

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

Monday, August 2, 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
Bill McKeever
George Weber
Sam Karim

Absent: Brian Winkler, Secretary (excused)
Chelsea Rebeck (excused)

Also Present: Dave Campbell, Township Planning Director
Debbie Watson, DDA Director

B. APPROVAL OF AGENDA

MOTION by Parel, supported by Karim, to approve the Planning Commission Regular Meeting Agenda of August 2, 2021, as presented.

MOTION CARRIED UNANIMOUSLY

C. APPROVAL OF MINUTES

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

MOTION CARRIED UNANIMOUSLY

D. UPDATE OF ACTIVITIES

Bill McKeever – Zoning Board of Appeals

- We had Culver's come before the ZBA and they received a partial variance. They got two extra signs instead of the three additional that they were seeking.

Chairperson Haber – They got three signs total, or two?

Bill McKeever – They wanted a sign on each façade, they've got signs on two.

Dave Campbell – They got one extra wall sign, so two wall signs total, and then their ground sign is going to be 2' higher than our typical 6' maximum, or an 8' ground sign.

George Weber – Township Board of Trustees

- Township Board has had two meetings since the last Planning Commission meeting.
- From July 13th, of note, Todd Martin, our first and only Fire Marshal, prior to last month, retired after over 40 years of service to Commerce Township.
- We reviewed the audit report from Plante Moran.
- We received a presentation from the Oakland County Narcotics Enforcement Team on how they are supporting Commerce efforts to reduce drug use, and how they are resourcing our specific geography.

- We appointed Kathy Duff to the Parks and Recreation Committee. I think that makes three new members within the last 90 days, so we've got some new blood there which is good.
- We approved the amendment of Zoning Ordinance 3.000 regarding digital signs. It was a contentious and spirited discussion. It was approved by a 4-3 vote.
- The Township has purchased the old boat launch and the land on the west side, near Union Lake and Cooley Lake Roads. That's a very strategic piece of property for the future Union Lake Road corridor expansion.
- The Township Property Management Subcommittee received approval for all items, except for one property located just east of Huron Valley Hospital. We will be going back to them next week as they require some further discussion.
- Finally, we approved the restoration of the Byers Farmhouse. We're going to put about \$150,000 into that to get it back to where we can have more than 6 people in the building.
- At our quarterly meeting last week, we held discussion with the Parks and Recreation Committee, reviewing their projects, the status on all of the parks, and what items are going to require additional budget this year.

Debbie Watson – Downtown Development Authority

- At our July 20th Meeting, we welcomed our new DDA Assistant, Abigail Mundy.
- The Board heard comments from a resident of Holly Berry, off Welch Road. Their HOA would like to see sidewalk connections made at their subdivision.
- Randy Thomas reported that Bruce Aikens has another potential partner interested in the multi-family component of Five & Main. Bruce should be before the Planning Commission in October with his revised plans. He anticipates breaking ground in Spring 2022.
- Randy has also seen an uptick in other activity with remaining parcels in the DDA.
- The Board approved the resolution to close on the sale of Parcel K, for The Space Shop, and that closing was completed last week.
- The Board also approved the execution of documents related to the sale of First & Main by Granger. That closing took place last week also.
- Going forward, the DDA is focused on the upcoming budget season, maintaining the grounds, and tree removals after the recent storm.

Weber – Is Aikens going to come back to the Township Board at the August meeting to provide an update?

Debbie Watson – I don't recall the August meeting, no. I believe October was designated for both the DDA and Township Board.

Dave Campbell – I remember October as well.

E. PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

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

None.

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. PZ21-02 – COMMERCE TOWNSHIP – TEXT AMENDMENT – PUBLIC HEARING

An Amendment to the Commerce Township Zoning Ordinance No. 3.000, to amend Article 6 Dimensional Standards, to amend the Permitted Yard Encroachment table with regard to unenclosed terraces, porches, patios and decks up to 30 inches in height.

David Campbell – I'll do the best I can to explain this on Jay's behalf. This is something that comes up more often on the Building permit side versus Planning. It has to do with a topic that we discussed with the Planning Commission back in October 2020, which is encroachments for decks and patios on the front yard of a single-family home. The key here is the way our Zoning Ordinance defines a front yard. Most people would consider the front yard to be the side that faces the road, but as our Zoning Ordinance defines a front yard, that can also apply to a lakeside home. We consider the side facing the lake to also be the lakeside front yard. When you have a waterfront home, you have two front yards and you have to meet all setback requirements applicable to both front yards.

