

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

Monday, May 3, 2021
2009 Township Drive
Commerce Township, Michigan 48390

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
Bill McKeever
George Weber
Chelsea Rebeck
Sam Karim

Also Present:

Dave Campbell, Township Planning Director
Jay James, Engineer/Building Official
Larry Gray, Township Supervisor

B. APPROVAL OF AGENDA

MOTION by Parel, supported by Karim, to approve the Planning Commission Regular Meeting Agenda of May 3, 2021, as presented.

MOTION CARRIED UNANIMOUSLY

C. APPROVAL OF MINUTES

MOTION by Winkler, supported by Parel, to approve the Planning Commission Regular Meeting Minutes of April 12, 2021, as presented.

MOTION CARRIED UNANIMOUSLY

D. UPDATE OF ACTIVITIES

Bill McKeever – Zoning Board of Appeals

- We have not had an agenda since our last meeting.

George Weber – Township Board of Trustees

- We had a meeting on April 13th.
- Of note for this Commission, we had four board appointments. Barb Garbutt was reappointed to the Parks & Recreation Committee for four years. Jim Gotts was reappointed to the Downtown Development Authority for a four-year term. Jason Pernick and Betsy Lafonde were reappointed to the Library Board for three years.
- Regarding contracts and awards, we did award the Oakland County Police & Fire dispatch agreement for 2021-2024.
- We also entered into a water service agreement with the City of Novi for property near 13 and 14 Mile Roads.
- We are still working through the logistics and potential funding for a Lystek system, which would be a way to move the sanitary waste from being something that has to be trucked to the landfills, actually turning it into a Class B fertilizer for the local farms for cash crops.

Brian Winkler – Downtown Development Authority

- At the April 20th meeting, most DDA members attended in person.

- This was a DDA informational meeting, which two of those meetings are required to be held every year.
- Insite Commercial, in their report on the DDA properties, stated that Barrington will be built out by the end of the year. They are renting those units for \$3000 a month, which is much higher than when we saw the site plan.
- On the Five & Main project, Aikens is requesting extensions to the options for both the Library parcel, which expires in July, and the Phase II option which expires in October. Aikens will be discussing these extensions at the Township Board on May 11th, and with the DDA Board at their meeting on May 18th.
- Insite has seen an increase in call volume on remaining DDA parcels.
- Susan Spelker reviewed an Asset & Liability report, as the Finance Chair for the DDA. She reviewed that report as it is required by law at a DDA informational meeting.
- Dave Campbell was to follow-up with Public Storage regarding their unapproved repainting of the storage facility at Haggerty and Oakley Park.

Jay James – Building Department

- As usual this time of year, the Building Department has seen an increase in plans coming in. This year significantly, we're seeing a lot of home improvements.
- As far as developments, as Brian mentioned, Barrington is going full bore. We are out there every day inspecting some of their buildings.
- Rolling Hills is getting much closer to completion, the senior facility on Crumb and Haggerty.
- The Oak Hill development at Wixom and Glengary was approved a couple months ago. They were out today putting up their silt fence. They want to start clearing the property. They're hoping to get me and Dave out there on Thursday to do a walk-through to ensure all trees that are supposed to be saved are saved, before they let loose with their chain saws.

Chairperson Haber – Supervisor Gray, I see that you're here. Do you have any comments?

Supervisor Gray – I'm just here to observe.

Chairperson Haber – Okay, we're glad to have you here. Thank you for coming.

E. PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

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

Dave Campbell – There are two public hearings scheduled tonight; one is for the Serenity of Commerce project, and the other for the Midtown on Haggerty project. There will be a dedicated public hearing for each of those projects, and public comments would be better served during those actual public hearings. This would be an opportunity to speak to the Planning Commission on any other topics that you feel they need to be aware of.

No comments.

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

F. TABLED ITEMS

None.

G. OLD BUSINESS

None.

H. SCHEDULED PUBLIC HEARINGS:

ITEM H1. PSU21-03 – SERENITY OF COMMERCE – SPECIAL LAND USE

Shannon McDougal, representing Serenity of Commerce, is requesting approval for an expansion of a Special Land Use for an addition to an existing licensed adult foster care facility to increase the maximum number of residents from 10 to 18, located at 2511 Wixom Road. Sidwell No.: 17-19-300-051

Dave Campbell, Planning Director, brought up the aerial view on the overhead and gave a review.

Dave Campbell – This is the existing adult foster care small group home located at 2511 Wixom Road. Currently it has a capacity of 10 residents. This is the east to west portion of Wixom Road out front, and this is the existing home. Their driveway and parking area are along the east side of Marion Acres Street, which we will talk about in some detail.

The existing facility was most recently granted Special Land Use approval by the Planning Commission in 2016 as an adult foster care small group home, with between 7-12 residents. Those tiers of the number of residents allowed are defined by Michigan State law, and also by the Commerce Township Zoning Ordinance.

The next tier is the large group home of 13-20 residents, which is what the owners and petitioner would like to apply for Special Land Use approval of from the Planning Commission this evening. It would be an expansion of an existing Special Land Use. This requires a public hearing with the Planning Commission, so all of the property owners within 300' receive a letter in the mail notifying them of the proposed expansion. The Township posted the notice in the Oakland Press, and a sign was installed out in front of the property.

The increase is not just in capacity, but the petitioners would also like to put an addition on the north side of the existing building. The floor plan shows eight new single occupancy bedrooms, each with their own ADA-compliant bathroom. The current capacity is 10, and the increase would be to 18 residents, which puts them in the tier of an adult foster care large group home, which by State law is 13-20 residents.

In addition to the actual building addition, what's being proposed includes a new half circle driveway along the south side of Wixom Road. This is relevant because currently, the existing facility only has access to Marion Acres Street. The facility has a Wixom Road address, but it does not have any direct access onto Wixom Road. One of the discussion points would be whether the half circle driveway is an opportunity to alleviate some of the concerns of the neighboring property owners of the impacts that the existing facility has on Marion Acres Street, which is notably a private road, so the homeowners are responsible for maintaining the condition of that road.

The addition is expected to be consistent with the current exterior building materials. It is notable and the neighboring residents should be aware that these types of facilities, adult foster care group homes, by State law, are required to be allowed by local municipalities within single-family zoning districts. The Township has to provide reasonable accommodations for these types of facilities. When they get into these tiers

of small and large group homes, the State law allows the municipality to treat them as Special Land Uses.

The current owner-operators of the facility are here this evening. Shannon McDougal is the Administrator on behalf of N&S Holdings Inc. They purchased the property in 2019 from the prior owner, who was the owner that came before the Planning Commission in 2016. I'm guessing that we're going to hear some concerns from the residents during public comments. Just understand that the current owners can only be held responsible for any concerns that have arisen since the middle of 2019.

Part of the obligation of the Planning Commission is to open the public hearing and give the residents an opportunity to be heard. I know Mr. Haber is likely to go through the ground rules of a public hearing, which includes that we ask residents to try to keep their comments to two minutes or less, and that once a certain point has been made, it's not necessary to repeat those comments. We also ask that it not be treated as a pep rally, as applause and boos aren't productive so please refrain from that and be respectful of what everyone has to say.

We received a lot of written correspondence from the neighboring property owners, some of who I believe are here this evening. The written correspondence is included in the agenda packets. If they were not able to be with us tonight, we will summarize their comments in the meeting minutes with our Recording Secretary, Ms. Watson.

