

**FINAL**  
**CHARTER TOWNSHIP OF COMMERCE**  
**\*\*ELECTRONIC ONLY\*\***  
**PLANNING COMMISSION MEETING**  
Monday, November 9, 2020  
2009 Township Drive  
Commerce Township, Michigan 48390

In accordance with Michigan Public Act 228 of 2020, this meeting was held via Zoom, video conferencing technology.

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

**ROLL CALL:** Present: Larry Haber, Chairperson  
Brian Parel, Vice Chairperson  
Brian Winkler, Secretary  
George Weber  
Chelsea Rebeck  
Sam Karim  
Absent: Bill McKeever (excused)  
Also Present: Dave Campbell, Township Planning Director  
Jay James, Engineer/Building Official  
Paula Lankford, Assistant to the Planning Director  
Jason Mayer, Township Engineer, Giffels Webster  
Mark Stacey, DDA Director  
David Scott, Township Supervisor  
Jacob Batlemente, Meeting Moderator, Merge Live

Chairperson Haber – Jacob, is there anything you want to say first?

Jacob Batlemente – There will be public hearings tonight. If you are calling us via phone, it's going to be \*9 to raise your hand. This will allow me to unmute you. If you have any problems it's \*6 to unmute.

**B. APPROVAL OF AGENDA**

**MOTION** by Parel, supported by Rebeck, to approve the Planning Commission Regular Meeting Agenda of November 9, 2020, as presented.

**ROLL CALL VOTE**

**AYES:** Parel, Rebeck, Winkler, Weber, Karim, Haber

**NAYS:** None

**ABSENT:** McKeever

**MOTION CARRIED UNANIMOUSLY**

**C. APPROVAL OF MINUTES**

**MOTION** by Parel, supported by Winkler, to approve the Planning Commission Regular Meeting Minutes of October 5, 2020, as written.

**ROLL CALL VOTE**

**AYES:** Parel, Winkler, Karim, Rebeck, Weber, Haber

**NAYS:** None

**ABSENT:** McKeever

**MOTION CARRIED UNANIMOUSLY**

## **D. UPDATE OF ACTIVITIES**

Bill McKeever – Zoning Board of Appeals

- No report in Bill's absence.

Brian Winkler – Downtown Development Authority

- At the September DDA meeting, even though the meeting was routine, there are a few items worth mentioning.
- At Barrington, the development at the northwest corner of Pontiac Trail and Martin Parkway, they have 15 buildings up and they expect occupants before the first of the New Year. David Campbell had some photos of the large Barrington sign for the roundabout. He will probably share these with the Planning Commission at some point.
- Randy Thomas stated that Bruce Aikens is expected to attend an upcoming DDA meeting to provide an update on his property on the northeast corner of Pontiac Trail and Martin Parkway.
- A Letter of Intent was submitted for Parcel K, which is what we call the orphan piece. I suspect that Mark Stacey will have information to add regarding that particular parcel.
- Goddard Schools is on hold for Parcel L, which was the parcel off Haggerty Road that was part of the Pulte development, due to a similar facility being built at 13 Mile and Haggerty. Mr. Stacey may also have additional comments that.
- Merrill Park has put up 12,000 Christmas lights along Martin Parkway for a very nice holiday display, similar to what they did last year.
- The DDA spent a considerable amount of time talking about graffiti and vandalism in the tunnel under the Martin Parkway bridge. We are trying to come up with some options to improve the security and maybe install some security cameras.
- Mark, anything else to add?

Mark Stacey – Thank you, Brian, for your report on the activities. Parcel K, which we call the orphan piece, is actually on the southeast side of Pontiac Trail next to M-5. It's a keyhole entry point for the empty pieces of property over near Rock Road. We were approached by a developer who has an interesting concept that we're hoping to bring to you at the next month's Planning Commission meeting for a conceptual overview. It's certainly a very hard piece of property to develop due to ingress and egress. If he's able to pull it off and come up with some of the things we had talked about, like a connection to the Rails-to-Trails pathway system, and a beautiful building, it may be something that we would consider.

Bruce Aikens is projected to be back in front of you the first part of the year with this new redesign for his project. He is moving forward, but in this environment, obviously things are changing on a day-to-day basis.

For those of you who are not aware, it does not look as though the theater by Costco will be reopening. That piece of property will probably be put back into a different usage. From the DDA side, that could be a positive for Bruce, assuming we can get back to using movie theaters. Not having that one in play certainly would help our cause.

Of course tonight, you're looking at the Townes at Merrill Park which is a potential Pulte development that we have been briefed on, and we're excited to see where that goes.

Weber – Mark, on the Goddard School, if that has not moved at this time it seems likely that they may not move forward, again based on the close proximity...

Mark Stacey – Yes, they originally had approval from corporate, and then when she went back after she spent significant legal fees, corporate turned it down. The purchaser was unhappy with Goddard Schools for that situation, but we're not seeing any movement on that right now.

Weber – Is there any value in us proactively reaching out to other potential competitors to Goddard Schools, since we've provided the approval to move forward with a daycare in that location, to see if somebody else might be interested?

Mark Stacey – It's certainly something we can look at. We did actually provide Goddard Schools with an updated traffic flow pattern, because we don't see 13 Mile and Haggerty being a competitive area for that. You're not going to drive to 13 and Haggerty to drop your kid off if you live out here. It may only be a couple miles, but you and I both know that's too far for the majority. But yes, we will certainly take a look at that. Thank you for that observation.

George Weber – Township Board of Trustees

- We've had a couple of Board meetings since the last Planning Commission meeting, and there's quite a few items that might be germane to the Planning Commission.
- First and foremost, we're virtually finished with the budget. We have a few items that still need to be resolved, and that will be going to the Board on Tuesday of next week. There has been a lot of great work by all of the different activities within the Township to be conservative in this time of COVID and to make sure that we're protecting all the primary issues of safety, water, sewer and infrastructure for the Township for 2021.
- We have approved and moved forward with a new SAD for Lower Straits Lake. There was significant community involvement and concerns by the residents on the way that the SAD was divided up amongst all of the property owners. With their help, we had a public hearing and are moving forward, basically with a formula very similar to what it was back in 2015, for the next two years when this SAD is expected to expire. Then we'll be working with the associations and the residents on a new SAD after 2022.
- The Benstein water main project is moving forward, so we are moving forward with fair property values or fair market values for the easements for approximately 9 owners that are not the Township. More on that, and hopefully that will begin in the springtime, but Jason might be able to correct me.
- Mr. Stacey provided us some insights that the theater might not open at 14 Mile. The Regal Entertainment Corporation, who owns the cinema, is actually coming to us for a reduction in property taxes based upon the inability to use that property due to issues associated with COVID. We as a Township are having our own appraisal done so that we can get fair market value for what we believe the taxable value is for that piece of land.
- There are two property strategies that are going to be moving forward with subcommittees. The Township owns approximately 140-145 parcels of land. A subcommittee comprised of Mr. Campbell, Mr. James, myself, Treasurer Phillips and Trustee Sovel, will be looking to develop an overall proposal for the Board on

what we should do with each of those parcels. Everything from keeping them for greenspace, to parcels that are in the middle of a subdivision, looking to sell those to an adjacent property owner, or somebody else. So, basically identifying and making a proactive recommendation on each property that the Township owns so we have it documented that a clear decision has been made.

- A related subject; there will be another subcommittee formed to help us move forward with the 8585 PGA Drive building. There are still a couple of tenants that have leases that go for more than a year and we'll need to understand how to move forward with those leases. More importantly, it's doing a needs analysis so if we are going to move the Sheriff's substation there, we need to understand exactly what improvements need to be made to that building, and conversely, what we need to do with the existing space over at Fire Station #4 on Glengary once the Sheriff's office moves out.
- Supervisor Scott and Jay James have been working on a job description for a new position within the Township for a Code Enforcement Officer position that we presently don't have, or I should say that Jay James is filling, in addition to his numerous other responsibilities. We'll also be taking a look at that as a Board and making a decision on that.
- The Reserve at Crystal Lake was approved to move forward by the Board, although it was not unanimous. It was a 4-3 vote to move forward. They'll now be working forward with the State and County to begin the rest of that project.
- Finally, I don't know if it happened within the last day or so, but we're still waiting for Fire Station #3 to be demoed. We had some issues with Consumers on actually getting the gas mains all taken care of prior to the demolition.

Chairperson Haber – George, what else is going to go into that PGA building other than the Sheriff's Station?

Weber – To be determined. Before we independently make the decision on how the substation is going to move there, we want to do a downtown needs analysis to see what they need, what kind of real estate is going to be leftover, and what's the best use of that square footage within the building.

Chairperson Haber – Okay, I hadn't heard much about it. Thank you. Jay, anything you want to chime in with?

Jay James – Building Department

- George hit on some of the topics I was going to mention.
- I am currently working on getting some of those easements that George referred to. I've been in contact with several of the people and I'm setting up meetings to go over that.
- In the Building Department, the plans being submitted have started to slow down which is common this time of year. Everybody that has a permit is in a rush to get what they have buttoned up before the snow flies, which by today you'd think that's never going to happen, but it will probably be next week.
- Everything else is running relatively smooth. If you guys have any questions, always feel free to give me a call.

Jason Mayer – Township Engineering

- Newton Road started today. That's the force main that goes up Newton Road and into Dodge V, then through Dodge V over to the pump station across from 7-Eleven.
- Peninsular Park SAD is finishing up.
- This past Saturday, there were about 50 volunteers from the Michigan Green Industry Association out at Dodge V by Scarlet's Playground. They put in about \$80,000 worth of landscaping and amenities. It was a good effort by all and I think it turned out great. If you can make it out there, take a look.

Dave Campbell – Jason was one of those volunteers, so that's how Jason spent his Saturday. Thank you, Jason.

Weber – For those that didn't see it, Channel 4 actually provided an extensive amount of airtime to all of the volunteers. I think that Jason was seen in the background.

Jason Mayer – Yep, in the far background.

Dave Campbell – I went over there today and it was just crawling with kids. It looks awesome.

Jason Mayer – Yes.

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

**Chairperson Haber opened to Public Discussions of Matters Not on the Agenda.**

Dave Campbell – This would be a good time to remind everyone that we do have three public hearings tonight. If anyone is interested in speaking to any of those three topics, it would be better to wait until the actual public hearing for those topics. This would be an opportunity to speak to anything else other than those three public hearing items.

Jacob Batlemente – For anyone calling in and wanting to speak who is part of the public, it's \*9 to raise your hand.

Supervisor Scott – Jacob, I don't know if you can hear me, or if I'm still unmuted. David Scott, Supervisor.

Jacob Batlemente – Yes, David, I can hear you.

Supervisor Scott – If I could speak to the Planning Commission just ever so briefly. Thank you for all your hard work. It has been a pleasure to work with those of you that I've had an opportunity to interact with on a daily basis. Obviously my term of service ends on the 20<sup>th</sup> of this month of November. Thank you all, Larry Haber, Brian Parel, Brian Winkler, Chelsea Rebeck; obviously Trustee George Weber is our liaison to the Planning Commission; I know Mr. McKeever is not present this evening, hope everything is well; and Samir Karim. I really appreciate all you're doing. Obviously the agenda is full of wonderful projects that you're seeing. I really wanted to just intervene and elongate your meeting for just a second, say hi and wish you all well. I'm going to

be local if there's anything anyone needs. Don't hesitate to reach out to me. Thank you all again for the service you pose to the Charter Township of Commerce.

Chairperson Haber – David, thank you very much. We're going to miss your smiling face. Don't be a stranger.

Supervisor Scott – Oh, I'm stranger than most, but I'm always around, Larry. I promise.

Chairperson Haber – Spoken like a true politician.

Supervisor Scott – And Chelsea can still give you a run for your money for being my favorite Democrat. Keep up the good work, all of you.

Jacob Batlemente – We do have another caller. Caller -0437, it's going to be \*6 to unmute, please state your name and address.

Dan Eisele – 4691 Camelina, Commerce Township.

Chairperson Haber – What is it you'd like to speak about, sir?

Dan Eisele – Excuse me a minute. I'm trying to figure this out. The Marathon expansion.

Dave Campbell – Dan, you want to mute your YouTube feed. We're hearing both you and the YouTube feed.

Dan Eisele – Okay, is that better?

Jacob Batlemente – Yes.

Dan Eisele – I wanted to speak regarding the Marathon expansion.

Chairperson Haber – Let me interrupt you for a second. This is not the time to do that. This is anything that's not on our agenda. That particular topic is on our agenda tonight, so standby with your opinions and we will get to you when the public hearing starts. How does that sound?

Dan Eisele – All right, that sounds good. Thank you very much.

Chairperson Haber – Is there anyone else out there Jacob?

Jacob Batlemente – No, Larry. You are good to proceed.

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

**F. TABLED ITEMS**

None.

**G. OLD BUSINESS**

None.

## **H. SCHEDULED PUBLIC HEARINGS:**

Dave Campbell – First, I want to mention that we're going to have a public hearing for this project, Townes at Merrill Park, and then we're going to have public hearings for the subsequent two projects, the expansion of the Comcast facility on N. Commerce Road, and then the expansion of the Marathon Station on W. Commerce Road. I get the impression that a lot of the folks who are joining us this evening from the public are most interested in the Marathon Station expansion, but I just ask that everyone be patient as we work through our agenda.

The reason the Marathon Station is #3 is we take these projects on a first-come, first-served basis. Pulte was first in the door, then Comcast was behind them. Secondly, Marathon's project leader, their Engineer, Mr. Powell, is actually on another meeting with Wolverine Lake Village right now. He asked us if we could please hold off on his client's project and keep it third on the agenda until he can join us.