What was coming up with Jay when he was looking at individual building permits on new single-family homes, or additions to existing single-family homes, was a provision that specifically allows covered porches to encroach into the front yard by a total of 10'. This was becoming challenging for Jay because people were taking advantage of that 10' encroachment on the lakeside front yard and putting a cover over their lakeside porch, but the cover that they were putting over their decks or porches had the potential to impede the view shed of their waterfront neighbors. In Commerce, we have always done our best to protect those view sheds.

Back in October, we brought this to the Planning Commission to discuss the potential for clarification of the Zoning Ordinance to differentiate how we allow those encroachments on the roadside front yard versus on the lakeside front yard. I think the text amendment in front of you encapsulates what the Planning Commission was agreeable to back in October, which was to limit the 10' encroachment only to covered porches on the roadside front yard. If it's on the lakeside front yard, the porch would still be allowed, so long as it's no more than 30" high, but it would not be allowed to have a cover over it, again, in an effort to minimize the vertical elements that could impede view sheds of lakeside neighbors.

Because this is an amendment to our Zoning Ordinance, it does require a public hearing by State law. We have not received any written comments. Once the public hearing is closed, then the Planning Commission has the option to forward this text amendment on to the Township Board with a recommendation to either approve or deny. If the Planning Commission does make that recommendation, it could get in front of the Board as soon as their meeting on August 10th.

Particularly where your eye should be drawn is to the table within Section 6.06 of the Zoning Ordinance. We eliminated one row of the table and added two new rows. Those

separate out roadside front yards from lakeside front yards, and how we would treat a covered porch or patio within those front yards.

Chairperson Haber – Before I open the public hearing, are there any questions for Dave?

There were no questions from the Commissioners.

Chairperson Haber opened the public hearing and clarified the process.

No comments.

Chairperson Haber closed the public hearing.

Commission Comments:

Weber – Just so I understand the way this is worded within the ordinance. I know what our intent is; however, is this saying that on the lakeside of a home, you cannot have a patio more than 10' from the house? It says, *...may project up to 10'*, so that is 10' into the setback?

Dave Campbell – That's correct, so long as it's not covered, and so long as it is no more than 30", it can encroach up to 10' into the setback.

Weber – Then it shows Front (roadside) in parentheses. I just want to make sure that it's crystal clear for anybody who is looking at this. It wasn't crystal clear to me, but if it is for everybody else, then it's fine.

Dave Campbell – If there are some idiosyncrasies with the grammar, the parentheses, or placement of commas, I'm open to edits.

Weber – I'm not sure exactly what that might be, I just want it bulletproof so that the first section of new language is only talking about the lakeside, and I see that in parentheses, and the second is only talking about the roadside front.

Dave Campbell – It's clear to me, but I have been over it a bunch of times with Jay.

Karim – Does that include retractable awnings as well?

Dave Campbell – That's a good question and it came up in a conversation I had with Mr. Haber this morning. I would want to defer to Jay if he were here. In my opinion, if it is a retractable awning, then that is a cover over your porch and it has the potential to impede your neighbor's view of the water just as much as a permanent cover would. That would be my interpretation. If you think it's worth clarifying before this gets to the Township Board for adoption, I would ask Jay that same question. I think that would be a good idea.

Karim – I think it is too. I think we need to make sure whether retractable would be allowable or not.

Chairperson Haber – Dave, if we take action tonight, are you going bring it to the Board?

Weber – The text captures “awnings”. It doesn’t state specifically, “retractable awnings”, but it states generic awnings, canopies ...

Chairperson Haber – Yes, but a retractable awning is not always there. It’s partial.

McKeever – Yes, but if you were sitting out on your patio and it was in your neighbor’s yard, you couldn’t see.

Chairperson Haber – Do we need to delay this? Do we need to get clarification on retractable?

McKeever – I’m of the opinion that it’s a cover. It’s no different, because when it’s there, it’s an impediment. Even though it’s only there part of the time, it’s still there.

Dave Campbell – If that is the agreement of the Planning Commission, I would agree as well, and you could forward this on with the recommendation to approve this, subject to specifically stating that retractable awnings are treated the same as permanent awnings.

Weber – If we use the generic word awning, why do we need to specify retractable? It’s any awning.

Chairperson Haber – I think we just spell it out.

McKeever – Permanent, temporary or retractable.

Weber – Okay, so after awnings, we say (permanent or retractable). That covers it.

MOTION by Parel, supported by Karim, to recommend approval, to the Commerce Township Board of Trustees, of Item PZ21-02, An Amendment to the Commerce Township Zoning Ordinance No. 3.000, to amend Article 6 Dimensional Standards, to amend the Permitted Yard Encroachment table with regard to unenclosed terraces, porches, patios and decks up to 30 inches in height.