The petitioner, both the owner and administrator, are here to speak on their own behalf. As noted in my review letter, dated April 29th, the Planning Department did our best to address a lot of the concerns that we're hearing from the neighboring property owners. Those concerns are primarily with the amount of traffic along Marion Acres Street, with the parking along the street, and that folks who are visiting the facility are using other residential driveways as a means to turn around to get back out to Wixom Road, concerns about the emergency response to this facility, and the noise and lights that are generated during an emergency. There have also been concerns historically about the residents of the facility, who are exclusively female residents suffering from Alzheimer's or dementia, that they were allowed to wander the property or outside of the property, which is of course a danger to them and a concern to neighboring residents.

Mr. McDougal – I am the Administrator at Serenity of Commerce, at 2511 Wixom Road, Commerce Township, MI 48382. We're currently an assisted living home. We service up to ten ladies in a female-only home. We've seen an increased need for our home. We've had to turn down residents to come to our facility, so we started to look at the expansion.

When we took a look at the prior approved expansion, we didn't necessarily think that it looked well aesthetically, and we thought we could improve upon it, which we started out to do. When we went through the file in the Planning Department, we got a hold of the minutes from the 2016 meeting. We read through and saw some of the neighbors' objections, which we weren't aware of at the time. We started to re-look at the project to try to address the concerns and how we could come to some common ground.

We currently access our driveway off of Marion Acres, so all deliveries and anybody that visits, if EMS shows up, they come in off Marion Acres. In the prior meeting, I think that was a dominant feature. So, we took a look at the proposal and wanted to see if we could come off Wixom Road, which is what our address is, and if we could make improvements to it to alleviate that traffic. In doing so, we looked at what that cost would be, and tried to strike a balance.

We looked at it from a business model standpoint, and even though we could go up to 20 or 21, we really don't have any interest in going that high, seeing that our need is

between 15-18. We think from a control standpoint, 18 would be the maximum that we want to operate with. We feel that it's manageable and still maintains the home feel of it. Our main goal that we provide is memory care for assisted living, and what we try to do is present a home feel. We have an activities director at our home now who has been with us for about 5 months. We try to maintain a home feel versus an institution. I think the common thing with most of our residents and their families is that you're moving mom from one home to another home.

We think this project is a nice alternative from a cost perspective to some of the larger facilities. We think our pricing is significantly lower from the research we've done, and we think it's much more personable. I think the quality of care is top notch with our current staff. We'd like to move forward with the project, and certainly open it up to any questions that you may have of me.

Chairperson Haber clarified the public hearing process. He asked that speakers not repeat the comments of another. He asked that they be brief and noted that they would be timed for two minutes. He added that comments and questions will be heard, although they might not be answered right away.

Chairperson Haber opened the public hearing.

Tom Ryan, Attorney, 2055 Orchard Lake Road, Sylvan Lake, MI 48020 – I've been retained by the residents. Marion Acres is a street with approximately 14 single-family residential homes, including the subject property. Marion Acres is a private dead end road. I state this because the particular facts of a neighborhood are important, and expanding this use to a large group home will violate the Township Zoning Ordinance and violate my clients' property rights under the R-1A zoning.

For information, the R-1A zone is to retain a rural like feature of the Township. It prohibits multi-family, office, business, commercial, industrial use of land, and prohibits any kind of use which will substantially interfere with single-family development, and alter the quality of life in the district, which is to keep the neighborhood relatively quiet and free from unregulated traffic.

The history; now when you dealt with this property in June 2016, there was an existing adult foster care home with 6 people or less, which expanded to 10 people, which you folks didn't know about, and you had to play catch up after that. Fortunately, the prior owner came in and made it right. The 10 was allowed for the small group home, and was the maximum.

Now, this existing 10-person home, which is on the higher side of the small group home area, has been a part of the neighborhood. We have no issue with the residents and this is not about the residents. There is a track record though with this use. Now relative to what Mr. Campbell said, Michigan law and Township Ordinance slice and dice these adult foster care uses into three categories; with 6 residents or less, the Township or any community has nothing to say about it. It can be in any single-family residential area and that's to allow people a residential feel. The second group home area is small group, which is 7-12. Now, what Mr. Campbell said is true, except that you can regulate or deny them with Special Land Use approval, which is why you're here today. That is, the use must meet all the categories you deem applicable in your Special Land Use ordinance. The last is the large group home of 13-20. You again have the same issue to regulate or deny, based upon the regulations you have in your ordinance.

The current 10-person use has brought changes to the neighborhood that have been accepted by the residents. Every neighbor is different; they have a barking dog or

whatnot, so you're part of a neighborhood and that's the way it works. There are always issues, but in my opinion, to allow this expansion to almost double the size of the residents from 10 to 18 gets further away from the group home of 6, or the small group home of up to 12. Now we get to a large group home which is further away from the single-family residential use concept as required by R-1A zoning, we're getting more to a institutional or business use, commercial use, and away from residential use. Adding to the small structure would be deleterious to the neighborhood, and this expansion in this small neighborhood ... And this is not a "not in my backyard issue", as we fully accept that 10 folks are there. But when you take a single street that has less than 15 homes on it, it's a dead end street, and you try to surcharge that street with almost double the residents in this type of a use, you're surcharging this area. It's not like it's a larger subdivision that has 100-200 homes and multiple streets. There's one street in and out of here, and everything that happens at that end ends up at the other end because the ambulances and fire trucks can't turn around. They've got to go up the street and back. That's the issue we have.

I also want to say, when you were here in June 2016, you were playing catch up as I said, I get that. But nobody really looked at the eight categories which is what you have to look for tonight. This applicant has to prove to you that each and every standard that you believe is appropriate has been met. So, if I can just briefly go through them, Mr. Chair.

1. *There has to be a documented, existing need for this use.* Well, this gentleman just said they've got more applicants. Okay, maybe they do, but this little neighborhood shouldn't bear the brunt of caring for this use for the Township.
2. *Is it compatible with adjacent uses?* Respectfully, if you increase it, it's not going to be compatible because it's going to have adverse effects, which the neighbors will tell you about, and which has been alluded to by Mr. Campbell.
3. *Is it compatible with the Master Plan?* Well, it's master planned R-1A, which again is a rural setting. So this new use, in my opinion, would not be compatible with the Master Plan.
4. *Is it in compliance with applicable regulations?* It may be compliant with State of Michigan regulations for this type of use, but respectfully, it's not. According to your Zoning Ordinance, it allows you the discretion if these points are met, and if the applicant meets them, and I submit they can't, that this use shouldn't be there.
5. *Impact on public services.* This is going to be a huge impact on public services. These are elderly folks who need more care, and we're all going to get there someday, I get it. But, when you almost double the size of that population, on this parcel, in this small little neighborhood, it's going to be a tremendous impact on public services relative to the neighborhood.
6. *Traffic impacts.* You've got an issue on Wixom Road already. I know the Township has the farm just on the other side of Wixom Road. At the very least, if you're even considering this approval, you need to get a traffic study because there are sight issues there. They're talking about putting in berms which will block people's ingress and egress from Marion Acres.
7. *Environmental and public health, safety and welfare impacts.* This will be deleterious to the neighborhood by increasing it to almost double the residents.
8. *Isolation of existing uses.* This is going to put a big non-residential use right in the front door of our little area of our homes, and it's right at the beginning of it.