## **ITEM H1: PCZ19-0001 – TOWNES AT MERRILL PARK – CONDITIONAL REZONING - PUBLIC HEARING**

Pulte Group of Michigan, LLC of Bloomfield Hills is requesting a Conditional Rezoning of a parcel of land consisting of 16 acres from TLM (Technology & Light Manufacturing) to TLM within the TC (Town Center) Overlay for a new residential attached townhome development located at 3144 Martin Road. Sidwell No.: 17-24-202-005

David Campbell, Planning Director, gave a review. He shared his screen and provided the aerial of the approximate 16 acres of property for the proposed Conditional Rezoning, located across from the Township Hall. Pulte would like to demolish the existing office building and redevelop the property with an attached townhome product, 103 townhomes clustered together in 22 groups of buildings. He also shared the site plan and discussed the horseshoe drive with a boulevard entrance coming off the east side of Martin Road. There would also be a gated emergency access with a private road to the north at Ridgeway Court, which is part of the Pinewood Industrial Association. The property is currently zoned TLM, which would not typically allow a residential product. However, Pulte is proposing to conditionally rezone the property to bring this into the Towne Center Overlay so that they would have the ability to develop it residentially.

He reviewed the Conditional Rezoning process, the plan and the agreement, which would contractually bind the Township and Pulte Homes to this particular project. Like any rezoning, a Conditional Rezoning goes to the Planning Commission for a formal public hearing and a recommendation to the Township Board. The project would then proceed to the Township Board, potentially as soon as next week, and then the Board would make the final decision. If approved, then Pulte would come back to the Planning Commission in the near future with a fully developed site plan, which would include more details on the landscaping, engineering, lighting, building materials, et cetera. The intent is that the site plan would be very consistent with the Conditional Rezoning plan that's is being considered this evening.

The product proposed by Pulte is the same product they're building elsewhere. The nearest location is in the City of Novi, on the west side of Novi Road between Grand River and 10 Mile. While this is an attached product, it is an owner-occupied unit and not a rental unit. Every unit would have its own 2-car garage, with a stairway going up to the living space above. There would be a mix of 2 and 3-bedroom units, and conceptual floor plans were included in the packet.

William Anderson, Project Engineer, Atwell LLC, 311 North Main, Ann Arbor, MI, was present along with Joe Skore, Vice President of Land, Pulte Group of Michigan, LLC, 2800 Livernois, Building D, Suite 320, Troy MI, and property owner, (Frank) Mike McCord, 1158 Ardmoor Drive, Bloomfield Hills MI.

Bill Anderson – If I could share the screen, I'd appreciate it. We're the engineers and planners on the site, and Joe Skore, Vice President of Pulte Homes is also here. We're here tonight to propose this Conditional Rezoning plan and the draft agreement, which I think you have. As you may recall, we were here just over a year ago presenting a very similar project to you in September of 2019. Since then, we've had our preliminary conference with the staff and Township residents. We had some logistics we had to work out, and now we're moving forward again, but you have seen us and we thought we had a pretty favorable response from you. Since you saw it last, we've added a couple things. We've added the boulevard entry off of Martin Parkway, and we made the emergency access to the northeast, Ridgeway Court.

As you all know, we think it's a pretty good townhome site. We're near local shopping, restaurants and amenities. We're just north of M-5 and we're near the Commerce Township center area. We think some residential density in this area makes a lot of sense, since we think you do in accordance with your master plan. It also offers a nice transitional zoning property between the industrial to the north, and some single-family immediately to the south.

As David indicated, the existing property has a mostly vacant office/industrial building of about 35,000 square feet. We're zoned TLM, and the future master plan shows we're in the Commerce Township center district. We want to be included in the Commerce Township Overlay. We think that would come into conformance with your master plan. Here's our site. We are looking at restricting to 103, 2-story townhome units for sale. We have a density of 6.6 units per acre, which is under your RM zoning district, so it's an appropriate zoning. The open space is about 6.4 acres. We have significant buffers, including a large buffer to the industrial to the north. We'll have significant landscaping for our residents there. We're also proposing a significant buffer to the south.

I'll mention the existing zoning has a 25' setback, and we're at 38' to our neighbors to the south and east. We have nice buffers that will be landscaped.

We're proposing to preserve one acre of wooded area in the northeast corner, and we have a nice loop road that goes through here off the boulevard entry. In the center, we'll probably have some benches and some type of gathering area for residents.

A little more detail; 16 acres. We're 110' off the front, so we're pretty far off from Martin Parkway. We have our detention ponds up there, so we're pushed off Martin Parkway nicely. The side setback for the perimeter is 38' as I mentioned. I've listed all of our building separations there as well.

As far as the public benefits for this, we really think this project fills a great housing need in the Township, demand for a housing targeted for young families and the active adult.

The picture on the right is an actual picture of the product we're proposing. That is located south of Ann Arbor. It will keep valued residents within the community, attracting new families into the area. It's in close proximity to the Towne Center and your major transportation corridor. Again, we're looking to preserve one acre of woodlands, so it will have a nice aesthetic, mature appeal to the development in that corner.

We think we comply with the Township master plan, and it's a nice transition to the industrial to the north. We're proposing a high-quality residential neighborhood with a lot of open space provided. We'll have complementary landscaping, both for the units, and the open areas and the perimeter. This development will be maintained by a

professional landscaping grounds crew, through Pulte originally, and then through the HOA ultimately. It will always be a nicely maintained residential community. Our architectural design has a lot of interest on the units. Here is a picture of the unit showing different facades. We have green-scape between the driveways. You can see a rear elevation shown here as well. These are all 3-bedroom attached townhomes. We are excited to be here, and to answer any questions. We appreciate your time.

Joe Skore – I'm here to answer any questions that you might have.

**Chairperson Haber opened the public hearing.**

Chairperson Haber clarified the public hearing process.

Jacob Batlemente – Just a reminder, this is for Pulte, not the Marathon Gas Station. If you'd like to speak, please use \*9 to raise your hand, and \*6 to unmute once I call your number. Please announce your name and address before you speak to the board. I have -7769, you're on caller.

Todd Bacon, Hercules Equipment – We are at 2760 Ridgeway Court. The back of our property backs up to the development. It looks like a really nice plan. We would just like to express that it is an industrial park. It's very noisy. We also have paint and particulate that goes through the air. We would just want to make sure the developers know that we don't want any future potential problems of trespassing taking place of the paint particulate or the noise. We just want to make sure that with the zoning changes, we're not going to have any future problems, and that people who move in are aware of it. I also want to mention that we recently had a meeting with Pinewood, and we're contracting with DTE to put some power poles in the northeast corner of the Pulte plans. That's all I have to say. Thank you for your time.

Chairperson Haber – Thank you, Todd. Jacob, is there anybody else who wishes to speak?

Jacob Batlemente – We have one more. It looks like Scott.

Scott Liebovitz, Ari-El Enterprises – 29355 Northwestern Hwy., Southfield, MI. I manage two properties in the area; 3160 Ridgeway Court, and 3175 Martin Parkway. I just wanted to make a few comments on the proposed development. I also agree with Hercules. Obviously the industrial zoning is being encroached upon, but I think we can live with that. My biggest concern was having access onto Ridgeway Court. I did hear in the presentation that would be only emergency access. As long as that is maintained, that was our primary concern, that Ridgeway Court access would be open and used regularly by the public coming in and out.

Chairperson Haber – Thank you very much. We appreciate your input. Jacob, anybody else?

Jacob Batlemente – We have Brian Abbott who'd like to speak.

Brian Abbot – I also work with Hercules Equipment, and I just wanted to reiterate. For us, our main concern is just that there's no issue that we're running into with running our

business, and any effect that it may have on the residents. Obviously that is our core concern, that we're able to continue to operate our business as is, and not having any future potential issues with the residential area because of it.

**Chairperson Haber closed the public hearing.**

**Commission Comments:**

Vice Chairperson Parel – This came before us a year ago. I like the use. I think they've got a good product here. There were just a couple things that I wanted some clarification on. David, feel free to stop me if these are items that we should be dealing with later on in the process. There are a couple notes here in regard to garage doors and the brick covering.

You mentioned your Novi product and I have to apologize; I didn't have a chance to go out there. How would the brick covering of the sides and rear of the buildings compare to your Novi project? The amount of brick.

Joe Skore – We're proposing here a wainscot brick for the sides and rear, which is roughly 3-4' of brick. Novi is a little different. Novi's brick is first-floor, however Novi's brick was required under their ordinance. They have a specific brick calculation that all developers in that particular zoning district are required to meet. That's the difference between the two.

Vice Chairperson Parel – Okay, I appreciate it. I obviously like the look of brick. My only other comment, I don't know if it's just the rendering, but to me the garage doors kind of stuck out. They're very white. You guys have a great design team and I'm sure you know what you're doing. I think it would be a nice look if we could put windows in the garage doors. Other than that, I'm good with everything else, Larry.

Chairperson Haber – Thank you, Brian. George, any comments?

Weber – I have a couple, but first for Mr. Skore, just to comment on what we heard during the public hearing, specifically those that are on Ridgeway and concerns they have based on the use of their properties, noise levels, potential odors associated with paint going on. Has that been taken into consideration? I'm assuming that's partially why you're keeping that quadrant wooded, but I just want to make sure there's really full knowledge of what that area of the project might feel like.

Joe Skore – Yes, we are aware of it. Pulte, as a publicly traded national home builder, we actually take the extra step. When we sell a home to a consumer, we disclose. We go above and beyond. We disclose everything, whether we're legally obligated to or not, just to make sure that there's full disclosure when a person does sign on the dotted line to buy a home. We will disclose anything and everything associated with the adjacent use.

Weber – We did see this a year ago. It's consistent with our master plan. We think it's a good use for this. Just as important, the traffic study that Mr. Campbell had commissioned shows that any traffic going in and out of this off of Martin is less than what would be expected if that property were developed as it is within TLM. Congestion and traffic, particularly on Martin Road, is a big concern for all of us.

Two comments, and again, I think we'll address this more at site plan, but it could definitely come up next week before the Township Board, as 10 of your units are going to back up into Martin Parkway and be visible. I know you're going to have some trees screening it, and I know that the retention ponds are there and they'll be setback at a pretty decent clip; however, the elevations that you showed us with just a 3-foot wainscoting I don't think is going to fly, at least for those 10 units because of the visibility that they're going to be. I think we're going to need to see something that looks better than the renderings that you sent to us.

Joe Skore – That's a great comment. Actually, for those units that back to Martin Parkway, we have proposed first floor brick on the sides and rear for that number of units. We've incorporated that into the conditional rezoning agreement.

Weber – Okay, thank you for that.

Joe Skore – You're welcome.

Weber – Just a comment as it relates to brick, and I do like the elevations that you showed us, the front of those. I think what the Township is moving toward is greater utilization of stone or cultured stone. I would challenge you to take a look at that as you come back for site plan approval. I know that some of the units are of that, but more stone is more fitting with where we are going as a Township in a lot of the projects that we've recently approved.

The final comment I had was maybe a little more similar to where Mr. Parel was going on something to make the garage doors a little less looking like a plain vanilla garage door, but also the way the driveways are set. I know the original elevations you showed us basically just had stone or mulch in between the driveways. You've now put grass there. I'd also challenge you to put some kind of shrubbery or trees within those areas so that it doesn't look like just a large paved area along the road front. Those are my only comments. I think you guys have done a nice job.

Chairperson Haber – Thank you, George, and I was thinking maybe that stone should go up even higher than the first floor, maybe all the way up. I'm interested to hear from Brian and Sam to see what they think about it. We'll get there in a minute. Chelsea, any comments?

Rebeck – I have a few. I would like to reiterate what George said about the exterior. I will not speak for everyone on the Commission, but I will speak for the things that we've done at least since I've been on the Commission. The exterior is going to make a big difference as to how open we are to approving anything. I think we all want everything, especially from Martin Parkway, to look very appealing. I would be really curious to see what the actual outside plans look like before we do any approval.

I was also curious, what kind of price point are you looking at for these units?

Joe Skore – In terms of price point, I would say we'll have base prices that will be in the low \$300's, a delivered price after all premiums, options and upgrades, probably somewhere between \$350,000 and \$375,000. It's hard to say at this point, it's a little premature.

Rebeck – Okay, I just wanted a basic range. This might be a question for Dave or someone else. What kind of consideration is put into the capacity for the current school district buildings that are here, like the elementary school? You guys have a development right next door which I know has overloaded Oakley Park already. If you're going to bring in another 100+ units with younger families, how does that play into the planning part? Again, that might not be for you, that might be something that Dave or somebody else could answer.

Dave Campbell – I'll take the first stab at it, and then I don't know if Mr. Skore or Mr. Anderson want to chime in with where the market is for this particular product and whether it's a market that's going to draw school-age kids. I know that the Township does have regular conversations with Walled Lake School district, and particularly Bill Chatfield, their Operations Director.

I just had Bill on the phone the other day, and while we didn't speak specifically about this project and what sort of additional increase this could put on their capacity, we did talk more broadly. What I heard from Mr. Chatfield was that Walled Lake Schools is pretty comfortable with where they are right now in terms of enrollment and their capacity to serve their kids.

I wonder too, and this is me speculating, if COVID puts a bigger question mark on school districts in general, as far as what does learning look like 5, 10, 20 years from now and how does the school function based on everything we've learned from COVID. Given that there's 100 units here, I might be interested if Mr. Skore has any sense of those units, how many could reasonably be anticipated to be families with school-age kids. My guess is that based on the conversation I had with Mr. Chatfield, it's not going to be a big enough number that it's really going to tip the scales one way or the other to how Walled Lake Schools looks at future enrollment and reaching capacity at any of their facilities.

Rebeck – Yes, and maybe not this specific neighborhood, but as we go through and approve more and more things. At some point, I think there is going to be some change in that aspect. I was just kind of curious how that plays in, since I'm new here.

Karim – I'm looking at the site plan right now and I do like it. I like that open space at the middle of the unit. Regarding the elevations, I like the individuality for each unit the way it is. I wish that we could have the same impression for the units on the back, especially the ones facing Martin Road. I do agree that we need to do something with the garage doors to break the monotony of this big white. Other than that, I think it's very nice.

Chairperson Haber – Dave, before you go on, we're going to see a site plan on this. If this gets approved tonight, when will we see the site plan?