Move to recommend the Commerce Township Board approve PZ# 21-02, an amendment to Article 6, Section 6.06, Permitted Yard Encroachments of the Commerce Township Zoning Ordinance.

The Planning Commission’s recommendation is based on a finding that the proposed amendment provides clarity and reasonable standards to the requirements for unenclosed, covered terraces, porches, patios and decks up to 30” in height in the lakeside front yard, while also protecting the viewsheds of neighboring waterfront property owners.

Approval is recommended with the language clarification, as discussed herein, to include reference to retractable awnings being treated the same as permanent awnings.
MOTION CARRIED UNANIMOUSLY

>> *Items H2. and I1. would be heard together, with separate motions for each.*

ITEM H2. PSU21-06 – SCOOTER’S COFFEE – SPECIAL LAND USE – PUBLIC HEARING

Brad Brickel of Nowak & Fraus of Pontiac MI, representing Scooter’s Coffee is requesting approval for a Special Land Use for a drive-through business in a B-3 zoning district on the east side of Union Lake Road in an outlot at 2733 Union Lake Road. Sidwell No.: 17-12-276-007

I. NEW BUSINESS:

ITEM I1. PSP21-06 – SCOOTER’S COFFEE

Brad Brickel of Nowak & Fraus of Pontiac MI, representing Scooter’s Coffee is requesting site plan approval for a new drive-through business located on the east side of Union Lake Road in an outlot at 2733 Union Lake Road. Sidwell No.: 17-12-276-007

Dave Campbell – What’s being proposed this evening is a new outlot in front of the existing building at 2733 and 2737 Union Lake Road. This was, at one time, the Township’s Kroger store, until Kroger built a new store immediately to the south. This building is now occupied by Planet Fitness on the south side, and Defy Trampoline Park to the north side. The proposal is to create a new outlot. That outlot would be the home of a new drive-through only coffee business to be known as Scooter’s Coffee.

Dave brought up the site plan aerial on the overhead and discussed the outlot, the three saw-tooth landscaped islands which get moved to the east and the location of the drive-through coffee building. The building would be about 650 square feet. Vehicles would circulate counter-clockwise through the drive-through and cue up on the east side. Because it is a drive-through on a property zoned B-3, General Business, it is deemed to be a Special Land Use. This requires a public hearing. Notice was published in the Oakland Press, and notices were sent out to real property owners within 300’ of the site. The Planning Commission has the option to consider two actions this evening. One would be consideration of the Special Land Use itself, and if approved, then the corresponding action would be consideration of the site plan.

The existing property owner would retain a ground lease on the newly created piece of property. There would be a franchise owner for Scooter’s Coffee that would be the lessee, and would own the improvements. There would be a net decrease in the amount of parking for the Planet Fitness / Defy building. The reduction in parking for those particular land uses would be in compliance with the standards of the Zoning Ordinance, however, it was pointed out in the review letter that should that building ever be repurposed for a land use that requires more parking, it is conceivable that the reduction in parking could create a deficiency for the future land use.

There are specific use standards with the Zoning Ordinance for any drive-through business in the B-3 zoning district. They’re fairly generic standards that would be applicable to any drive-through use. In reviewing those standards against what’s being proposed by Scooter’s Coffee, the Planning Department determined that they are satisfying those specific use standards for a drive-through.

In addition, there are more general use standards that are applicable to any Special Land Use; there's 8 criteria in particular. The one that comes up frequently is that there

is a documented and immediate need for the use. That has proven challenging to other prospective Special Land Uses.

The other topic that has come up with this particular use is traffic impacts. A drive-through is obviously automobile oriented. We asked the development team to provide data that they've collected from other Scooter's Coffee locations about the number of trips that are generated by comparable stores. Key is that from 7-9am, which is generally the busiest time for a coffee shop, 43 new car customers are generated per hour. A traffic study was not required for this Special Land Use. The Township's threshold is 750 new trips to warrant a traffic study. Dave speculated on the trips generated from southbound versus northbound traffic, but that data could not be pulled together for this meeting. However, if it is estimated that 75% of the traffic along Union Lake Road is southbound in the morning, with 25% northbound, then 34 of the 43 trips would be heading southbound. A traffic engineer would have to confirm whether that is an accurate estimate. Dave felt that a lot of southbound customers would avoid the left turns associated with a drive-through coffee shop on the east side of the road.