Respectfully, because I do not believe it meets the criteria that are set out for Special Land Use approval, I urge you for those reasons. This is just an institutional,

commercial use. The gentleman talked about the business model and the cost. That's not residential. We don't talk about business models in residential. They have a perfectly fine facility now that nobody has a problem with and it has been accepted. We ask you not to surcharge our little area with this increased capacity. Thanks very much for your time.

Chairperson Haber – Thank you, Mr. Ryan. If anybody else would like to speak, I'm going to caution you. He has covered a lot of territory, so I'm asking you not to repeat anything he has already said.

David King, 2505 Marion Acres St. – My wife, Christi is here with me tonight. She and I moved to this neighborhood. We built our house and I was the general contractor. I'm the second house down. We built there in 1999. I'll point to my house on the overhead. You'll notice where my house is and where it lines up with this other house. When I built that house in 1999, the Planning Commission made me put my setback to that house to match what was in the neighborhood, because that was a vacant lot. I had to fulfill that vacant lot and fit into the neighborhood.

I'm going to point to the new plans of what they're doing. The existing home, Serenity, as Mr. Ryan said, that is part of our neighborhood. We've accepted them and we all play nice in the sandbox. The addition that they're asking to put on, I'm going to argue that it does not fit into our residential neighborhood and that it is going to exceed what would be considered residential neighborhood.

I'm also the Director and Maintenance guy who handles our little association for our road. We pay for this road, for sand and gravel, plowing, chloride and for snow removal. They've offered and proposed to you that they're going to put in a circle driveway to take that traffic off Wixom Road. Last year, we had to get a special assessment because we need new asphalt to bring in a new approach, off of Wixom Road onto Marion Acres. That asphalt has broken down and we have big potholes. Oakland County said it's not their responsibility. I talked to Planning and came here, and they said it wasn't your responsibility, that it was our responsibility. As homeowners, I went to R&R Construction Asphalt in Milford. I have a proposal for almost \$11,000 to have that new asphalt put in. That was a residential use asphalt, meaning that it was subgrade with 4" of asphalt to accommodate our residential use. With the elderly, we have ambulances and fire trucks, police vehicles on a weekly basis. We all know that the average weight of a fire truck is between 20-30 tons. We've had to do a timeout on our plans to do asphalt because if we spend \$11,000 for residential use for our homes and our cars, we realize this is going to break down over time because we can't handle the 20-ton fire trucks in and out every week.

You also know that they've proposed to put in an asphalt turnaround driveway. Common sense tells you that a 20-ton fire truck will not be able to come in off of Wixom Road, take a U-turn in the circle driveway. They're going to continue to use Marion Acres, which will affect our street, adding the burden of cost to our neighbors. Our dues have gone up because we have to fix more, maintain more road, put more gravel down and fix potholes because of what the fire trucks and ambulances have used.

I would ask that you look at these plans, and respect the fact that this is a rural neighborhood. That's why my wife and I built there and chose to raise our kids there. It is not for commercial use. And not only the wear and tear, but just the fact of the interruptions of the fire trucks and ambulances, the lights, all times of day and night, that affects this quiet little neighborhood.

Kevin Visger, 2518 Wixom Road – Dave, can you pull that picture down a little bit. I just want to point out a couple things. I live here, across the street. Wixom Road has a hill in it that crests right here. I call it a blind hill. There is a sign in my front yard that says “Hidden Driveway”, and that’s Chicory Lane. The speed limit on Wixom Road is 50mph. In the 25 years that I've lived there, we’ve had a lot more traffic. We refer to Wixom Road as the highway in my front yard.

People get up enough speed to come over that hill, and better than half of the people that crest that hill are speeding. They crest the hill, they pass people. At the corner of Marion Acres and Wixom Road, there is a bus stop for everybody on Marion Acres. They wait there for their kids, sometimes in a vehicle, sometimes not. We watch at least once a week as an impatient driver ignores the bus, with the lights flashing and the sign out, and passes them. It’s a very dangerous road. I've asked the local law enforcement to sit on Chicory Lane and just monitor the traffic speed. I've never seen them sit there. In 2017, we had four accidents within 100 yards of my driveway, one in my front yard. One at Commerce Meadows in which an elderly couple was killed by a driver who crested the hill and passed two cars and t-boned into them.

I think by adding another driveway, and as he’s got with the berms and shrubs that cover the entrance of the driveway, you’re creating another hazard, not only for the people leaving his facility, but the people who fly down Wixom Road and don't pay attention to what’s going on there. Almost every one of us can tell you, as we’re coming from the west to the east, we put our signal on halfway down the hill and pray that somebody doesn’t rear end us. There was a rear-ending of a vehicle turning into the Horse Farm a couple years ago.

And as we wait, those of us that turn left, we have cars just use the shoulder to go around us. They don't even want to slow down, and there’s no expanded lane for them to turn. As Mr. Ryan mentioned, the traffic study really should be done.

I was here five years ago, as with most of these people. We asked at that time, *What about expansion?* I would quote the minutes, where you yourself, Mr. Haber, said...

Weber – Mr. Visger, I want to hear what you say, but just know that everything that was in the letter you sent, with the meeting minutes, we’ve all gone through already.

Mr. Visger – Okay, this is it. You said, *I can almost promise you that it’s not going to happen. I don’t think there’s any intent on doing that. I don’t want to see it happen in this community. This is a residential community. I want to keep it that way.*

We hope you’re a man of your word. Thank you.

Rick O’Neill, 2551 Marion Acres – I’ve lived on Marion Acres for 34 years. I agree 100% with everything that everybody has said so far. I have a concern about the residents. You’re going to double the residents in this home. I'm concerned about them being able to manage the residents, and keep them from wandering, specifically on the busy road that we just talked about. We have seen and noticed people wandering outside of the facility. It’s a big concern because that is an expressway and it’s a very dangerous road.

Dave Campbell – Mr. Visger did provide a letter and a package of materials that we have included in your packet, and he obviously spoke on his own behalf this evening. There was a petition with signatures of residents, primarily along Marion Acres, but also along Wixom Road, expressing their concerns. I want that to be reflected in our public hearing meeting minutes. With that petition is a number of concerns, most of which are being covered this evening; concerns about traffic, parking and safety. We received a

letter from Mr. King and he has spoken this evening. Then we received a letter from Tim & Debby Ronayne. A lot of the same concerns we're hearing this evening, traffic and impacts to Marion Acres.

Christine Cohorst, 2495 Marion Acres – I'm the house directly behind them. I second everything everyone said. I have young children. There aren't many young children left on this street, but mine are at the bus stop, so it's very unnerving. My concern is with the waste. We've talked about the plans for what's happening in the front. I'm definitely concerned with what's going to happen in the back with double the waste and where that's going to go. I don't really want to see a dumpster because that's my backyard.

Tim Ronayne, 2506 Marion Acres – I agree with everything that's been said. Although me and my neighbors have gotten used to Serenity, and all of the increased activities and concerns it brings with it, from the original 6 ladies, to the current 10, to the thought of adding an additional 8 to make it 18, it changes the character and the appeal that brought all of us to live in Commerce Township. Serenity, for lack of a better term, it no longer fits. It becomes a commercial building in our neighborhood.

