school-age children, where would a bus stop be?

Eric Thom – Typically, we have them go right to the clubhouse.

Karim – I can't wait for this project to start. I pass by the site every day. I like the location of the apartments. I like that all of them are in one place and away from the street. Just a small comment about the clubhouse. I had a unit in Jacksonville, Florida, and it's much bigger than this, and the clubhouse is at the entrance. The reason why it's there is because we use it whenever somebody wants to visit. I don't have them come to my apartment, I meet them at the clubhouse. I think the location is appropriate in this case. Sometimes they have activities in there and they rent the whole club. Again, people are coming from outside. I don't have any issue with that. I can't wait for the rest of the area to be done so we see a downtown center for our Township.

Bruce Aikens – We're with you.

Chairperson Parel – Dave, anything else?

Dave Campbell – Maybe a quick question for Mr. Thom. Do you have any guess on what your unit count is going to be? I know the agreement is up to 300. Do you think you're going to get right up to that?

Bruce Aikens – I think it's like 290.

Eric Thom – We're going to try to get to 300, maybe 290. It's definitely going to be in that upper range.

Bruce Aikens – I think it will be very powerful. I'm excited because it really does create an anchor for us. That's part of the art of building these lifestyle centers. We think we came up with a good solution. The theater is just not a viable concept today. If theaters come back, we do have Phase II. We want entertainment on this property also, and that's an important part of the mix we want to create.

Weber – One other point, Bruce, when you go before the Board; Dave, can you bring up the latest version of what it's going to look like with the apartments in the background? The Board knows that it was approved up to 4 stories, which is a big deal in Commerce. We don't want 4-story buildings in here. With this, even though it was approved up to 4-story, you're putting in 3-story buildings and here is how they're going to look. It's not going to look like another story dominating the skyline.

Bruce Aikens – I think that's even more important because this is only single-story retail, and so it's very important to keep the evolution of that. I love how that worked out visually. It's not overwhelming, but it's there.

Weber – That's a point to make to the Board, that's exactly part of your rationale. It's more buildings, but it's low profile.

Chairperson Parel – Makes sense. Dave, I have an odd administrative question for you. I noticed that our motion language is longer than an entire page. Do we need to read this out, or can we just refer to the recommended language?

Dave Campbell – I don't have any objection to it.

Weber – As long as the applicant knows exactly what the language says.

Dave Campbell – It is your motion to make. Our recording secretary obviously has the same language, and it will be included in a letter that would go to the petitioner.

McKeever – The minutes will reflect the actual language.

Chairperson Parel – Bill is saying that the minutes will reflect the actual language, which will be taken from this report and placed into the minutes; however, to George's point, if there is an issue with conditional requirements, if the petitioner hasn't read these previously, they really have no opportunity to object.

Dave Campbell – It's your motion to make.

Weber – Have they seen this draft language?

Dave Campbell – Yes.

Dawn Faxon Singer – Yes, we have.

Bruce Aikens – We're very familiar with it.

MOTION by Weber, supported by Phillips, that the Planning Commission **recommends approval, with conditions,** to the Commerce Township Board of Trustees, of Item PPU23-01, Five & Main, 2nd Amended & Restated Sub-PUD, the request by Commerce Downtown II, LLC (Bruce Aikens) of Birmingham MI, for approval for a 2nd amendment to the approved “Five & Main” Planned Unit Development (PUD) to reconfigure the layout of the mixed-use development to consist of retail, restaurants, entertainment, hospitality, and residential uses, to be located on the northeast corner of Pontiac Trail and Martin Parkway.

