

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

Monday, November 1, 2021
2009 Township Drive
Commerce Township, Michigan 48390

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

ROLL CALL: Present:

Brian Parel, Vice Chairperson
Brian Winkler, Secretary
Bill McKeever
George Weber
Chelsea Rebeck
Sam Karim
Joe Loskill

Also Present:

Dave Campbell, Township Planning Director
Jay James, Engineer/Building Official
Randy Thomas, Insite Commercial

B. APPROVAL OF AGENDA

Dave Campbell – I have a quick request. When we get to the end of the meeting, can we do Election of Officers before the other two housekeeping items?

Vice Chairperson Parel – So, prior to the Planning Commission Bylaws?

Dave Campbell – Yes, so Election of 2022 Officers, Bylaws and 2022 Meeting Schedule.

MOTION by Loskill, supported by Rebeck, to approve the Planning Commission Regular Meeting Agenda of November 1, 2021, with the change proposed; to move Election of 2022 Officers to Item I3., Bylaws to Item I4, and 2022 Meeting Schedule to Item I5.
MOTION CARRIED UNANIMOUSLY

C. APPROVAL OF MINUTES

MOTION by Winkler, supported by Loskill, to approve the Planning Commission Regular Meeting Minutes of October 4, 2021, as presented.

MOTION CARRIED UNANIMOUSLY

D. UPDATE OF ACTIVITIES

Brian Winkler – Downtown Development Authority

- The DDA meeting on October 19th can be summarized as follows.
- During public comments, there was a discussion with Lt. Reyes of the Oakland County Sheriff's Department regarding the speed limit on Martin Parkway, and how to better enforce or possibly reduce the speed limit. You probably noticed that they put a couple of those speed limit signs out there that will hopefully reduce the speed of traffic.
- The Five & Main quarterly update took place. Bruce Aikens provided an overview of the Five & Main project. He expects to break ground on the project in 2022.
- In the Director's Report, Vice Chairperson Dan Lublin, whose term on the DDA Board ends on December 31st, will not be seeking reappointment. After many years of service to the DDA, Dan may continue with the DDA in a new role.

Interviews for his replacement will likely take place in December. I've been asked to mention to the Planning Commission, if you know of anybody who might be interested in applying for a position on the DDA Board, please let Larry Gray know.

- The Insite Commercial Report, we discussed the revisions of the Barrington out lots, Parcels A&H, from commercial to residential use, as was reviewed at the October Planning Commission meeting.
- We also reviewed and approved the schedule for 2022 DDA meetings.

Bill McKeever – Zoning Board of Appeals

- We did not have a meeting last month.

George Weber – Township Board of Trustees

- Since the last Planning Commission meeting, we've had four Board meetings, two of which were dedicated solely to the 2022 budget, which hopefully will be approved at our next meeting on November 9th.
- Related to the October 12th meeting, there were a few items that I think are of note for this Commission.
- We approved the SAD amounts for both Fire and Police Special Assessment Districts for the 2022 tax roll.
- We appointed Donald Petersen to the Library Board.
- We amended the Code of Ordinance for revised engineering and design standards, which were redone by Jay James, along with Jason Mayer of Giffels Webster. Correct me if I'm wrong, Jay, but our engineering standards were pretty much the same since the mid-70s, with maybe a few minor updates.

Jay James – Pretty close.

Weber –

- This is a complete rewrite. They did a great job, on something that was very complex, to make it easier for anybody seeking that information, whether it be a builder or contractor.
- Earlier, the Planning Commission had approved the zoning of Log Cabin Drive from Recreation back to R-1B, and the Board formally approved that.
- We approved the site condominium and plat for the Reserve at Crystal Lake. That continues to move forward.
- We approved utilizing the existing contract that the Township has with Insite Commercial to be the realtor of record for the Rose Button property. That will now be actively marketed.
- A discussion on rental property ordinances will be brought back to the Board. During the COVID epidemic, I think we've seen incidents where sometimes landlords have taken advantage of renters. We're looking to provide something similar to what most of the surrounding municipalities have; a place for renters to turn when the landlord is not keeping a property up to code or up to safety specs.

Vice Chairperson Parel initiated discussion regarding issues with speeding on M-5 and Martin Parkway, and noticing police officers parked in the medians, especially further south on M-5. He is concerned with the health of the trees in those medians. Dave

Campbell explained that M-5 is MDOT's domain, and Martin Parkway is the Township's domain. He agreed that it is a struggle to keep trees alive in the medians.

Jay James – Building Department

- The Township is under a boil water notice.
 - There were three breaks in the transmission line at 14 Mile and Drake. They have been able to isolate those breaks.
 - We've opened up the emergency valves that we have with West Bloomfield, Novi and Walled Lake, so we are still being back fed, although our pressures are a lot lower than we typically see.
 - We have isolated the water storage tank for use by the hospital right now so that they do not have to boil water and they still have adequate pressure to treat patients.
 - They still have to do bacteria samples before we can eliminate the boil water notice. It's expected to last 3-5 days. Hopefully they can get it done quicker.
- Otherwise, in the Building Department, we're very busy this time of year. Everybody is trying to get their concrete in the ground before the weather turns bad. The developments we have, Oak Hill, Windwheel, Space Shop, they're all working to get as many basements in as they can before winter hits.

Vice Chairperson Parel – Did you mention Pulte's Townes at Merrill Park?

Jay James – I did not, but that's another. Those are slabs. They've been asking for several weeks to get their first permit, but they haven't had their roads in. They will be getting that here shortly.

Vice Chairperson Parel – Appreciate it.

Weber – Jay, did I hear correctly? The water main was a 48" main?

Jay James – Yes, it's the main transmission line coming from the water pump stations. Currently, we have a redundant line going in on 14 Mile, which isn't done yet. Luckily we had those emergency feeds through the neighboring communities, so everybody is working together. This happened a couple years ago and it shut people out of water for quite a while. The County and State created an emergency operations center, which they enacted yesterday. They have held three Zoom calls with all of the affected communities today, delivering updates and getting as much information as they can out to the public. It's too bad it happened, but it shows that they learned a lot from the last one. They made this one a little easier and hopefully less painful for the residents.

E. PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

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

Dave Campbell – I should mention that there are multiple items on the agenda, but only one of those items is scheduled for a public hearing, and that's the Conditional Rezoning for Clover Development. Therefore, this is an opportunity for anyone in the audience who wants to speak to any other topic, whether it's on the agenda or not.

Regarding Scooter's Coffee, we did have a public hearing for that back in August. There is not going to be another public hearing tonight. Therefore, this would be the only opportunity for members of the public to address the Planning Commission in that regard this evening.

Vice Chairperson Parel – Is anyone here to speak?

No Comments.

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

F. TABLED ITEMS

MOTION by Weber, supported by Loskill, to remove Item PSU21-06 from the table.

MOTION CARRIED UNANIMOUSLY

MOTION by Weber, supported by Loskill, to remove Item PSP21-06 from the table.

MOTION CARRIED UNANIMOUSLY

ITEM F1. PSU21-06 – SCOOTER'S COFFEE – SPECIAL LAND USE – TABLED FROM AUGUST 2, 2021

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

ITEM F2. PSP21-06 – SCOOTER'S COFFEE – SITE PLAN - TABLED FROM AUGUST 2, 2021

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, Planning Director, brought up the aerial on the overhead and gave a review. Scooter's Coffee is proposing to create a half-acre outlot within the existing paved parking area of the Planet Fitness/DEFY Trampoline Park Center at 2733 & 2737 Union Lake Road. Scooter's would be a drive-through only business with no customer access to the interior of the proposed building. The Planning Commission will consider the special land use, for a drive-through business in the B-3 zoning district, and the corresponding site plan this evening. This request was tabled August 2nd so the development team could return with more information on traffic impacts, and also build a case for why there is a documented and immediate need for the special land use. Dave reviewed the updated traffic study, which he had emailed to the Commissioners today. The study was performed by the developer's traffic consultant, and then was reviewed by the Township's traffic consultant.

Dave also addressed revisions to the site plan, including shifting the orientation of the dumpster, a designated drive-through only lane to improve circulation, and angled parking spaces. He noted that the petitioners do not appear to be proposing the installation of a frontage sidewalk. The Township's position has typically been to require frontage sidewalks along major commercial corridors, despite gaps that may exist.

Vice Chairperson Parel – Dave, what percentage of this building is EIFS?

Dave Campbell – I don't believe there is any EIFS proposed on this building. If I'm wrong on what this cornice material is, hopefully someone from the development team will let me know. The cream colored material is brick veneer, and the darker colored material is cement board siding. In an earlier submittal, the cream colored material was shown to be a metallic architectural panel. We informed them that the Township prefers brick, so they upgraded that to brick.

Vice Chairperson Parel – Regarding the new traffic study that came out today, you started talking about improvements to the study, and one was in the busiest time during afternoons. The rating previously went from a C to an F, and now it's improved from C to D or E?

Dave Campbell – I'm happy to pass these out if you're interested. We're talking about this existing driveway for Planet Fitness and DEFY, which would be north of Scooter's. In earlier iterations of the study, the driveway was showing level service F with the addition of Scooter's Coffee traffic; however, that was attributable to how they coded the operation of this driveway. Once they adjusted for that, and other adjustments were made as recommended by the Township Traffic Engineer, the levels were updated. In the morning, they are currently at level service B, and with Scooter's it is still shown to be level service B. In the afternoon, it's currently level service C, and with the addition of Scooter's, it would go to level service D. Believe it or not, in Southeast Michigan, level service D is considered acceptable, or even desirable. What you're trying to avoid is level service F.

Weber – Dave, any comments on the decel lane?

Dave Campbell – Yes, the traffic study still says that a northbound, deceleration, right-turn taper is warranted based on traffic volumes for this driveway with the addition of Scooter's. It would need RCOC approval, and they may or may not require it.

Vice Chairperson Parel – At this time, we can invite the petitioners up.

