

FINAL
CHARTER TOWNSHIP OF COMMERCE
PLANNING COMMISSION MEETING
Monday, September 12, 2022
2009 Township Drive
Commerce Township, Michigan 48390

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

ROLL CALL: Present:

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

Also Present:

Dave Campbell, Township Planning Director
Paula Lankford, Planner
Jay James, Engineer/Building Official
Larry Gray, Township Supervisor
John Kummer, Township Attorney
Debbie Watson, DDA Director

B. APPROVAL OF AGENDA

MOTION by Rebeck, supported by Loskill, to approve the Planning Commission Regular Meeting Agenda of September 12, 2022, with the following change as proposed by Chairperson Parel: Items H1 and H2 will be reversed, due to the amount of public present to comment on Item H2. **MOTION CARRIED UNANIMOUSLY**

C. APPROVAL OF MINUTES

MOTION by Weber, supported by Loskill, to approve the Planning Commission Special Meeting Minutes of August 8, 2022, and the Planning Commission Regular Meeting Minutes of August 8, 2022, as presented.

Discussion –

Winkler – I was not here for the August meetings, but I looked over the minutes and they look good.

Weber – I was at the meeting and they're accurate.

MOTION CARRIED UNANIMOUSLY

D. UPDATE OF ACTIVITIES

Bill McKeever – Zoning Board of Appeals

- Nothing to report.

Brian Winkler – Downtown Development Authority

- I did attend the August 16th DDA meeting and I can summarize as follows.
- We received several brief presentations under public comment by counselors who were responding to the RFP for DDA Legal services. Deb, I think interviews took place last week.

Debbie Watson – Actually, we had to reschedule them to tomorrow morning, and we have four interviews scheduled.

Winkler –

- The Insite Commercial report was not presented due to Randy Thomas not being able to attend the meeting. His updated report is available through the Township website as distributed to the DDA.
- Regarding Parcel C, the hard corner of Pontiac Trail and Haggerty, which we will see tonight for a preliminary review with Lafontaine, there are some title issues that are being worked out by Tom Rauch, current DDA counsel.
- Parcel L, west of here on Haggerty; Higher Ground education has applied for their building permit. Jay, did they get their permit?

Jay James – They submitted plans but they don't have their stamping sets ready yet. Therefore, we haven't been able to approve it yet.

Winkler – Thanks, Jay. Larry Gray also brought up the topic of an upcoming .95 millage for public transit, voted to be placed on the November ballot by the Oakland County Board of Commissioners. We had significant discussion. Larry or George may have additional comment on this.

Weber – For those who don't know, the Oakland County Board of Commissioners has approved language to go on the November ballot which will increase Commerce Township resident taxes by nearly \$2.4 million, to provide services that we are presently providing our residents for \$140,000 a year. There's a bit of passion behind this. This has been attempted before, and historically, townships and municipalities in the north and west of Oakland County have been able to opt-out. We've been able to opt-out because there's limited benefit to our residents, versus what we can presently provide. Presently, we utilize a company called People's Express, as does Milford, Wixom and Lyon Township, to provide public transportation for people that need it. We're not in anywhere near as dire shape as Rose Township or those that are much closer to Flint for example. We're going to have one bus stop and that's it. So for \$2.4 million, we will get almost no benefit from this. However, all of our money will be going to fund public transportation and mass transit in eastern and southern Oakland County. When we queried them on how they came up with .95 mills, they had no answer except that, *That's what Macomb charges their residents*. There's no plan, there's no basis for this, and there's very limited value. Our Township, as well as some of the others, is in the process of seeing if we can stop this for numerous reasons. If we can't it will be up to all of Oakland County to determine whether we want to pay for it. There is an article on the front page of the Spinal Column which goes into more detail. It was very frustrating for us who attended the meeting, and for all of western and northern Oakland County, whose voices were not heard.

Winkler – George, thank you.