Dave pulled up the elevations on the overhead. Scooter's was agreeable to upgrading their façade materials, including brick on all four sides, with a secondary material of lap sided cement board around doors and windows. A landscape plan was submitted, which Dave reviewed, including relocation of the saw-tooth islands, additional landscaping, and the proposal to remove at least three mature trees along the frontage to enhance visibility. Another discussion was the potential for a sidewalk along the entire site frontage, and it is something that the Planning Commission should consider. Dave discussed gaps and connections to be made along the frontage of Burger King, the Kroger gas station and Chase bank, leading up to this site.

Dave reviewed recommended conditions of any potential approvals, including screening mechanicals, the dumpster enclosure, more detailed lighting specs, and the grinder pump location.

Ed Eickhoff, Developer, PF Michigan Group, LLC, 133 W. Main Street, Ste 266, Northville, MI, was present to address the request, along with Brad Brickel, PE, Nowak & Frauss Engineers, 46777 Woodward Ave, Pontiac, MI.

Mr. Eickhoff – I work for the owner of 2733 and 2737 Union Lake Road. PFMG development owns the building, and the tenants are Planet Fitness and Defy. I wear two hats. I'm COO of the development company, which is a sister company to Planet Fitness Michigan Group, who owns and operates 52 Planet Fitness health clubs, 46 of which are currently in the State of Michigan. And, I'm Executive Vice President of Real Estate for Planet Fitness.

In terms of the development company, we do look at our properties to see if there are additional opportunities to improve them, and provide additional services to the community. Because of the parking field here, we are somewhat limited in what we potentially can do. Culver's approached us to see if they could go in our parking lot, but it's too large of a building.

In working with Planet Fitness and Defy, both of which are not highly intensive parking uses, we came up with a smaller out parcel. We were approached by Scooter's, a new franchise coming into the State of Michigan. Jay Beck, who is the owner of the franchise, who is not here tonight, is the actual franchisee. He has the rights to do five locations in Michigan, and this could potentially be the first one to open.

In terms of some of the comments that were made tonight, it is a ground lease. I'm not selling the land. We are creating a separate tax parcel, so he will be responsible for his taxes, and under your ordinance, they are allowed to have a monument sign. They will be making their own presentation in terms of building permit, signage, et cetera.

I'm not in a position to answer questions about the Scooter's building itself. As the developer, I have the responsibility for getting the site plan approved, and making any type of landscaping improvements necessary outside of their curb line. We have designs for landscaping that will be inside their curb line, but they will physically be doing the installation of that.

In terms of the traffic impacts, as Dave pointed out, that just came up today. It was the first time I'd heard of it, and we did get some information from Scooter's that we shared this afternoon. I don't exactly know their business. I'm the developer, I'm not there as a tenant. Of the potential 43 customers, they consider themselves a convenience. It's not like people go looking for Scooter's. It's not a Tim Horton's where you're going to go get a donut and coffee. They are strictly an impulse concept. Their perception is that, because of Planet Fitness, our busiest time is from 6-8am, and 5-8pm. In the morning, they're looking for customers that are coming out of the gym. They look at the Kroger store and the gas station as additional potential customers, and yes, they do envision obviously that there would be people coming in from Union Lake Road. Part of the decision on their part had to do with the people that would already be in the shopping center.

I'm not a traffic engineer, so I can't tell you with specificity exactly how many people will turn in off of Union Lake Road, how many will be Planet Fitness customers, and how many will be from Kroger. The other point I would make, and I do it myself every time I come out to the property, as a consumer, you find the path of least resistance. I stopped by the shopping center again tonight before the meeting, and it never ceases to amaze me how many people come into this property behind Kroger. Not in front or off Union Lake Road, but they come in behind Kroger and snake their way through. When they leave the property, they do the reverse.

Kudos to the Township. You've done a great job in terms of bringing residential and commercial to the area, and one of the side effects of that is that Union Lake Road is busy. In terms of Scooter's building and in addition to what we're showing tonight, we have met with Dave to try to bring in a project as close to what you're looking for as possible. Scooter's has been cooperative so far as well in terms of upgrading the brick. We're trying to be a good neighbor.

In terms of the removal of the three trees, we would certainly like to do that. It would provide better visibility. Everything in life is negotiable. If we could prune them a little bit versus removal, that would be open for conversation. Before the meeting, I walked the sidewalk line. You're going to take out a lot more trees with the sidewalk than the three that I'm suggesting. It doesn't make a lot of sense to me.

The grinder pump is easy. In terms of the dumpster, that could be pulled back in so there's less of an opportunity for conflict between traffic and the enclosure. We were trying to provide as much greenspace as possible. The materials on the dumpster enclosure were upgraded per the ordinance.