The following members of the development team were present to address the request:

- Brad Brickel, PE, Applicant/Engineer, Nowak & Fraus Engineers (on behalf of PF Group Michigan, LLC), 46777 Woodward Avenue, Pontiac, MI 48342
- Ed Eickhoff, Property Owner & Developer, and Bryan Rief, Resident Agent, Commerce Woods Shopping Center, LLC & PF Michigan Group, LLC, 133 W. Main Street, Suite 266, Northville, MI 48167
- Krisandra Lippert, Franchiser, Scooter's Coffee, 10500 Sapp Brothers Dr, Omaha, NE 68138, 2950 Dean Parkway, Minneapolis, MN
- Jay M. Beck – Resident Agent, Franchisee, Three Boys Java II, LLC, 10237 Reese Road, Clarkston, MI 48348
- Brandon Hayes, PE, Traffic Engineer, Rowe Professional Services Co., 27280 Haggerty Rd. Ste. C-2, Farmington Hills, MI 48331

Krisandra Lippert – We just wanted to introduce ourselves and put a face to the name. Scooter's is a drive-through, as you know. That's its roots. It is still a privately held

business. Eckles is the name of the couple who started Scooter's, and they're still involved on a daily basis. It's an inspiring company. The core values are integrity, humility, courage and love. The people who work for this organization do their best to honor that every day through involvement with the communities and with their teammates.

As you all know, the pandemic has changed the way we all do things; curbside pickup is available everywhere. We really thrived during the pandemic. People felt safe with the drive-through, no contact, no public interaction. It was our motto before and we're only getting better.

We're constantly striving at formulating how to maintain speed through the drive-through so our stacking is limited. Because we are only a drive-through, it's cleaner for the environment, it doesn't invite a lot of loitering and things like that.

I'm not sure what else to say, other than how wonderful we are. It really is a need. Our only competition in the local community is Starbucks, and I understand that it is right behind us in Kroger, but they don't have a drive-through. I'm sure there is a drive-through down the road, but not in close proximity. While there may be other businesses that do serve coffee, they don't have the specialty, quality coffee that we have, and with a drive-through. Literally, it was named Scooter's by the founder, Don Eckles, because you can scoot in and scoot out.

We do have some corporate stores, but most of our stores are owned by franchisees, and they're local for the most part. Jay Beck, Franchisee, is here with us today, and he's part of your local community. He is looking forward to being part of the community. He is invested. He was very surprised at the outcome of the last meeting, but he was willing to stick with it and bring the traffic engineers on. Thank you for allowing us to talk and introduce ourselves.

Jay Beck – I will be the local owner with my wife, Angela. As you know, Scooter's is headquartered in Omaha, Nebraska, and I'm native to Omaha. I was born close to there, moved away as a child, then came back as an adult and spent 14 years there, which is where I came across Scooter's. A kiosk opened up in the early 2000's and I had never seen that model. It was close to the office where I was working. It was convenient, fast and the coffee was good. At that time, they didn't have any food items, just a couple things. I've been so impressed with them over the years.

We moved back to Michigan for my wife five years ago. She grew up here. We always thought Scooter's would be a great fit for Michigan. We've looked at a lot of different places and we really like the Commerce area and the Union Lake Road corridor. It fits everything that Scooter's is about. So if there are any questions for me, I'd like to help answer them.

Vice Chairperson Parel – I think we will turn it over to the Commissioners. I just read an article that Scooter's opened their first Michigan location. Is that yours?

Jay Beck – No, and actually it's not open. I believe it's just approved and it will be the first one. I have agreed to open five locations and Commerce will be my first. My wife has a day job, and this will be my day job. We will have a store manager, but I will be involved long-term, day-to-day as much as needed. We live in Clarkston. We're excited to be an asset to the community and to get involved however we may, with the school system, whether it be through educational programs, teacher and student incentives, those types of things. We'd love to be involved with the Chamber however we can help.

Commission Comments:

McKeever – Could you speak to the sidewalk issue?

Brian Rief – I'm the owner of the property, and co-owner of Planet Fitness as well. I can speak to the sidewalk. We are prepared to proceed, if that is a request and mandated as part of the approval process.

Weber – I appreciate you coming out. I would love to have Scooter's Coffee here in Commerce, just not in this location. My comments are still similar to what they were the first time you came through.

I don't see the immediate and documented need, which is probably the most critical hurdle to overcome on any Special Land Use approvals, coupled with the traffic concerns. I went through the traffic studies and the revision.

I'm a member of Planet Fitness. I know what it's like there at 7:30-8:00 in the morning trying to turn left. I don't know that I subscribe to just a couple more cars wouldn't make too much of an impact when you are turning left across two lanes of 50mph or higher speeds.

The preponderance of documented and immediate need, and the traffic, would not allow me to support this. If you were on the other side of the street, it would be an entirely different story.

Loskill – After looking at this, my only concern was the left-in, left-out turn on the north driveway. According to Fleis & Vandenbrink, our traffic consultants, this is not a high level of service, but it's not a failing level of service. I go to Planet Fitness and I see this big, abandoned parking lot, with lots of concrete, and I'd rather see a functioning, thriving business. As long as there's not an issue with the traffic, according to the traffic consultants, I'd rather see this as opposed to leaving it as blank parking area.

I think it's good for our bottom line and for the view along Union Lake Road. I think there are some tweaks that need to be hammered out, sidewalks, landscaping and things, but I'm in favor of the concept.

Rebeck – I do agree that I would like to see something in that parking lot. I also agree with George. I take my kids to DEFY quite a bit. I don't know that there's anything we can do to make that plaza any easier to get out of without putting a traffic light there. That's beyond me right now. I have to go with the traffic experts. I think everything else looks great. I don't have any questions, but we're excited to have you here as long as it passes.

Karim – I think everything I was thinking about has been said already. I do like the variety. That place looks very dull and I think this will give it a new look.

Winkler – I wasn't here at the August 2nd meeting, so I'm going by the minutes of that meeting, plus what has been offered by the petitioner since then. I think there's always a need for coffee, but not in this particular location. I agree with George as well regarding the traffic. The last thing we want to do is exacerbate a situation that is already bad, when it comes to the traffic and the left turns there during the morning peak.

I have trouble supporting this, in this location. There might be another location where it is more palatable and doesn't affect the traffic as much, but this doesn't seem to be a good fit.

Vice Chairperson Parel – For me, this is a difficult one. It's our job, and there's eight standards that have to be met. I think you've heard that it's really coming down to two of them. When we originally talked about the documented and immediate need, I agree with Brian that you can always use coffee. I have not tried your coffee. I'm a bit of a connoisseur. I've got to take your word for it. I personally think I could get past that, especially when people come up and tell us that they want to be a part of the community.

The traffic impact is going to be tough for me, the traffic on this thoroughfare, the vein of all of our existence; Dave, I'm guessing we get more calls and complaints about this traffic than anywhere else. I'm happy to hear that we've really vetted out the traffic studies, and that we've improved the level of service from the prior studies, or at least the impact that we think will come from this. However, in my conscience, I just can't get behind anything that will degrade the level of service, even a little bit, on this road. It's really tough for me.

That said, there's seven people up here and I think this could be a close one. If we do approve this, the next part of this would be to work on and potentially approve the site plan, right?

Dave Campbell – That's correct, there's two components to this. First would be consideration of the Special Land Use and the eight criteria. If the Planning Commission were to approve the Special Land Use, then the next approval would be the site plan. That's where we can talk more about building materials, landscaping, sidewalks, dumpsters, et cetera.

Brandon Hayes – I'm the Traffic Engineer with Rowe Professional Services Company. I do have a little bit of context to add here. We have been working diligently in the background, with Mr. Campbell and Ms. Kroll, on the study to make sure that we got everything correct. Our study does show that we have three seconds of delay at that driveway approach in the AM and PM peak hours. The impacts are negligible, and Ms. Kroll's review letter said as much.

Another important thing to keep in mind as well, regarding the study, is that we're incorporating both traffic control signals to the north at Willow, and to the south at Commerce. Those signals provide gaps for traffic to make egress movements at the driveway.

Vice Chairperson Parel – At our last meeting, we had a public hearing. We had some folks that live nearby who had some complaints about trash in the area from the building. Jay, I'm wondering if we've had any more complaints, or has the issue been resolved?

Jay James – I believe that the new Ordinance Officers have been out there and looked into it. I know I spoke with Planet Fitness and DEFY. They both admitted they had an issue when DEFY started. They were generating more trash than they thought and they had issues with their trash collectors. Since then, I have not heard of any more issues.

Vice Chairperson Parel – Appreciate you taking care of that.

Bryan Rief – We did take care of that. We added another dumpster and they increased the pickup frequency. I just wanted to add, I appreciate those of you that are members

of Planet Fitness. As owners of the property, our biggest concern is our members, and we don't want to create any more traffic than is already coming there. We're certainly well aware of the issue, but I thought it would make sense when we contemplated this. We've had a number of other interested parties. The first concern we had was that we wanted to limit the profile and the impact on parking. It is a big field. I think generally when we're both operating, it gets good usage there, but we felt comfortable in talking to Scooter's that this would be an appropriate use for that parcel. I feel very strongly about what we've brought to the community with Planet Fitness. We operate very seriously and we look at it as a partnership. I've gotten to know Jay Beck and he's incredibly sincere about being involved the community.

Dave Campbell – If you're ready to take a vote, the Planning Department did provide recommended motion language. I notice that, on the Special Land Use recommended language, on Page 6 of the review letter, Condition #2, which speaks to, *Compliance with the recommendation of the traffic study, and specifically a recommendation for widening the primary driveway to provide designated outbound right turn and left turn lanes.*

If the Planning Commission were to utilize that language, I would say strike that portion, because as we've discussed tonight, the traffic engineers have agreed that the existing driveway would not need to be widened with two outbound existing lanes.

Vice Chairperson Parel – Anything regarding the sidewalk would be handled in the second motion.

Dave Campbell – That's correct. The sidewalk would be a site plan issue and it is addressed in the recommended motion language.

Vice Chairperson Parel – I'm assuming Ms. Rebeck may want to make a motion.

Rebeck – I do. Before I make the motion, I do want to say, as the only lawyer up here, I do take very seriously the standards for the Special Land Use approval. I think I feel comfortable with your proposal meeting the documented and immediate need portion, because of COVID, and because it is a drive-through location, and we don't have anything like that on that street. I would have a harder time if we were not in this pandemic situation.

MOTION by Rebeck, supported by Loskill, to approve, **with conditions**, 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 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

Move to approve PSU #21-06, a special land use for Scooter's Coffee drive-through business in a new outlot to be created within the parking lot of the Planet Fitness/DEFY Trampoline Park Center, within the B-3 – General Business zoning district.