Dave Campbell – That would be more up to Joe's team and Mr. Anderson's team than it would be to me. The impression I get from them is that they're pushing pretty aggressively on this project, I would think in the hopes of breaking ground by Spring 2021, but I'll defer to them.

Chairperson Haber – We're going to see this again on a site plan, so we can further tweak this if we care to.

Dave Campbell – But I would like to say at this point that I'm hearing a lot of good comments, and a lot of them are centering around architecture, building materials,

upgrades to some garage doors and maybe some other materials. When this comes back to the Planning Commission for site plan, and if we're having those conversations, but at that point we've memorialized a Conditional Rezoning agreement, I want to avoid a situation where the developer is saying, "Well, this what we agreed to in the Conditional Rezoning agreement and this is what we're able to do.", and the Planning Commission is saying, "Well, we want to see some better materials, better garage doors and so-forth.", but we're boxed in on this Conditional Rezoning agreement to some degree. I guess part of what I'm hoping for as the outcome of tonight's meeting is if there is any opportunity to amend or adjust some of the building materials terms within the Conditional Rezoning agreement, I'd be interested to hear what they might be this evening.

Chairperson Haber – Okay, I think we're on the right path, but we're going to see it again. We will give them as much input as we can.

Winkler – Back in October of 2019, I stated exactly what I'm going to state today, and that is, this is a great complement to the Commerce Towne Place development. I have nothing to add other than what's already been said about the needed improvements to the elevations, including the extent of brick, and some improvements to the garage doors. Otherwise, I like the development, I like what I see and I'd like to see it happen.

Chairperson Haber – Brian and Sam, I'm most interested in the 10 units that are facing Martin Road. Do you have any input that you would like to give on anything more that you would like to see done? That's what the public is going to see. Can you address that a little more, if there's any input that you can have going on there?

Karim – Actually, for those units, my concern is that I don't like if you look from Martin to see a backside of a building. I want those buildings, the back of them, to look like the front, with the variety, the elevation and the different materials of brick and stone. At least those units so it wouldn't look like we are looking at the back of the unit, but it looks like we're looking at the front of the unit, although the front is on the other side.

Chairperson Haber – Sam, can you give me ideas of what you're thinking about?

Karim – Well, if you look at the front elevation, which we have the rendering, you will see there is a different look for each unit. I would suggest doing the same for the back of those units, to have each one look individual so it will look like eight units from the street and this is the elevation or the entrance, although the entrance is from the back side.

Winkler – I concur with Samir's suggestions. Other than that, with what's been said by the other Planning Commissioners, I really have nothing more to add, Larry.

Chairperson Haber – Okay, thank you. I have a couple comments. What's the square footage of these units going to be?

Joe Skore – The base square footage is approximately 1,860 square feet. With structural options, based upon consumer preference, they may go up to a max of 2,100 square feet.

Chairperson Haber – Okay. On your plans, you're showing that there are sidewalks?

Joe Skore – That's correct.

Chairperson Haber – Okay. On the north part of the first street that you enter, there's no names on this, but it looks like there's a stub going into there. Is that a stub, or is that an end to the street and it's not going to connect to anything else?

Weber – That's Ridgeway, Larry.

Chairperson Haber – Yes, I want to make sure it's not going into Ridgeway. There's only two entrances; there's an emergency one and the main entrance. I want to make sure that we understand that that's not going to go through.

Bill Anderson – That's correct, yes. It's just a turnaround for that one end unit.

Dave Campbell – If I may, Mr. Anderson, if you look closer to the Martin Road side, there are what I think are meant to be two backing tapers at either the north and the south ends of the development, so that the units to the far north and south have the ability to back out of their garage and have a taper. I wonder if that's what Mr. Haber is seeing that might have the look of a road stub, and I don't think that was the intent, but correct me if I'm wrong.

Bill Anderson – You're saying it right, David.

Chairperson Haber – I just want to make sure that there's no connection to Ridgeway.

Bill Anderson – That's correct.

Chairperson Haber – Okay, I like your plan. I like the comments that you made here. My biggest concern is the 10 units that face Martin Parkway. I want you people to understand up front. I don't like things that are not said up front. When you come back with the site plan, we expect to see something more improved. I'm not 100% sure what it is. I'd like to see maybe more vegetation there, more trees, maybe the brick going up to the top, some design on that. I want to be up front with you, when it comes back, if it's not to our liking, we may not approve that. There are a lot of cars that go by there every day. Do we fully understand that?

Joe Skore – We do.

Chairperson Haber – We do, that's what I wanted to hear. That's a good thing. That's all the comments that I have. The elevations on the front, I like what you've done. They're different and they're not all lined right up. The garage doors, I hope we can get some agreement on that. The rest of it, I like. I don't have a problem with it. I think it's a nice thing to do and I think it's going to work out well.

Dave Campbell – If I may, at the risk of putting Mr. Skore on the spot...

Chairperson Haber – Put him on the spot, that's what I like.

Dave Campbell – Is there anything that you're hearing this evening that would you give you any reason to adjust any of the language of the Conditional Rezoning agreement before it has the potential to move forward to the Township Board?

Joe Skore – Sure, sitting here today, I don't think we have a problem with upgraded garage doors. In terms of what we're going to do on Martin Parkway, again as I mentioned, we've already proposed first-floor brick. I don't know off the top of my head what else we could do in regard to enhancing that. I guess at this point, I'm happy to accommodate the comments with regard to the enhanced garage doors, and then we'll take a look at the plan and we'll consider your comments.

Weber – Mr. Haber, can I jump in and ask a question here?

Chairperson Haber – Absolutely, George.

Weber – Joe, Mr. Karim had made a suggestion that, even if you take the rear elevations along Martin Parkway and you take the brick up through the first floor, you're going to have basically the entire lower elevation brick, and the entire upper elevation is going to potentially be gray siding. I think what I heard Sam say is taking the rear elevation of those units and individualizing them going all the way up through the second story. If you look at the front elevation on some of them, you had brick going up, and then you had siding. The one in the middle was stone, going up to the peak or the roofline. Doing something like that, rather than it looking like one building, even though I know you have some variations, but to take a unique feature going all the way up to the roofline to show those are separate units. Is that something that you can commit to?

Joe Skore – It's something that I don't have a problem with really. I want to understand what's involved and how it's going to look. I'm not an architect. I don't think, in general, I have no problem with doing something different on the rears of those units that back to Martin Parkway, whether it's brick all the way up on alternating units. That could be something that we would consider. I just want to take a look... again I have no problem working with you. We're happy to work with you. I just want to get my head around it and talk with a few different people to understand what the best course of action is before I commit to anything, if that works for you.

Weber – I understand.

Chairperson Haber – I don't think we're trying to nail you down to anything today. We just don't want any misunderstandings that when you come back to us and we say, "This is it.", and you 15-ton say, "Well, I didn't hear this before. I don't want to hear it." Now you've got it and it's on your plate. You've got to use it, okay?

Joe Skore – Yes, understood.

Chairperson Haber – That's what we'd like to see. Other than that, I have no further comments. The deceleration lane that you're going to put up front there is going to help out the traffic situation an awful lot because that's a very busy intersection, especially coming right off the roundabout. I think everything is looking fine to me. Let's see how the vote comes out and what you guys are going to get.

**MOTION** by Parel, supported by Weber, **to recommend with conditions**, to the Commerce Township Board of Trustees, Item PCZ19-0001, Townes At Merrill Park, Conditional Rezoning, the request by Pulte Group of Michigan, LLC of Bloomfield Hills for a Conditional Rezoning of a parcel of land consisting of 16 acres from TLM (Technology & Light Manufacturing) to TLM within the TC (Town Center) Overlay for a new residential attached townhome development located at 3144 Martin Road.

Sidwell No.: 17-24-202-005

Move to recommend the Township Board approve PCZ#19-0001, a conditional rezoning petition by the Pulte Group of Michigan, LLC for the development of owner-occupied attached townhome condominiums upon 16 acres of land on the east side of Martin Road, south of Oakley Park Road at 3144 Martin Road. The property would be conditionally rezoned from TLM (Technology & Light Manufacturing) to TLM within the Town Center (TC) Overlay district.

The Planning Commission's recommendation is based on a finding that the conditional rezoning petition meets the applicable criteria within Articles 3 and 36 of the Township's Zoning Ordinance, and meets the intent of the Commerce Township Master Plan.

**This recommendation of approval is conditional upon the following:**

1. The applicant enter into a Conditional Rezoning Agreement with conditions volunteered by the applicant and acceptable to the Planning Commission and Township Board, and the executed Conditional Rezoning Agreement be recorded with the Oakland County Register of Deeds prior to any formal consideration by the Planning Commission of the site plan.
2. The applicant shall apply for approval by the Planning Commission of a site plan consistent with the terms of the Conditional Rezoning Agreement subsequent to approval and recording of the Agreement, and that site plan will address Planning Commission priorities including but not limited to:
  - a. Building materials, and particularly building materials on the first-floor sides and rears of the proposed buildings, particular those buildings most visible to the public along Martin Road
  - b. The design and aesthetic of the building's proposed garage doors
  - c. Site landscaping, particularly the buffering of the proposed project from the existing land uses adjacent along with the preservation of natural features
  - d. Legacy easements potentially encumbering the property and the project

**Discussion –**

Vice Chairperson Parel – David, are there any other conditions we have to add? Are we adding anything about working on the building elevations on Martin Road, or anything with the garage doors? Is now an appropriate time to do that?

Dave Campbell – I want to believe that the Planning Commission's intent of working with Pulte on some upgrades or alterations to the building materials and the elevations are encompassed in this motion language. What I heard a little bit more firm commitment on from Mr. Skore was in regard to the garage doors.

**ROLL CALL VOTE**

**AYES:** Parel, Weber, Rebeck, Karim, Winkler, Haber

**NAYS:** None

**ABSENT:** McKeever

**MOTION CARRIED UNANIMOUSLY**

## **ITEM H2: PSU20-04 – COMCAST ADDITION – SPECIAL LAND USE - PUBLIC HEARING**

Comcast Corp. of Philadelphia, PA is requesting approval of a Special Land Use to expand their existing utility facility in a R-1C Single Family Residential Zoning District located at 1100 N. Commerce Road. Sidwell No.: 17-10-201-016

Jacob Batlemente – I just wanted to remind the public that it's \*9 if you want to raise your hand.

Chairperson Haber – Thank you, Jacob.

David Campbell – The reason Jacob mentioned that is the next proposal on the agenda is also a public hearing. This one is a public hearing because it is an expansion of a Special Land Use. Comcast has a facility on the east side of N. Commerce Road, at 1100 N. Commerce Road, between Wise and Commerce Roads, and they are proposing to expand that facility.

The property is zoned R-1C, and a public utility facility in a single-family zoning district is a Special Land Use. The expansion would entail adding a 2,200 square foot building to the existing building on that site. I will pull up that site here. This is the United Methodist Church across the street. The Comcast facility is tucked back here in the woods. I bet most folks who drive by here don't even recognize that it's there. If it helps to get your bearings, this is Commerce Elementary School here. If I can zoom in a little bit, this is Comcast's existing building. This is their broadcast tower, and that would not be altered. What they want to do is add a new 2,200 square foot building on the north side of the existing building.

As I mentioned, because the property is zoned residential and a public utility facility is a Special Land Use in a single-family zoning district, this requires Special Land Use approval for expansion of the use, and because it's a Special Land Use expansion, it also requires a public hearing. Based on the phone calls we've had at the Planning Department the last few weeks, we haven't heard a lot of questions on this particular one, so I'll be interested to see if there is anyone from the public who has any questions.

I know the Comcast team is on the line and they can speak more intelligently than I can about what the use of the facility is. My understanding is, this building would house some fancy servers that need to be in a temperature controlled facility. That's why on the side of the building, you see these climate control units. The building itself would be a block building. They're proposing to put face brick on the west side of the building, which would be the side facing N. Commerce Road, so that it's more of an aesthetically appealing view for anyone passing by. Although again, it's a difficult site to see given the existing vegetation out there. Comcast is going to keep that existing vegetation in place.

They are going to add some new landscaping, new arbor vitae to help screen the addition. One of the questions noted in the Planning Department's report dated November 4<sup>th</sup> is that they are not proposing a sidewalk along their 600-ish feet of frontage on N. Commerce Road. It's within the Planning Commission's discretion to determine whether or not a sidewalk would be required for a site expansion such as this. It is in the Township's non-motorized master plan to someday have a sidewalk or pathway along the east side of N. Commerce Road that would then wrap around Wise Road to the north. If Comcast were required to put in a sidewalk or pathway, it would be

a dead-end at both the north and south ends, and would also require eliminating a lot of the vegetation that is serving to screen the site currently.

So, the Planning Commission has the option to consider whether they would require that sidewalk. Another thing that the Planning Commission can and has done, if Comcast is willing, is to get an engineered cost estimate of what that sidewalk would cost and have Comcast volunteer instead to do an in-lieu of payment to a dedicated pathway/sidewalk fund. The Township could either hold onto those funds until a sidewalk along N. Commerce Road comes to fruition, or use elsewhere if the Township sees a need for a sidewalk connection in the Township that would make more sense than this particular section.

We are obligated to open and close the public hearing. Comcast did put their sign out in front of the property announcing to the public that a Special Land Use expansion was proposed. We did publish the public hearing in the Oakland Press. Every property owner within 300' got a letter.

Eddy Rodriguez, Property Owner, Comcast of the South, Inc., One Comcast Center St, Philadelphia, PA, was present along with Matt Feyerabend, Lutz, Daily & Brain, 6400 Glenwood, Ste 200, Overland Park, KS, to address the request.

Eddy Rodriguez – Matt, could you take the lead and describe our project?

Matt Feyerabend – We're representing Comcast on this project. Is it okay if I share my screen?

Chairperson Haber – Sure, that'd be great.

Matt Feyerabend – This is the aerial view that David was showing you a moment ago, but with our site plan overlaid on it. As he mentioned, the site is setback quite a ways from the road in its current configuration. With the expanded building we're proposing, it's keeping about the same setback from the roadway. It does have quite a bit of vegetation in between the roadway and the proposed buildings.