- Also at the DDA meeting, Treasurer Phillips and Finance Chair Spelker discussed the upcoming request to the Township Board for a \$2.5 million advance. This is \$500,000 less than the 2022 DDA budget expected to request from the Board. They're doing a good job on the financial side.
- The 2023 DDA budget will include increases in the administrative budget in compensation for the DDA Executive Director and the DDA Administrative Assistant. These increases were approved by the DDA Board unanimously.

Chairperson Parel – Thank you, Brian. George, I'll go to you next for a continuation of the update from the Trustees.

George Weber – Township Board of Trustees

- Our last Board of Trustees meeting was also on August 16th. Some items of note are as follows.
- We had our final presentation from the Spicer Group, the architectural firm for the OCSO substation project. For those who don't know, our Sheriff's substation right now is partnered with Fire Station #4 at the far end of Glengary Road. Somehow, we have our entire substation, of 33 personnel, housed within 1,800 square feet. The Township owns the building directly to our east, 8585 PGA Drive, and we're going to utilize half of that building to house the new substation going forward. We had that presentation and bids are expected to go out for the remodeling of that building in a just a couple of weeks.
- We reviewed eight special assessment districts for lighting, snow plowing, dust control, aquatic weed control. All were approved with the exception of one on Chickory Lane, which was a very complex SAD encompassing grading, plowing, some paving as well. That was the only one that did not move forward.
- We had our first discussion with Jay James, Kerr Engineering, on potential contract renewal for our Building Services. We will hear more about that tomorrow and have additional discussions on that.
- The Board moved forward with site plan approval for the old Rose Button property, presently named Reserves at Proud Lake.
- We had a brief review on the status of the Master Plan.
- Of other note, we approved the application for use of the Town Hall for the Outrun Hunger event, which is scheduled for mid-November. It will be advertised and you'll start seeing banners for that. It's an annual event and they're allowed to stage out of the Township Hall. The race begins and ends here.
- Finally, we approved the extension of Plante Moran to be the Township auditors.

Chairperson Parel – Thanks, George. You mentioned the Master Plan in your comments, and for the people here, we actually just finished a meeting earlier this evening in regard to an update to the Master Plan that we're working through right now. A big part of that is going to be community engagement. We see a lot of you here today and maybe I could just mention, stay tuned. We have a lot of engagement events and ideas of how to get the community more involved in helping with the future of our community and our Master Plan. You'll be seeing updates on our Township website, and on social media, Facebook accounts, et cetera. The plan is to do some more ground level engagement.

Jay James – Building Department

- The Space Shop have their C of O. If they're not open yet, they're close.
- Scooter's has started putting their walls up. They've been calling me on a daily basis and it won't take them long to finish that.
- The Marathon gas station in the Village has started construction. I think they have at least three walls up. They are hoping to be done by Christmas, which I think is an aggressive schedule.
- The Building Department has just approved the Lystek building plans to go in at the treatment plant, so that project should be getting started shortly too.

E. PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

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

Chairperson Parel – This is an opportunity if there is anyone here that would like to discuss anything that is not currently on our docket, or that we do not have a scheduled public hearing for.

Ed Clancy, 1405 Roc Drive, Commerce Township – In regards to the crosswalks on Welch, that particular crosswalk seems to be quite troublesome. One of the solutions I thought of that might help that whole situation, because people are not stopping if they're biking. They just want to run right across and they have limited sight when they get to that intersection. If we were able to take back those hedges, like they do over at Decker where they have a huge line of sight, they can actually see the traffic coming and they can start breaking as well and be part of that safety. I had a younger kid come barreling by, and just slam on his brakes. He saw me slam on my brakes and then he was laughing at me. If I could have seen him, I could have slowed down, seeing that he was probably not going to stop. That's one suggestion to help mitigate any potential problems here. I know we have signs up, but bikers are still not using the signs all the time. If everybody can see each other, it would definitely help as a solution to that.

Chairperson Parel – Thank you. Jay, is this something you're familiar with?

Jay James – I made a note to take a look at it. If it is something that's in the road right-of-way, we will get with the RCOC to see if we can have some of that vegetation removed.