This is a service that is not readily available at this intersection. It's a small building and it's low impact. We'd like for you to seriously consider the proposal.

Dave Campbell – Mr. Chair, if I may. I know sometimes comments come up in the public hearing that the development team would want to have the opportunity to

address, but it's at your discretion whether you want to continue a conversation with the development team, or keep that conversation with the Planning Commission.

Chairperson Haber – I think right now we'll keep it with the Commission.

Chairperson Haber opened the public hearing.

Roger McCarville, 2675 Massena Ave, Commerce Township – I live directly next door to Planet Fitness. I'm a longtime resident of Commerce Township. That used to be zoned residential where Planet Fitness and Defy are. I was here before the Planning Commission when they built the Kroger. If I recall, there was a variance for the parking lot at that time that had to be approved. There wasn't enough parking, so the Planning Commission had approved that, and that was when there was one business there and now we have three. That is one concern.

The other was what he brought up about the need for a special use. There are four coffee places I can walk to from my house. There's a Starbucks. I don't really see the need for another coffee joint.

Then we have serious trash issues from that property. My neighbor had sent pictures to the board I believe. They sweep the lot, but you know where it goes, it goes to the fence, and it blows into my yard. Besides picking up the trash that's already there, I don't want to be picking up coffee cups also. I know it's a drive-through, and they'll probably tell you no coffee cups will end up in the front yard, and then Burger King is in the front yard.

There's vacant property right on the other side of the street if they need a coffee joint, where Farmer Jack was, and too, we have all of Martin Parkway here which was supposed to be a downtown area when they proposed that. All I have seen so far is housing being put in there, no downtown, no entertainment, no shopping, no dining. Besides the trash, the noise pollution from the properties. I don't understand these kids these days. I'm a musician, a bass player even, and I can't stand bass being distorted and rumbling through the neighborhood, which is quite common. I don't know if it's from Defy, Planet Fitness or Kroger, whatever. Thank you for hearing me.

Chairperson Haber – Thank you, Roger. Yes, ma'am.

Deborah Beaumont Carter, 8150 Grove Road, Commerce Township – I am across the street from Roger, and more toward the front of the parking lot. I have pictures of the trash. Last April, I was walking behind Planet Fitness and Defy, and there was garbage just all over the place. So I took pictures, because I was irritated. Then I sent the pictures to the police, and Kroger people and somebody in the Township, and I got a response. The street sweeper comes by every night, and you can hear it, which is fine, but it just gets thrown in the grass.

Mr. Eickhoff – Did you go by the shopping center tonight before you came over?

Ms. Carter – No, I have three kids and a job. The biggest concern, like you guys have said, is the need. We have a Starbuck's, a Dunkin Donuts, a Tim Horton's and a Biggby. You can get coffee at Burger King or Speedway. There is not a need.

The garbage is a huge concern, although if you're taking coffee out, I can see maybe receipts on the ground, but if it's just coffee I don't see that it will be so much more, but

anymore is just ... I clean those woods. If anyone wants to talk about vaping and kids, and the mess in the woods, we can talk about that too.

The other thing is traffic. The people that come out of the Planet Fitness, the traffic is just so congested. There's Wendy's across the street, Kroger, Planet Fitness and Defy, and they're all trying to get in, either north or south, it doesn't matter. You hear the screeching, the accidents and the horn honking. People are just nuts. I know it's busy, but at this point in time, I cannot even turn left coming out of the road between 4-7pm. I don't know how much 43 cups of coffee is going to make a difference, but there doesn't need to be more stuff there. Like Roger said, there's stuff across the street where they could put in something. I get the fact that they want a drive-through, and I love coffee, but we don't need another coffee spot. Thank you very much for your time, consideration and patience.

Ms. Carter presented her photos to the Commissioners.

Dave Campbell stated that an email was submitted by Myron Zolkewsky, who did not give an address, but is looking to move into Commerce Township when his house is constructed at Benstein and Loon Lake. Dave paraphrased:

Another drive-in business on this property is a disaster for traffic. It's on the wrong side of the road. The majority of morning traffic goes in a southbound direction. No lights for cars to cross over the center lane, past the northbound lanes to the Kroger shopping center. That same volume will then want to exit across northbound lanes to the southbound lanes where it is already congested. Too bad they didn't find a drive-in on the other side, such as where the Wendy's is, for that quick drive-in and drive-out get your coffee concept. Just my humble opinion. -Mr. Zolkewsky

Chairperson Haber closed the public hearing.