The parking situation is inadequate, and vehicles inevitably encroach on Marion Acres, since nobody in their right mind would want to park on Wixom Road. Our dead end dirt road becomes much busier. Our approach off Wixom Road gets beaten down quickly. The fire trucks have to go up the road and turn around in somebody's driveway. Wixom Road has become much busier and more dangerous in 29 years, and the potential for accidents, and the safety for me, my family, my neighbors, the various support people, employees of Serenity are at risk upon entering or leaving the street. The bottom line, what was once a home for three previous homeowners, before all of this started, is now potentially a sprawling commercial enterprise that will stick out like a sore thumb. Thank you.

Rick Eagle, 2517 Marion Acres St. – I did not object to the original home, and I lived there at the time. I think that place does fit in and it's fine. I think the requested expansion doesn't fit in. Thanks.

A 4-page petition was submitted, along with 3 pages of signatures from the local residents on Marion Acres Street and Wixom Road. The petition addressed issues with the visual appearance of the facility if it were expanded, as it would no longer fit with the residential community. Other concerns addressed were ambulatory traffic, garbage management, parking issues, high speed traffic on Wixom Road, safety concerns especially at the bus stop, and impacts to the unimproved private road. The history of the facility was reviewed and issues were noted regarding licensing and the review by the Planning Commission in 2016. The residents encouraged the owner to look for and acquire another similar type of home that would blend in as opposed to expanding the current facility. They felt that the owner's gain would be to the loss of the adjacent residents. The following residents signed the petition:

Patricia Antoun	2494 Wixom Rd
Ronald Campbell	2493 Wixom Rd
Kevin & Karen Visger	2518 Wixom Rd
Pat & Ron Schihl	2516 Wixom Rd
Tom Vrettas	2500 Wixom Rd
Sharon & Paul Dusney	2490 Wixom Rd
Mary & Brian Martin	2507 Wixom Rd

Randy & Christina Cohorst	2495 Marion Acres St
Mary Jo Sellon	2525 Wixom Rd
Nancy & Tom Hahn	2513 Marion Acres St
Richard & Shea Eagle	2517 Marion Acres St
Larry & Janie Wilson	2516 Marion Acres St
Joe Gayton	2555 Marion Acres St
David King	2505 Marion Acres St
Timothy & Debora Ronayne	2506 Marion Acres St
Joy Ceriotti	2519 Marion Acres St
Donald & Cheryl Berkey	2545 Marion Acres St
Douglas Cassidy & Linda Herald	2496 Marion Acres St
James & Donna Laskosky	2543 Marion Acres St
Perry McKinley	2521 Marion Acres St
Mary Grauer	2720 Chicory Lane
Lisa O'Neill	2551 Marion Acres St
David & Christi King	2505 Marion Acres St

In addition to the petition, letters of opposition were submitted by the following residents, all of whom were present at the meeting and stated comments for the record during the public hearing.

1. Kevin Visger, 2518 Wixom Road
2. David & Christi King, 2505 Marion Acres St
3. Tim & Debby Ronayne, 2506 Marion Acres St

Chairperson Haber closed the public hearing as there were no additional comments.

Commission Comments:

McKeever – I do not have any comments.

Parel –

- In my personal opinion, we've had a lot of good comments here. I think I have four big ones.
- The property has already been expanded once.
- I feel like the size of the facility doesn't fit with this neighborhood.
- I agree that this use will pose additional wear on the infrastructure.
- I can't see how it meets all of the standards for Special Land Use.

Rebeck –

- I'm just curious if Serenity has offered to contribute towards any of the maintenance expenses for the street.
- I agree with everything that Parel said.

Winkler –

- Two things come to mind. If you look at the size of the addition plus the size of the existing building, the building is no bigger than a large residence once it's built out.
- The only way I would approve anything like this would be that, because of the parking situation being a problem for nearby residents, that one of the stipulations be that there be no parking along Marion Acres, and no parking along Wixom Road.

Weber –

- On most of my comments, I agree with Mr. Parel.
- I don't support the expansion of this and I do not think it meets all eight of the Special Land Use criteria. As a matter of fact, I think it's probably a majority of them that it does not meet.
- Primarily speaking, it will change the residential aspect of the area, and it would be too close to a commercial operation.

Chairperson Haber – Mr. King, before I give my comments, was there something you wanted to say?

Mr. King – You asked about if they were involved in the maintenance of the road, and there was a question too. You said this is now a new owner. I do believe that the owner from 2016 is still involved in this and still owns that property. Am I correct?

Mr. McDougal – No.

Mr. King – My mistake. We've sent bills and in fact they just paid. They were two years late on the payment.

Rebeck – Thank you.

Karim – No comments.

Chairperson Haber – Kevin, I'm going to address this right to you because you spoke to me. When we first saw this, I felt this was the right thing to do, and we put some provisions on there that we tried to keep. I told you at the time that I didn't think I would want this expanded. I still feel that way today. If it's in my power, I will not allow this to go on. I don't think it's necessary. I don't think it's the right thing to do in this neighborhood, and I'm going to try to keep my word. That's the best I can tell you.

MOTION by Weber, supported by Karim, to deny Item PSU21-03, Serenity of Commerce, the request by Shannon McDougal, representing Serenity of Commerce, for approval for an expansion of a Special Land Use for an addition to an existing licensed adult foster care facility to increase the maximum number of residents from 10 to 18, located at 2511 Wixom Road. Sidwell No.: 17-19-300-051

Move to deny PSU#21-03, an expansion of a special land use for Serenity of Commerce at 2511 Wixom Road, based on a finding by the Planning Commission that the proposed expansion of the existing special land use does not satisfy the Standards for Special Land Use Approval contained within Section 34.08 of the Zoning Ordinance, particularly the Standards relative to Compatibility with Adjacent Uses (Sec. 34.08.2); Traffic Impacts (Sec. 34.08.6); and Public Health, Safety, and Welfare Impacts (Sec. 34.08.7). The Planning Commission finds that the existing facility's existing size and capacity is the maximum that can be reasonably accommodated on the subject property while complying with the Zoning Ordinance's Standards for Special Land Use Approval. The special land use approval for the existing facility granted by the Planning Commission in 2016 remains valid, including the conditions imposed on that approval.

MOTION CARRIED UNANIMOUSLY

Weber – Mr. Haber, could I make a comment? I appreciate the energy and the effort that all of you put forward in speaking your mind, but there were several comments that I want to speak to. First, there were several comments, going back to 2016 and even currently, regarding the belief that decisions are made in a back room, or prior to the public being able to speak. I want to clarify, that is not the case. No decision is made by the Planning Commission, nor the Board of Trustees, that does not take place in a public forum.

Secondly, there were comments that spoke to the Planning Commission being electorates who are putting the tax base in front of residents and in front of the community. I also want to say, that is not the case. First of all, the only elected official on the Planning Commission is me, and I'm one of the Trustees for Commerce, and a liaison to the Planning Commission. The rest of these fine gentlemen, and lady, volunteer for these positions. They're spending an exorbitant amount of their time for the sole purpose of making Commerce the best possible place it can be.

I just want you to know that. We take this seriously. We read hundreds of pages of documents every weekend to be able to prepare for this meeting, to be able to make the best decisions for the people. If it was just one comment, I wouldn't have said anything, but there were several comments in the package, so I wanted to clarify. I do appreciate the incredible amount of time that you've put in to making your voices heard for this, because that is what it's all about.