Supervisor Gray, 2009 Township Drive, Commerce Township – George, thank you very much. I was going to talk about the millage that our Oakland County Commissioners decided to put on the November 8th ballot, which will be a .95 mill for all homes, all houses in Oakland County. As George mentioned, that will be \$2.4 million of Commerce Township revenue going to a system that really is not fit for the rural area we live in. One of the questions was, *Why did they decide .95?* One response was, *Because that's what Macomb does.* But as well, folks that currently pay for the system that are opt-in communities are at 1.0 mill, so they're selling it to them as, *We're reducing your taxes.* Please pay attention to this on November 8th.

Since we have a crowd here, I want to announce that on our website we have a survey we're doing, it's called Pathways to the Future. We're asking residents to give us their feedback on pathways, and to see if our residents would be willing to move forward with a pathway millage, and get some insight before we bring it up on the ballot. It should be on the first page of the website.

This year, on December 3rd, we will also be hosting our first annual Christmas tree lighting at the Richardson Center, which will be a community event. One thing we're trying to get moving for our residents is more community events for everybody to get together.

Last but not least, I wanted to say, Chelsea, thank you for serving on the board. You will be missed. We appreciate everything you've done for the Planning Commission.

Rebeck – Thank you.

Chairperson Parel – Mr. Gray, for the residents here, the mass transit millage is a new tax?

Supervisor Gray – It's a new tax, correct.

Chairperson Parel – And I heard somewhere the average tax per home.

Supervisor Gray – Basically, if your home is worth \$200,000 and your taxable value is \$100,000, you'll be paying \$95 a year. Whatever your taxable value is, for every \$1000 your house is worth is going to be \$.95. If your house is a \$300,000, with taxable value of \$150,000, you're looking at \$150 a year additional taxes. If anybody has any questions, feel free to call. I try to get back to everybody within 24 hours.

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

F. TABLED ITEMS

None.

G. OLD BUSINESS

None.

H. SCHEDULED PUBLIC HEARINGS (2):

>>Items H2 was moved up on the agenda, due to the amount of public present to comment on Item H2.

ITEM H2. PSU22-02 – CROSSROADS PRESBYTERIAN CHURCH – SPECIAL LAND USE – PUBLIC HEARING

Crossroads Presbyterian Church of Commerce MI is requesting special land use approval for a private cemetery at the existing church in the R-1C zoning district located at 1445 Welch Road. Sidwell No.: 17-26-426-011

Dave Campbell, Planning Director, gave a review of the Planning Department's report. He noted that written correspondence was received which would be included in the public hearing and in the meeting minutes. He reviewed the site and the memorial garden on the overhead, which is about 521 square feet.

Chairperson Parel – Thanks, Dave. Does anyone have any comments before we hear from the petitioner?

Dave Campbell – I forgot to mention one thing. My colleague, Paula Lankford, did reach out to the Oakland County Health Department to see what, if any, authority or jurisdiction they have over this proposal. The Health Department says that when you're dealing with cremated remains, there's no requirements on their end as there are no significant health concerns. Once remains have been cremated, they no longer have any biological impact that could somehow impact this or surrounding properties. The OCHD did not have any authority or opinions on this matter.

Weber – Dave, how are our present public cemeteries zoned?

Paula Lankford – Single-family.

Dave Campbell – Paula is probably right, that all of the Township-owned cemeteries are zoned single-family. Other than the one being proposed this evening, I do not believe we have any private cemeteries.

Chairperson Parel – I would welcome the petitioners to come up.

Roberta Wolf, Representative for Crossroads Church, 1445 Welch Road – This came to light because our memorial garden was placed on our property in 1988, as David has suggested. It was an idea from one of our charter members. Her husband had passed away and this was her way of honoring him. We do not have a waiting list of actual ashes at this point, but we want the opportunity to be able to inter ashes for anyone who dies and prefers to be interred in the memorial garden.

As far as the impact on the community, my guess is that nobody really knew, except for our members, that the memorial garden has been there. People driving past, except if they were there during a time of a religious worship service, would not know. It will not impact the traffic. It will not impact any utilities. It is an existing garden where 20 individuals have been interred. And if there are any other questions or comments...