Commission Comments:

Karim – I'm a member of the fitness center, and the parking is always empty there. For me, this is a good use for a building that doesn't require a lot of parking. I think it's okay.

Vice Chairperson Parel –

- I have a few comments.
- I'm not certain I see the immediate need.
- I think on the building items, which we can address later, I don't want to see those trees removed. I think there's a solution.
- I think the sidewalk is a good idea.
- I don't think that the ZBA is going to approve four signs on the building.
- As it relates to the dumpster, maybe this is more of a site plan thing, but I guess my question is, could we rotate it to face the shopping center? Obviously we want that screened.
- The biggest thing for me is the traffic. While I don't think that there's going to be many, if any, new trips specifically seeking out this location, I do think that this area is already congested enough. We had a meeting last month with another group looking to develop in this area, and it would be really tough for me to agree to something that added any more trips or any more turns into this shopping center.

Weber –

- I have similar comments.
- As we've discussed, there's eight criteria that have to be solved for Special Land Use, and I'm struggling with two of them; one, the documented need for an additional coffee shop at this specific location, and two, the traffic impact.
- I too am a customer of Planet Fitness there, and in the morning, it's nearly impossible to turn left. If you don't turn left, or if the line up from Planet Fitness is too long to cue up to turn left, then people buzz down in front of Kroger at way too high of speeds, even with the speed bumps. We don't want to increase more cut-through traffic to Commerce Road.
- I don't see that you've solved for those two items required for Special Land Use.
- Timing is everything. You're coming to us when the Township has just lost hundreds of trees last weekend, and so we're sensitive to trees. We're always sensitive to trees, and we're hypersensitive to taking out trees now. And, if we did choose to put a sidewalk in there, there is a path that we could go down without having to rip out trees along Union Lake Road.
- Finally, if it gets to site plan, on the question of the dumpster. It just seems odd that with traffic flow, you're actually cueing people up around the dumpster. That's unusual and I wasn't sure of the logic behind that. It's the last place you want people driving in front of before they place their order for coffee.

McKeever – I'm in agreement with Brian and George on everything they mentioned. I don't see the need, and traffic is a concern.

Chairperson Haber – I don't have much more to add. I'm also a member of Planet Fitness. When I'm there, the parking lot is at least half full in front of Planet Fitness. It is very difficult to make a left turn onto Union Lake Road. The lights are staggered so you can't do that. I end up going behind Kroger. I'm not in favor of this for that reason alone. I agree with everything else that came up here. Personally, I have a problem with standalone drive-throughs. I just don't think there is a need for a coffee shop there. Are there any further comments?

Dave Campbell – The potential is for two motions, but if the Special Land Use is not approved, the site plan becomes a moot point. There have been a lot of conversations about traffic. Would it be worthwhile for this group to invest in a traffic study to get a determination of how many trips would be generated here, but more so, how they would be modeled? Whether they would be northbound versus southbound trips, and that would help quantify the number of trips that would be making that left turn in and out. Would that be a worthwhile investment by them, and to have it come back to the Planning Commission with that data?

Chairperson Haber – Let me give you my perspective on this, and you and I talked about this earlier today. That's always up to you folks whether you want to do the traffic study. If you want to incur the expense for that, that's fine. We'd like to see that if it's possible.

However, I think the bigger problem that you have here is that it's on the wrong side of the street. If this were on the west side of the street, I think we would be much more inclined to do something because traffic could flow in and out. Being on the east side of

the street is just opposite of the traffic patterns. My personal feeling is that this is a major issue.

If you care to do a traffic study, that's up to you. We can table this tonight. We like to be good neighbors. I think your site plan would probably work out pretty well, but traffic is going to be an issue no matter what. I'm going to leave that to you folks.

Weber – I have a question regarding the traffic study. Will it include traffic coming out of private property? Meaning, will they count cars coming out from the existing Planet Fitness, Defy and Kroger, turning south, or is it just strictly Union Lake Road traffic turning in? I don't know that I've seen a traffic study where it involves private property.

Dave Campbell – I think it could be done either way. I think they would evaluate the level of service at the existing driveways. Just a reminder, this site plan is not proposing any new driveways. They would be using the existing driveways. They look at the current level of service, what that level of service would look like two years from now at normal traffic growth, and two years from now with normal traffic growth, plus the additional traffic from this property. I don't know that they would base their model on northbound versus southbound turns from the existing movements of Planet Fitness and Defy, because I think that's a different market and a different entity. The way people come and go from those uses might be different than the way people come and go from a coffee shop.