Special land use approval is based on a finding that the applicant has demonstrated to the satisfaction of the Planning Commission that the proposed use complies with the special land use criteria of Section 34.08 of the Zoning Ordinance, as well as the use standards of Sec. 26.308.

The Planning Commission gave particular attention to Section 34.08.6, Traffic Impacts, and determined that the petitioner's traffic impact study adequately addressed potential traffic concerns.

Special land use approval is based on the following conditions:

1. Approval of a corresponding site plan by the Planning Commission, and,
2. Compliance with the recommendations of the traffic impact study from Rowe Professional Services, including a recommendation for installation of an inbound right-turn, deceleration taper at the primary driveway subject to approval by the RCOC.

ROLL CALL VOTE

AYES: Rebeck, Loskill, Karim, McKeever

NAYS: Winkler, Parel, Weber

MOTION CARRIED 4-3

Weber – Welcome aboard.

Vice Chairperson Parel – Welcome aboard, pending site plan approval. Although I'm opposed because of the traffic, I'm still happy about this. It sounds like we've got a great franchisee, a good company, I'm excited about another coffee option, and I think breaking up this parking lot is a really good thing. It will look nice there.

Dave Campbell – Obviously we just had a split vote, but procedurally as we move toward site plan, even those who voted against Special Land Use have to understand that now, based on that vote, the use has been approved. Effectively, it is a permitted use in this zoning district based on that vote, and now it's a matter of ensuring that the site plan is what the Planning Commission wants to see.

Vice Chairperson Parel – Dave, is there anything else that we need to be taken through as it relates to the site plan?

Dave Campbell – We certainly covered the sidewalk. The one thing we have not touched on yet is the existing street trees along Union Lake Road. We can go to the aerial and the Google street view. I think these are honey locust trees along the frontage. These are healthy trees that were planted 20 years ago. They've gotten mature and they serve their purpose to provide a greenbelt along Union Lake Road. I think the petitioners want to remove three of those trees, and then also these two smaller trees within the landscape island. Those would be removed as a means to provide visibility to the coffee shop. I wanted to see this discussed with the Planning Commission. If the sidewalk was something that was not going to be required and/or agreed to, then it would bring up the question of, do those trees really need to be removed if not to make space for a sidewalk? I'd like to give the development team an opportunity to address that particular issue.

The other thing I want to mention, and I think their team is agreeable, is reorienting the site to provide one-way circulation through this lane. That would only be southbound so it's not in conflict with the vehicles as they circulate through the drive-through. Other than that, I think they've addressed some of the other issues through revisions to their site plan; screening of rooftop equipment and screening of any wall-mounted equipment on the south side of the building.

Weber – Dave, if I remember, regarding the site plan, I think we were all pretty happy with 90% of it. I think there were only three items; the sidewalk, the trees and then the dumpster. It was the orientation of the dumpster, with traffic having to spin around counter-clockwise to be able to have access to load or unload the dumpster.

Dave Campbell – That sounds right to me. As I mentioned earlier, the dumpster has been reoriented and pushed further back into the island.

Weber – Can you pull up NearMap? I walked the property today. I do have a concern with removing those trees because they're really great, healthy looking trees. I think there is an opportunity to prune them up to give greater visibility. It appeared to me that there was a lot of room, between Union Lake Road and the trees, for a sidewalk, so that tree removal would not be required for the sidewalk.

Dave Campbell – There is certainly a good amount of space there. I have not taken any measurements to confirm. I think part of what you might hear the petitioner say is that these three trees in particular land a little bit closer to Union Lake Road than some of the other trees. If the sidewalk were to come between the road and the tree line, it might be tough to work through the trees and the root system. It might also have detrimental impacts to those roots once they put in the base for the sidewalk. Maybe I'll put the petitioner's engineer on the spot to see if they have looked at that specifically.

Brad Brickel – There is opportunity, but as Mr. Campbell mentioned, you have two issues when it comes to trees. One, they have shallow roots so you're going to tear them out when you install the sidewalk. Two, you're going to have maintenance issues when those shallow roots create trip hazards in the future. Furthermore, if for whatever reason, the Road Commission says they want a right-turn lane in, now you're really minimizing that greenbelt. Then you'll have a situation where they're not going to want a public walk closer to the roadway as it would be a safety hazard. In our opinion, we think there would be a lot of damage. We are planting additional trees on the site, it's just a matter of where they are. I don't think they're going to survive with the walk going in there.

Rebeck – There's a tree closer to the corner. It looks like that one might be in the way of the sidewalk for sure.

Brad Brickel – Yes, correct. Thank you for pointing that out. The one in the lower left, that would also have to be removed. The reason it was not shown on our plans as being removed was because we did not have a sidewalk being proposed.

Rebeck – Is it going to be moved or replaced?

Brad Brickel – Yes, we will plant another tree further east. The potential to limb them is an option, but by putting the sidewalk in, that's where it becomes an issue. If there was no sidewalk, trimming it up would be appropriate.

Weber – The two that are on the island are also scheduled to be removed?

Brad Brickel – Yes, they're going to be replaced with a different type of tree, something that is not so full and blocking views. We're going to have a monument sign there. Obviously that has to go through the sign approval system, but it would be something that would allow more visibility and be more decorative. We will have hedging and it will look a little nicer in that area, central to the building.

Dave Campbell – This hedge row is new from Scooter's, correct?

Brad Brickel – That is all new. We added additional trees in the islands to the east and around the dumpster enclosure.

Weber – Is there a risk to the remaining trees? Are we going to kill all the trees if we put a sidewalk in?

Brad Brickel – There's potential. We would have to do a layout to see how that works. The other thing that would be offered is, anything that we remove, we would add additional trees. We can do tree replacement and enhance that with different types of trees that may not be as negatively affected by the sidewalk. We could work with Mr. Campbell on that.

Jay James – George, if the property owner would be agreeable, this might be a sidewalk that weaves to try to minimize damage to tree roots.

Weber – Could the sidewalk furthest to the south be along Union Lake Road, and then cut in toward where Scooter's is going to be, and then behind those three trees, then weave back out? Again, depending upon if there is a decel lane.

Brad Brickel – Right, and obviously that is subject to the Road Commission. I don't know how the Township feels about putting in sidewalks on private property either.

Jay James – I know the Road Commission is going to want the sidewalk out as far as possible, and then the property owner typically has an issue with putting it on private property.

Brad Brickel – We would absolutely look at if there is a way to meander it and minimize the damage to existing trees. Those three are further west than the others. We could put it 10' off the curb or something. That doesn't matter to us, as long as the Road Commission agrees. We'd do anything we could to try to save those.

Loskill – My concern, in looking at the comments from the Township Traffic Engineer, they're recommending angling the parking spaces that are along Union Lake Road. Are those actually going to be usable spaces for anyone? You're not going to have anyone at the coffee shop using them. They're the farthest out from the building. Is there any chance of just eliminating those parking spaces and utilizing that space to create the walkway?

Dave Campbell – Potentially, although now you're wrapping it into private property.

Loskill – Understood, but the benefit is that you save the trees and you don't have to do all that work and risk damage to the trees. You've got a bunch of parking spaces that I don't think anybody is ever going to use. I realize it's on private property, but with trimming up the trees and moving the sidewalk off that interference, it does address the issues and solve the problems.

Dave Campbell – I can see where it maybe provides space.

Dave reviewed the spaces to be angled and restriped, along with other parking spaces, and the areas of two-way circulation versus one-way circulation. He didn't know that this would solve the entirety of the problem.

Brad Brickel – To Jay's point, I really don't think the Road Commission would want the responsibility of putting it on private property to save a tree, unfortunately. If we can, we will meander it to save trees, and plant additional trees.

Vice Chairperson Parel – Dave, do you have a street view?

Dave Campbell – Yes, but if I recall it was taken some time in the winter so the trees are bare.

Vice Chairperson Parel – Chelsea brought it up. I'm looking at it and it appears there's a ton of distance between the road and those trees.

Rebeck – Yes, it looks to me like there's plenty of room to put the sidewalk in by the road, but not room to put it behind the trees.

Jay James – I think there's definitely room to fit a sidewalk in there, we'll just have to work with the Road Commission on the location of it.

Vice Chairperson Parel – And if there's a decel lane, and how that fits in.

Weber – Generally, how close is a sidewalk to the road?

Jay James – Generally, they want the sidewalk 1' off the property line, or as far as possible off the road, at least 5' off the road.

Brad Brickel – What size sidewalk do you require?

Dave Campbell – 8', because that is what Kroger has, and that's what we are requiring Burger King to do as well.

Vice Chairperson Parel – If I'm hearing correctly, we have resolved the issue on the dumpster. I don't hear any further issues with the building and the materials. We can have that conversation.

The two issues that remain are the trees and the sidewalk. I want to take a vote for site plan approval, Dave, but I wonder how we can resolve those tonight without going out for measurements. Any suggestions? Conditional?

Dave Campbell – I think it's fair to say that those three trees are going to have to go to make space for the sidewalk, just looking at where they land. Jay is right, the Road Commission is going to want that sidewalk to hug the west side of that line, which takes you right through the trunks of those three trees. I could see a motion where site plan is approved with the understanding that those three trees in particular will have to come out to make space for the sidewalk.

Weber – Okay, but if it is going to be that far to the east, then we've just killed all the rest of those trees too.

Jay James – I would say definitely the one to the south. The other two going north I don't think would be as impacted.

Weber – Could we put in the approval language, something to the effect that the Township would work with the RCOC to determine how far to the west we can go, not only for the trees to the south or to the north where Scooter's is going to be, but also with the potential of saving those other trees as well? And then, if not, it's a moot point, but I think we should work to go as far to the west as possible. As I recall, we can go somewhere around 5' from the curbside. If we do that, then maybe there is a chance. Then we can work on just pruning those trees up for visibility. I don't have an issue with the trees where the monument sign would go on the island, and maybe leave that to Administrative Approval.

Vice Chairperson Parel – I think that's a great compromise, George. The only other question I would ask, is an 8' sidewalk an absolute requirement, only because we required it to the south?

Jay James – It's actually in our engineering design standards for major thoroughfares.

Dave Campbell – Back to Mr. Weber's comment, if you look at the recommended motion language on Page 6 of the review letter, and look at #5. I think that is where you would want to amend that language to speak to collaboration between the Township, the RCOC and the developer on saving as many of the existing trees as possible, as part of installing an 8' sidewalk.

Vice Chairperson Parel – Any issue with George's proposal?

