

To: Commerce Township Board of Trustees

From: Commerce Township Planning Department
David Campbell, AICP – Planning Director

Date: December 4, 2019

RE: December 2019 Monthly Planning Department Report
(covering November 7, 2019 through December 3, 2019)



Development Proposals

- **Five & Main** – Developer Bruce Aikens has been in communication with the Planning Department about his options for dividing Phase 1 of the Five & Main development into sub-phases which he’s tentatively calling Phase 1A and 1B. Phase 1A would consist of approximately five standalone restaurants along the respective frontages of Martin Parkway and Pontiac Trail. His intent would be to start on Phase 1A in the first half of 2020. Phase 1A would include some temporary infrastructure to serve the users within it until such time as the permanent infrastructure of Phase 1B is installed. This temporary infrastructure might include temporary roads and driveway connections, a temporary detention basin, and temporary water and sewer connections, and temporary electrical service leads. The Planning Department’s understanding is that Mr. Aikens and his leasing team are attending the International Council of Shopping Centers (ICSC) event in New York City the week of December 9, after which they will be better able to “marry” the Phase 1A plan with the Phase 1B plan. Consistent with the terms of the Planned Unit Development (PUD) Agreement for the Five & Main project, Mr. Aikens and his team will need respective approvals from the Planning Commission and the Township Board to divide Phase 1 into sub-phases 1A & 1B, and to make some of the changes to the Five & Main layout that he is contemplating.
- **Sleeth Road gravel pits** – The Planning & Building Departments along with the Township Supervisor continue to have discussions with the owner/seller of the westernmost of the three Sleeth Road gravel pit properties and with the prospective buyer/developer. The property is currently not serviced by municipal water and sanitary sewer, but the single-family development the developer envisions would require both. The existing water and sanitary sewer mains both terminate about a mile to the east, and would have to be extended to the gravel pit property. The developer is exploring options for bearing the cost of this extension of the infrastructure, especially considering that other large developable properties along Sleeth Road would certainly benefit from the availability of water & sewer along their respective frontages. The Township would also benefit from the extension of the utilities, particularly with the extension of the water main since it would get the system closer to creating a loop around the Lake Sherwood neighborhoods. The developer intends to make a proposal to the Township Board that might include pre-paying their water & sewer capital charges, with the Township using that pre-payment as

the public contribution toward the extension of the utilities. The developer is also exploring the option of creating a special assessment district (SAD).

- **Mill Race condominium termination** – The Township Attorney and the attorney for Dr. David Pulgini continue to work toward the termination of the Mill Race Condominium on the south side of W. Commerce Road within the Commerce Village. The commercial site condominium was recorded in 2008, and Dr. Pulgini’s existing dental practice building was intended to be one of three buildings within the condominium. The other two buildings never came to fruition due to the recession, and Dr. Pulgini has been working toward terminating the condominium and reverting the land to three stand-alone parcels, one with his building and the other two vacant parcels that he could sell. Before he could get to that point, Dr. Pulgini had to finish construction of his building’s parking lot, which had been only half-finished since 2008 because it was intended to be a larger parking lot shared with the other two buildings that never came to be. Dr. Pulgini’s parking lot was finished in Fall 2019, such that his site can now stand on its own. The termination of the Mill Race Condominium would require approval by the Township Board, who would also have the option of subsequently dividing the terminated condominium property into three stand-alone parcels. We hope this can happen in early 2020, once Dr. Pulgini gets the necessary release from his mortgage holder. Of the two vacant properties that would be created, one along W. Commerce Rd. would remain zoned B-2 (Community Business) and the other one south of his building would remain zoned R-1D (Single-Family), both within the Commerce Village Overlay. Once the new parcels are created, Dr. Pulgini hopes to re-zone the new parcel south of his building to B-2, which would be consistent with its designation of “Neighborhood Commercial” on the Future Land Use map within the Township’s Master Plan.
- **Commerce Trail Luxury Living** – The prospective buyers/developers of the 5.3 vacant acres on the north side of Crumb Road just west of the Goodwill store continue to explore their options following a public hearing before the Planning Commission on November 4 for their proposal of 100 luxury apartments on the property. The project was proposed as a PUD, and the Planning Commission opted to table any action at the 11/4 meeting. The Planning Commission’s primary concern was the project’s proposed density of approx. 19 units per acre. Neighboring residents expressed their concerns about traffic and building height during the public hearing, although it should be noted that the Township Traffic Engineer’s traffic impact study found that the 100 apartments proposed would generate significantly less traffic than the other uses that could potentially be developed on a 5-acre property zoned B-3 (General Business).
- **Martin Road townhomes** – Pulte Homes continues to pursue their proposal to develop 103 owner-occupied townhomes on approx. 16 acres on the east side of Martin Road just north of the Township Drive (former driving range). Pulte is working on scheduling a meeting with the owners in the adjacent Pinewood Industrial Subdivision, from whom they would need cooperation for emergency access to their potential site via the existing private roads within Pinewood.