Mr. Weber, to answer your question, they can look specifically at levels of service of the existing driveways, or it could be a simpler approach of looking at the model of how many vehicles are turning in and out, and then weighing that against the volumes of traffic that already exist through this corridor, to make a determination of whether it is or isn't a notable impact.

Weber – I don't want you to have to spend \$5,000 on a traffic study.

Dave Campbell – What I'm asking is, is it a worthy endeavor?

McKeever – And it still doesn't address need.

Dave Campbell – That was going to be my follow-up. This is obviously something our traffic engineer would not be involved in, but I think the development team would want to collect some information and make a case for why there is an immediate need. I don't know if there is a magic ratio of population and traffic counts, versus how many cups of coffee are in demand, but that could be something that they could work on.

Chairperson Haber – I'm confused with the traffic study. You think it would just do the addition of this one facility?

Dave Campbell – I don't think this is what you're asking, Mr. Haber, but it can't be this developer's responsibility to eliminate traffic congestion along Union Lake Road. Their responsibility would be to demonstrate that the impact of their use would be negligible on the existing levels of service.

Mr. Eickhoff – May I address the Commission?

Chairperson Haber – Absolutely.

Mr. Eickhoff – I just want to remind you that there are different pieces to the puzzle tonight. I'm the developer and I have a responsibility for getting the Special Land Use and site plan approved. Scooter's, who is going to be my tenant, is responsible for the building and really needs to address the special need piece of it. What I would like to suggest is that we do table the decision tonight, but before I can give you a concrete answer on the traffic study, which I'm going to do, I need to make sure that Scooter's feels comfortable that they can provide better information to you as to why there's a special need. They're not here tonight, so I can't ask them.

Chairperson Haber – That's up to you. You can request to table and we will consider that. There are two things obviously going on here, the need and the traffic.

Mr. Eickhoff – I would like to request tabling the decision for this evening. I would encourage you to walk the property. I've been with the company a little over a year, and I changed management companies, including the people that are cleaning it. I specifically walk the property at least once a month. I added a third dumpster at Defy. Tonight, there was one box that was not in the dumpster, but the fence line is all cleaned up. Thank you for your time.

MOTION by Weber, supported by Karim, to table Item PSU21-06, Scooter's Coffee Special Land Use, the request by Brad Brickel of Nowak & Fraus of Pontiac MI, representing Scooter's Coffee for a Special Land Use for a drive-through business in a B-3 zoning district on the east side of Union Lake Road in an outlot at 2733 Union Lake Road. Sidwell No.: 17-12-276-007 **MOTION CARRIED UNANIMOUSLY**

Dave Campbell – Before we break, is there any direction we want to provide with respect to the site plan? Any general comments, just so if they are successful in coming back and getting their Special Land Use approved?

Chairperson Haber –

- The dumpster door; I have yet to see in the Township a dumpster door that is closed. It's one of my biggest peeves. Everybody is going to be looking at this dumpster door.
- The mechanicals on top of the roof, they have to be screened.
- The landscape islands have to be irrigated when they're moved.
- I'd like to know the hours of operation.
- The signs, we've told you, you're entitled to one. You might get two, but that's up to the ZBA.
- We've talked about the landscape plan, the sidewalks and the trees.

Vice Chairperson Parel – I understand there's two pieces to this, and one is the tenant who will be there. Are we going to be in a scenario a month from now where they come back, show us the study, and it shows a lack of coffee supplied in the area. They'll show us the numbers, but then we're just going to say that the traffic is still an issue?

Chairperson Haber – That's a possibility. When you do a Special Land Use, you have to prove need.

Vice Chairperson Parel – I'm just wondering if we are wasting their time.

Chairperson Haber – I thought I made that perfectly clear. This is your decision. You know what our problems are.

McKeever – They'll at least have the opportunity to discuss it. If they feel the need to withdraw it, they can do that too. If it were to go to a vote tonight, I think it would not go through. This is an opportunity to keep it open.

Vice Chairperson Parel – If there was not an issue on need ...

Weber – I think it's the other way around. If this was on the other side of the road, and we weren't having the traffic issues in that location, I think it would be easier to get past the immediate need. There are a lot of accidents and it's a compounding problem. If a study were to be done, that's something I would be interested in.

Vice Chairperson Parel – George, I think we're in agreement. What I'm saying is, if there wasn't an issue with traffic, we could resolve the need.

Discussions continued regarding a potential traffic study, along with the necessary data from Scooter's regarding need.

Dave Campbell – One dynamic to consider when talking about need is that we live in a pandemic world, and that has certainly changed the way consumers acquire coffee. The drive-through component is definitely part of the conversation of need. When we talk about other coffee shops on Union Lake Road, there are other places to get coffee, but I think the drive-through is part of that conversation when we talk about need. The way people acquire things has drastically changed in the last 18 months.