Dave Campbell – No, I don't think so. I think we would all benefit from meeting out there, walking it and agreeing upon a route, and having the sidewalk meander to save as many trees as possible.

MOTION by Weber, supported by Loskill, to approve, **with conditions**, Item PSP21-06, Scooter's Coffee, Site Plan, the request by Brad Brickel of Nowak & Fraus of Pontiac, MI representing Scooter's Coffee for 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

Move to approve Site Plan #PSP21-06, a new 641 sq ft Scooter's Coffee drive-through business to be developed on a 0.47-acre outlot to be created within the Planet Fitness/DEFY Trampoline Park Center property at 2733 & 2737 Union Lake Road. Approval is based on a finding that the site plan complies with the applicable standards

of the Township Zoning Ordinance, so long as certain conditions of the Planning Commission noted below can be included on a revised plan.

The Planning Commission's motion approving the site plan for Scooter's Coffee shall infer an approval for amendment of the Planet Fitness/DEFY Trampoline Park Center's site plan, originally approved in 1999 (SP #96-12-26) and most recently amended in 2014 (Planet Fitness) & in 2018 (DEFY).

Site plan approval is subject to the following conditions:

1. Review and approval of engineered construction plans by the Township Engineer, Fire Marshal, and Building Department;
2. A revised plan to be reviewed and approved administratively showing a sidewalk along the Union Lake Road frontage of both the Scooter's outlot and the Planet Fitness / DEFY site; including Administrative Approval by the Township Planning Director with the attempt to save all trees if possible by moving the sidewalk as far west as possible, conditioned upon RCOC approval;
3. A land division application to be reviewed and approved administratively subject to the applicable procedures of Commerce Township, Oakland County, and the State of Michigan;
4. Any new signs to be reviewed and approved under a separate Sign Permit by the Building Department subject to the requirements of Article 30 of the Zoning Ordinance, and any Sign Exceptions for additional wall signs be carefully reviewed by the Zoning Board of Appeals in the context of minimizing the traffic concerns of excess signage along the high-traffic thoroughfare that is Union Lake Road;
5. A revised site plan be submitted for administrative review & approval by the Planning Department. Revisions to include the following:
 - a. 4" curbs adjacent to the parking spaces on the west side of the building's internal sidewalk;
 - b. Cut sheets providing specifications relative to the building-mounted light fixtures;
 - c. Location of the grinder pump to be moved to the west landscaped area;
 - d. Screening of the utility equipment on the north side of the building as directed by the Planning Commission;
 - e. Building elevations to confirm that rooftop mechanical equipment will be screened;
6. Review by the Township Attorney of all necessary easement, cross-access, and/or maintenance agreements to ensure Planet Fitness, DEFY and Scooter's Coffee peacefully share driveways, drive aisles, and parking areas.

MOTION CARRIED UNANIMOUSLY

G. OLD BUSINESS

None.

H. SCHEDULED PUBLIC HEARINGS:

ITEM H1. PCZ21-01 – CLOVER COMMUNITIES – CONDITIONAL REZONING – PUBLIC HEARING

Clover Communities Commerce LLC of Williamsville, NY is requesting a Conditional Rezoning of two parcels of land consisting of 8.3 acres from TLM (Technology & Light Manufacturing) to TLM within the HRC (Haggerty Road Corridor) Overlay for a new 119-

unit senior independent living development located on the south side of Oakley Park Road, between Martin Rd and Haggerty Rd.
Sidwell No.'s: 17-24-201-008 & 17-24-201-009

David Campbell, Planning Director, gave a review. Clover Communities is proposing a conditional rezoning of two adjacent undeveloped parcels totaling 8.3 acres on the south side of Oakley Park Road between Martin and Haggerty Roads from TLM to TLM within the HRC Overlay for a 3-story 119-unit senior independent living facility. A public hearing is to be held this evening for the conditional rezoning. Clover's proposed facility exceeds the Zoning Ordinance's maximum density for senior independent living; a maximum of 12 units/net acre is permitted, and Clover's 119 units on 8.3 acres is about 14.3 units/net acre. Since a conditional rezoning is not a process that provides an opportunity to deviate from the standards of the Zoning Ordinance, Clover may reevaluate the project and consider converting the application from a conditional rezoning to a PUD. The PUD process does provide flexibility from the standards of the Zoning Ordinance, including maximum density. Clover is seeking feedback to make an informed decision on how best to proceed with the project.

Dave reviewed the building design on the overhead, along with access and circulation. The development is similar to Rolling Hills of Commerce. In addition to density issues discussed above, the petitioner would also need to work with an architect to reconfigure and break up the expansive wall of the building, which exceeds the maximum length of 180' for a senior living facility per the Township Zoning Ordinance.

Vice Chairperson Parel – What is the density of Rolling Hills of Commerce?

Dave Campbell – I don't know the number off the top of my head. I should have anticipated that question. What I do know about that project is they have the benefit of a lot of effectively unusable land on the south side of their site. The property extends all the way from Crumb Road to Maple. They left a large area as open space, and they were able to benefit from that land in terms of their density.

Weber – I had that same question on density, and also for the new assisted living center at Decker and 14 Mile.

Dave Campbell – I would have to look those up, but those are a different animal because this is independent living and those are assisted living. With assisted living, the density can go all the way up to, I think, 24 units per acre. But because this is independent, these folks come and go on their own, they cook their own meals and take care of themselves. It would stand to reason that they need more space for a full kitchen and other things that an independent person wants in their unit.

Beth Ernat, Development Director for Clover Construction Management West, 348 Harris Hill Road, Williamsville, NY, was present to address the request.

Beth Ernat – Thank you for having me here tonight. I apologize that we may have jumped the gun a little bit in trying to put together a package that would make the Planning Commission happy and work well with the Township.

There are a couple things I'd like to discuss. Why more senior housing? I know that's always a concern. Do we have too much? Is there ever too much? Our baby boomers just started aging at this point, so we have at least 35 more years of a heavy presence. We look at demographics in very strong detail and what the coming changes will be in an area. Oakland County has two people for every one bed available, and that's just independent living. We're not talking about memory care or nursing homes and assisted living. That's the condition right now and we have not hit the peak of the baby boom. At this point, we're coming in saying that we have 40 years before this population ever declines.

Just a reminder since last time, we're really a niche market. The facility going in on Crumb Road, I would refer to that as a cruise ship variety. That's a buy-in. You are essentially coming into it like a condo and you're buying into the community. That could range anywhere from \$5,000 to \$25,000 just to enter, and then monthly rents typically start around \$3,800.

We are considered a market rate independent facility. We don't provide meals. Our folks prepare their own meals. We don't provide hospitalization or healthcare, so we don't have doctors onsite or any nursing facilities. People can have home health come into their apartment, but we are not providing that. As to recreation, we have a smaller scale and it's not mandatory. It's kind of like going on the all-inclusive trip to Cancun versus booking a flight and going to Mexico on your own.

Lastly, there is a subsidized variety. That's going to be completely income-based. Our target market is an aging-in-place group that has been in the community and is familiar with the community. We look at a lifestyle; hospitals, grocery stores and churches. That's where people want to stay when they age out of, or choose to leave a single-family home, those are the three things they're geared to staying toward. We know this property is in front of the gun club. Part of the Conditional Rezoning agreement you saw would say that we will put an addendum on our lease to make sure that acknowledgement is made and save our friends at the Township a couple extra phone calls.

We're talking about a 3-story building that will have pretty significant buffers. We have 2" of open space between all drywall. We don't like our folks to hear each other. We might be dealing with a population that is a little less attuned to some noises, but I'm not saying everyone. Also, we're pulling from the area. If you're from the area, you are very familiar with that gun club. It has been here over 100 years. You've heard it on the weekends and in the evenings. It's like living by a railroad.

We also really like this location because Oakley Park is a little different than the crazy road of Martin Parkway. It's a little bit more calm. It has a morning and evening high volume. Our folks average 4-7 trips during peak time. I can provide you traffic studies or just the ITE numbers. Taking us, compared to putting in an industrial or technology building, we're not going to be adding to peak travel times. We will generate lesser trips than single-family, multi-family or technology and manufacturing. This location is really a great place. You're within a minute of Haggerty Road which gets you everywhere you need to be, and you never need to go to Martin Parkway. Or you do, and you might get on M-5, but you're not on at 7-9am, or 4-6pm.

We think we're a good buffer. Typically planning provides multi-family in between single-family, low-density use and then a higher density use. Our residents still get a pretty nice view between the gun club, the golf course, and the trees that we would keep in place. We would be a good neighbor to the cemetery.

The conditional use, in my humble opinion, is very similar to the PUD process, with the exception that the Planning Commission gets to participate more in the PUD process. A Conditional Rezoning is an offer and it's either accepted or denied, whereas the PUD seeks more feedback because we're able to talk about it at the table. We would agree to everything that's already been included in the Conditional Rezoning agreement, including the architecture and requirements of TLM.

The only other thing that came from the staff report is breaking up the building, and I think we can do that. There are a couple different ways, but I would like to show you pictures rather than trying to imagine it. I feel confident we can address the 180' plane. I'd like to get your feedback tonight. Would you be interested in a PUD?

As far as density, we can't make the project work at 100 units. We have a pretty tight proforma because we provide market rate rents. One of the reasons this works for us is because we're the long-term holder. We are the management company and the long-term acquisition allows us to take the equity from the building. Our proformas are based on long-term projects versus commercial, which is usually more of a quick flip. I can't reduce the units so I'm at your mercy.

Vice Chairperson Parel opened the public hearing.

No comments.

Vice Chairperson Parel closed the public hearing.

Commission Comments:

Vice Chairperson Parel – A Conditional Rezoning and a PUD both require approval from our Board of Trustees?

Dave Campbell – Correct.

Vice Chairperson Parel – George, I know we have had some density issues in the Township and on the Martin Parkway corridor. How do you foresee the Trustees looking at this?

Weber – Three of the Board's highest priorities are traffic, density, and rental units. Traffic, especially anywhere near Martin Parkway, is a huge issue. I'm sure you've driven it and can understand that. Density obviously leads into that also. The other hot button are rental units. In the last few years, in addition to all of the rental units already in Commerce Township, we have approved over 1,000 if you include other assisted living centers as well. That includes two large projects that have not yet broken ground; one on Haggerty Road, and another on Martin Parkway.