PIN's: 17-24-401-060, 17-24-401-050, 17-24-300-067, 17-25-226-056, 17-24-401-062, and 17-24-401-061

Move to recommend approval of an amendment to PPU23-01, a second amended & restated PUD application for Phase 1 of Five & Main, an integrated mixed-use development by Robert B. Aikens & Associates (Bruce Aikens) consisting of retail, restaurants, entertainment, hospitality, and residential uses on an assemblage of approx. 58 acres of undeveloped land at the northeast corner of Martin Parkway and Pontiac Trail. The Planning Commission's recommendation of approval is based on a finding that the amended PUD application satisfies all of the requirements outlined in Article 38 of the Commerce Township Zoning Ordinance; that the proposed development is consistent with the goals of the Commerce Township Master Plan and the Commerce Towne Place PUD; that Five & Main offers recognizable and substantial public benefits proportionate to the modifications from the Zoning Ordinance being requested by the Developer; that the amended PUD agreement achieves the goals of both the Township and the Developer to create a high quality, best-of-class, mixed-use, walkable downtown destination; that the amended PUD plan proposes a layout of buildings, roads, access, parking, civic space, and public improvements that the Planning Commission is confident can be approved in a series of future PUD site plans; and Robert B. Aikens & Associates will capably serve as the master developer with unified control over the entire Five & Main project.

This recommendation of approval of the amended PUD is conditional upon the following:

1. Approval by the Commerce Township Board of Trustees of the amended PUD application, including the amended PUD agreement, PUD plan, and exhibits thereto;
2. Resolution of all comments from the Township Attorney in his office's letter dated June 30, 2023 relative to the second amended and restated PUD agreement;
3. Inclusion of new and/or revised PUD agreement exhibits agreeable to the Township Attorney and the Commerce Township Board of Trustees outlining the development partners responsible for shared improvements including (but not necessarily limited to) utilities, public road improvements, internal roads, and sidewalks; a timeline for the phasing of the shared improvements; and commitment to a performance guarantee to ensure the shared improvements are completed consistent with the timeline to ensure public safety.
4. Detailed PUD site plans to be reviewed and approved by the Planning Commission subsequent to Township Board approval of the amended Five & Main PUD;
5. The first PUD site plan submittal, or a corresponding amendment to the PUD, to include highly-developed Design Guidelines for the buildings and site improvements within the Five & Main project;

6. The first PUD site plan submittal, or a corresponding amendment to the PUD, to include highly-developed Sign Guidelines for all signs – temporary and permanent – in and along the perimeter of the Five & Main project;
7. The first PUD site plan submittal, or a corresponding amendment to the PUD, to include highly-developed Landscape Plan for the Five & Main project;
8. The Developer to enter into a participation agreement with the Road Commission for Oakland County committing to the design, funding, installation, and maintenance of a new traffic signal at Pontiac Trail and Walnut Lake Road;
9. Approval by the Road Commission for Oakland County (RCOC) and the Michigan Department of Transportation (MDOT) for all public road improvements under their respective jurisdictions.

MOTION CARRIED UNANIMOUSLY

ITEM 11. PSP23-08 – FIVE & MAIN SUB-CONDOMINIUM

Commerce Downtown II, LLC (Bruce Aikens) of Birmingham MI is requesting approval for a new sub-condominium for the Five & Main development within Unit 13 of the Commerce Towne Place condominium at the northeast corner of Pontiac Trail and the Martin Parkway. PIN's: 17-24-401-060 & 17-25-226-056

Dave Campbell, Planning Director, noted that he had tried to summarize in his overall introduction previously given for Item PPU-2301. In addition, he brought up the unit plan for Five & Main on the overhead, showing the 5 units for Five & Main created within Unit 13 of the Commerce Towne Place condominium. Unit 4 would presumably be Continental's development. Unit 1 would be the drive-through user; probably a credit union or financial institution. Unit 2 would be the multi-tenant retail with a drive-through. Unit 3 would be a drive-through; probably a coffee shop, Starbucks. Unit 5 would be the bulk of the project.

There needs to be some clarification about the future development areas that are identified. That is something to be addressed by the Township Attorney and the Condo Attorney before this goes to the Township Board. What is shown as Unit 5, which is called the Library Parcel, is still owned by Commerce Township. Mr. Aikens has an option agreement to purchase it, but it has not closed yet. Unless he acquires that property, that would not be part of Unit 5. That's an example of something that would need to be cleaned up before the Township Board would take final action.

Phillips – Is that where the hotel is supposed to be?

Dave Campbell – Yes, you can see the footprint of the hotel right there. So again, there is potential motion language in our review letter, and all of these motions are conditional and depend upon each other.