This is a shot from standing right on the edge of the roadway. I tried to find the least dense section to show you, which is looking down the driveway. You really can't see the existing building. You can see a little bit of the peak right here. This is a little bit further down the frontage, also looking back. Once again, you really can't see the site in its current configuration. I realize this is when the trees are vegetated, so during the winter, you would have a little bit less vegetation, which is the reason that we are proposing those arbor vitae along the entire frontage to help with that screening.

The purpose of the project is that there is a lot of demand for internet services right now, and an example is tonight's Zoom meeting. Just to stay current, technology is constantly upgrading, and as part of those upgrades for Comcast to stay current and provide good service to everyone in the community, they're needing some additional space in order to be able to do that. As part of doing that space, they need additional room; it's basically a room full of servers, containing computer equipment which generates heat, hence the need for the air conditioning units on the sides of the building, which is basically what these are showing here.

The top view is the frontage of the building, which we're proposing putting white brick, the full height of the building. The existing building currently has a siding material on the frontage. To provide a uniform frontage to the roadway, we propose taking that siding off and just going uniform brick across the entire frontage. We plan on getting the HVAC

units in a light gray color, very similar to off-white, to blend with the white of the building. With the rest of the site pretty much being screened from trees to the north and east, we were proposing a split-face block on those two sides because they're not facing the frontage, with the intent for it to have a white tint as well.

That is the project and our intention. We're going to also be installing some backup generators on the site. That will help with the reliability of the site in the event of a power failure to keep Comcast services available for everyone. Are there any questions I could help with?

Chairperson Haber – Yes, Matt, can you show me on that map where the air conditioning units will be?

Matt Feyerabend – These white spaces you're seeing, looking down on top of the HVAC units, and they're mounted to the side of the building, and then they're also on the west side. There's 8 in total.

Chairperson Haber – 8 of them, okay, thank you.

Matt Feyerabend – Those keep the computer climate cold.

Eddy Rodriguez – I would just like to reiterate that we are putting arbor vitae on the west side of the parcel to screen the building. Also, the site today is an unmanned site, and if the project is approved and completed, it will also be an unmanned site. It will not generate any more traffic than there is today.

Dave Campbell – Mr. Rodriguez, correct me if I'm wrong. This site gets visited by a service technician 3-4 times per week?

Eddy Rodriguez – That would be accurate. This service technician handles three different sites. He bounces from Walled Lake to Waterford and West Bloomfield.

Dave Campbell – So for the benefit of the Planning Commission, it's not a very high traffic facility.

### **Chairperson Haber opened the public hearing.**

Chairperson Haber clarified the public hearing process.

Jacob Batlemente – If any members of the public would like to address the Commission, press \*9 on your phone to raise your hand. I'll call on you and ask you to unmute yourself by pressing \*6, and then you can address the board.

Sarah Henderson – My concern with this project is that the image doesn't show south of the existing facility, and south of the existing facility is what we pride ourselves on as the Village of Commerce Township. The very next property is the historic mansion that our kids took field trips to. What protection is there, if any, to preserve the Village, the appeal of the Village, the historical Commerce mansion, and also the noise. If we're putting in all those air conditioners, arbor vitae aren't soundproofing anything. I'm just wondering how that's going to affect the people that live directly next to the facility if we expand it that much.

Chairperson Haber – Would one of you like to speak to that?

Matt Feyerabend – Yes, actually the south is going to benefit from the sound, because there's currently three 15-ton HVAC units, as well as duct work which is on the side of the building. Here's one unit here, a unit here and here, and then there's duct work, basically a plenum that's about 3'x2', that runs the entire length of the outside of the building. All of that is getting removed as part of this project because that cooling is not needed anymore on the south side. The HVAC units we are going to be installing are on the north side of the building, or should I say ... let me jump to the proposed plan.

Weber – We can't see your screen.

Matt Feyerabend – Oh, I apologize. Let me share that again. There's three units; one here on the west side, a 15-ton unit, there's air conditioning ductwork which runs along the east side, and along the south side of the building. There's a 15-ton unit here and here. All three of these units are being removed. That will also remove the ductwork to clean up the appearance on the south side of that building. There is going to be a new building on the north side which is more or less screened by the existing building. For four of those HVAC units, the very building itself will act as a sound buffer from those, and these are a newer unit that are intended to run quieter compared to the existing 15-ton units.

The generators are placed even further away from the site. I want to emphasize the generators are not intended to run all the time. They're there for emergency backup purposes only, though they do get tested for about a 15-minute cycle about once a week. As far as normal operation, they would only be running if the power dropped from the area, so they would not be producing fumes or noise from just normally sitting there. I hope that answers the question a little bit.

Sarah Henderson – Yes, thank you.

Eddy Rodriguez – I would like to add if I could to that comment. The arbor vitae on the south property line, obviously those will not be disturbed. What Matt indicated is we are removing three 15-ton units, but we're not operating the eight 10-ton units on the addition. We will be running four of them to cool the building. The other four are redundant units. It will be four units running at any time, no more.

Also I'd like to speak on the generators. The generators are Generac dual-generators. It's a better enclosure than what we have today, and although we show two generators, one is redundant. In the event that one goes down, the second generator is there for backup. Matt is correct, we run those units 15-20 minutes once a week, and they only operate in emergency mode when we lose utility power. Thank you.

Chairperson Haber – Sarah, is there anything else you want to add?

Sarah Henderson – Just that we take a lot of care in things like how high the brick should go off of Martin Parkway for the units we were discussing previously. Given the location of this Comcast building expansion they're proposing, which I'm not against, I just want to make sure we take the same care in the Village of Commerce as well.

Chairperson Haber – Okay, Sarah. Thank you for your comments. I appreciate that.

Sarah Henderson – Thank you.

Chairperson Haber – Jacob, is there anybody else?

Jacob Batlemente – It does not look like it, Mr. Haber.

**Chairperson Haber closed the public hearing.**

**Commission Comments:**

Weber – I drove by the site today and when the leaves are gone, it is much more visible than in the summertime when the trees are full of leaves, as was noted. I'm not sure that the arbor vitae are going to do as much as I would be looking for in the middle of a residential area. Not to add, but yes, there is a beautiful historical site just to the south. A couple of comments. I don't like the idea of it being a flat roof right there. It's in residential. I think the roof should be pitched so that it at least looks and feels a little more residential and not a sterile commercial building.

I think the brick color being a white or light brick is maybe a mistake. If you're looking to be less obvious and maybe a little more obscure, I would think that you would want to go with a darker brick, red or something that will blend in and not stick out, particularly in fall, winter and spring.

Finally, Mr. Rodriguez made a comment that only four of the air conditioning units would be running. Which four are those? Are those primarily the four on the west or the east?

Eddy Rodriguez – We would probably alternate them. The four on the west would run, and the following week we would rotate it so the units on the east would run.

Weber – Okay. My biggest concerns are the lack of a pitched roof and the coloring of the brick that's being proposed.

Eddy Rodriguez – If I could comment on that. It was my understanding, and correct me if I'm wrong, we were limited to the 14' single-story elevation. Is that a true statement?

Dave Campbell – There is a height limit; the height of a pitched roof building is measured to the midpoint of the pitch of the roof.

Weber – Having said that, Dave, on the building that they're proposing, at least the ceiling height that they need, would a pitched roof work?

Dave Campbell – I think they're right at their height limit with the flat roof building. I'm going to defer to Mr. Rodriguez. I'm going to guess that they need all of that height to properly circulate and ventilate the equipment inside. So yes, if they were to add a pitched roof to that building, that would push them above the height limit they're allowed to have for a utility building in this zoning district.

Weber – If it was pitched with an open gable, I guess I'm asking Mr. Rodriguez, is there an alternative within what you need to perform for that building? Is there a way to make that or to allow that to have a pitched roof?

Eddy Rodriguez – Not without interfering with the interior clear height that we need. I was wondering, would it be feasible to allow a façade on the front, like you would in a downtown district? Like you do in downtown Milford. Now that would obviously exceed

your 14', but it could give you an architectural look that's not a flat or pitched roof as we have it today.

Dave Campbell – If it had a pitched roof parapet façade, then that would be allowed to exceed the 14' height limit to the top of the roofline. I'll defer to the Planning Commission whether that's the route we would want to go on a facility such as this.

Chairperson Haber – Jay?

Jay James – What can I help you with, Larry?

Chairperson Haber – Dave, do you want to repeat that to him?

Dave Campbell – What I thought I heard Mr. Rodriguez say was could they add a façade that gives the appearance of a pitched roof? Would that be allowable in terms of the height limit for a building? The answer is yes, because it's a parapet, they would be allowed to go above the 14' mark. I'm wondering if that is the look that we really would want, a fake roof pitch. I'm not sure that's the look we want either.

Weber – Personally, I don't think so. I'm concerned with the industrial looking building in the middle of a residential area, particularly on that site. I understand it's screened to a degree, but not for a good chunk of the year even with arbor vitae.

Dave Campbell – I suppose the potential counter-argument to that would be, if we're adding a roof, now we're increasing the height of a building, but the intent would be that it's a non-descript building.

Vice Chairperson Parel – I agree with everything George said. I think the color is important. George made the comment that a row of arbor vitae isn't going to prevent view of these buildings, but I wonder with all that space in between the road and the building, if there is some number or grouping of arbor vitae that could really help if we can't resolve the issue with the look of the building itself.

The other big one for me, obviously if you know me, is sidewalks. There was a good point brought up in the Planner's report. Dave, is there a way we can pull up the aerial view of the property? I have a quick question for you on that. If you look down N. Commerce Road further north, you can see the Township has already started requiring some of these newer developments to put in sidewalks on the west side of the street. Dave, I know you said that there's a plan to put it on the east side. I guess my question is, and I don't know if this needs to be resolved now if we're requesting that the petitioner put it into a fund, but I wonder if we just continue that sidewalk on the west side of the street. It's already going halfway down in between Wise and Commerce. If we just continue it down so that Wise and Commerce will be connected via sidewalks, instead of starting from scratch on the other side.

Dave Campbell – It would be within the Planning Commission's ability to do that, to either require that Comcast put in a sidewalk along their frontage, or that they contribute a proportionate payment for what their frontage sidewalk would cost. The Township would then have the ability to utilize those funds, either along this particular stretch of N. Commerce Road, along the west side, or in another location that we think is more appropriate. I certainly can see the logic of continuing the sidewalk that already extends from Wise south, at least as far as the south end of the church, if we could take

Comcast's contribution and use it to extend the sidewalk along the west side of N. Commerce Road another 600'.

Vice Chairperson Parel – Those are my comments. I support George in his comments regarding the look of the building and its view from the road.

Rebeck – I don't think I have anything to add that has not already been said by other Commissioners.

Karim – I don't have much comment. I do agree we need to do something about the façade to make it look more appealing than what it is right now, but other than that, I think everything's fine, especially with this wooded area the way it is.

Chairperson Haber – Sam, do you have any ideas of what you'd like to see there?

Karim – I was thinking with those air conditioning units, you can create something between those units to create a façade which doesn't look like industrial. I don't exactly what it is, but any architect would do a few renderings to make it look appealing.

Winkler – Larry, the building is already up on its own berm, based upon the topography of the site. Knowing that there's complexities to add a pitched or sloped roof to the building, based upon what the allowable height of the building is, I'm leaning toward not making the building any higher because it will be more obtrusive no matter what style the building is. It's also screened by a chain link fence which will screen some of the building, but to make the building higher, knowing that it's already on its own berm is just going to make the building more obtrusive. Trying to make the building less obtrusive by adding to its height – they're kind of conflicting purposes.

Brian Parel brought up the sidewalk. I would encourage that we either add the sidewalk, or I would lean toward adding to the fund to add to sidewalks in the area at some future date.

Chairperson Haber – Brian, how do you feel about the color? Instead of white, making it a darker color as suggested before.

Winkler – Otherwise it should match up with the existing building and the petitioner is adding brick to the existing building so that everything matches up together. I'm not sure what else can be done.

Chairperson Haber – Is that what you said about the existing building, Ed, that you're going to make the existing building match the new façade?

Eddy Rodriguez – Correct. We're going to remove the siding on the west elevation of the existing building and then whatever brick or brick color we use, complement it so it's one common look. Again, we're not tied to any color. Our goal was to hide the HVAC units so they didn't jump out at you. We're open to any color actually.

Mr. Winkler, piggy-backing on your idea, as you were speaking I was thinking maybe you simulate some columns and coin them, have a brick detail where they step out to give you some perception of depth which might dress up the front of that somewhat.

Chairperson Haber – That would help out. I think that would be a reasonable alternative to that. Let's hear if anybody has a motion on this and what they want to add to it. George, are you up to it?

Weber – Larry, I'm not sure I'm the guy to make the motion on this one. I don't think it would be what the petitioner wants to hear.

Chairperson Haber – Anybody else who would like to join in on this and see where it goes?

Winkler – Let me find the text and I'll go from there.

Chairperson Haber – Okay, take your time. While he's looking for that, I want to ask you a question. I am a former Comcast customer. One of my biggest beefs with Comcast was that we had an outlet facility right here where we could go with our materials and our boxes. I don't know if you're the right person to talk to about this, but they eliminated that. The closest one now is in Plymouth, MI, which is about a 40-minute ride from where we are. Is there any way you can put two cents in and have them reopen something in the area where it's more convenient for our residents?

Eddy Rodriguez – I wish I could help. They moved my facility, which was 5 minutes from my house in Hartland, to Waterford. That was also my office.

Chairperson Haber – Okay. If you could pass that along to them I'd appreciate it, because my comments go on deaf ears.

Dave Campbell – Keep in mind, there's two approvals that Comcast needs this evening. One is approval of Special Land Use, and then they need corresponding approval for the site plan. The comments I'm hearing sound more consistent with site plan issues that they do with Special Land Use issues.