That, coupled with 3-story buildings within Commerce get scrutinized. The desired look and feel for Commerce is to maintain the "bedroom community lakes area" look and feel as much as we can. Now, having said that, we understand that our development has exploded in the last few years. The Board is trying to balance that explosion with still maintaining the feel that we have.

Rental units are part of something that doesn't lend itself to a bedroom community. By definition, they're transient in nature, whether it's two years or more, it's not where somebody has placed roots. That is always a topic of discussion.

I would say the final point is that we're continuing to look at the stress that facilities like this put on our first responders. We will soon complete the brand new fire station on Welch Road. Those things are part of the consideration process.

Vice Chairperson Parel – I think that's a good starting point because whatever we discuss today, wherever we take this, it's coming to the Township Board. I appreciate it, George. Maybe I'll start here with Mr. Winkler, any questions or comments?

Winkler – Not at this point.

Karim – The only concern I have is the gun club on the other side. I live very close on Richardson, and there's three gun clubs close by. I can feel them day and night.

Rebeck – I feel like there is a lot, procedurally, going on here. Changing the overlay; I don't know that I necessarily agree that it falls within the HRC use just from reading it. Also, the density and size. If I were you, I would table this or move to another option at this point. There are a lot of things going on and I don't know if they fit within this bubble. I don't have a problem with the project in general, but it has to fit within all of the other things too before we can change the zoning.

Loskill – I have a number of issues with this. I don't see the location being conducive to a residential development. You have manufacturing on two sides, you have a cemetery on a third side, and a gun club on the fourth side. I don't think this is going to be a good location for seniors. I think having the gun club across the street is going to be very disruptive to these people.

These people are basically stuck in this building. There are no amenities onsite, they won't have any good views of anything, except for the folks on the cemetery side, and I'm not sure how good that is to have a senior building next to a cemetery. That's an issue for me.

These folks are going to age in place. When they come in, they're going to be 65 or 70 years old and they're going to have a car. In 10 years they're 80 years old and a lot of them are going to lose the ability to drive. There's no amenities and nothing around there for them to do. There's nowhere for food or entertainment. There's nothing in that area except manufacturing. I see big issues with them actually being able to function in this building once they lose the ability to drive.

That, coupled with the fact that we're exceeding the density by almost 20%... I'm for the project, but I just think this is the wrong location for it. I don't see this being a positive when we get done. You may be going market rate, but I think it will be low end market rate because I don't see this being a really desirable project. There's nothing to draw people to the site. It's basically just an apartment building.

I have a hard time seeing how this fits in and how it will be a positive for the community when it's done.

Weber – Joe made some good points. I still don't have an issue with project at this location, but I'm going to struggle again with the density issue. I know you said you're at your minimum, but to me, if you came in at the required density I think it would be a much easier discussion.

If you're going to go the PUD route, the reason that we entertain PUDs is that you are going to bring something substantially better for the community than the standard site

plan. Going PUD isn't just a skirt around the Zoning Ordinance. It has to be something with a real community benefit that would give us pause to consider something with higher density. I'm sure you have some great, creative people and I would be all ears to hear it. However, if this is the standard, just saying that this is now a PUD without something that is materially different, and something that provides a material benefit to the community, I don't think the PUD has legs.

McKeever – I think it has been covered. Density would be #1 on my list. Even if you could figure out a PUD, I don't know that I could live with 14+ dwelling units per acre.

Vice Chairperson Parel – Final comments from me regarding building materials. I don't know if these were the final building materials, and this may not be a conversation for today, but Page 7 of the Executive Summary shows a lot of siding and concrete. Respectfully, that's not something we're looking for and I know we're not there yet. I think the Commission did a great job of explaining what our thoughts are. I think density is your challenge. I want to be cognizant of your time. First of all, I don't even know if this would get past the Commission, but I don't think there's any way it gets past our Township Trustees. I don't think this was a waste of time. I think it was a good idea to come in and hear thoughts on both sides. Dave, maybe I'll turn it over to you as far as next steps.

Dave Campbell – I don't know if Ms. Ernat wants to respond to everything, if you want to give her the opportunity. You asked about procedure. The public hearing we had this evening was specific to the Conditional Rezoning. I think we agree that if this were to proceed, it would have to proceed through another avenue. Really, the only avenue that can overcome the density issue would be a PUD, but to Mr. Weber's point, the PUD is not meant to be a workaround. It's intended to be give and take for both the developer and the Township. If we're going to deviate from the standards of our Zoning Ordinance, it has to be for a project that is very compelling.

Whether it is a Conditional Rezoning or a PUD, it is a discretionary decision from the Township, both from the Planning Commission and ultimately from the Township Board. The bar is high when it's a Conditional Rezoning, and it gets higher with a PUD, particularly when you're asking to deviate from something that is very important to the Township which is density standards. I think it's important that Ms. Ernat and her team are hearing that and understand that the concerns of the Planning Commission are also concerns that will be heard from the Township Board.

Ms. Ernat, was there anything you heard from the Planning Commission that you wanted to respond to?

Beth Ernat – Yes.

Vice Chairperson Parel – You're absolutely welcome to.

Beth Ernat – I just want to address a couple things quickly. As far as amenities, we do have amenities in the building. They don't include food or healthcare. Those are a different type of facility. Most people stay with us to a point when they can't care for themselves, and that's when they go to the next level of care. Our average person does come in in their 70s. They are typically widowed and have one vehicle, but they are

active enough to leave the facility. Nobody is trapped. This is not a nursing home setting.

Loskill – I understand that. I design these buildings for a living. This is what I do. I understand the population and how they start out. I know what they look like once the people have been there, once the project is developed and has existed for 10 years. The people who came in who were able, active and could drive, they lose their eyesight, they have medical issues, they lose their driver's license, they're unable to drive. I don't see any outdoor walkways, there's no sidewalk connecting to this. There's no outdoor paths for them to have a recreational walk on this.

Beth Ernat – There are sidewalks all around the building. I don't want to split hairs, I'm just saying those considerations have been made. There's a courtyard, landscaping, an outdoor patio with grills; there are a lot of amenities I didn't get to because we're not at that point.

The other thing is rental. From a senior point-of-view, there is a very specific reason we do rental. Our buildings tend not to be transient. People tend to stay with us for almost a minimum of 10 years, but asking someone who is 70 years old to get a mortgage to buy a condo, or buy a condo in an age-restricted facility is creating legacy issues that are not going to be resolved easily as more people continue to age. Apartment transiency is very true, but senior apartments with an age restriction is really a different demographic. We can bring in very significant information that this is actually the product that works best at this age level.

Loskill – I'm not against the product. I'm only thinking this isn't the best location for it. That's my concern. I do these for a living, so I'm all for doing these buildings.

Beth Ernat – Okay, I appreciate that.

Vice Chairperson Parel – We appreciate it. Good discourse. To Chelsea's point, I think there is a lot to be resolved.

Weber – Are we looking to table this?

Beth Ernat – Yes, we're requesting that you table this. I'm sorry if that wasn't clear.

Dave Campbell – Anticipating that was the route we may go tonight, we offered some motion language to that effect.

MOTION by Loskill, supported by Rebeck, to table on Item PCZ21-01, the request by Clover Communities Commerce LLC of Williamsville, NY for a Conditional Rezoning of two parcels of land consisting of 8.3 acres from TLM (Technology & Light Manufacturing) to TLM within the HRC (Haggerty Road Corridor) Overlay for a new 119-unit senior independent living development located on the south side of Oakley Park Road, between Martin Rd and Haggerty Rd.

Sidwell No.'s: 17-24-201-008 & 17-24-201-009

Move to table action on PCZ#21-01 a conditional rezoning petition by Clover Communities Commerce, LLC for the development of a senior independent living facility upon two vacant properties on the south side of Oakley Park Road between Martin

Road and Haggerty Road. The two properties are proposed to be conditionally rezoned from TLM (Technology & Light Manufacturing) to TLM within the Haggerty Road Corridor (HRC) Overlay district. The Planning Commission wishes to give Clover Communities the opportunity to evaluate their proposal relative to the applicable standards of Sec. 26.110 of the Zoning Ordinance, particularly standards relative to unit density and building length, and make an informed decision of how best to proceed.

MOTION CARRIED UNANIMOUSLY

I. NEW BUSINESS:

I1. VALVOLINE – Concept Review

CESO, Inc. of Miamisburg, OH is requesting a conceptual review of a proposed new Valvoline Instant Oil Change facility located on a vacant lot on the east side of Loop Road, just south of Commerce Crossing. Sidwell No.: 17-36-200-031

David Campbell, Planning Director, gave a review. Valvoline is looking to develop the 1.2 acre Costco outlot on the east side of Loop Road, just south of Commerce Crossing Road, for a quick-service automotive repair facility. The undeveloped outlot is zoned B-2, Community Business, and would require a rezoning to B-3, General Business, along with approval of a special land use to allow for an automotive service facility. They are seeking informal comments and feedback on their concept plan. Dave brought up the conceptual elevations on the overhead, showing high quality building materials including stone, brick and glass.

Vice Chairperson Parel invited the petitioner up.

Kelly Schwieterman, CESO, 3601 Rigby Road, Ste 300, Miamisburg, OH, was present along with Michael Schifsky, Senior RE manager, Valvoline, 100 Valvoline Way, Lexington, KY.

Kelly Schwieterman – I can represent the civil and architectural images that you're going to see. Michael is here and he's going to start.

Michael Schifsky – My office is in Lexington, KY, which is where Valvoline is based. I live in Prescott, WI. Mr. Parel, you look like you enjoy what you do.

Vice Chairperson Parel – It's fun. You know what, when we're able to add value and help out the community, I think it's a good thing.

Michael Schifsky – You smile a lot, it's great. If I can indulge you, we're standing here in front of a drawing that says Valvoline. What is Valvoline? Valvoline is a brand. Fortunately or unfortunately, we are almost ubiquitous. I think our brand recognition is ranked 12 or 13 across the country. We're one below M&M's. In reality, what is Valvoline? It's an oil to a lot of people, but it's a lot more than that. We were founded about 160 years ago. We are that old. Some Europeans came here, invested in the industry of oil which was in its infancy at that time. They had two different routes to take; one was to try and satisfy a need by the rail industry at that time to lubricate the sleeves on the rams that drove the big train wheels. They were using products that didn't work. He saw an opportunity and took that route. He also got into cosmetics. We never knew what happened to that. On the rail line, his timing was right

because the internal combustion engine was being planned, and we became the first oil specifically designed for the automotive industry. We were OEM. We were there from the beginning.