Zoning Ordinance text amendments

- **Off-Premises Alcohol Sales Outlets** – Following a public hearing held during their meeting on December 2, 2019, the Planning Commission unanimously (5-0, 2 excused absences) recommended the Township Board deny PZ19-0002, an amendment to the Zoning Ordinance relative to off-premises alcohol sales outlets (OPASO's). The Planning Commission's recommendation to deny included the revised language to the original text amendment petition. The intent of the text amendment, petitioned for by an attorney representing the respective owners of the gas stations at 2500 Union Lake Rd (Shell station) and 519 W. Commerce Rd. (Marathon station), was to exempt OPASO's that operated with a State-issued SDM license (packaged beer & wine sales) prior to July 2017 from having to receive special land use approval from the Township when seeking to add an SDD license (packaged spirits). The intent was also to exempt those pre-existing OPASO's from meeting the limitations of the Zoning Ordinance for OPASO's, particularly the spacing requirements that limit OPASO's to no more than 2 within any 1 mile. The Planning Commission recommended denial of the original petition in September 2019, and again recommended denial of the revised language for the petition in December 2019. The Township Board is expected to make a final decision at their meeting on January 14, 2020.
- **I (Industrial) zoning district** – On December 10 the Township Board is expected to consider an amendment to Article 6 of the Zoning Ordinance relative to the dimensional standards for the I (Industrial) zoning district. The intent of the amendment is to apply the dimensional standards for properties zoned Industrial to the same dimensional standards that had applied to the former I-1 (Light Industrial) zoning district. The I-1 and I-2 (Heavy Industrial) zoning districts were combined into the I (Industrial) zoning district in 2010, but the dimensional standards of the former I-2 district were applied to the "new" Industrial district. Since nearly all of the undeveloped properties currently zoned I were zoned I-1 until 2010, it seems logical to apply the dimensional standards of the former I-1 (Light Industrial) to the current I (Industrial). The Planning Commission unanimously (4-0 w/ 3 excused absences) recommended the Township Board approve the text amendment after holding a public hearing during their meeting on November 4, 2019.

Zoning Board of Appeals (ZBA) – At their meeting on November 21, the ZBA took the following action:

- Approved a variance for a new attached garage addition that will encroach into both front yard setbacks on a corner lot located at 301 Charlevoix, corner of Tuscola Street.
- Tabled any action on three variances for a proposed new home that would encroach into both front yard setbacks and the rear yard setback on a corner lot located at 3990 Watuga, corner of Ulmus Street. The owner was advised to reconfigure the dimensions of the proposed home to minimize and/or eliminate the need for three variances.
- Approved the 2020 ZBA meeting schedule, and re-elected the ZBA officers (Chair, Vice-Chair, and Secretary) for 2020.

The ZBA's next regular meeting is 7pm on January 23, 2020; as of the date of this report no petitions for that meeting have been submitted. The ZBA is also like to schedule a special

education & discussion meeting with the Township Attorney for that same date, likely at 5:30pm.

Planning Commission – The only action item for the Planning Commission’s December 2 meeting was the second public hearing for the OPASO text amendment discussed above. Two items that were tabled at the November 4 meeting – a new building on Homestead Shores #19 and the Commerce Trail Luxury Living project on Crumb Road – remained tabled.

M-5 non-motorized bridge

The Planning Department thought we were done providing updates on the M-5 bridge as of our November report. But around late October / early November, some degenerate stole 3 of the 7 ground-mounted lights illuminating the bridge. The bridge’s lighting was part of the Township’s contribution to the bridge project, so it is up to the Township (not MDOT) to maintain & replace the lights. We are in the process of getting quotes to replace the missing lights, which we think can be handled by the Township’s maintenance crew. The Township also filed a criminal report with the Oakland County Sheriff, who now know to be on the lookout for anyone messing with our lights.