Dave Campbell – Ms. Wolf, could you speak to, when folks are interred, are they still within their vessel or urn, or are they spread into the soil? What does that process look like?

Ms. Wolf – It is a spreading process. The ashes come to the family in a box or vessel, but that vessel is not put into the ground. The ashes are spread. It's part of a religious service. It is a burial of those ashes that the family usually attends. It can be open to more people at the service, but generally it's a private interment.

Chairperson Parel – Does anybody have any questions up here?

Karim – Why do they need a special permit to keep it as-is? It just needs to be put into the deed that this land can't be used for anything. If the land were sold, that's in the deed and that's it.

Ms. Wolf – The reason was, we didn't know what needed to be done for this property to remain sacred to the families. That was why the question came up this spring, because families didn't know what the future of this area was. Other churches have memorial gardens. Other places can sprinkle ashes on private property and have no requirement of this. But because we inquired, that was the reason for the Special Land Use permit, asking for special treatment of this area.

Dave Campbell – The Township's Zoning Ordinance and the Township Code of Ordinances defines the practice of interring ashes as a private cemetery, and a private cemetery is a Special Land Use in the R-1C zoning district. That is why Special Land Use, and in this case, a retroactive Special Land Use is being sought by the church.

Chairperson Parel – It's kind of two-fold. They are retroactively, properly zoning for this, and they're also protecting the future of this sacred land.

Dave Campbell – Well, that’s something we discussed with the church and actually I had some conversations with the State of Michigan Cemetery Commissioner, which until all of this started, I didn’t know that there was a Cemetery Commissioner for the State of Michigan. The State does regulate private cemeteries, but then they exempt church-based and faith-based cemeteries. My understanding is that the church would not need approval from the State of Michigan for this cemetery. What I've discussed with the church is, if their motivation for going through this process is protecting this area, to Sam’s point, I think they need to record a deed restriction or other legal instrument with Oakland County, assuming this gets approved by the Township, so that 50-100 years from now, whoever owns this property will see this recorded area come up in due diligence and title search.

Chairperson Parel – Zoning alone won’t guarantee protections.

Dave Campbell – No, and I state that in our letter; *Special Land Use from the Township alone, the church shouldn’t assume that it’s going to somehow protect this area from disturbance 100 years from now.*

Rebeck – Dave, would they be able to record something on the deed without getting the approval from us?

Dave Campbell – I would assume Oakland County would allow them to record it, but what they would have would be a nonconforming use with Commerce Township.

Rebeck – If the Township didn’t do anything at this time, but they put something on the deed as a restriction, preventing any disruption of that piece of land, that would still stay with the deed. Would that restriction not be valid because we didn’t approve this? Do these go hand-in-hand, or are they two separate things? I'm looking at our Township Attorney who is in attendance tonight. Thank you so much.

Dave Campbell – I think they’re two separate things, and maybe I should defer to the Township Attorney, but there’s two different steps here that the church should need to go through. One is getting approval from Commerce Township for a land use that has existed since 1988, but that they would like to continue to have exist and they would like to be able to inter additional folks in this garden if they get Township approval. In an effort to protect this area, in the long-term, that’s where I think they would want to pursue a deed restriction or some other legal instrument that would be recorded and would stay with this property, hopefully indefinitely so that it comes up if someone is doing a title search on this property. Mr. Kummer, any further thoughts on that?

Attorney Kummer – Yes. We’re dealing with two issues here; one being their desire to preserve this location for future use, but then also to continue to use this cemetery, or memorial garden, for interment. Our Code of Ordinances currently prohibits the interment, which is defined under the Township Code of Ordinances to include the burial of cremated remains, and prohibits that from occurring anywhere but either a public or private cemetery.

Part of their Special Land Use approval is required for them to continue to bury. Otherwise any subsequent burials would be contrary to the Code of Ordinances.

Rebeck – So what's done is done. Either way it goes, there needs to be something put on the deed to protect the remains that have already been interred there, and to allow you to move forward, we need to review the Special Land Use. Got it.