We've got another public hearing still this evening and I think we have a good number of members of the public who want to speak. If the Planning Commission wants to buy themselves some time, they could potentially take action just on the Special Land Use, and then move onto the public hearing for our next petitioner which is the Marathon station. If we want to come back to the Comcast site plan, we could do so, unless there is a level of confidence that we have enough momentum to take action on both the Comcast Special Land Use and on their site plan.

Chairperson Haber – George, how do you feel about that?

Weber – I'm okay with the Special Land Use, but I would be a no on the site plan.

Chairperson Haber – We're going to have to do one at a time.

Weber – I'm only a vote of one.

Chairperson Haber – Brian are you ready to make a motion?

**MOTION** by Winkler, supported by Parel, **to approve, with conditions**, Item PSU20-04, Comcast Addition – Special Land Use, the request by Comcast Corp. of Philadelphia, PA for approval of a Special Land Use to expand their existing utility

facility in a R-1C Single Family Residential Zoning District located at 1100 N. Commerce Road. Sidwell No.: 17-10-201-016

Move to approve PSU #20-04, an expansion of a special land use for an addition to the existing Comcast building, to allow an expansion of a utility building within the R-1C – One-Family Residential zoning district at 1100 N. Commerce Road.

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.

**Special Land Use approval is conditional on the following:**

1. Approval of a corresponding site plan by the Planning Commission.

**ROLL CALL VOTE**

**AYES:** Winkler, Parel, Weber, Rebeck, Karim, Haber

**NAYS:** None

**ABSENT:** McKeever

**MOTION CARRIED UNANIMOUSLY**

**ITEM H3: PSU20-05 – MARATHON GAS STATION ADDITION – SPECIAL LAND USE - PUBLIC HEARING**

K & S Fuel Ventures of Commerce MI is requesting approval of a Special Land Use for the Marathon Gas Station located at 519 W. Commerce Road to expand their existing retail building in a B-3 General Business Zoning District. Sidwell No.: 17-10-404-002

Dave Campbell, Planning Director, gave a review. The Marathon station, formerly Clark station, is a property familiar to the Planning Commission. In 2017 they proposed a Conditional Rezoning to build an entirely new building behind their existing building which would also include a drive-through use that required rezoning of the property they owned behind them. That rezoning ultimately got revoked by the Township Board. What's being proposed in 2020 is a more modest proposal to take the existing building, add an addition to the east and south sides, and otherwise keep the site relatively unchanged in terms of the location of the fueling canopy and the number of pumps. The existing property is split-zoned. The northerly half is B-3 General Business, which is where a gas station is considered a Special Land Use. The back half of the property is zoned R-1D which obviously is not a district that would allow for a retail use, gas station or otherwise. It's very notable in this particular proposal that the expansion of the existing retail store would land entirely within the B-3 zoning district.

Because a gas station is a Special Land Use in B-3, and they are proposing to expand that Special Land Use, it requires a public hearing with the Planning Commission. A notice was published in the Oakland Press. The petitioner put a sign in front of their property that there was a Special Land Use proposed, and every property owner within 300' was notified.

Dave Campbell pulled up the site plan and reviewed the outline of the existing building, which is about 900 square feet. To the east of the building, which is mostly paved parking area, they would like to add an addition to the east and to the south. The resulting new building or expanded building would be 3,300 square feet.

One of the concerns from the neighboring residential, primarily to the south, is that the expanded building is going to push into the existing residential neighborhood. The building will be expanded to the south about 15' from the back wall of the existing building, but as you can see there's still 100' from the back wall of the new building to the shared property line, which is the residential neighborhood and the home located on this property.

It's worth noting again that all of this property is owned by the owners of the Marathon station. They're not proposing to push their site into property that they don't own. They would be utilizing the portion that is zoned B-3. You can see the zoning split line right here, so their building would be within the B-3 zoning.

For context, it's also worth noting that the neighboring retail store, which is Annie's Party Store, that's about a 4,000 square foot store. What's being proposed for the Marathon station is 3,300 square feet. As you can see, the existing retail store next door actually pushes further to the south toward the neighborhood than what's being proposed for this store. This is a smaller store on a bigger site, relative to the store next door.

The existing gas canopy would stay in its existing location. The parking lot would be expanded very slightly along the east property line. Keep in mind, the owners of the Marathon station also own this L-shaped property. The pavement would be expanded to provide parking spaces along the east side of the lot making up for the spaces being lost along this corner. The bulk of the parking is the parking spaces next to the fueling pumps, which the Township considers to be spaces that can be counted toward their parking minimums.

They are proposing new landscaping throughout the site. They are proposing a new sidewalk along the frontage, which is something the Township obviously wants to see, particularly within the Commerce Village area. We hope to fill gaps of sidewalks anywhere we can as new proposals come before the Planning Commission.

The existing Marathon site, 519 W. Commerce, is a nonconforming site for a number of reasons. It is not built to the standards that the Township would require if that site were to be built today. What the Township is asked to do in situations like this is to bring the site into reasonable, proportional compliance with what the applicant wants to do. In this case, they want to add 2,000 square feet to their existing store. The resulting building...

Weber – Dave, while you're doing that, could you also show an overhead of the property. It will help in scale with Annie's next door.

Dave Campbell shared his screen and continued his review. This is a recent aerial of the site, the existing building of 900 square feet, and the existing gas canopy. The bulk of the expansion would be over the paved area here, which is already impervious surface. The developer is not proposing to add more impervious surface in the form of a new roof, given that this is already pavement. They would be pushing the existing building back about 15'. As part of that, they would have to do what Annie's had to do at one time, which is push the overhead wires further south to allow for the building addition.

To Mr. Weber's point, if you look at the scale of the retail building next door, you're talking about a 3,300 square foot building for Marathon compared to an existing 4,000 square foot building for Annie's.

Dave shared the color renderings for the proposed addition. The portion of the building to remain, to the west, and the addition to the east, the whole building would be resided and re-faced with a combination of a stacked stone material, along with a Hardi-plank siding. The stacked stone would extend around the wainscot around the face, the front and sides of the building, and then over the entirety of the entrance feature at the center of the expanded building. The canopy would stay in its existing location, but the existing columns of the canopy would be re-cladded with a stone material to match the stone of the building.

The existing store is an off-premises alcohol retail sales outlet, which is something that the Township has had a lot of conversations about over the last few years, not just for

this location, but in a number of locations around the Township. The Township has standards for either a new alcohol sales outlet, or for an expansion of an existing alcohol sales outlet. Currently, the Marathon station operates with their SDM license, which allows them to sell beer and wine. They do have, from the State's Liquor Control Commission, a resort SDD license. That would allow them, as far as the State is concerned, to also sell packaged spirits. However, the Township's standards would not allow for them to expand their existing beer and wine license to include that packaged spirits license, and Marathon is well aware of this fact. They've actually made an effort in the past to amend the Township's ordinance to allow them to also use the packaged spirits license, and the Planning Commission and Township Board were not in favor of that Zoning Ordinance amendment.

What the petitioners have included in their narrative, and it would be a condition of Special Land Use approval, would be that their existing beer and wine sales would remain in the 400 square feet that they already have. This expanded building would still only have 400 square feet of beer and wine sales. They would not be permitted to utilize their SDD license. The intent, as they've explained, for the expansion of the store is to modernize the store and bring the bathrooms inside the building. The owners would also like to have a legitimate office space, a janitor's closet, and also more retail space for things like coffee, fountain drinks and all those retail offerings that most consumers expect in a gas station.

Applicants/Owners, K & S Fuel Ventures, Farah Orow & Marah Karana, 519 Commerce Road, Commerce MI, were present along with Project Engineer, Powell Engineering, LLC, Michael Powell, P.E., 4700 Cornerstone Dr., White Lake MI, and Architect, Gumma Group, John Gumma, 7419 Middlebelt, Ste 4, West Bloomfield MI.

Chairperson Haber – Who is going to speak for the petitioner?

Mike Powell – Mr. Haber, Mike Powell.

Chairperson Haber – It's good to see you again, Mike.

Mike Powell – Thank you, Larry. I want to compliment the Planning staff. Certainly David and Paula have done an incredible job reviewing the details of this project. I believe we've all lived with this station for a great many decades, and we'd all like to see it upgraded. It's long since surpassed its useful life. You even have to go outside and enter a separate door to use the restroom, both the employees and the patrons. Dave did such an excellent job summarizing the project. I just want to hit upon a couple points. The vast majority of the storm water is going to remain out-letting exactly the way it does now. The building is expanding slightly, and so it gives me the opportunity to pickup the storm water from the entire building and direct it to the east. We're actually reducing the storm water that currently flows to the south, runs down a minor slope to the residential to the south, and so we're actually reducing the impact to the south. We're also maintaining at least 80', preferably 90', of existing trees. We could maintain at least 100' because the building is 112' from the south property line, but I took into account that when DTE comes in there to change the location of those overheads, we can't control what they have to disturb. We can control the 80-90' south of the DTE proposed relocation, so the residents won't even notice any change from their property. I would also like to point out that we are adding parking spaces. We've added a loading/unloading zone to the site. We are proposing screening the rooftop units. We

are not only putting sidewalk along the frontage of this and increasing the landscaping along the east side next to the building, and all the way along the west side, we're planting some additional trees, but we're also providing a hedge of bushes along the frontage to block the view of the pumps there from Commerce Road. We're also running the sidewalk all the way to connect into the existing sidewalk to what used to be the meat market to the east, and ending it at the west property line which is Annie's property.

This is an amazing upgrade to what's there now, with very little change to the public. The traffic pattern is still going to be identical. It's, quite frankly, long overdue. We appreciate the Planning Commission's and the Township Board's patience. The owners have come a long way in reducing their expectations and they think this will be a great addition to the downtown Commerce area.

Chairperson Haber – Thank you, Mike, is anybody else going to speak about this?

Mike Powell – No, unless you had questions.

**Chairperson Haber opened the public hearing.**

Chairperson Haber clarified the public hearing process.

Jacob Batlemente – I have one caller who I will unmute now. Please remember to state your name and address when you're speaking to the board.

Craig Mierzwa, Attorney for Annie's Party Shoppe & Commerce Wine & Liquor – Members of the Planning Commission, thank you for taking the time tonight to hear us. Some of the questions that we have are more focused on the alcohol sales aspect, including the plan to increase the amount of space dedicated to wine and beer sales. We just heard from Mr. Campbell that it's 400 square feet currently. What is it going to be in the future? Is that going to be increased?

In addition, we are also concerned about the ratio of food to alcohol sales. I think the public has a right to know what that is. Currently, the store has two refrigerator cooler units, and a 4' wine rack. Is the petitioner here tonight going to state that they will continue to only have two refrigerator cooler door units, and a 4' wine rack at the location?

As we know, as Mr. Campbell pointed out and as the public greatly knows, K&S currently is the holder of a resort SDD liquor license that they aren't currently using, which was subject to an amendment last year in particular. What are the plans for their use in the future of the SDD license? It's currently still active. It's not even suspended at this time, and I think these questions are of vital importance to the community. They're of vital importance to my clients, and I think we should have some answers to these questions.

Chairperson Haber – Okay, Craig, is there anything else you'd like to bring up before we move onto the next person?

Craig Mierzwa – That is it.

Chairperson Haber – Thank you. Jacob, anybody else?

Jacob Batlemente – Just a reminder everybody, it is \*9 to raise your hand. We have one, -1777 please state your name and your address before you speak to the board. You are unmuted. You're on.

Donna Petchell, 4684 Ponderosa St, Commerce Township – Can you hear me?

Chairperson Haber – Yes, we can.

Donna Petchell – Visually, we are the house directly behind Annie's Party Store, so we are adjacent to the construction that we're looking at going on behind us. I have a few issues on this. First of all, I've been to several of these board meetings. This gas station is not a friendly neighbor to those of us that are abutting their business. They purchased a home, as you all know, that we found out was growing marijuana illegally inside that home, which was kiddie-corner behind those of us that are raising children in this neighborhood. These same people came in and completely plowed down everything behind them, all of the woodland, trying to sneak through a proposal 4 or 5 years ago, to add on to the back of their property. These are not friendly neighbors.

I also want to point out as a mother of three children in this area, we are a very small community. We currently have three existing party stores within 200' of each other. In addition to this, there's a party store on Commerce Road in Commerce called The Bottle Shop. There's a party shoppe at Oakley, west of Commerce. There's a party store at Glengary and Benstein. There's a 7-Eleven at Commerce and Wise. There's a 7-Eleven at Commerce and Oakley. There's a CVS at Commerce and Wise. There's a CVS at Commerce and Union Lake. There's a Kroger at Union Lake and Commerce, and there are numerous Wal-marts and Rite-Aids.

There is no need for this expansion. If they want to improve the outside of their store and their gas station, I'm all about that. I think that's fantastic. But for them to increase liquor sales in our very small community... I don't know if you any of you live in this area, in downtown Commerce Township, but it is a strip-line of party stores. There is no need for this. I am begging you to block this. Thank you.

Chairperson Haber – Thank you, Donna. You're just a little over your 2 minutes and thank you for your comments. Is there anybody else out there, Jacob?

Jacob Batlemente – Yes, we've got another one. Caller -9853, you are unmuted. Please state your name and address.

Iven Sharrak, 1516 Union Lake Road, Commerce Township – This station was impeccably impeached by Attorney Hans for growing marijuana in the house behind the station. Plus, there is an ordinance in the city that any improvements that have to be done, the lot has to be over an acre. This lot is less than an acre.

In my experience in this business, there needs to be more parking spots. The additional parking spots that are being added in comparison to the size of the store are not adequate. The size radius of the site for the gas trucks to come in and bring in the gasoline, there's no turning radius at all. The truck right now has to back into that gas station to bring in gasoline. To make the store even bigger, that would just make everything more complicated in that area there. Thank you.

Chairperson Haber – Thank you very much. Jacob, anybody else?

Jacob Batlemente – Yes, sir. Caller -9454, I'm going to unmute you. Please state your name and address for the board.