ITEM H2. PPU20-02 – MIDTOWN ON HAGGERTY – PLANNED UNIT DEVELOPMENT

Schafer Development of Farmington Hills MI is requesting approval for a proposed PUD (Planned Unit Development) for a mixed-use (multiple-family & commercial) development located at 155 Haggerty Road. Sidwell No.: 17-36-400-014

Dave Campbell – I'll keep my comments relatively brief as the Planning Commission has seen this project several times before in its conceptual stages, and I know Steve and Spencer Schafer are going to do a better job describing their project than I could ever do.

I want to point out the procedural formalities. This project, a PUD, is on the west side of Haggerty Road, just north of 14 Mile Road, on the vacant 25 acres. This is land referred to as the Fetter property and Mr. Fetter is here representing the family. The Schafers are proposing Midtown on Haggerty.

Dave Campbell brought up the concept plan on the overhead. The proposal includes three retail buildings along the Haggerty Road frontage, with 187 residential apartments on the westerly two-thirds of the upland of the property. A bulk of the property is the existing pond/detention facility further west, extending over to Loop Road.

The 187 residential apartments will be within 9 buildings; 7 of those will be 3-story buildings, and the 2 furthest west will be a pair of 4-story buildings attached in the middle by an elevator service, which is something that the Planning Commission discussed in the early iterations of this project.

The 2 retail buildings on the north end of the property would be multi-tenant retail buildings with the endcap of the southerly building including a drive-through pickup window. The Schafers have spoken to that being a coffee shop or smoothie shop. The southernmost retail building, there are two potential layouts for this depending upon who the ultimate tenant turns out to be.

Procedurally, the PUD that is being proposed has been through the early preliminary stages, and now is the point where a formal public hearing is held. Notices were provided in the Oakland Press and to every property owner within 300'. In the case of a PUD, a sign out front is not required. One written public comment was received, which will be included in the public hearing.

The Planning Commission has the option this evening to consider the PUD, and the two key components which are the development agreement and the development plan, as detailed in the Planning Department's review letter dated April 29th. If the Planning Commission so chooses to recommend approval, it is ultimately up to the Township Board whether or not to approve the Midtown on Haggerty PUD. There are still outstanding issues with the development agreement that the Planning Commission will consider, but if recommended for approval, it will go to the Township Board at their May 11th meeting. If approved, the Schafers still have to come back to the Planning Commission with a fully developed site plan that would be consistent with the development plan, including details of landscaping, architectural, building materials, signage, et cetera.

Steve and Spencer Schafer, 31400 Northwestern Hwy, Ste. H, Farmington Hills, MI 48334, were present to address the request.

Spencer Schafer brought up a PowerPoint on the overhead.

Spencer Schafer – It is a pleasure seeing you all in person. I know we all have a little bit of Zoom fatigue. It's a privilege being in front of you tonight for what is our first official step into the PUD process for our Midtown on Haggerty development.

We're located on the northwest quadrant of 14 Mile and Haggerty Road. We've got a bevy of commercial users surrounding us. This is our site plan. It has remained unchanged since we last met with you in March. The goal of Midtown is to create an innovative, mixed-use development that complements the existing users, commercial users on Haggerty Road. Our goal is to create synergy.

As you're aware, the current zoning on the property is B-2 which is meant for a big box retailer or large commercial strip center. We're looking to do something different. We want to help invigorate our commercial neighbors by creating a nice mixed-use development that will bring high-quality rooftops, and residents to the area.

Also, we're looking to bring a new walkable product to Commerce Township. We believe that's going to appeal among varying groups, as we're in such close proximity to our retail and the adjacent retail on Haggerty Road.

We want to do an upscale development here. We want this to be a core feature of the Commerce Crossing shopping center area, but also of Commerce Township as a whole. Keeping with the commercial surrounding the property, we want nice, upscale retail fronting Haggerty Road. As mentioned, we have a combination of 3 and 4-story apartments on the property.

I took a couple snapshots from the video we presented last time. This is an aerial photo of the property. We've delicately crafted the layout to maximize future residents' views of greenspace. We made sure to incorporate lots of pocket parks and useful open space to create a homey environment.

Our clubhouse area has a host of indoor and outdoor amenities, featuring a heated spa, a fireplace area, some covered firepits. Inside we have a dog washing station, a community room, coffee bar and a couple of other amenities.

This is the view along the frontage of Haggerty Road. We really aim to create attractive commercial elevations that have varying heights on the storefronts to help further architectural appeal. This image shows the 3-story buildings, and all the way in the rear closest to the wetland, you can see the 4-story structure. Because of the natural topography onsite, that building is going to essentially appear as the same height as the 3-story buildings.

This gives you a nice view of the brick paver pathways that we're going to be doing as part of the development. The key here was doing a nice connection to really promote that walkability. We are going to complement this by doing dual storefronts with very attractive elevations on the backside, as well as having nice connections, from not only the retail to the residential, but from the retail through the parking lot. We have some brick paver paths to the new sidewalk we will be building along Haggerty Road.

This shows you one of our pocket parks. The biggest goal is to create these natural, useful pieces of open space to create a sense of community and allow for spaces where people can appreciate the outdoors. We have nice increased setbacks. This slide shows how we're creating two separate residential concepts, Concept A which is the blue version, and Concept B which is the gray version. Our goal is to create nice, visual architectural features from all sides of the buildings and propose something with striking elevations.

This is a view of our main spine road. You can see how we've aligned the buildings along the main east/west road, and the whole objective is to vary that architectural appeal. We have nice landscape features as well.

Lastly, this gives you a broad aerial. You can see our larger park in the southeast corner of the site. We're going to be looking to do a dog park here, some meandering topography with walking trails and nice landscaping as well.

This is an example of the commercial façade. The goal here is to create complementary aesthetics. That is part of the PUD; creating a planned, unified development approach. We're really trying to do that. This is an example from a development that's on Orchard Lake between 14 and 15 Mile. We're going to use a combination of burnished and split-faced masonry, brick/stone veneer, porcelain and metal tiles, as well as glass, and we're going to have awnings over some openings. It's going to be very high-end retail. You can see here; this is our Concept A building. We have nice variation on the garage, different colors. This is the building on the rear, so we're creating a very nice product on both sides of the building. This is Concept B, and Concept C which has the connected foyer with an elevator, and we have some sample materials here. It will be all masonry siding, a combination of fiber cement board siding, like Hardi-plank, and a brick masonry wainscoting.

On the interior of the apartments, we want to do something that features open floor plans, 9' ceilings, large bedroom areas, luxury finishes, walk-in closets, as well as nice balcony areas outside. We're going to be adding another window on that door wall to allow for more natural light in the units.

We want to do mixed-use development, but bring in some sustainable features. We're looking to achieve this by building solar panels that are going to service our common areas. That's projected to be up to 25% of our total energy usage. As we get further, I'll provide you with more statistics, but that's directly from my electrical engineer based on two similar buildings designed in Grand Rapids and Traverse City.

We're also looking to do predominantly electric appliances to help reduce our carbon footprint. It's also going to be a little cheaper for our residents to operate. Electric is usually more expensive when you have furnaces and heaters, but we're going to be doing higher efficiency which will save on the tenants' bills.

Dave Campbell – Can you speak to the Energy Star certification? I think you described that there is something of a point system.

Spencer Schafer – I want to talk about some statistics that I gathered from my architect and from the research that we've read from Energy Star on the web the past couple months. On average, Energy Star certified buildings have 35% fewer greenhouse emissions to that of comparable buildings across the United States. Additionally, because of the energy saving design, we're also going to do high-end windows, better insulation, better caulking and shingles, which will prevent thermal leakage. It's going to create a cool atmosphere in the building, so theoretically, you don't have run your thermostat as long to reach that desired temperature, and then it doesn't leak out of the building. It's going to keep the air in and the HVAC will not have to run as long as a result.