Ms. Wolf – Thank you.

Chairperson Parel – Thank you, and one clarification to some information in the packet. Dave, it sounds like maybe there's not a queue.

Dave Campbell – Apparently I misunderstood. I thought that there were folks already in a position to be interred. It sounds like there are folks who are still walking among us who want to be interred there someday, and the church wants to be able to do so in compliance with Township regulations.

Ms. Wolf – That's correct.

Chairperson Parel – Thank you.

Chairperson Parel opened the Public Hearing.

Chairperson Parel – I will remind everybody, sometimes these get heated. It appears there's a lot of people here who want to speak. We appreciate that everyone be respectful, not only of the other people in the room, but respectful of people's time. We want to limit comments to two minutes please. If something has already been said, there's no need to repeat it. We have heard it and we will listen.

Renato Martinez, 1476 Roc Drive, Commerce Township – My house is here. I have to say that the description I received with the letter was alarming. The area was described as a very big cemetery, not that small area that we just received. I was thinking that they were going to make the cemetery this whole area. Now I understand this part. I want to mention that I did submit my letter of concern. I explained I had concerns about sanitary, concerns about chemicals used to maintain the land. But, being this small cemetery, I don't know if that's fair. I do want to mention that the area that is near my property has been neglected for a long time. There are a lot of trees and the drainage that is supposed to run through there is covered by brush and big trees. I thought it would be worse with a cemetery there. I know there is also a business in the church, the Premier Preschool, which actually my daughter went there. They need to clean this area out.

Dave Campbell – He is right. The public notice hearing that went out in the mail, and that went into the newspaper; we have a standard way that we structure our public hearing notices, and we show what the property is. We highlighted this entire property. In hindsight, I wish we had maybe highlighted the whole property, but then focused on the specific area to avoid any confusion that the entire property was going to be a cemetery. We only get so much space within the Oakland Press so we have to try to be concise with the amount of information we provide, but in hindsight, we could have been more specific about the proposed area for the cemetery.

Ed Clancy – 1405 Roc Drive, Commerce Township – Now that I understand it better, I really don't have any objection, now that it's just ashes. With this new zoning, would that allow them to intern full bodies? Or, is this only for ashes?

Dave Campbell – I think maybe this is a question to the church as well, but it would be within the Planning Commission's authority to include conditions with any action you take tonight. I think it's reasonable that one of those conditions could be that it's only cremated remains, which I think is the intent of the church, but I don't want to speak on their behalf.

Ms. Wolf – That is correct. It is only meant for ashes.

Mr. Clancy – I understand and I don't have a big issue. With that, if they get this particular change, would that allow them to use the other land that's not being used as a more traditional, or do they have to now go and rezone that as well?

Loskill – They would have to come back for another Special Land Use.

Dave Campbell – They are only seeking approval for this defined 33'x16' area that we have up on the screen right now.

Minerva Melville, 2183 Paul's Way, Commerce Township – I did see this earlier. One of our neighbors happened to have a copy of it. Along with that, he also had a copy of the internment memorial garden area, and that listed names of people that were buried there. It also had spots available. I'm wondering, how many more spots are there? And is it just spreading the ashes all over, and afterwards, they put their names up there?

Ms. Wolf – That is correct.

Ms. Melville – So the empty spots are as many more people that you could spread ashes for? In the future, could that be expanded and more people just keep being buried there or interred there?

Ms. Wolf – Yes, there would be room for others, because the ashes are biodegradable and they exist with the soil

Ms. Melville – But someone gave measurements of the actual memorial garden. That would stay the same, or would it be expanded to more space?

Pastor Joshua Archie – It would not be expanded.

Dave Campbell – If they ever wanted to expand it, they would have to come back to this Planning Commission and get approval for an expansion of a Special Land Use. I don't think that is their intent at this time.

Chairperson Parel – And David, with that, there would be another Special Land Use public hearing?

Dave Campbell – Yes.

Ms. Melville – If it were zoned as a cemetery, would there be a sign out front saying Presbyterian Cemetery or something to that effect?