Bob Husak, 4690 Camelina St, Commerce Township – I am directly behind the Marathon gas station. I want to reiterate and say exactly what Donna said earlier. These people, they have not done what you said before in 2017. They had the marijuana growing facility right next to my house. I'm concerned about that. I'm also very much concerned about the water runoff. Mike said that the storm water is contained in a certain area. I do not believe it is. They're using the dental office system, it's a Suntime system in the back that is really not working totally to what it is. There's sort of a runoff down Broadway behind the dentist, right into the Huron River. I think that it needs to be controlled a little bit better with a system that is going to offer the oil, water and protection for the Huron River. This really needs to get taken care of and a lot of attention needs to be done with that. That's it. Thank you very much.

Chairperson Haber – Thank you, Bob.

Jacob Batlemente – We have another one. Number -0437, I'm going to unmute you now. It is \*6 to unmute. You are on.

Dan Eisele, 4691 Camelina, Commerce Township – I am directly south of this proposed expansion. I moved here about a year ago and I was very concerned when I heard the proposed B-3 expansion. I'm also relieved to find out that they are not rezoning that. However, last week I called the Township. You're very helpful, thank you, and you sent me some plans. I'm looking at this site plan right now, and I want to reiterate this building. There's an existing building that was, at one time, the marijuana grow house, which is completely abandoned right now. I did walk by it. I did a survey. There are open windows. There are doors with broken glass. There's garbage on the property. It is borderline condemnable. I'm wondering if there's any plans to go along with this. It seems as though these people should have a responsibility to the community to take care of this property that is part of this building expansion. That's all I have to say right now.

Chairperson Haber – Dan, thank you for participating. I appreciate that. Jacob, anybody else?

Jacob Batlemente – I'll reiterate, it's \*9 if any other callers would like to chime in. Yes, we have Sarah Henderson who would like to make a comment.

Sarah Henderson – Hi again. Adding onto the previous gentleman's comments, Dan, 4691 Camelina; our friends, neighbors and small business owners that own or contribute to blight, specifically in my neighborhood, are not necessarily those I trust, especially when they go behind Commerce Township's back and get the resort license that they did through State of Michigan. Even though they couldn't sell, within the zoning ordinance, any liquor in Commerce Township, they aren't necessarily the type of people that I trust to stay true to their word. That said, I'm not against them expanding or making their building more beautiful. They're at 900 square feet now, they want to go to 3,300. Why not split the difference and make something that is less of an eyesore for the people that live adjacent to them

around Camelina, but also give the rest of us a little piece of mind that they don't have the space to run rampant with what they want to sell.

If they do decide to use the State license that they do currently have, who is monitoring that? Are there any consequences or penalties? How are we going to be sure that there isn't a liquor store where our kids can go pay somebody five bucks to buy them a case of beer? It's too much already, and I don't have to worry about my 17-year-old at this point. I have to worry about my 7-year-old coming up in 10 years. I have to worry about my neighborhood and my roads.

Erosion from water runoff is a huge issue for us. We're a privately owned neighborhood. We're looking at a \$10,000 per home SAD over the next 10 years to replace the roads that we currently have, and I don't want someone to tell me exactly how it is that they're going to protect the roads and make sure that isn't a direct impact on what we're about to pay. I want someone to prove it to me. That runoff is going to go all the way from Camelina to Sherbrooke to Polvadera. It's going to go all over. As somebody who pays tax dollars to Commerce Township, and then is going to look at adding onto those tax dollars, I want answers.

Chairperson Haber – Jacob, do you have anybody else?

Jacob Batlemente – Yes, Mr. Haber, -3927, I'm going to unmute you now. Please state your name and address for the board before you speak. It is \*6 to unmute yourself.

Sindi Rabban, Annie's Party Shoppe – I have a question about their parking as well. Currently, they have 5 parking spaces; they have 2 to the west, and 3 to the east, 1 which is currently used by their staff member every morning, and then when the members or the owners come in.

On the west side, closest to my store, that's where most of the deliveries come, right? Now they're going to expand, and they want to push our parking eastbound, so it's kind of borderline to the meat shoppe, so they're adding 5. They're really not adding 5. They're taking the 5 adjacent ones that they have and they're basically going to put them side-by-side by the meat shoppe. Please explain to me, because I need to understand this, because no, I will not let the delivery people park in my parking lot so they can deliver to them.

When delivery people come, which is early in the morning, now please explain to me which way they're going to park. Not east, because now that's going to be parking spaces, so now all the deliveries, because they're expanding they're going to have more delivery trucks, right? They're all going to be on the west side closest to my store. Please explain to me how they're going to park, how they're going to drive through their store because they don't have any parking. What are they going to do, block the incoming people from the east side? Or are they going to park in my parking spaces, which I won't allow them.

Tell me how they're going to back up. Are they going to back up into Commerce Road causing a traffic jam? Nobody has explained that. They haven't explained that. Even the Township officials haven't explained that. There's no route. We see it every day, people. I'm dealing with this. I see how the trucks pull in. They have to pull out. They cause a traffic jam on Commerce Road. They're adding bigger space to their store, but they're not alleviating their parking issue.

They're open the same time I am. Most of our deliveries come between 7am-3pm, and they're busy. I'm not going to say they're not. And the traffic is extremely busy on Commerce Township, not maybe with COVID, but it is. Explain to me, with schools

being in session and everything going on when it's normal, how they're going to alleviate the traffic jam.

Chairperson Haber – Sindi, I have to stop you now.

Sindi Rabban – But Larry, they didn't figure out the situation with traffic. [Crosstalk]  
Thank you very much for letting me talk.

Chairperson Haber – Thank you for your comments. We gave you the two minutes plus a little bit more.

Do you have anybody else, Jacob?

Jacob Batlemente – No, Mr. Haber. You have nobody else on the line.

**Chairperson Haber closed the public hearing.**

Chairperson Haber – Before we move on and have the Commissioners talk about this, Dave, let's look at this parking situation. Now you said there's 5 spots, plus the spots they use at the gas pumps. Is that adequate for this area?

Dave Campbell – It would be a determination of the Planning Commission. This is an existing, nonconforming site, and so the intent is to bring it up into reasonable compliance with the current standards of the Zoning Ordinance. That reasonable compliance would include the parking standards.

The Planning Commission has, and very often does, exercise their ability to deviate from any strict application of the Township's parking standards. It would be the Planning Commission's determination whether the parking is adequate on this site. They're adding parking spaces where they don't currently exist on the east side of the site. I think what experience tells a lot of us is that parking is very often a self-solving problem in the sense that if there's not enough parking, customers will find another place to do their business. It would be at the Planning Commission's discretion whether the existing parking is sufficient for the improvements that they're proposing.

Chairperson Haber – Thank you. Jason, are still on with us? Can you tell us about the runoff?

Jason Mayer – The site plan shows that the runoff is going to go the way that it's going now, prior to development. Mike might be able to add some to this, but they're proposing a sort of detention pond at the bottom of the L where that existing house is. That's where there's going to be an area where we're going to detain some water. The water is still going to flow where it's flowing now, but there will be some added detention to that.

Chairperson Haber – You're pleased with the area and you agree with the runoff?

Jason Mayer – The general concept is that the storm water is going where it is now. I'll work with Mike during engineering to make sure that we're detaining for any additional impervious area, and also addressing storm water quality during that.

Chairperson Haber – Okay, thank you, Jason. Jay James?

Jay James – Yes, Larry.

Chairperson Haber – You heard the complaints about the house behind there.

Jay James – I have and I already texted Dave and Paula that I'll be going out there tomorrow.

Chairperson Haber – Okay, thank you very much. I appreciate that.

Jay James – Yes.

Chairperson Haber – Let's go to the Commissioners and see how they're feeling about this.

Dave Campbell – Larry, let me mention too, with parking; typically we require 1 space for every 200 square feet of retail. I think they would be required to have 16 parking spaces.

Chairperson Haber – They're supposed to have 16?

Dave Campbell – They're supposed to have 16 and they've got 14.

Chairperson Haber – We'll have to talk about that.

**Commission Comments:**

Weber – I'm going to want to hear from the petitioner. Basically, the notes that I had written to myself were similar to those that came up from the public. We'll just take these one at a time.

First, as was discussed, the applicant was granted a Special Land Use some time ago, and then that was revoked because of the marijuana grow house. I was not aware that the house is in disrepair, but the first question I have for the applicant is, what are they going to do with that house? And, how do they want to respond to the activity that went on there that caused the original Special Land Use to be revoked?

Mike Powell – I can respond to that very quickly. First of all, I want to point out, that property is not part of this proposal. In the previous request, all of the property that they own right there was being rezoned to B-3. Right now, that property is totally independent and not part of this site plan approval, and not even part of the same parcel. I think the owners can respond to the condition of it. I certainly have not done an inspection. I work with Jay James quite often to inspect buildings, but I have not inspected this structure.

Weber – Mike, I guess my comment, and I'll leave it at that, is not just to what's happening with that, but what the applicant allowed to go on in that house which was obviously of great concern to the community. If the applicants would like to comment on that, I'd like to hear from them.

Chairperson Haber – I'm going to pause here for a second, George. Is the applicant here?

Weber – Yes.

Chairperson Haber – Okay, I'd like to hear some answers to this question.

Mike Powell – Farah and Marah, you need to unmute yourself.

Farah Orow – Thank you for this beautiful opportunity. It's been a beautiful evening. I just wanted to answer the question because I know it has been a long night. This house was actually rented. We had no idea what was happening in that house. We rented the house. Since it was not after we proposed the rezoning, we were approved, but the approval said, the house has to stay as a house. We figured out the best way to do it is to rent it out. When we found out the renter, he grew marijuana in it, and our lawyer sent a letter to the rental and we asked him to leave. We did whatever was appropriate by the law for the rental to leave. Jay James I think remembers, we had an electrician come and work on it. They put the house all back to what it's supposed to be, and Jay James visited a couple times.

I know it has been empty for a while. Right now, to be honest with you, because of what happened to us in the past, for that bad experience, it was my first rental home, we were worried that if we put someone else right now in it, they'll do the same thing and it's going to backfire on us. It really backfired on us and it was not our fault originally. I had a couple contractors looking at it for them to fix it, for us to be able to rent it. We haven't done so. I know it needs a lot of work, so that's what we're planning to do right now in this house.

Weber – Maybe I would just ask Jay if he had anything to add to that recount of history?

Jay James – I think Farah was correct. It was my understanding, and I did see a copy of the lease, that they leased that house out and the person who was the lessee started growing marijuana of his own accord. When we did bring it to Farah's attention, they did take action to try to get the person evicted as soon as possible. In the process, the lessee did do multiple changes to the house as far as electrical, and some other changes without permits. They did send in an electrician to bring that up to code so it wasn't dangerous any longer.

Since that time, to my knowledge, the house has sat vacant. I have not been out there in quite some time now. To hear that it's in disarray as far as broken windows and doors, I will go out tomorrow and inspect it and I will deal with Farah and ask her to fix anything that is required in our ordinance.

Weber – Thank you. The other item I have has to do with some of the comments regarding that, even though the Township advised the applicant's that there was an ordinance in place regarding liquor sales, they still pursued having an ordinance changed. I have no issue with that, but when that was going in a certain direction, the applicant then went and did apply for, and receive, a resort liquor license from the State. Let me preface this, I think the rendering you've shown is outstanding. I am not opposed to the expansion, but I would make a condition on it that you're not going to pursue liquor sales. The Township, within the last two weeks, has received an inquiry from a lawyer regarding a lawsuit, regarding the Board's non-approval of the ordinance change. I guess I would like to know from the applicant, was that their attorney that contacted the Township regarding potential litigation on this matter?

Farah Orow – Can I answer?

Chairperson Haber – Sure.

Farah Orow – Actually, that was not us. We haven't hired any attorney. We had our beer and wine license. When we applied to the State for liquor, originally we really thought we were okay to do that because we already had beer and wine. The way we read the ordinance originally was for people who are building a new building, not the people who already have a license.

Annie's also has a resort license, and other places in Commerce have a resort license. That was the reason we applied. When the Board did not approve us, we have not done anything since that time. That was not our lawyer and I don't know whose lawyer that was.

Weber – Okay, thank you.

Farah Orow – Thank you.

Weber – The last question I have has to do with, based upon the size and number of parking, I am not familiar with how the delivery trucks are moving in and out of the present lot, but if you could comment to that I think that might help educate all of us.

Farah Orow – Okay, that's not going to change. Currently, the driver, they're using the entrance to come in, around to the front door, and they leave on the other side. We're not bringing the building closer to the pumps, so that's not going to affect anything. The way it is right now is going to remain the same. They have been doing that for over 40 years and that's not going to change. The building is going to the back and to the side. That's not going to affect the gas trucks, and it's not going to affect delivery trucks either. I wanted to make that clear.

Weber – Just for clarity for the applicant; presently, there's approximately 400 square feet of your existing space devoted to beer and wine sales. This new Special Land Use would continue to limit you, even in a larger footprint, that you would be limited to only 400 square feet.

Farah Orow – Yes, that is correct.

Weber – Those are the only comments I have, Larry.

Chairperson Haber – Thank you, George.

Farah Orow – Thank you.

Chairperson Haber – Brian Parel, you're on.

Vice Chairperson Parel – That was good timing because, I apologize, my internet service went out there for a second.

Chairperson Haber – Comcast?

Vice Chairperson Parel – Yes, sir, it was. I didn't hear the balance of the last minute or so. Apologies if I have any duplicate questions. Can you hear me okay?

Chairperson Haber – Yes, we can.

Vice Chairperson Parel – I don't know what the solution is here, but I'm hearing that the alcohol sales on these premises are currently 400 square feet in a 900 square foot building. We're being told that the building is going to be 3.5 times larger. I want to make sure, and I don't know how we validate this, but we need to make sure alcohol sales doesn't exceed the current 400.

I noticed on the plan itself, there's talk about using EIFS. I know it's limited on this in scope, but in the Township, we're trying to move away from that.

There is a request for outdoor storage/sales at this property. I do want to restrict that to an area and make sure it's screened well. There was a comment about monument signage. I think David made this call that the skirt around the monument signage, I do think that should be covered in brick and stone like the balance of the building.