Commission Comments:

Chairperson Parel – Any questions or comments?

There were no questions from Karim, Phillips, Weber, McKeever or Parel.

Chairperson Parel noted that the petitioner had already approved of this motion language.

MOTION by Phillips, supported by Karim, that the Planning Commission **recommends approval, with conditions**, to the Commerce Township Board of Trustees, of Item PSP23-08, Five & Main Sub-Condominium, the request by Commerce Downtown II, LLC (Bruce Aikens) of Birmingham MI for approval for a new sub-condominium for the Five & Main development within Unit 13 of the Commerce Towne Place condominium at the northeast corner of Pontiac Trail and Martin Parkway.

PIN's: 17-24-401-060 & 17-25-226-056

Move to recommend the Commerce Township Board of Trustees approve PSP23-08, a commercial condominium by Commerce Downtown II, LLC (Bruce Aikens of Robert B. Aikens & Associates) for the Five & Main mixed-use condominium, consisting of five sub-units within Unit 13 of the Commerce Towne Place condominium located at the northeast corner of Pontiac Trail and Martin Parkway.

The Planning Commission's recommendation of approval is based upon a finding that the proposed Five & Main condominium complies with the applicable standards of Article 37 of the Commerce Township Zoning Ordinance, and is consistent with the terms of the Five & Main Planned Unit Development (PUD), including the PUD agreement, the PUD plan, and the exhibits thereto. The Planning Commission further finds that approval of the Five & Main condominium is necessary in facilitating the sale of sub-units to Aikens' development partners such as Continental Properties, which should serve to capitalize the entire Five & Main development and bring to fruition the vision shared by Mr. Aikens, Commerce Township, and the Commerce DDA for a high-quality best-of-class commercial & residential development.

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

1. Corresponding approval by the Commerce Township Planning Commission and Board of Trustees of the 2nd Amended and Restated Sub-PUD Agreement for Five & Main, including the PUD Plan and all exhibits thereto;
2. Corresponding approval by the Commerce Township Planning Commission and Board of Trustees of the 7th amendment to the Commerce Towne Place master deed and its exhibits, contracting Unit 14 and expanding Unit 13;
3. Corresponding approval by the Commerce Downtown Development Authority Board of the Five and Main condominium within Unit 13 of the Commerce Towne Place condominium, as well as the 7th amendment to the Commerce Towne Place master deed and its exhibits;
4. Final review of the Five & Main condominium master deed and exhibits by the Township Attorney and Township Engineer prior to recording, with a particular emphasis on:
 - a. The conveyance/recording of easements amongst the various Five & Main condominium sub-units, and particularly access to proposed Sub-unit 13-4;
 - b. The manner in which the two "Future Development Areas" are addressed within the condominium master deed;
 - c. The manner in which "Pad A" is addressed within the master deed.

Discussion –

Chairperson Parel – Thank you. Mr. Aikens, you are familiar with the conditions described as written by Dave in the agenda?

Bruce Aikens – Yes.

Dawn Faxon Singer – Yes.

Chairperson Parel – Thank you.

MOTION CARRIED UNANIMOUSLY

ITEM I3. PSP23-09 – COMMERCE TOWNE PLACE CONDOMINIUM 7th AMENDMENT

Commerce Downtown II, LLC (Bruce Aikens) of Birmingham MI is requesting an amendment to the Commerce Towne Place condominium to contract 0.44 acres from Unit 14 and combine it with Unit 13.

PIN's: 17-24-401-060, 17-24-401-061, and 17-24-401-062

Dave Campbell – I hope this is the easy one. This is the .44 acres that would transfer from Unit 14 to Unit 13, this area right in through here. You have our motion language.

Commission Comments:

Weber – I do have one question. Earlier, you described this as a swap. The agenda talks about the condominium and contracting .44 acres. Is this a purchase?

Dave Campbell – Yes. Mr. Aikens will be buying .44 acres from the DDA. There is a Purchase Agreement.

Weber – That's fine.