Loskill – We really shouldn't get into what-if's. This is what they're proposing. They're not proposing anything additional. No signage on the road. No additional cemetery space.

Chairperson Parel – It's restricted to the small parcel up on the screen, 33'x16'.

Pastor Joshua Archie – The proposal restricts us from any further signage other than the "In Memoriam" plaque that is already there.

Ms. Melville – It restricts you from any other signs, okay. Thank you.

Chairperson Parel – Would anyone else like to speak on the matter? My hope is that no one is speaking because your questions got answered. I think that may be the case.

Dave Campbell – We did have the written letter from Mr. Martinez. I think he is asking to effectively withdraw his letter, other than the concerns about drainage?

Mr. Martinez – Yes, that is a big concern. I put pictures there because there is a big tree blocking the drainage outlet. It looks like this area is part of the church, from the paper you sent, but now I'm not sure.

Chairperson Parel – Dave, can we address that administratively, the gentleman's concerns regarding drainage?

Dave Campbell – If the option of the Planning Commission is to approve the Special Land Use tonight, as I mentioned, you can approve it with conditions. I think it would be reasonable that one of the conditions is that the Township Engineer or Mr. James take a look at the drainage concerns. It might just be some fallen trees and other natural things that are blocking the natural flow. It might be a relatively simple solution.

Mr. Martinez – In one photo, the outlet is this big, and there is almost a quarter of that blocked by a huge tree.

Jay James – I'm the Building Official and I believe most of you are from Waldor Manor. Do you have an active association?

Multiple unidentified residents – No.

Jay James – Okay, I didn't think so. On a side note, separate from this all together, I will be getting in contact with all of you concerning your storm sewer system and your drainage. I will make sure that I go out and address this as part of that as well, just so you know it's going to get done.

Dave Campbell – I'm obligated to mention that we did receive 7 signatures on the public notice, expressing their opposition to this proposal. I don't know if any of these signatures are folks who are here this evening. I don't know how many of these folks

misunderstood what was being proposed because again, the notice shows the entire property highlighted, which was just meant to indicate which property we were talking about. It's fair to misinterpret that the whole area was going to be proposed as a cemetery. We did get 7 signed objections.

Chairperson Parel – I didn't see the objection. Is there language behind the objection?

Dave Campbell – *Say no to this cemetery project proposal. This will negatively affect our property values if approved. If you are not planning to attend the public hearing, you can express your disagreement by dropping this paper in my mailbox with your name and address.*

I think 8 people turned it in, but then one of them withdrew once they had a better understanding of the proposal, so 7 remain.

The public notice was distributed by Mr. Renato Martinez-Huesca, 1476 Roc Drive, along with the language in opposition of the proposal. The Recording Secretary received copies of all 8 letters with signatures from the following residents.

1. Richard & Cheryl Shamus, 1322 Roc Drive
2. Glaine Stewart Jr. & Barbara Stewart, 2025 Paul's Way
3. Marlene Lindenberg, 2072 Waldor Drive
4. Michael Herberger, 2126 Paul's Way
5. Ed & Sheryl Manick, 1366 Roc Drive
6. Marilyn Combs, 2166 Paul's Way
7. Roger Craft, 2155 Paul's Way
8. Alex & Sandra Chung, 2070 Paul's Way

Pastor Joshua Archie – Thank you for bringing your concerns to our attention. I was not aware of the drainage issue that you speak of. Hopefully we can resolve that to everyone's satisfaction.

It is only ashes that are interred, as has been said. We do dig down a little ways, so it's not like they're going to go off into the wind. They're just in this small area around the apple tree, the 16'x33' rectangle that you see there. The ashes combine with the soil and become part of the soil. The members of the church who have chosen to be interred there become part of the soil. If there are any other questions, I'd be happy to answer them, along with Ms. Wolf or any of the others here from the church as well.

Chairperson Parel – Thank you.

Chairperson Parel closed the Public Hearing as there were no additional questions or comments.

Commission Comments:

Karim – No comments.