This leads to energy saving design incorporated into the building, and within the appliances and fixtures themselves, and utility bills are on average between 30-40% lower than comparable buildings that aren't built up to the Energy Star code. Beyond reduced energy costs and lower utility bills, Energy Star buildings are designed with tried and true best construction practices, which have been designed to create a maximum environment of comfort for the residents.

As for the traffic study, we believe one of the key benefits here is that if this was developed as a conventional B-2 zoning with a large, big box retailer, or a strip mall complex, it's going to generate almost 11,050 vehicle trips per day. With what we're proposing, our vehicular trips are cut by 53%. We're producing 5,855, which is 5,200 less.

I know Dave talked about signage. The goal of this exhibit was to give you a better idea of what our commercial signage is going to look like, and the next slide shows the residential. We want to do something marquee, something high-end, cool signage, some with lights. We don't want to do any of what is viewed as cheap, or raceway, track mounted signage, or typical box signage. At the same time, we don't want to create signs where we have to punch 16 different holes in the building because there is going to be turnover in the commercial buildings and we want to make sure we're creating a nice overall atmosphere for the Township with beautiful signs. I'm not a sign expert. I'm aware that any sign has to be approved by the Building Department, but we are working closely with Dave and with Hans Rentrop to figure out how to best incorporate language to ensure we are doing Class-A signs and not something that is viewed as inferior.

This gives you an idea of what we're looking to do in terms of residential signage. The two on the bottom are examples of what we would like to do along Spring Vale, which is going to be the entrance to the residential development. We didn't want to do a large monument sign. We wanted something that blended in and had the name of the development, and gives retailers an opportunity to put their names on the sign. We tried to keep that as small scale as possible.

I want to reiterate on the amenities that we are marketing this as a very high-end, high-class development with above-market rents. We realize if we want to do that, we've got to create an environment that has lots of usable amenities, nice low-maintenance landscaping and that the uses are separated nicely. These are some examples, covered firepits, covered verandas, community gardens, along those lines. This is an image from a clubhouse that our architect had built in Grand Rapids. We are looking to do something of similar scale and similar aesthetic quality.

I want to talk about the public benefits. One of the bigger benefits is an increase in taxable revenue. We're projecting that once our buildout is completed, this whole

property, residential and retail included, is going to generate over \$600,000 in taxable revenue.

Another big thing is permanent dedication of open space. Almost 25% of the total site area is going to be set aside as open space. Most of it is either going to be a perimeter setback, or useful open space for the residents.

Reduced traffic impacts; I've talked about that. The goal with this development is to create a diversity of housing, a high-quality, maintenance-free living environment that provides people an alternative to the conventional single-family housing that is predominant in Commerce Township.

An empty-nester friendly development; the 4-story building has an elevator, and we also have 21 units in the 3-story buildings that are all on the first floor. Around 42% of our units aren't going to require any access to stairs. We believe that will open up this project to many empty-nesters who are looking to downsize, but age in place in the community.

Unified, innovative and planned approach; the goal of this mixed-used development is to decrease the traffic, and increase the proximity in which housing units are close to destinations such as retailers, grocers and entertainment destinations. We believe our development will create something really walkable.

Sustainable and energy-efficient development; I've talked about a lot of these concepts already.

Lastly, we spoke with Dave Campbell and I know there were some Planning Commissioners that asked about an element in our PUD agreement that refers to off-premises liquor sales, which is essentially referring to a liquor store. We really should have better emulated it in the PUD agreement, but what we envision doing, if at all, if we have a tenant, is to do a gourmet market. What I did is I pulled up three examples of gourmet markets that are located in the southeast Michigan area. Unfortunately, they're all along the periphery of southeast Michigan, because a lot of the liquor stores have either been through gas stations or through big grocers. We want to have the opportunity to do a high-end gourmet market. Tippin's in Ann Arbor has a lot of prepared goods, pizza and they also serve high-end liquor and craft beers. Jonna's market in Howell is a very similar type of concept with prepared foods. Alex's gourmet market in Clarkston is almost a smaller concept of Cantoro's. It's a concept such as this that we would have liked to do without having to come to the Township for a Special Land Use approval. I obviously know that's up to your discretion, being part of a PUD, but we wanted to include some language in the PUD agreement that would permit us to do a use such as this.

I'll read some language from the slide. *In connection with the foregoing, the application for one liquor license for the sale of off-premises consumption of alcohol shall not require Special Land Use approval, provided that it is not a prohibited use, identified in Exhibit I.* That was all in gray, what we had initially proposed. What we're now proposing in red is in addition to; *An upscale, gourmet market concept, similar to the likes of the three users we talked about, which sells specialty food and beverages, high-end packaged goods, cured meats and cheeses, boutique branded goods, gourmet foods, prepared foods and holiday gift baskets. The primary use for this establishment shall not be for the sale of liquor.* We actually reached out to our broker and other individuals who are familiar with these uses, and only 25-30% of their gross sales revenue is from the sale of liquor. We'd be willing to incorporate language such as this in the PUD agreement, if the Planning Commission would be open to it.

With that, we'd love to hear any feedback or answer any questions that you may have.

Chairperson Haber opened the public hearing.

Dave Campbell read a letter into the record, submitted by Kenneth Kavanaugh, 7976 Lawrence, West Bloomfield, MI 48322. *My condo complex, Maple Place Woods, is located off of Haggerty Road, across from Applebee's. My concern with this PUD is the effect that it will have on the traffic on Haggerty, which is only a three lane road, including a center left-turn lane. It is already difficult at times to make a left-hand turn out of our complex onto Haggerty. With the additional traffic to be expected as a result of this development, what provision is being considered/planned to address this issue? Thank you.*

Ray Golota, 1595 Vanstone Drive, Commerce Township – I've been on all of the Zoom calls regarding this development. I'm really excited about it, and probably more excited about this than any other development that's coming forward in Commerce Township. I hope the panel allows the 4-story building in the rear, because those hotels, every time I go past on M-5, they're 4-stories and they look like a project. Whereas these right here, they're upscale. The other thing is too, the shops that will be along Haggerty, I know someone mentioned to have parking in the rear. To me, that's a perfect layout.

Chairperson Haber closed the public hearing as there were no additional comments.

Commission Comments:

Winkler –

- I have to compliment the petitioner because through the process of multiple preliminary reviews, he has done everything we've asked for. He added the elevator, added the greenspace and reduced the density.
- I think the sustainable features they're building into the project are also wonderful.
- I have nothing to add.

Chairperson Haber – Good, thank you. Dave, we'll see the site plan on this yet, won't we?

Dave Campbell – If this were approved by the Planning Commission and the Township Board, yes, a PUD site plan would come back to the Planning Commission. The idea is that it would be a highly detailed plan, consistent with the development plan you're seeing this evening.

Rebeck – I love it. I echo the sentiments about the four stories and maybe it will take away from the look of the hotels back there. I know Larry didn't love four stories, but I think in this case, I would definitely support it and I think you guys have done a great job. Thank you.

Parel – What is your anticipated price point for the units?