Dave Campbell – If you look at Bullet #4 of the recommended motion language; *Approval by the DDA ... along with purchase agreement between the DDA and Aikens*. Correct me if I'm wrong, Deb, the purchase agreement has been drafted?

Debbie Watson – Yes, and Dawn and Chris are working on finalizing that.

Chairperson Parel – Any questions?

McKeever, Phillips and Karim had no questions.

Chairperson Parel – Mr. Aikens, your group is okay with the four conditions in the recommended motion language?

Dawn Faxon Singer – Yes.

MOTION by Weber, supported by Phillips, that the Planning Commission **recommends approval, with conditions**, to the Commerce Township Board of Trustees of Item PSP23-09, Commerce Towne Place Condominium 7th Amendment, the request by Commerce Downtown II, LLC (Bruce Aikens) of Birmingham MI, for an amendment to the Commerce Towne Place condominium to contract 0.44 acres from Unit 14 and combine it with Unit 13. PIN's: 17-24-401-060, 17-24-401-061, and 17-24-401-062

Move to recommend the Commerce Township Board approve PSP23-09, the 7th amendment to the Commerce Towne Place condominium master deed, to contract Unit 14 and expand Unit 13 by 0.44 acres. The Planning Commission's recommendation is based on a finding that the proposed amendment is consistent with the objectives of the Commerce Towne Place condominium, the Commerce Towne Place planned unit development (PUD), the Five & Main PUD plan, and the Five & Main condominium.

The Planning Commission's recommendation is subject to the following conditions:

1. Corresponding approval of the 7th amendment to the Commerce Towne Place condominium by the Commerce Township Board of Trustees, subsequent to review by the Township Attorney and Township Engineer;

2. Corresponding approval of the Five & Main condominium by the Commerce Township Board of Trustees, given that the Five & Main condominium assumes the 0.44 acres will be part of Sub-unit 13-4;
3. Corresponding approval of the 2nd amendment to the Five & Main PUD, given that the PUD assumes the 0.44 acres will be part of the PUD's Phase 1 and specifically the residential component of Phase 1 to be developed by Continental Properties;
4. Corresponding approval of the 7th amendment by the Commerce Downtown Development Authority (DDA) Board, subsequent to review by the DDA Attorney, along with the purchase agreement between the DDA and Aikens & Assoc. for the 0.44 acres.

MOTION CARRIED UNANIMOUSLY

ITEM H2. PZ23-04 – ZONING ORDINANCE TEXT AMENDMENT (ARTICLE 33) – PUBLIC HEARING

An amendment to the Commerce Township Zoning Ordinance Article 33, General Provisions, Section 33.01.A Detached Accessory Structures, to amend the procedure for the review and approval of detached accessory structures of 900 square feet or greater on residential properties of two or more acres.

Dave Campbell, Planning Director, gave a review of the Planning Department's report regarding the proposed Zoning Ordinance amendment addressing oversized detached accessory residential structures (pole barns). The Zoning Ordinance currently only allows detached residential accessory structures of more than 900 sq ft on properties greater than 2 acres, and only when approved by the Planning Commission subsequent to a public hearing. The Planning Department proposes to amend the procedure such that approval of the oversized accessory structures could be reviewed and approved administratively by the Planning and Building Departments to streamline the process. Dave explained that although there would not be a public hearing for these proposed structures, adjacent neighbors would still be notified in writing, as included in the amendment language, and they would have 10 days to provide comments they might have. The amendment also allows administration to bring the request to the Planning Commission if necessary. If the Planning Commission is ready to make a motion recommending approval, the Township Board could act upon this as soon as tomorrow evening at their July 11th meeting.

Weber – Dave, we only see a few of these per year. It's a small number in the grand scheme of things. My only question is, are you going to put something in our packets as an FYI when these happen?

Dave Campbell – If you approve it, yes, we will do that.

Chairperson Parel opened the Public Hearing.

No comments.

Chairperson Parel closed the Public Hearing.

Commission Comments:

Chairperson Parel – Any comments?

No comments from Karim, Weber and McKeever.

Phillips – I think it's a great idea.