Winkler – No.

Rebeck – Nothing.

Loskill – I have nothing.

Weber – Maybe a question for John. I just want to make sure we don't need to change any language in our Ordinance. In Section 14.3, it say, *Interment is defined under the Code as the permanent disposition of the remains of a deceased person by burial, including the burial of cremated remains.*

Would tilling in the soil constitute burial? I just want to make sure we're good, that what they're asking for, and if we approve it, we don't have to make any changes to the Ordinance.

Attorney Kummer – If you or the Township Board has concerns, we could always further define burial. I see it being a common term; I believe any substance that is under surface level. I don't see it being a necessary amendment, but if it were requested, our office would work to make that change.

Weber – Thank you.

McKeever – No comments.

Chairperson Parel – I would take a motion. There are a couple of things we wanted to add to that motion if someone is interested. In my own words:

- Engineering will evaluate drainage concerns
- Dave, do we need to state, *only cremated remains?*

Dave Campbell – I think that's a good condition to include.

Weber – And I would add the condition of a deed restriction being sought by the church.

Dave Campbell – I think we tried to include that, and since we have our attorney here; Mr. Kummer, one of the conditions we thought the Planning Commission could include is, *The church shall consult an attorney to determine the most effective means to protect the cemetery from disturbance by a future owner or developer, and/or user of the property.*

Weber – But if it said deed restriction, then it's very defined.

Attorney Kummer – I don't find that language with respect to that special condition as being required by the Planning Commission. They're pursuing their own legal advice in that aspect.

Weber – But I think from the Planning Commission, we want to make sure that something is in place so that 100 years from now, somebody doesn't build a home on top of it, or that's their back yard.

Attorney Kummer – If that's the desire of the Planning Commission, then the language provided by Mr. Campbell is appropriate.

Weber – I guess I'll disagree. I think it should be more specific to a deed restriction, rather than what the church believes is an effective means to protect the property, versus the Township's effective means.

Chairperson Parel – If George is willing to make the motion, would anybody be opposed to him adding that?

There were no objections, and Rebeck offered to make the motion.

Rebeck confirmed the language with Weber; *The church shall consult an attorney to add a deed restriction to protect the cemetery from disturbance by a future owner, developer and/or user of the property.*

MOTION by Rebeck, supported by Loskill, to approve, **with conditions**, Item PSU22-02, the request by Crossroads Presbyterian Church of Commerce MI for special land use approval for a private cemetery at the existing church in the R-1C zoning district located at 1445 Welch Road. Sidwell No.: 17-26-426-011

Move to approve PSU#22-02, a special land use for Crossroads Presbyterian Church at 1445 Welch Road, based on a finding that the applicant has demonstrated to the satisfaction of the Planning Commission that the use complies with the Standards for Special Land Use Approval contained within Sec. 34.08 of the Zoning Ordinance for a private cemetery in the R-1C zoning district and further complies with Sec. 26.201.

Special land use approval is conditional upon the following:

1. Any signage shall only consist of the existing “IN MEMORIAM” sign on the south side of the building;
2. The church shall consult an attorney to add a deed restriction to protect the cemetery from disturbance by a future owner, developer and/or user of the property;
3. The Special Land Use is restricted to the existing garden location only;
4. The Special Land Use is restricted to cremated remains only;
5. The Township Engineer will review the drainage concerns to the neighboring parcels.

MOTION CARRIED UNANIMOUSLY

ITEM H1. PZ22-05 – COMMERCE TOWNSHIP – TEXT AMENDMENT – PUBLIC HEARING

An amendment to the Commerce Township Zoning Ordinance No. 3.000, to update sections within Article 30 – Signs, to ensure consistency with precedential case law including rulings by the United States Supreme Court regarding Constitutional protections of free speech.

Dave Campbell, Planning Director, gave a review of the Planning Department’s report. His baseline understanding of what is being proposed is that the Township is trying to achieve content neutrality with the regulations pertaining to signage. He then deferred to Attorney Kummer to further explain the proposal.