Fast forwarding through the years, Valvoline fell under corporate tentacles to a company called Ashland out of Ashland, KY, which is where most of the offices were. Ashland had interest in taking the molecule and spinning it, getting into different areas. Through the years, we are probably 10% of the paint on the wall in this building. You are heated and cooled by chemicals produced from things that we make. Ms. Rebeck, you're probably using hair products that keep your hair moist, that we were part of. Ashland got into specialty chemicals using Valvoline. We split from them in 2017. We started opening corporate stores in place of the franchise system that was in place. We took over the Michigan market corporately. We have been growing since that time. We developed a product that literally has zero environmental impact. We have no underground tanks. The building is completely sealed and self-contained. It is sealed to keep water out. We put up a 2,000 square foot building. Mr. Loskill, you sound like you're in design. We spend about \$2.2 million on a 2,000 square foot building, which per square foot is probably the most money you're going to see spent on any structure. I wish it was less.

All of the activity in the building takes place down below. The inventory is stored down below. Any busy work occurs out of sight. We oftentimes have landlords and developers who ask us how we make any money because they never see any activity.

We were pioneers in oil and we're pioneers in recycling as well. We were the first to come up with a way to reuse oil, to the point where it was classified to go back into a car. The process is expensive so it's limited. We developed a company that picked up used oil. It got too big and we spun it, so now we're one of their customers. Used oil is repurposed in the industry world.

We're a low-volume use. I was listening to some of the conversation that took place here earlier. I understand your concerns. We have Starbucks as co-tenants in a number of locations. We work with them, but we average about a car every 15 minutes. Our customers don't exit the car.

We focus on fluids. The word Jiffy Lube came up. They are an industry participant to some degree, but they get more into automotive services than we do.

We didn't stop with recycling. We didn't stop with inventing oil. We have acquired other products in the industry. We are a lubricant in certain Elon Musk drive trains and wheels. More importantly, we're the largest producer of the fluid that cools batteries. We're looking forward in all of our stores and that's what we're bringing here. It's not simply a quick lube. We're not here to take care of the car the way that it operates today. We're looking to tomorrow, so when EV comes through, we'll be there. We're investing time and resources to work with everybody involved in the market.

A question came up about Bar Verona, and their concern about Valvoline as a neighbor. I was there tonight and multiple times. I'll tell you, we are adjacent to a number of restaurants all around the country. We've got nearly 1,700 units between here and Canada. We don't see any conflict in having Verona next door to us. I think a benefit they will get from us building here will be that it will kill the headlight glare from the steady line of cars coming from Costco. We do have experience with anchors. Plus, I think we're about 200' away. Our hours are from 8am-8pm. Bar Verona opens at 4pm, so there isn't much of an overlap.

Back to Jiffy Lube. We're competitive. Costco is somebody that we target as a co-tenant and we have stores on Costco outlots all around the country. Costco's language

restricts most uses, but not us. We have developed a relationship with them. Our plan was to drop another location in front of Meijer, so Jiffy Lube is in my second spot. To the question of immediate need, we can provide the demographic base and statistics we have put together. We have in-house analysts who definitely dictate that this is a multi-store market with what's here. We know there's opportunity. We're opening up stores every day and we are performing quite well.

This will be a corporate store, not a franchise. We are a long-term player. We put up an attractive building and we invest a great deal of money. We pay living wages. We promote from within. We create real jobs and real careers. This industry has a reputation for serious transition, but you would be surprised at our starting wages and the salaries for store managers. We will become a real member of the community. We invest in the community. We are very conscientious about the way the store looks and how its landscaped. The investment is significant. We maintain it. It's part of our overall image and we take great pride. From an environmental perspective, we don't drill. We don't have pipelines or platforms. We pickup base oil from Mobil or Exxon.

Kelly Schwieterman – I just want to add a few additional things. After talking to Planning, we put some effort into the drawings that we provided. We wanted to let you know some of our thoughts, and also part of the process being the conditional approvals. As far as the three things. For the elevation view; that is usually a truss sloped building. That is their conceptual plan for the majority of the places. For you guys, we went to a parapet wall which we feel fits more into the area, but also just an improvement for your area.

We also went to stone and brick, as Planning said. Usually our typical building is brick and EIFS. We got away completely from EIFS per comments we received. We also felt that the stone fit in with the restaurant next door. I think there's a Ruby Tuesday's and some other things that incorporated stone. We also put extra landscaping on the site. There's an exhibit that shows what we're thinking. Anything in green is the additional landscaping we're proposing to provide more screening. Valvoline keeps their sites very clean. Their landscaping is done professionally. It is irrigated so it will stay like this long-term.

Ultimately, we want to get your thoughts on the location.

Commission Comments:

Vice Chairperson Parel – Thank you, both. We appreciate it. Again, this is just a conceptual discussion. Dave, any comments before we go to the Commission?

Dave Campbell – I have a quick question. You don't do anything with tires? No tire sales, rotations? You don't get into that stuff? Should we have any concerns with storage of tires specifically, or any other automotive parts?

Michael Schifsky – We do fluids. We do an occasional windshield wiper, or a light bulb. One bay in the store is setup for tire rotations. The operations team wishes that they could perform more tire rotations, but it's just not a large part of this process.

Dave Campbell – No piles of tires?

Michael Schifsky – No, thank you. No tires, no mufflers, no shocks, no brakes, no painting, no cutting, no torching. The utility requirements for these structures is

residential level. The only running equipment in this structure is an air compressor, which is enclosed within the lower level. It's behind a door and you don't hear it unless you're downstairs.

Vice Chairperson Parel – That's good to know. Mr. Winkler?

Winkler – Brian, I think despite what has been said by one of the neighbors of the site about the appropriateness of this building in the proposed location, I don't have any issue with the location, given its proximity to the Costco gas station, and to a major divided highway. It's not in the proximity of any residential areas. The building materials look good and it's a well-landscaped site. I think what David stated in his report, given the need for the site to be rezoned, to document an actual need for this type of facility is going to be important.

Vice Chairperson Parel – Dave, this question is for you. There is a pending construction project at Bar Verona to put in outdoor seating, correct? And is that going to be on the opposite side of the building?

Dave Campbell – Yes. It will be on the south side of their building.

Vice Chairperson Parel – I thought that would be a good thing to add to Brian's comment. Sam?

Karim – I had mixed feelings on this. You go through the Costco lot and through that area at night and the area looks dead except for the restaurant. I was hoping for a restaurant here with some light at night to give life to that area, but it looks like that's not happening. On the other hand, there is a gas station and it serves to complement the gas station.

Rebeck – I love your design. I love the fact that you listened to Dave before you came here and you have a concept for us, even though we're not at that stage. That spot needs something. I hope you know that the Costco parking lot is absolutely insane. I don't have traffic concerns, I just have parking lot safety concerns in general. I think the way that you have it blocked off will potentially be useful over there.

I'm going to echo; when we're looking at the Special Land Use criteria, when you come back for approval, have a documented and immediate need. Don't tell me why you're great. Tell me why we need you, and why we need you now. I will give you a hint about something that I think would be useful. You were talking about EV usage. If you're going to put some charging in there, we don't have a lot of that. That's just my opinion, and not the opinion of the panel.

Also, beyond that, just bring us data. I'm sure you have market research data, but we have to account to our citizens, and we need you to show us why you need to be here. That spot needs something, and I hope it's you. The landscaping and no EIFS, it's good. I like it.

Loskill – I'm in favor of this. I think it's a great use for the location. The only comment is that you may want to look at the northern corner landscaping. You've got a very narrow area. You've got a lot of trees. Maybe just push this whole thing and open up that area a little bit more. I think this would be a great fit for this area and I'd like to see it happen.

Weber – I agree with the comments. Having background in this industry, I don't think it's going to be too much of a challenge to document the need, especially in this part of the Township. I support the project. I think it's a good fit. The only question I have is the orientation of the building. I get the headlights coming, but I'm just wondering if the traffic flow went in a different direction, you wouldn't have the tailpipes or the cars entering as close to Bar Verona. Is this the most optimum way to have the traffic flow for that, understanding that you have a restaurant on the south side? Other than that, it's a good project.

McKeever – I don't have any issues with it.

Vice Chairperson Parel – I don't necessarily have many issues. Dave, will this require Trustee approval?

Dave Campbell – Yes, because they will have to amend the zoning to get it to B-3 Zoning. That will require approval from the Township Board.

Vice Chairperson Parel – I appreciate the focus on fluids. It's interesting to me that you would do tire rotation as a little bit of this, and even more interesting that Costco will allow that because they're doing it right next door.

I think you'll have a tough time convincing me that there's a need, but I know you have data and people on staff. I personally believe that the need for this service is declining significantly over the next 10 years. I appreciate that you guys are trying to be future proof and working on ways to make the business work.

I think breaking up this parking lot is important. It's a concrete jungle, so I think that's a positive. We talked about Bar Verona. I think the rendering you showed is great. It has no EIFS. How does this design compare to the one you're putting in Bloomfield?

Kelly Schwieterman – I would have to look that up because we're doing like 15 projects.

Vice Chairperson Parel – That would be something I'd personally be interested in.

Kelly Schwieterman – I would say this is equal because this is about the highest building elevation you can get for Valvoline.

Vice Chairperson Parel – Do you guys ever acquire existing businesses?

Michael Schifsky – We absolutely do. Acquisitions are a very busy portion of the industry for the company right now. We won't build this if there is an acquisition opportunity out there.

Vice Chairperson Parel – This is a heck of an investment. It's a beautiful building. We have some of these services in the community currently, and we have buildings that don't look like this. Personally, I just don't see demand going up. Did we supply you with what you need today?

Michael Schifsky – Mr. Weber, you had a question on the orientation of the structure. I just wanted to point something out. We would never see cars stacked like that. That will

never happen. We will be lucky if we see a row of one behind this building. We put that up there just to show you that we have that much depth because it's generally a requirement, but I think it's misleading. I get your concern with exhaust going in the other direction.

Weber – It really wasn't exhaust. It was just more of a question. When you come back, show the rationale for going clockwise versus counter-clockwise.

Kelly Schwieterman – You'd like to see the cars facing the opposite way?

Weber – I'm just curious as to your logic in the circulation from east to west, or from north to south.