MOTION by Phillips, supported by Karim, that the Planning Commission **recommends approval, with conditions**, to the Commerce Township Board of Trustees, of Item PZ23-04, Zoning Ordinance Text Amendment (Article 33), an amendment to the Commerce Township Zoning Ordinance Article 33, General Provisions, Section 33.01.A Detached Accessory Structures, to amend the procedure for the review and approval of detached accessory structures of 900 square feet or greater on residential properties of two or more acres.

Move to recommend the Commerce Township Board approve PZ23-04, an amendment to Sec. 33.01.A (Detached Accessory Structures) of the Commerce Township Zoning Ordinance, to amend the procedure for the review and approval of oversized detached accessory structures on residential properties of two acres or greater, granting the authority for administrative approval to the Planning Director and Building Official. The Planning Commission's recommendation is based on a finding that the proposed amendment would maintain the existing standards of Article 33.01.A.5 that are intended to protect surrounding property owners from the potential impacts of oversized accessory structures, while reducing the time and expense to the applicant of the application process.

MOTION CARRIED UNANIMOUSLY

J: OTHER MATTERS TO COME BEFORE THE COMMISSION:

Chairperson Parel discussed procedures for ordinance amendments with Dave Campbell.

K: PLANNING DIRECTOR'S REPORT

Dave Campbell discussed the following with the Commissioners:

- **NEXT REGULAR MEETING DATE: MONDAY, JUNE 5, 2023 AT 7:00pm.**
- We talked a lot about the July 25th Township Board meeting; in addition to being a quarterly Trustees meeting, it is also a joint meeting with the Planning Commission. I hope it is on your calendars. The Trustees hope to discuss the following with the Commissioners:
 - Master Plan update – They want a summary of everything the Planning Commission, the Planning Department and the Giffels consultants have been working on over the better part of the last year.
 - Tree Ordinance – A couple weeks ago, the Planning Commission discussed a draft tree ordinance that would be part of the landscaping requirements of our Zoning Ordinance. Before that moves forward any further, the Board wanted an opportunity to discuss that.
 - Aikens approvals – Mr. Aikens will be seeking all of the same approvals that he got from the Planning Commission this evening.
- At the Planning Commission regular meeting on August 7th, we think we will see Home Depot. They're going to come in with a revised plan, particularly focused on their outdoor storage.
- I know Randy Thomas and his family, who own the Commerce Drive-in site, want to present a concept to the Planning Commission for what they hope to do on at least a portion of that site. That is a property that we've been looking at as part of our Master Plan update, and Randy is well aware of that. If you remember, Clover Development has looked at a few properties in Commerce Township. They are looking at the southern half of the drive-in property. It is independent senior living, not assisted.

Weber – Like Crumb Road. Do we know if that's sold out?

Dave Campbell – I can find out. I was there at least 6 months ago and I think they were about half occupied at that point. I remember them saying, it's not for lack of demand; it's for lack of staff.

Discussion took place regarding traffic circulation at the intersection of Richardson and Union Lake Roads.

Chairperson Parel – Did I hear that Lafontaine is coming in with site plan for the Dick Morris building?

Dave Campbell – They have submitted for the Dick Morris building. Because it is effectively a façade change, and certainly upgrading the entire facility, including landscaping and sidewalks, but not really changing the physical plant of the building, they're hoping that it could be approved administratively by staff. I want to take a good look at what they're submitting. In my opinion, they were really great to work with on the new car dealership, Hyundai and Genesis at the corner of Pontiac Trail and Haggerty. So, if there is any opportunity to give them the benefit of the doubt and lean toward administrative approval on the refacing of the Dick Morris building, I would try to lean that way.

Chairperson Parel noted that he would not be at the July 25th meeting as he had a prior engagement on his schedule.

Upcoming Meetings

JULY 25, 2023 (7pm) – Joint meeting with Township Board

AUGUST 7, 2023 (5:30pm) – Master Plan update work session

AUGUST 7, 2023 (7pm) – Regular Planning Commission meeting

L: ADJOURNMENT

MOTION by Phillips, supported by Weber, to adjourn the meeting at 8:54pm.

MOTION CARRIED UNANIMOUSLY

Joe Loskill, Secretary