Brad Brickel – I appreciate the information you are providing to us. I've been to a lot of meetings where you walk out and you're not really sure what it is. I appreciate your willingness to share with us how you feel.

Chairperson Haber – We live here. I'm there four times a week and it's a pain in the neck.

Weber – I think the traffic study would have to show surprising information for me to say yes.

Chairperson Haber – Okay, I think we put this to rest.

Mr. McCarville asked when this would be discussed again and if they would be notified by mail. Dave Campbell explained it would be up to the petitioners when this comes back, but another mailing would not be sent out. He added that the Planning Commission meets once a month. McKeever encouraged the residents to check the Township website. Chairperson Haber asked for Dave to stay in contact with the residents and keep them informed.

No action was taken on Item PSP21-06, Scooter's Coffee, the request by Brad Brickel of Nowak & Fraus of Pontiac MI, representing Scooter's Coffee is requesting site plan approval for a new drive-through business located on the east side of Union Lake Road in an outlot at 2733 Union Lake Road. Sidwell No.: 17-12-276-007

Discussion continued between the Commissioners, Ms. Carter and Mr. McCarville. Weber explained that two ordinance officers have been hired by the Township, and he encouraged the residents to inform them of issues. He also reiterated that the company has hired a new property management firm to address cleaning of the property.

J: OTHER MATTERS TO COME BEFORE THE COMMISSION:

None.

K: PLANNING DIRECTOR'S REPORT

Dave Campbell discussed the following with the Commissioners.

- Union Lake Road was closed this morning, just south of Wise Road. It will be closed until September 24th. Their start date was delayed by permitting and storms.
- The Space Shop, which is the enclosed, climate-controlled self-storage facility at the southeast corner of M-5 and Pontiac Trail; you'll see some activity there. They're prepping the site, putting in silt fence and their construction drive. Deb and the DDA were very cooperative in letting them put in their construction drive a little early, before closing on the property, which allowed them to get a couple weeks head start on their construction. My understanding is that they want to have a shell of that building up before the snow flies.
- There are big ticket projects that will be in front of you soon. One is the independent living on the south side of Oakley Park, east of Martin Road. They came to you with a conceptual plan and they're planning to move forward. That's going to be a Conditional Rezoning to allow for residential use.
- Midtown on Haggerty, the mixed-use project along the west side of Haggerty, north of 14 Mile; we had a meeting with them. They want to meet with the Fire Marshal to go over fire code issues before they submit a PUD site plan to the Planning Commission. They're shooting for the September or October meeting for that.
- The Reserve at Crystal Lake, the gravel pit with 203 new homes; they want to get their PUD site plan back in front of the Planning Commission, potentially in September.
- The prospective developers of Bay Pointe are looking at their third iteration of their traffic study, which will include a parallel plan. We're trying to ascertain the traffic impacts if this property were to be developed as it is currently zoned, versus the impacts for the development they're proposing. Our traffic engineer drafted another scope for that and it's moving forward.
- At the northeast corner of Commerce and Carey Roads; they brought a concept plan to you a few months ago that included a 3-story assisted living and memory care facility. Concerns were raised about the size, mass, and height of the building. They thought they would bring a revised plan back to you at this meeting, but they decided to push that back.

- The Township now has two part-time code enforcement officers. One is Todd Martin, retired Fire Marshal, and the other is Terry Long, a retired Oakland County Sheriff.

Weber inquired about the timing to kick off the master plan updates, and he asked about the process. Dave Campbell is outlining what he thinks needs to be included in the update, and it could be the first quarter of 2022 before the Planning Commission makes a decision in this regard. The process was discussed between Dave and the Commissioners, which would include involvement by Giffels-Webster for efficiency. A focus will be on traffic circulation, and how development decisions will impact an already stressed system.

Vice Chairperson Parel initiated discussion with Dave Campbell regarding the Bay Pointe traffic studies, and the fact that the traffic signal at Martin and Richardson is not a synchronized signal. To upgrade it is estimated at \$250,000. This may be eligible for Tri-Party funding. This would be a decision of the Township Board. Discussion continued regarding challenges and costs of addressing regional traffic issues affecting Commerce Township.

NEXT REGULAR MEETING DATE: MONDAY, SEPTEMBER 13, 2021 @ 7PM.

L: ADJOURNMENT

MOTION by Parel, supported by McKeever, to adjourn the meeting at 8:31pm.

MOTION CARRIED UNANIMOUSLY

Brian Winkler, Secretary