I'm very happy to hear about the sidewalks, and the hedge to block the pumps. Other than the other Commissioner's comments, that's it for me.

Chairperson Haber – Thank you, sir. Very well stated. Chelsea, any comments?

Rebeck – I would love to see this location improved, but given the residents' comments surrounding the building, I have a lot of concerns. Despite the comment that the rental property is completely separate from this, since it's the same ownership, in my mind it's not. I think they need to take care of the issues with the rental property and address the other concerns before we move forward. Again, I would like to see this property improved in general.

Karim – I used this gas station 10 or 12 years ago. It was a dump and it still doesn't look that good, so I think any improvement to the look and the size of the building is an improvement. I do agree that we have to be very sure to limit the sales of alcohol to 400 square feet as it is right now. Other than that, I think it's an improvement to the area. The building looks nice.

Winkler – I agree with what Samir has said, as well as what Brian Parel has mentioned. I have nothing to add to what they mentioned.

Chairperson Haber – Okay, thank you. Most of my questions have been answered, but I really want to reiterate my stance on the alcohol. Under no circumstances do I want to see alcohol (liquor) in this facility. We have talked about this many times. I was the guy that wanted to limit alcohol, not within two miles but a mile, and we decided not to do that. I want some reassurance that there won't be alcohol on this site. Can anybody give me that?

Dave Campbell – Mr. Haber, keep in mind that there's currently beer and wine sales in the existing store based on the SDM license that they have. They've estimated that to be 400 square feet of their existing 900 square feet, and they're committing to not expand beyond that 400 square feet. If this new store were to be approved, it would have 400 square feet of beer and wine sales.

Chairperson Haber – I understand that, I said alcohol.

Dave Campbell – Okay, thank you.

Chairperson Haber – I understand the beer and wine, and I'm not happy about that either. I think we sell too much in the community in too many different locations, and I think alcohol is even worse, it's a bigger deal.

Dave Campbell – So by alcohol, you mean packaged spirits; you are well within your rights to condition Special Land Use approval, and it's included in the recommended motion language in the Planning Department's report, but you can include as a condition of Special Land Use approval, *No packaged spirits sales*.

Chairperson Haber – Okay. Dave, you and I talked earlier about this. If they should attempt to put packaged liquor in there, what's the downside?

Dave Campbell – They would risk losing their Special Land Use approval, and the Township would be within our rights to close the store. That would be a worst-case scenario.

Chairperson Haber – We were talking about the sign in the front. You requested that they put stone on that too so it would look more like the rest of the store.

Dave Campbell – Yes, the existing sign is kind of on a pole. It's almost like a flagpole look. The pole is on the south end of the sign. The thought would be to wrap a skirt around the base of that with a stone veneer that would match the stone they're proposing for the building to give it the look of a traditional monument sign.

Chairperson Haber – Mike Powell, you've been very quiet through this whole thing. Any comments you want to make? I've never seen you this quiet.

Mike Powell – That's what happens when you get older, Larry. Thank you, Planning Commission, and I think the questions are extremely well thought out. I just had a couple questions. I'm going to yield to Jason and Jay James. In working with us on the cladding on the base of the sign, identification or the gas sign, we want to make sure that the base, although it can be cladded, we don't want it to be so large that it impacts the visual sight distance down Commerce Road. It's out there where you've got the vision triangle that you have to be careful of. We'll work very carefully with the engineer and Jay on the cladding.

I want to just mention something that Chelsea had said. We want to be really careful in this time not to think that somebody is guilty by accusation. I think that Jay James is very qualified to go out and make sure that the accusations that have been made are proper, and he can then develop a list for the owners to follow. We want to be really careful not to necessarily take up offense for a neighbor that might not be an expert in that situation.

I've been using this station and lived in this area since 1958, and quite frankly, I don't think it has changed since then. I'm representing this because personally, I think it'd be an incredible addition to the entire area, and an upgrade. I welcome the Planning Commission's tying it down, however they need to, in order to allow this addition to be completed. Thank you.

Chairperson Haber – I'm about to make a comment, and I'm not sure where I'm going to go with it. Give me a second to get my thoughts in order here.

Weber – Larry, while you're getting your thoughts, Mike, is there any thought on an ability to increase the parking spaces within the property?

Mike Powell – Yes, and I've done that a great deal. Obviously the previous proposal was to push that building back and it pushed it against the residential. That gave us a lot of parking in front of the building. By not pushing that building back, we're really bound to not have any parking in front of the building.

I do want to state that, what isn't taken into account in the ordinance is the stacking room behind the parking areas, in front of the gas pumps themselves. It only takes into account the people using the pumps. I want to point out the difference; this is not a party store. People go to a party store to go in and pick up things. In this particular case, they're typically going into pump, and they go in to pay, and while they're in there, they get something else. That's why the ordinance allows the parking in front of the pumps to be accommodated in the use of the building itself.

There is an additional spot where we could show another one for the owner, and that's in front of the proposed new dumpster. That whole dumpster area is going to be rebuilt and made beautiful like the building itself, as much as you can make a dumpster beautiful, but the owner can park in front of the dumpster. That adds another space for the owner's use. I typically don't do that, but if the owner parks there, then it's her problem if the trash needs to be picked up and she has to move and re-park.

So there is another space there, but otherwise we are really bound by the geometrics of the property.

Dave Campbell – I remember talking with Mr. Powell and with his clients about an early iteration of this proposal that showed the new building being pushed further south so that there could be additional parking spaces along the front. We all agreed that the idea of pushing the building further south and into the wooded area, between the site and the Mt. Royal neighborhood to the south, would come with its own challenges and objections from the neighborhood.

The intent was to keep the building footprint, while bigger, in the same area that it currently exists and not push it back toward the neighborhood in an effort to get additional parking spaces.

Mike Powell – Right.

Chairperson Haber – I like the addition. I like the way it looks. We certainly need to spruce that place up.

With the past experiences that we've had with the petitioner, and with the trouble with the house behind, I am almost tempted here to suggest that we table this. That would give Jay time to go out there. Mike, are you listening?

Mike Powell – I'm right here.

Chairperson Haber – We don't have much that we can do with that house. Like you said earlier, it's not part of this thing, but I think we owe it to the neighborhood and to the community to look into this matter.

Mike Powell – I totally understand what you're thinking, but there is an entirely different building code and dangerous building ordinance that is taken into account in Commerce Township. I work carefully with the Building Department. I'm the Dangerous Building Hearing Officer in Commerce Township, and the Building Department brings me in if a building is so bad that it needs to be looked at for demolition. The Building Department would react based upon their building code and the dangerous building hearing ordinance, and not as part of a site plan approval. At least I'm recommending... maybe Jay could comment.

Jay James – Mike is correct, there's a separate ordinance as far as demolition of buildings that are structurally unsound. It's my understanding that this house and that parcel on which it sits is not part of this site plan. So, I don't know if you can hold one to the other. I can tell you that I will be out there tomorrow and if there are any ordinance violations, they will be brought to the owner's attention. They will be given the time frame to correct them. If they're not corrected, we'll go through the court system like we would any other residential house in the Township.

I do think it's important that everybody understand, however, that there is a major difference between a house that is just sitting there vacant and a house that is structurally unsound. A house can be structurally sound, and if windows are broken out and doors are open, they can be required to board it up, but that doesn't mean that it's a house that's fit for demolition. It just means that it's boarded up and it's vacant. If it does come to the fact that it's boarded up, that doesn't mean that it's going to come down.

Chairperson Haber – I got it.

Dave Campbell – I'd be concerned, Mr. Haber, that we're potentially conflating two separate issues.

Chairperson Haber – I understand.

Dave Campbell – We've got a site plan and Special Land Use on one property, and we've got a house that is owned by the same property owner on a separate piece of property. I think to try to tie those two together is maybe not a direction we should go.

Chairperson Haber – I agree, so I'm going to drop that issue. Okay, if somebody would like to make a motion on this, we can talk about it a little bit more or we can vote on it.

Dave Campbell – Comparable to Comcast, keep in mind, we've got two potential motions. There's consideration of Special Land Use and there's consideration of the site plan. I will remind you that Comcast is waiting patiently on their site plan.

Chairperson Haber – They're next.

**MOTION** by Weber, supported by Parel, **to approve, with conditions**, Item PSU20-05, Marathon Gas Station Addition, Special Land Use, the request by K & S Fuel Ventures of Commerce MI for approval of a Special Land Use for the Marathon Gas Station located at 519 W. Commerce Road to expand their existing retail building in a B-3 General Business Zoning District. Sidwell No.: 17-10-404-002

Move to approve PSU #20-05, a special land use for the Marathon gas station, to allow the expansion of an automobile fueling station within the B-3 – General Business zoning district located at 519 W. Commerce Road.

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. 26.302.

**Special Land Use approval is based on the following conditions:**

1. Approval of a corresponding site plan by the Planning Commission;
2. No packaged spirits sales;
3. Packaged beer & wine sales to be limited to the existing 400 square feet as verified by the Township;
4. No outdoor sales to be permitted beyond the propane exchange cage on the west side of the building;
5. An additional employee parking space will be dedicated in front of the dumpster.

**ROLL CALL VOTE**

**AYES:** Weber, Parel, Rebeck, Karim, Winkler, Haber

**NAYS:** None

**ABSENT:** McKeever

**MOTION CARRIED UNANIMOUSLY**

**I. NEW BUSINESS**

**ITEM 11: PSP20-07 – COMCAST ADDITION**

Comcast Corp. of Philadelphia PA is requesting site plan approval to construct an addition onto their existing utility facility located at 1100 N. Commerce Road.  
Sidwell No.: 17-10-201-016

Dave Campbell – You've already approved the Special Land Use to expand the Comcast facility. Now we're back to the looking at their site plan. My memory is, the concern was the design of the building, including the roofline and roof design, the building materials, the cladding materials, the color of the brick, and what will be required with respect to a sidewalk.

**Commission Comments:**

Chairperson Haber – Do we have any other questions about this?

Weber – Are you looking for somebody to make a motion?

Chairperson Haber – Not yet. I wanted to know if there's any discussion on anything further that you want to ask about this particular site; the color, landscaping, et cetera.

Weber – I don't have anything additional to add that wasn't already discussed.

Winkler – Same here.

Vice Chairperson Parel – I don't have anything further.

Rebeck – I don't have anything.

Karim – Nothing to add.

Chairperson Haber – Okay, let's get a motion on this. Then we can look at the motion and we can add or subtract as we need there. Anybody fit to make a motion today?

Winkler – I would like to propose that the petitioner come back and try to address some of the concerns that the Planning Commission has had about the appearance of the building, taking into account what their technical requirements of the building are, along with what the Planning Commission had brought up about the industrial look of the building, the scale of the building and the lack of a roofline, unless anybody has any objections to that, including the petitioner.

Chairperson Haber – You can propose to table this if you think that's what you want to do. Are you proposing to table this until they come back with some more definite plans?

Dave Campbell – If it's worthwhile for the Planning Commission to hear, I expect us to have a busy agenda in December as well. If there's an inclination to move this one off center rather than table it next month, it might help with the duration of the meeting that we'll be having in December.

Chairperson Haber – Well, if people feel that they're not happy with the way things are going, Dave, then we have to put it aside.

Vice Chairperson Parel – I'm not certain we can resolve this today. As a Commission, we've brought up a lot of issues. I don't think we have many solutions to these issues.

Chairperson Haber – Are you making a motion to table it? That's what I need to know.

**MOTION** by Parel, supported by Winkler, **to table Item PSP20-07**, Comcast Addition, the request by Comcast Corp. of Philadelphia PA for site plan approval to construct an addition onto their existing utility facility located at 1100 N. Commerce Road.

Sidwell No.: 17-10-201-016

**ROLL CALL VOTE**

**AYES:** Parel, Winkler, Karim, Weber, Rebeck, Haber

**NAYS:** None

**ABSENT:** McKeever

**MOTION CARRIED UNANIMOUSLY**

Chairperson Haber – Thank you. You guys can work with Dave and work something out for when you're going to bring this back.

Dave Campbell – Can you remind me what we're going to work out so that when we come back to you in December, we know exactly what it is the Planning Commission is looking for?

Chairperson Haber – We're looking for the color, the roofline, more landscaping. That's what we're looking for.

Weber – Something that's going to fit more in a residential zone.

**ITEM 12: PSP20-08 – MARATHON GAS STATION ADDITION**

K & S Fuel Ventures of Commerce MI is requesting site plan approval to construct an addition onto their existing retail building located at 519 W. Commerce Road.  
Sidwell No.: 17-10-404-002

Chairperson Haber – Dave, anything else you want to add to this? We've kicked it around pretty good.

Dave Campbell – I would agree that we've discussed most of the site plan issues. I will remind you that there is some recommended motion language in the Planning Department's report. That includes conditions related to signage, wall signage, the existing ground sign, but the motion also recognizes that this is a nonconforming site and the spirit of the ordinance would be to bring the site into reasonable compliance with the current standards of the Zoning Ordinance, in proportion to the addition that they're proposing.

Chairperson Haber – Do you feel, Dave, that we are in that position now? That it's brought into a more reasonable condition?

Dave Campbell – It's my opinion that this is a considerable improvement to the site we currently have. While I can certainly recognize the concerns of the neighboring property owners, I think it would be difficult to look at this existing site and not recognize that it is need of some improvements. I see this as an opportunity to make those improvements.

**Commission Comments:**

Chairperson Haber – George, any comments?

Weber – No new comments.

Vice Chairperson Parel – Nothing new for me.

Rebeck – No, I don't have anything.

Karim – No comments.

Winkler – No additional comments.

**MOTION** by Weber, supported by Parel, **to approve, with conditions**, Item PSP20-08, Marathon Gas Station Addition, the request by K & S Fuel Ventures of Commerce MI is requesting site plan approval to construct an addition onto their existing retail building located at 519 W. Commerce Road. Sidwell No.: 17-10-404-002

Move to approve Site Plan #PSP20-08, an addition to the existing retail building for a total of 3,290 sq ft, along with renovations to the canopy of the existing Marathon gas station that is located at 519 W. Commerce Road.