Spencer Schafer – We anticipate site buildout would start a little earlier than this time next year, with the first set of units being done by the end of 2022. We anticipate by that time that the rents for the 1-bedrooms are going to be close to \$2 per square foot, so

that's around \$1,400 rent for the 1-bedrooms. For the 2-bedrooms, that's 1,000 square feet, it's going to be in the \$1.75 range, so pushing \$1,800 to \$1,900 per month.

McKeever – I don't have anything to add.

Karim – I love it. I love the open space. I don't have any problem with the 4-stories because it's in the back. As was mentioned by Chelsea, we have the hotels in there which are not only 4-story, but they're high ground as well. This will be a complement for that street. I don't have any objections. It's good.

Weber – I also support the project, but I do have one area of heartache and that is with the off-premises alcohol sales. You probably are not familiar with the history of that, and specifically since 2016, but I would not support any off-premises alcohol sales within the project, and I definitely would not support giving up Special Land Use approval for anything like that associated with the PUD. That would be something that, if we move forward, Dave, I'd want to make sure that gets captured in the meeting minutes and in any approval for that.

Chairperson Haber – I love the project. I think it's great. I'm going to reiterate what George said regarding off-premises alcohol, and I'm against it. We have had enough problems with enforcing it as it is now, and I don't want to open up a can of worms. The four stories has always been an issue, and you know that, but you know what? We've got to make a marriage here. To me, I'll give up something to get something. This is a wonderful project, and I'd like to see it move forward.

Dave Campbell – Before we get to a motion, can I make a couple suggestions? As we typically do, we provided recommended motion language. Steve and Spencer, if you have any thoughts on these, please speak up. I would recommend a few additions to conditions of a motion.

One is that, if and when we get to PUD site plan, that the submittal include a detailed sign package. I want to have that fleshed out a little more, particularly on the west side of the buildings, because you want to have wall signs on both the Haggerty Road side, but then also on the west residential side. I think the Planning Commission would want to see more details on what those wall signs are going to look like in terms of size and illumination.

The next recommendation is something that came from the Township Attorney, which is submittal of an operation and maintenance plan, satisfactory to the Township Attorney. The concern is preventing an issue similar to what we had with the road at Commerce Crossing which fell into disrepair. There was no mechanism in place to repair it, and so the Township had to do a special assessment district to improve the road, which was a challenging endeavor as you're dealing with large corporate users. So the Township Attorney is asking for an operation and maintenance plan that he has an opportunity to review and that would be included with the development agreement.

Spencer Schafer – We spoke about that. Is that going to be with site plan approval, or would the maintenance supervisor prefer that it be in the PUD agreement itself?

Dave Campbell – I want to talk to the Attorney more about that. Township Board could approve the PUD subject to the Attorney reviewing and approving the maintenance and operation plan.

The last thing is something that was just brought up which is the alcohol retail. Spencer, you're proposing some revised language that gets into more specifics about what a gourmet market is and what it is not, what it will resemble in terms of comparable markets, and the 25% cap on liquor sales. Pursuant to Mr. Weber's comment, if that language were to also include that, whatever that gourmet market may someday be, that it would have to come back to the Planning Commission for Special Land Use approval, so that there is an opportunity to see a business plan, who the operator would be, maybe that's how we're able to move past the concerns about another alcohol retailer along Haggerty Road.

Weber – If that were to happen though, we have ordinances in place that restrict the number of off-premises alcohol retail sales within so many per square mile.

Dave Campbell – Right, this location would not meet those spacing requirements based upon the users that exist along Haggerty.

Weber – So I don't want to give any false hope here. If it comes back, the first thing we're going to look at is whether it's compliant with the present ordinance, and it's not. That's a significant issue that I want you to be aware of.

Dave Campbell – So unless there are some changes with existing operators along Haggerty Road, that would preclude them from having a gourmet market.

Weber – It would preclude them from having a market that sells alcohol.

Spencer Schafer – Regarding signage, we are willing to commit on the rear westerly side of the building that the signage is 75% of what it is on the front, and that it has limited illumination, if the retailer chooses to have illumination at all on the front side. We can commit to that.

In terms of the operation and maintenance plan, we can work on that. I definitely prefer that it be a condition of the PUD agreement. Give us some time to work with our attorneys and go back and forth with the Township Attorneys as well, because it will definitely take some time.

Alcohol retail; what we're willing to do is eliminate the language that we had in the PUD agreement and have it completely be conditioned on Special Land Use approval. If it's off-premises, obviously if the numbers are there, there's not a quota that would allow another one, so be it. But, if one happens to drop out and we have an interested user, it comes through to you as a Special Land Use. I think that would be a cleaner way to approach that issue.

Dave Campbell – For clarification, we're speaking only to an off-premises operator, right. So, if the Schafers find a restaurant user where folks sit down to have beer, wine or cocktails, they would not be precluded in this development.

Weber – Correct.

Chairperson Haber – Correct.

Spencer Schafer – Perfect, thank you.

MOTION by Parel, supported by Rebeck, **to recommend approval with conditions**, to the Commerce Township Board of Trustees, of Item PPU20-02, Midtown on Haggerty – Planned Unit Development, the request by Schafer Development of Farmington Hills MI for approval for a proposed PUD (Planned Unit Development) for a mixed-use (multiple-family & commercial) development located at 155 Haggerty Road. Sidwell No.: 17-36-400-014

Move to recommend approval of PPU#20-02, a PUD application for Midtown on Haggerty, a mixed-use commercial and attached residential development by Midtown on Haggerty LLC (Steve and Spencer Schafer) consisting of 187 residential apartments within nine buildings, and approx. 20,000 sq ft of retail within three commercial buildings, upon approximately 25 acres on the west side of Haggerty Road north of 14 Mile Road.

The Planning Commission's recommendation of approval is based on a finding that the PUD application satisfies the requirements outlined in Article 38 of the Commerce Township Zoning Ordinance; that the proposed development is consistent with the goals of the Commerce Township Master Plan; that the project offers recognizable and substantial public benefits proportionate to the deviations from the Zoning Ordinance being requested by the developer; that the subject property is uniquely situated for an integrated development that combines commercial and residential components that can complement one another as well as the existing land uses that surround it; that the PUD Development Agreement achieves the goals of both the Township and the developer to create a high quality mixed-use development that the Planning Commission is confident can be approved in a future PUD Site Plan; and that Steve & Spencer Schafer in partnership with Neil Fetter and his family will capably serve as the master developer with unified control over the entire Midtown on Haggerty project.

This recommendation of PUD approval is conditional upon the following:

1. Approval by the Commerce Township Board of Trustees of the PUD Agreement and Development Plan;
2. A detailed PUD Site Plan to be reviewed and approved by the Planning Commission and Township Board subsequent to Township Board approval of the PUD;
3. The PUD Site Plan submittal to include details on building materials and commercial signage consistent with the preliminary details provided as exhibits to the Development Agreement;
4. Approval by the Road Commission for Oakland County (RCOC) for all public road improvements within their Haggerty Road right-of-way, most notably the new traffic signal at Haggerty & Spring Vale Roads recommended by the Township's Traffic Engineer;
5. Significant changes to the layout proposed in the Development Plan, including but not limited to the proposed vehicular connection to the Newberry Square development adjacent to the south, may require approval by the Township Board of an amended Development Plan;
6. An operation & maintenance plan satisfactory to the Township Attorney to be included as an exhibit to the Development Agreement;
7. Prospective tenants operating as an off-premises alcohol sales outlet must be reviewed and approved by the Planning Commission as a special land use subject to the standards of Sec. 26.316 of the Zoning Ordinance.