Kelly Schwieterman – The long side of the building would have to stay in this direction because obviously we don't have enough width the opposite way. You made a good point. Oil changes are like 15 minutes each, so no one ever waits that long in line.

Dave Campbell – The Township typically doesn't want to see overhead doors facing the public road. No matter which way they orient the building, those overhead doors are going to be facing someone. Typically from the Township perspective, the side facing the public road is the side without the overhead doors.

Vice Chairperson Parel – Sorry, aren't there overhead doors on both sides?

Loskill – Yes, but not on a public road. This is just the access to Costco.

Dave Campbell – Typically we'd want this side facing the road.

Kelly Schwieterman – As far as access, this is a larger site for Valvoline. We're usually on less than an acre. You have two-way access going around all of the store which is a good site for Valvoline.

Vice Chairperson Parel – And if we don't end up with four signs, what's the building code?

Jay James – You get one wall sign on the addressed side of the building.

Vice Chairperson Parel – Thank you, Jay. Would we count those awnings that have signage on them as signage as well?

Jay James – Yes.

Vice Chairperson Parel – That would be something handled in site plan approval.

Jay James – We can, but normally that's handled through the Building Department.

Dave Campbell – Usually the Planning Commission defers to the Building Department on sign limits. I need to go back and look at this. I want to say that the operating agreement for this Commerce Crossing development has its own sign standards.

Vice Chairperson Parel – Any issues with parking lots or drives with the association or maintenance of those? I know we saw that recently with Culver's.

Jay James – Yes, it's that whole area.

Dave Campbell – There is an operating agreement for this whole development. As an example, even if Valvoline wanted to, they would not be able to punch their own driveway out onto Loop Road. There are standards in place for circulation, shared cross-access, shared parking...

Vice Chairperson Parel – And maintenance costs.

Dave Campbell – There are also restrictions on what can be developed on this property we're talking about. For example, last I looked at the operating agreement, they could not build a car wash on this property. I think it's interesting, and I think it's a Costco restriction. They require that before they agree to move into a site.

Michael Schifsky – Costco has units on the west coast with car washes. They're reserving the right to have car washes as they grow.

Discussion continued regarding automotive services at Costco.

Dave Campbell – When we talk about documented and immediate need, I heard something interesting that Valvoline is looking toward the future in terms of electric vehicles. As someone who does not own an electrical vehicle yet, I'm not familiar with this. If this project proceeds and you're looking at documented and immediate need, do you see the potential for them making a case regarding the fact that they're looking ahead to servicing electric vehicles? We all think that is potentially the future. Could that speak to their case for a documented and immediate need?

Weber – There are just under 300 million vehicles on the road in the U.S. right now, with an average age approaching 12 years. 99% of those are internal combustion engines. While there is a revolution on electrification coming, there is going to be a significant number of hybrid vehicles within that electrification universe, which will all have some sort of need for lubrication and oils. Whether it's 10 years or 20, the flip of the universe of vehicles that are on the road is not going to change in a relatively short period of time.

Dave Campbell – Have you ever talked to one of these guys who owns an electric vehicle? They're crazy and that's all they talk about.

McKeever – Send them on a road trip.

Vice Chairperson Parel – I don't disagree with George. I just think if you take the current demand, and the demand that's being met in our Township, I don't think it's going up. We can debate on how quickly it's going down.

Weber – How many rooftops and rental apartment units have we added in the last 5 years? Thousands.

Vice Chairperson Parel – I stand corrected. You do have a great point. Then it would just be a matter of how quickly this revolution takes place.

Discussions continued regarding the future of hybrids and electric vehicles.

Kelly Schwieterman – When we're talking documented and immediate, if we show why Valvoline feels like they should be here, with stats, et cetera, is that the information that would support it being in your area right now? Are we talking now?

Weber – Yes, we're talking now, but also into the future. Not to give you a road map, but it's easy to find the number of registrations in the Commerce Township zip code. Couple that with the number of service facilities in Commerce Township, and the average use. Oil changes aren't every 3,000 miles. It's every 10,000 miles or a year now. Showing all of that, is there enough capacity or not enough?

Vice Chairperson Parel – One thing we didn't talk about was how many within a certain radius. I remember when a car wash came before us and that was pretty important to us. Have we done that analysis?

Weber – I think it's another data point.

Kelly Schwieterman – Is adding onto how Valvoline is different part of that too, or is an oil change just an oil change?

Weber – I think from a documented and immediate need, your coffee beans aren't materially different than those of your competition.

Rebeck – Unless the difference is that you have something that services electric cars that no one else in this area has, since we have so many electric cars in the area.

Kelly Schwieterman – Thank you.

Vice Chairperson Parel – I think you've got what you need. We appreciate you coming out. Dave is available, and we're available if we can help you.

Sam Hamady – Good evening. Could I make just one preliminary public comment?

Vice Chairperson Parel – We did have a public hearing, but I would be happy to have you come up if you could just make it quick.

Sam Hamady – I'm the owner of Top Lube 2205 N. Pontiac Trail. I'm a small business owner and I've been there almost 11 years now. As the gentleman came in here and stated, Valvoline is a really big company. They can throw their weight around. That stacking you saw, that's real for Valvoline, especially near a Costco. I have a ton of stats I can provide for you. The one he referred to in Ohio, it does somewhere around 200 cars a day. You're talking each lane will have 3 cars behind it for the entire day. In our industry right now, we're going through employee shortages, product shortages, not to mention the pitfalls you're going to have when you have such

a high volume location where you have cars already trying to get in and out. You all go to Costco and you see how fast people zip in and out of there. There's frustration at Costco and at the gas station. There's already congestion to get in and out of that center. By that being in that area, it's going to create more.

You mentioned EV and what they could offer. Customers who have electric cars are not going to sit in a Valvoline parking lot to charge their vehicles. Convenience is going to be the biggest thing. They need something to be done within 5 minutes, but charging a car now currently takes anywhere from a half hour to 1.5 hours. So someone sitting in the Costco parking lot buying groceries would consider charging their vehicle, and that's where the future will be at. The electrified industry is going to go to Costco, Kroger and bigger box stores to set up the charging stations. It won't be in a Valvoline store.

What this Valvoline store will do though is that it will put several small businesses out of business. I will be one of those. I currently employ 4 or 5 guys. I've supported this community for the last 11 years. Not a year has gone by, even during the pandemic, that I haven't given to the schools, the churches, or to the customers that need my service for free because they didn't have the money to fix it.

This is a large corporation, and that's what happening across the country. Big money is coming in, gobbling up all the little things, and what they leave behind are shallow, empty nests. We're left struggling. Do we compete with them? Do we bother putting up the fight? It's happening in towns all across the country. You have Walmart right down the street, and they offer oil changes for practically nothing. On the other side of Walmart, on Haggerty, you have Volcano. Then you have Belle Tire, Discount Tire, and several small repair shops that offer oil changes. You have another Jiffy Lube coming up. On 15 Mile, you also have several other locations. Some have closed because there wasn't enough business. At Pontiac Trail and Maple, they have another really busy location connected to a CVS. That's been a cluster and a disaster for Walled Lake. Don't let what's going on in downtown Walled Lake happen to Commerce. Their largest business sector is automotive and repair. They have the lakes surrounding them, but instead of creating a walkable area, they have auto parts or repair shops. You have several locations within a 5-mile radius. There is no need. He can buy my location.

Vice Chairperson Parel – I appreciate your time.

Dave Campbell – If this proceeds, there will be a public hearing for the rezoning, which will probably be a Conditional Rezoning.

Vice Chairperson Parel – You'll have an opportunity to come in and speak, or you can write an email. I think one of the major points here is that there has to be a documented need. We're asking them to come in and show it. They may or may not be able to do so. I think it's important to look at a radius. In Commerce Township, I don't want a liquor store at every corner, I don't want a gas station at every corner, I don't want a lube place at every corner, nor a car wash. I think there's a time and place for it. I appreciate you coming out. We'll take it all under advisement.

12. Article 27, Building Form and Composition Discussion

Dave Campbell – This is a discussion that we have danced around for some time. I feel like now is an opportunity to get some direction on what the Planning Commission wants to do. It has to do with our maximums for building materials based upon zoning district. The one that always comes up is EIFS.

I think what is key within Article 27 is the table that shows those maximums in each Zoning District. For EIFS, we allow a maximum of 10% in most zoning districts, and up to 25% in our B-3 and our HF district. HF is the Hospital Facilities District, so Huron Valley Hospital is the only potential there.

I'm looking for direction the Planning Commission's desire. Is it to take those maximums down to zero, or something less than what is currently permitted specifically for EIFS, but we can open it up to other materials as well?

Keep in mind that the Planning Commission does have discretion, and often utilizes it, to deviate from a strict application of our architectural and building materials requirements. If you were to say 0% maximum on EIFS, but then someone comes in with 10% EIFS and they can justify it, then you as a Planning Commission would have the opportunity to deviate from that 0%.

Vice Chairperson Parel – I appreciate you bringing it up. I know this is something near and dear to Mr. Weber's heart as well.

Weber – There are members here who have much greater knowledge than I do. I understand what EIFS is if I look at it and see it on a building. Why is EIFS bad?

Vice Chairperson Parel – Dave and I were talking on the subject this morning. I ended up having lunch at the Library Pub on the West Bloomfield side of Haggerty. I'm familiar with those two shopping centers adjacent to each other, and they're both a very high percentage of EIFS. They have had a lot of turnover with their tenancy over the years. I saw it today, no less than three or four areas behind signs where signs have been removed, where there's damage and staining where they put up new signs. It absolutely looks terrible. I'd throw that to you then, Joe.

Loskill – The big problem you're going to have with EIFS is not the initial installation. It's how it's maintained down the road. One of the things that EIFS manufacturers don't tell you is that every two years, you're supposed to have every seam and joint inspected on your building. Nobody does that. Once the finished surface is punctured, it leads rapid deterioration of the underlying system. It's not that the system itself is bad, it just doesn't hold up and it requires a serious level of maintenance to make sure it does not fall apart. Most businesses are not keeping up with that maintenance schedule.

Vice Chairperson Parel – We've seen a few projects today that I think were very good looking. I could be wrong, but I think we saw 0% EIFS today, and they made it work. To David's point, if EIFS is a solution and it's the only way around a problem, we have that opportunity to introduce it later. My recommendation is to bring it down to 0%, and if we have to modify that later, we can.