Approval is based on a finding that the site plan proposes site improvements in reasonable proportion to the scale of the building addition, consistent with the goals of Sec. 39.05 of the Zoning Ordinance relative to nonconforming sites, so long as certain conditions of the Planning Commission noted below can be included in a revised plan. The Planning Commission further finds that the proposed building's architecture and

materials are consistent with the intent of Article 27 of the Zoning Ordinance and its requirements for quality materials in the B-3 zoning district.

**Site plan approval is based on the following findings by the Planning Commission:**

1. The allowance of 10x18 parking spaces with a 4" curb and in addition the use of bumper blocks to protect the existing retaining wall;
2. Only one wall sign is permitted for a single use tenant;

**Site plan approval is subject to the following conditions:**

1. Review and approval of engineered construction plans by the Township Engineer, Fire Marshal, and Building Department, to include a re-look at water runoff and its requirements;
2. Review and approval of any proposed work within the right-of-way on the existing driveways by the Road Commission for Oakland County (RCOC);
3. Any new signs, including the fuel canopy's skin, 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;
4. Existing freestanding sign to be skirted with a veneer to match the stone proposed for the expanded building. This requirement is to be administratively approved by the Planning Director.

**ROLL CALL VOTE**

**AYES: Weber, Parel, Winkler, Karim, Rebeck, Haber**

**NAYS: None**

**ABSENT: McKeever**

**MOTION CARRIED UNANIMOUSLY**

**ITEM I3: SALLY'S BARN 8245 WISE ROAD – CONCEPT REVIEW**

Spencer McInnis, property owner & Keith and Brandon Rogers operators are requesting a conceptual review of a renovation to the existing building for a proposed restaurant located at 8245 Wise Road. Sidwell No.: 17-01-451-003

Dave Campbell – I'll share my screen with an aerial view of Sally's Bar. Hopefully, our friends from the Sally's Bar proposal, including Spencer McGinnis, Owner, and their Architect, John Vitale, and the restaurant operator, Brandon Rogers, are able to jump back in on the meeting.

The property in question is the southwest corner of Wise and Union Lake roads. The existing building is very much a barn type construction. The intent of the property owner and their restaurant partners is to retain the existing barn structure, and also add an addition here at the southwest, along with a nice patio structure along the north and the east, and in so doing, renovate the existing barn and bring it into compliance with current building and fire codes, and also utilize the loft space above, the upper floor of the building, which is currently only accessible I think by a ladder. They want to be able to utilize that space, and to do so they're going to put in stairs and also an ADA compliant elevator.

Bear with me a moment while I pull up their conceptual site plan. This is the package of materials that they submitted that hopefully you all had included in your packet. As I mentioned, this front face is the face of the existing barn building, with the improvements and additions to it. As I mentioned, keeping the existing barn building, which is this portion of the structure here, the addition here with the patio to the east. They would retain much of the existing site's layout, particularly how the parking is laid out as it wraps around the corner of Union Lake and Wise Roads. They would keep the

existing driveway on the south side of Wise Road. They would add a new driveway on the west side of Union Lake Road.

Key to this whole site is the fact that this is Union Lake, on the east side of Union Lake Road, and there's a water level control measure and culvert that goes under Union Lake Road and goes in a diagonal across their parking lot and into the Hayes Creek, which is in the Union Lake Golf Course next door. The culvert is going to get replaced by the RCOC next year, so everybody needs to be prepared for that. Union Lake Road is going to be closed for a couple months, probably next summer. As part of that, the reconstruction of this parking lot would probably be some sort of a collaboration with the RCOC, in terms of the culvert that they're putting under Union Lake Road, and then how that culvert extends across private property underneath this parking lot, and eventually spills out into Hayes Creek.

The property owner is the McGinnis Family, represented by Spencer McGinnis this evening. They're partnering with Keith and Brandon Rogers, father and son, who currently own and operate Kickstand Brewery. Our understanding is this would be a new restaurant, in addition to Kickstand. As far as we know, the intent here is not to relocate Kickstand. This would be a full service bar and restaurant with a Class C liquor license.

This corner has been feral for a long time, and now this is an opportunity to revitalize this corner, not just the existing building and site, but really bring this corner back to life with new landscaping and new sidewalks along Union Lake and Wise roads, and significant improvements to the building itself. The development team and I thought it would be a good idea to bring it to the Planning Commission for a conceptual review this evening and just get some early comments so that they know whether or not they are on the right track. Hopefully, in the near future, they will be back in front of you with a site plan that is consistent with this concept plan.

Chairperson Haber – Okay, thank you. Who is going to speak for the project?

John Vitale – Good evening. I'm with Stucky-Vitale Architects. I thank you for taking the time to give us an early preview of the project that we're proposing.

Dave, thank you. You did a great job introducing the project. I think you touched on many of the points that I was going to talk about. I think that we're doing quite an extensive renovation to that building. We're still keeping the barn shape, respecting historic value of this barn that has been a landmark in this location for quite a long time. I think conceptually, our clients are some very successful restaurateurs. I think they really have an exciting concept that they're proposing for this site, taking advantage of the views of Union Lake, and promoting a lot of outdoor seating which is a trend in the restaurant industry today. I think it will be an exciting and fun place, and we're all interested to hear your comments. Hopefully this concept will be a great addition to the community.

Chairperson Haber – Spencer, anything you want to say?

Spencer McGinnis – No sir, John touched on it all.

**Commission Comments:**

Chairperson Haber – George, how do you feel about this?

Weber – I love it, and I was a long time ago patron of Sally's, despite the fact that most of the patrons didn't want me in there. I would very much look forward to this. I think the design and the concept is outstanding.

Chairperson Haber – Brian Parel?

Vice Chairperson Parel – I love the concept. I think the architecture is unique. I think it's something really cool for our community. I mean at the preliminary stages, the architectural plan and renderings you have here are beautiful. I'm in full support and I'm really excited. To me, this is one of the most exciting projects we've got going on. This would be really cool if we could see it through fruition.

Rebeck – I love it. I'm very excited to see how it all pans out.

Karim – I love the plan. I love the design. I wish the parking would be closer to the building, but it is what it is. I love it. I think it's great!

Winkler – I have one comment and that is tying into the parking that may be required for the outdoor seating area. That's something I'm sure that David will follow-up with the petitioner on. Otherwise the concept is quite a re-use, a very impressive re-use of the building. I commend the architect and the petitioner for proposing it.

Chairperson Haber – I feel much the same way. I'm a Kickstand fan and I love their food. I hope that we enjoy many sobering hours at this new facility. I think it's really good. I like the design. I can't think of anything that I could add to this that would make it any better. Bring it back to us and let's take a look at the site plan and see how it goes.

Dave Campbell – I'll mention two things. One is a question to Mr. Rogers, because the concern that I've heard a few times is, *This doesn't mean that they're closing Kickstand, does it?*

Brandon Rogers – It does not. We will be keeping Kickstand open. We actually just renewed our lease with Jonna for another 5 years.

Dave Campbell – And since parking has come up a couple times, it's interesting that next door is the Union Lake Golf Course, which is probably going to be redeveloped some time in the near future. There seemingly is an opportunity here for the Sally's Bar proposal and the owners of the golf course next door to work together toward the future plans for the golf course, including cross access and/or shared parking. So that whatever develops on the property next door, they could be partners with this owner operator and potentially share their driveway and parking, things like that.

Chairperson Haber – I too would encourage that. The developers that are looking at that are really good people. They know their business really well. I would reach out to them and see what they have to say.

That's what we have to say, sir. We're all set. Thank you for bearing with us on such a long evening.

John Vitale – Thank you. You guys have worked hard tonight. We appreciate all your comments. We look forward to working with you.

**ITEM I4: Planning Commission Bylaws**

**MOTION** by Parel, seconded by Karim, to approve the Charter Township of Commerce Planning Commission Bylaws as written.

**ROLL CALL VOTE**

**AYES:** Parel, Karim, Rebeck, Winkler, Weber, Haber

**NAYS:** None

**ABSENT:** McKeever

**MOTION CARRIED UNANIMOUSLY**

**ITEM I5: 2021 Planning Commission Meeting Schedule**

**MOTION** by Weber, seconded by Parel, to accept the 2021 Planning Commission Regular Meeting Schedule.

**ROLL CALL VOTE**

**AYES:** Weber, Parel, Winkler, Rebeck, Karim, Haber

**NAYS:** None

**ABSENT:** McKeever

**MOTION CARRIED UNANIMOUSLY**

**ITEM I6: Election of Officers**

**MOTION** by Weber, supported by Parel, to retain the officers as previously elected; with Larry Haber as Chairperson of the Planning Commission, Brian Parel as Vice Chairperson of the Planning Commission, and Brian Winkler as Secretary of the Planning Commission.

**ROLL CALL VOTE**

**AYES:** Weber, Parel, Rebeck, Winkler, Karim, Haber

**NAYS:** None

**ABSENT:** McKeever

**MOTION CARRIED UNANIMOUSLY**

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

None.

**K: PLANNING DIRECTOR'S REPORT**

- **NEXT REGULAR MEETING DATE: MONDAY, DECEMBER 7, 2020 @ 7PM - potentially electronic-only**
- You're going to see Joe Skore and Pulte again. They're looking at the southeast corner of Wixom and Glengary Roads, next door to The Hills of Loon Lake. They've looked at this property before. They wanted to do 90-something houses on it. The Planning Commission wasn't too excited about that, so they're coming back and proposing it at 78 units, which is what it's zoned for. They are proposing to do it as a cluster development, which means they would keep the density they're allowed, but they would cluster the units together in an effort to preserve open space. They will potentially be in front of you at the December meeting.
- Also potentially at that meeting is the Reserve at Crystal Lake, which will be a PUD. They would be looking for approval of that concurrent with the other track they're on, which is getting Brownfield approval from the Township, the County and the State.
- The Barrington site, as Mr. Winkler mentioned, the Township did approve a monument sign at the northwest corner of the big roundabout at M-5 and Pontiac Trail. I think it's going to be a great addition. It's going to have the Township logo on it. It's going to be backlit. It's going to be really classy and a really good looking improvement to that intersection. If you haven't had a chance to go down

there in general to see all the landscaping they've done just within the last week or two, it's really starting to come together. It's turning into a fantastic looking site in my opinion.

- We may have a concept plan for the southeast corner of the big roundabout, M-5 and Pontiac Trail. Mr. Stacey alluded to this at the beginning of the meeting. It would be for a self-storage facility, which on one hand might not be the most exciting land use leading into our downtown Five & Main development, but at the same time, it's a tough site in terms of access. To add a low-traffic generator at that corner might be something that we would want to consider as opposed to a use that might be more exciting, but might also generate a lot more traffic on a corner that is not ideal in terms of traffic accidents.
- You may have noticed on M-5 that they're starting to close down lanes. That's because they're taking down the blue wave panels on our non-motorized bridge over M-5. Those wave panels have been rusting away. The contractor messed up and did not galvanize the wave panels like they were supposed to. They've admitted that it's their problem to fix and so they're out there fixing it. They're taking down the panels, cleaning them up, galvanizing them, repainting them, and then they're going to reinstall them in the spring.
- In the meantime, they're stealing lights from our bridge. We've got to figure out, A) how to replace those lights, and B) how to keep them from stealing them anymore.
- A couple proposals that you're potentially going to see in the near future. One is for the Fedder property, on the west side of Haggerty, north of 14 Mile. They want to come to you with a PUD to have retail along Haggerty, with residential on the bulk of the property to the west of that retail.

Weber – Where was that?

Dave Campbell – North of the shopping center at 14 Mile and Haggerty.

Weber – Is that not the same site that we reviewed last? Is this that same developer?

Dave Campbell – This is that same developer. They brought a concept to you and now they're telling me that they want to move in a more formal procedure toward a PUD. You may see that as a formal kickoff meeting as soon as December.

- The last one to be on your radar is another one that you've seen before. There's a couple properties near the corner of Benstein and Glengary, where a concept came before the Planning Commission a couple years ago to do some apartments there. There is now a different group, including Mark Z, who wants to do his own apartments on those properties. They may want to get a concept plan in front of the Planning Commission in December.

Weber – I'll just jump in as we're talking about apartments. Just so the rest of the Planning Commission knows, there's been several discussions in the last several Board meetings on density, and the concerns over density in the area. Whether it's apartments or high-rise condominiums, it's an ongoing concern and something that we as the first line of defense just need to be aware of.

Dave Campbell – Every conversation I have with folks who want to discuss more residential, and particularly more attached residential in Commerce Township, we make it really clear to them early and often that this is not going to be a slam dunk.

Chairperson Haber – I totally agree with that. Let's look into it and act on that. We need to do it quickly.

Vice Chairperson Parel – Dave, with regard to the pedestrian bridge. Is this contractor going to be responsible, after the repairs are done, for painting the white surface?

Dave Campbell – Yes. In fact, we were hoping that part could still happen this fall, but we may have missed our window to do that. They are going to clean and re-seal that white fascia that has all that streaking and staining on it, but that's probably not going to happen until spring.

Chairperson Haber – Who is going to repair the lights?

Dave Campbell – The lights belong to the Township. We have to pay to put them back in.

Winkler – David, I have a question for you and Jay. I noticed some construction activity that started up on the northeast corner of Oakley Park and Newton. It was a lot that had been cleared and there was some construction activity taking place.

Jay James – That's actually the contractor for the Newton Road force main project that Jason referred to earlier. They're using that parcel as a staging site. When they're done, they'll grade it back out, and topsoil, seed and mulch. Correct, Jason?

Jason Mayer – Yes, that's correct.

Winkler – Thank you.

**L: ADJOURNMENT**

**MOTION** by Weber, supported by Parel, to adjourn the meeting at 10:26pm.

**ROLL CALL VOTE**

**AYES:** Weber, Parel, Karim, Rebeck, Winkler, Haber

**NAYS:** None

**ABSENT:** McKeever

**MOTION CARRIED UNANIMOUSLY**

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Brian Winkler, Secretary