MOTION CARRIED UNANIMOUSLY

I. NEW BUSINESS:

ITEM 11. PSP21-04 - BAR VERONA – OUTDOOR DINING

Alan Hall with Architectural Planners, Inc. of Waterford MI representing Bar Verona is requesting approval for permanent outdoor dining located at 500 Loop Road. Sidwell No.: 17-36-200-032

Dave Campbell – Not too far from Midtown on Haggerty is Bar Verona, formerly Johnny Carino's. Bar Verona is proposing to add a permanent outdoor patio seating area along the south side of their existing building. Their existing building is up there on the screen. I'm stressing the word permanent because throughout COVID, the Township has worked with a number of restaurant users, including Bar Verona, to allow for temporary outdoor seating as the State imposed various restrictions on capacity and distancing for indoor seating. Bar Verona won the award for having the nicest temporary outdoor seating area, which is this patio they installed here.

The permanent patio is a trellis style outdoor seating area with a capacity of 38 seats across 19 tables. Their architect, Alan Hall, is here to speak on their behalf. The existing landscaping would be transplanted along the north side of the building. If it doesn't take, they'll have to replace it with new plantings. Because it is a permanent outdoor seating area, it does require approval by the Planning Commission. They are subject to a number of criteria, including the duration of time that they're allowed to use that outdoor seating area. We want to avoid places leaving their furniture out during the winter months and it accumulates rubbish and so forth.

I think Mr. Hall can attest; Bar Verona would like to get started on this as quickly as possible. I think their temporary outdoor seating has proven to be successful. As soon as this operation is up and running and has the necessary approvals from the State for outdoor alcohol sales, they would then dismantle the existing temporary platform and open this area up.

Mr. Hall – I'm with Architectural Planner, Inc., API, at 5101 Williams Lake Road, Waterford, MI. We're a design-build company. If you've recently visited Bar Verona, we were involved in the interior design for that. It's a nice renovation from Johnny Carino's. Joe Caradonna owns the facility. He wanted me to express our gratitude and thank the Township for working with the restaurants.

It's a high-end restaurant, and you can see by the temporary structure we built there, it was high-end with lights. It's open-air, so there would not be any winter activities there. There will be alcohol served outside. There is a gate around there with the emergency exit only. They currently have permission to use the temporary seating for alcohol, and that's being extended as we speak. That will go into an overlap for the permanent, and then be discontinued when they put the permanent in.

The temporary seating is actually larger than the permanent that they're doing now, so it will be less traffic. There was a comment in the review from the Fire Department regarding the landscaping. We have no objection to that.

Dave Campbell – Yes, I think the connection is right about here and there is some mature shrubbery through here that has become overgrown to the point where it might block access and visibility of that connection in an emergency. This is an opportunity to have that landscaping pruned, or removed and relocated to make sure that the fire connection is accessible.

Mr. Hall – They do want to keep the pine tree, but have the access come behind here. The landscaping behind there can be removed.

Jay James – I don't think the pine tree was the issue.

Dave Campbell – It's the shrubs back here in the shadows.

Mr. Hall – We did look at the landscaping that's there. We're going to try to relocate it the best we can. If it doesn't survive, we'll replace it. We plan on irrigating throughout.

Mr. Hall elaborated on the landscaping and irrigation for the site.

Dave Campbell – The Planning Department suggested that if the Planning Commission were to approve this, that one of the conditions be that the owner submit a reasonable bond amount to ensure that the transplanted landscaping survives through two growing seasons.

Mr. Hall – We have no objection to that.

Commission Comments:

Chairperson Haber – Bill, do you have any questions on this?

McKeever – I don't have any questions.

Parel – No, sir.

Rebeck – I don't have any questions.

Weber – No.

Karin – No questions.

MOTION by Parel, supported by Winkler, **to approve, with conditions**, Item PSP21-04, Bar Verona, Outdoor Dining, the request by Alan Hall with Architectural Planners, Inc. of Waterford MI representing Bar Verona for approval for permanent outdoor dining located at 500 Loop Road. Sidwell No.: 17-36-200-032

Move to approve PSP21-04, a site plan for outdoor dining at Bar Verona located at 500 Loop Road, based on a finding that the site plan meets all applicable standards of Sec. 26.313 of the Commerce Township Zoning Ordinance.

Site plan approval is conditional upon the following:

1. Alcohol service in the outdoor dining area will require approval for an Outdoor Service Permit from the Michigan Liquor Control Commission, as well as applicable food service permits from the Oakland County Health Department;
2. The outdoor dining area shall comply with the operational requirements of Sec. 26.313 of the Zoning Ordinance;
3. Approval by the Fire Marshal of a fire hydrant connection visibility, to include removal of shrubbery at the discretion of the Fire Marshal;
4. Issuance of all required necessary permits by the Building Department;
5. Submittal of a 2-year performance guarantee to ensure survival of the relocated/replaced site landscaping;

6. Additional irrigation will be installed at the north end of the building to support the relocated landscaping.

MOTION CARRIED UNANIMOUSLY

J: OTHER MATTERS TO COME BEFORE THE COMMISSION:

None.

K: PLANNING DIRECTOR'S REPORT

- **NEXT REGULAR MEETING DATE: MONDAY, JUNE 7, 2021 @ 7PM - potentially electronic-only**
- At the Township Board meeting next Tuesday, Bruce Aikens is expected to attend and present an update on the Five & Main development, and particularly to discuss the current option agreement that the Township has with Mr. Aikens for what we call the Library parcel. Currently the option is on its 4th extension. That will expire in July. The Township Board will discuss whether or not they want to grant said extension, and if so, whether they want to include any conditions on an extension.
- In addition to Midtown on Haggerty, which we just discussed and they would like to be on the Board's agenda for next week Tuesday, the other project the Planning Commission has seen is the Reserve at Crystal Lake on Sleeth Road. They have completed their Brownfield plan. They've gotten a preliminary blessing for that Brownfield from both the Oakland County Brownfield Authority and the State of Michigan Land Bank Authority. Now, the Township is being asked to adopt two resolutions for that project. One is a resolution supporting the Brownfield plan, and the second is a resolution authorizing Oakland County Brownfield Authority to act on the Township's behalf, as the Township does not have its own Brownfield Authority.
- Culver's at one time was looking to partner with the Schafers. Now they're looking at an empty drive-through bank on the west side of Haggerty Road, between Applebee's and McDonald's. If they proceed, they will be coming to the Planning Commission for Special Land Use and site plan approval.
- The Township Engineer is working with On The Dunes. They have offered to serve as an official trailhead for the Michigan Airline Trail. We want to put a sidewalk connection across the Munro Collision site to connect with the existing sidewalk and over to the trail. The goal is to have this done by June 6th which is National Trailhead Day.
- Staff is in the process of interviewing for the Zoning Board of Appeals alternate position. We interviewed two folks last week. We've got one more tomorrow. The two last week were strong candidates. The hope is that whoever we recommend, Mr. Gray will take it to the Township Board at the May 11th meeting, and the Board will hopefully approve his nomination and that alternate will be with the Zoning Board of Appeals for their May 27th meeting.

L: ADJOURNMENT

MOTION by Parel, supported by Weber, to adjourn the meeting at 8:48pm.

MOTION CARRIED UNANIMOUSLY