Weber – So it's just EIFS. We would still keep plaster and stucco?

McKeever – It's the same type.

Vice Chairperson Parel – Is there a big difference?

Loskill – There is a difference between EIFS and stucco. Stucco is generally not put up over a foam board. It's put up over a hard board and it's a cementitious material,

whereas EIFS is put up over a foam substrate that's wrapped with multiple layers of mesh and base coats that are of synthetic origin.

Vice Chairperson Parel – So do we have the same problems?

Loskill – Generally not. The problem with EIFS is the substrates which are subject to deterioration once the skin is broken. Whereas stucco doesn't have the materials that deteriorate.

Vice Chairperson Parel – What about the staining?

Loskill – Staining is still going to be an issue.

Vice Chairperson Parel – Can we resolve that by using the materials that we saw today?

Loskill – Yes, they're more durable and easier to clean. The problem with EIFS, stucco or other materials is that they're only so scrubbable. You can't take a wire brush to an EIFS façade to clean it the way you can with brick or stone.

Weber – I don't recall seeing stucco or plaster, at least on any commercial. Article 27 is not just commercial properties, right?

Dave Campbell – It is not. There is a whole section relative to residential districts. That's where we get into our anti-monotony standards.

Weber – If we were to remove EIFS, plaster and stucco, we do have some homes that have a stucco exterior, or at least a portion.

Vice Chairperson Parel – Have we had any new homes?

Jay James – There are some. I'm thinking Island Club actually has some and I don't know if it's EIFS or stucco, but it's not all stone or brick.

Weber – If we were to make this zero, are we also then applying these standards to residential homes? I'm hearing yes.

Dave Campbell – Maybe I disagree. If you look at this table, it's based on zoning district. The districts are all non-residential.

Weber – Okay.

Dave Campbell – If you can read the headers. You don't see the residential districts.

Weber – So by definition, these are predominantly commercial.

Dave Campbell – I agree. I don't know that single-family home would be permitted in any of those zoning districts. In my 10 years with Commerce Township, I don't recall anyone proposing a true stucco façade. EIFS emulates the stucco look.

Vice Chairperson Parel – George, would you say that you agree with me, to recommend that we go down to zero for commercial applications?

Weber – I don't have an issue with that, particularly because if we have heartache over it, we can make an exception if need be. It lets the developer and applicants know right up front, if you're going to come with something other than zero, then you'd better have a story behind it other than it's cheap and easy.

Vice Chairperson Parel – Less density.

Winkler – I would suggest that we make the percentages for EIFS all consistent, and make them all 10%. The reason I'm saying that is completely eliminating EIFS from the palette would limit design of buildings, or make them quite a bit more expensive, given that EIFS in most cases is used as a cornice or decorative element at the top of the building, usually at the soffit.

Karim – I would go with Brian. I think 10% would be fine, but don't eliminate it to zero. That's a restriction on architects.

Winkler – Maybe we say something along the line of, "cornices only", so it can't be put low on the building.

Rebeck – I'm happy to assist with drafting anything, but I have no opinion the materials themselves unless you give me a picture and samples. I'm going to defer. If there's nice EIFS and I saw it ...

Vice Chairperson Parel – I just don't think it stays nice.

Loskill – Yes, that's the problem with it. I would recommend going down to using it for decorative elements, cornices, and things that are not easily produced in other materials, but limit it to just that. I wouldn't allow it on the buildings, especially not near the ground, just because of its durability issues.

Dave Campbell – Am I correct, Joe, that EIFS does provide more versatility in the way that you can shape it, and that's where it might be appropriate as a cornice material?

Loskill – Exactly.

McKeever – I agree with Brian.

Vice Chairperson Parel – So Dave, as far as how we word it, is it possible to remove the percentage, or make the percentage a ceiling with the caveat that it can only be used in certain circumstances.

Dave Campbell – Let me work on it. I think it might be something where we put in a footnote, 0% with a footnote, unless used for decorative cornice elements. Procedurally, because we're amending the Zoning Ordinance, we have to have a public hearing and it goes before the Planning Commission and the Township Board. I don't

know if the Board will say we're putting more restrictions on our business community. That concern did come up when we got rid of electronic signs.

Vice Chairperson Parel – I would offer up another good example, the Schafer development on Haggerty and 14 Mile. I don't believe they have any EIFS on the retail portion.

Dave Campbell – I'll check but if they do, it's only decorative.

Vice Chairperson Parel – I appreciate you taking that back. Is there anything we need to do?

Dave Campbell – I will bring this back to you. If it's ready, it will be as a public hearing, or maybe we will have one more discussion before we schedule a public hearing.

Weber – So if we're going to schedule a public hearing on this, do we tackle the cement siding and vinyl siding at the same time?

Dave Campbell – I would say this is more straightforward in my mind, but at the same time, if you're going to change the Zoning Ordinance, you might as well get everything cleaned up that you want. If I bring it back, I think what you would like to see, Mr. Weber, is very limited opportunities for vinyl siding in single-family.

Weber – The blunt answer is yes, but I think there are opportunities where it makes sense. We talked about some of them at Crystal Lake where it is a shake product, which probably makes more sense to be vinyl from the standpoint of durability and installation. I don't know legally if we can do it, but would it make sense to have something that allows vinyl for affordable homes in a certain price point?

Rebeck – I was thinking to base it upon square footage instead of price point, only because prices fluctuate.

Weber – That might be an easier way to do it. Isn't there some restriction on us actually being able to ask about price points?

Rebeck – That might be a fair housing issue.

Weber – Therefore, I think your solution gets us there.

Rebeck – On small houses that are expensive, they're not going to do this anyway.

Weber – And maybe we do it similar to some of the others where it can't be on the front elevation, but if the square footage is below X, we might allow it on the side or rear elevation. And, maybe looking to you too for wisdom.

Dave Campbell – Is it going to be just for new developments of 10 homes or more, or is this every time someone comes in to build one house on one lot?

Weber – I think there should be consistency. If someone is renovating a home, I think we stay out of that. But with new, keep it simple and consistent.

Rebeck – What if they're doing a demo?

Weber – That's a great question. I don't know where you draw the line on that. I guess that's the difference between a remodel and a rebuild. Is our standard one wall?

Jay James – It's 50% of the value of the structure. As far as I'm concerned, we distinguish between new homes and remodels, so that easy for me if it's on new homes.

Weber – So if somebody razes a house down to the foundation and builds new?

Jay James – That's a new home, and then we would go by the square footage to determine how much if any would be allowed.

Vice Chairperson Parel – So do we agree, Dave is going to take this back and we will try to incorporate both of these issues?

Weber – If we're opening the ordinance.

Vice Chairperson Parel – Dave, are you in agreement?

Dave Campbell – Yes, I will bring this back to you. I assume this is something of a consensus with the Planning Commission as far as limiting opportunities for vinyl siding for new, single-family homes?

Vice Chairperson Parel – Is anyone opposed?

Loskill – No.

Weber – Do you have a recommendation on the square footage?

Dave Campbell – I think I will do some homework on how to best apply that. I tend to agree that basing it on home values might be problematic.

McKeever – Would we be better served eliminating the product, or limiting the gage of the product?

Dave Campbell – I think I've heard Mr. Weber say that everything is premium vinyl siding these days, but maybe it does have something to do with the gage of the vinyl.

McKeever – Less expensive alternatives are used for creating starter homes.

Weber – We allowed vinyl siding on 50 homes in the Reserve at Crystal Lake that are going to have a starting price of \$450,000. Our property management committee had a discussion about starter homes, and we discussed giving away a piece of land to a developer to build \$275,000 homes, with greater density. Something to have starter homes, and the answer was that nobody would touch it. There is no such thing as a \$275,000 new home that anyone would try to build, which is sad.

Discussion continued regarding affordable homes, the supply chain crisis and the labor shortage.

I3. Election of 2022 Officers

Discussion took place, suggesting Winkler take on the role of Vice Chair. Winkler discussed his hearing issues and sometimes there will be a need for people to repeat themselves. He has chaired meetings in the past, and he would be glad to give it a shot. If he runs into difficulties, there may be a need to make a shift in the future.

MOTION by Weber, supported by Loskill, to elect the 2022 Planning Commission officers as follows; Brian Parel as Chairperson, Brian Winkler as Vice Chairperson, and Chelsea Rebeck as Secretary. **MOTION CARRIED UNANIMOUSLY**

I4. 2022 Planning Commission Meeting Schedule

The Planning Commission was in favor of forwarding the 2022 meeting schedule to the Township Board.

I5. Planning Commission Bylaws

Dave Campbell – Over the last year, we had many changes to the State’s Open Meetings Act with respect to COVID and allowances for remote meetings. Those allowances exist through December 31st of this year. It’s expected that the State will revise the OMA again in early 2022, at which point, these bylaws will likely need to be correspondingly amended. The Township Attorney recommends that, for now, you approve the bylaws in their current form which you last looked at in July.

Weber – The July change was the residency requirement.

Dave Campbell – Yes, and going back, the January change complied with the OMA.

MOTION by Winkler, supported by Rebeck, to approve the Planning Commission Bylaws as presented. **MOTION CARRIED UNANIMOUSLY**

J: OTHER MATTERS TO COME BEFORE THE COMMISSION:

- None.

K: PLANNING DIRECTOR’S REPORT

- **NEXT REGULAR MEETING DATE: MONDAY, DECEMBER 13, 2021 @ 7PM.**
- The Clover development could potentially come back to you at the December meeting, depending upon how quickly they want to turn it into a PUD application and meet the publication notices for that.
- In addition, we may see a revised submittal for Bay Pointe in December.
- I hope everyone has November 22nd on their calendar for the Planning Commission special meeting, which is a kickoff for the review and potential update of the 2015 Master Plan. We are working with Giffels Webster on that.

Winkler – Regarding the Master Plan update, when a PUD or similar development comes through, we look at those aspects of a project that can be enhanced, or are part of the approval for a PUD. I might suggest that we write into the Master Plan the

promotion of sustainable design, net zero or carbon neutral in there as an aspect of a project that we're looking for, in exchange for reduction or relaxation on other aspects of the ordinance.

Vice Chairperson Parel – Would that fall under public benefit?

Winkler – Correct.

L: ADJOURNMENT

MOTION by Rebeck, supported by Weber, to adjourn the meeting at 10:33pm.

MOTION CARRIED UNANIMOUSLY

Brian Winkler, Secretary