Attorney Kummer – David is correct. What has been done here is with the best effort to maintain what was already in place without completely destroying and rebuilding new. That was done for a number of reasons, one being that the Building Department, Zoning Board of Appeals and Planning Commission can still apply the same standards, for the most part, but understanding what they’ve already acquired with the existing sign ordinance. We tried to use a scalpel instead of a sledgehammer to make a content neutral scheme that worked within the existing ordinance.

What has been done is definitions or references to specific types of signs, as far as their content goes, and then restructuring to make them site specific standards, or site specific signs. Some of the definitions are clumsy, as far as headers. There's no perfect litigation-proof ordinance that also will accomplish everything that the Township desires in an ordinance, as far as deterring certain types of signs, allowing certain types of signs and providing for certain aesthetics.

What we have done though is, in consultation with an expert in sign litigation, and in our own research, and in speaking with the Planning and Building Departments, is to try to draft an ordinance amendment that protects the welfare, the aesthetics, and all of the purposes that are set forth in the beginning of the ordinance, while also trying to prevent future litigation, and a proliferation of signs and billboards throughout the Township. I'm happy to take any questions. It's a large ordinance and I have not memorized it.

Dave Campbell – I think John and I agree, and Paula and Jay, and Jay is the guy who will have to apply this once it actually goes into effect. We agree, it's almost inevitable that within the next six months or so, we're going to be coming back to you with some refinements to some of these changes once we actually put them into practice and maybe notice some quirks. This is certainly a living document that is going to continue to evolve and come back to you over the next year or two years. And, case law can change along those two years too.

Chairperson Parel – I'm glad our attorney is here. I've had questions in regard to signage. I know we've made some modifications to our signage ordinance, which I think have been good. In keeping with the goal of neutrality, there's certain signage in the community that is changeable. I used the example of Gilden Woods. I think they have a beautiful building and a beautiful sign, but I don't love the fact that they have the ability to change the sign. I'm not looking at the content. It's just the method in which it's presented. Is that something that we as a community can restrict?

Dave Campbell – I'll take the first run at this. We did recently make some changes to our sign regulations within the last couple years as they pertained to changeable electronic signs. We effectively said those are not going to be permitted any longer. The justification for that was more a traffic safety motivation. If every business along a commercial corridor has an electronic sign that is dancing, flashing and doing the things electronic signs can do, then that's a legitimate traffic safety concern. That was our basis for no longer allowing those.

But with the sign like the daycare that you're describing, Mr. Parel, where they are changing that by hand with the old-fashioned vinyl letters, I would think Mr. Kummer might say if we start regulating their ability to do that, without being able to say it's a traffic safety concern, then that might go against the intent of what we're trying to do, which is content neutrality. In other words, the message that's being conveyed is changing, and for us to say, you're not allowed to change that message, it might go against content neutrality and free speech protections.

Chairperson Parel – It's interesting because, to me, it's the method in which it is being passed on, not necessarily the message itself. My issue is with the changing of the message, not necessarily the message itself.

Attorney Kummer – I'm not familiar with this location. I don't know if there is a hypothetical in which you could describe the issues that have arose with a similar sign of this type, or the characteristics of it. I'm not sure if it's like the church sign or a McDonald's sign where you slide the letters in.

Chairperson Parel – That's what it is.

Attorney Kummer – That would be the sign copy area. For example, say we approve a McDonald's sign based on its structure and height, it conforms to the sign ordinance. As far as the copy being changed, we can't have that individual come back necessarily for a new permit for that sign, just for taking copy. There's a substitution provision within this proposed ordinance that really emphasizes that the message can be interchanged or substituted on any approved sign because this is a content neutral scheme. If it's an issue of aesthetics, I suppose I would defer to Dave. I know there are some specific regulations in Article 19 with respect to different Township Overlay Districts. I don't know if that can be addressed individually. I don't know if it can be addressed at another approval stage within a site plan. But, if it's just the act of swapping out letters that we want to be regulating and having review of, we can't regulate the copy.

Chairperson Parel – I have to be careful with this, but for me, at least part of it is the aesthetics.

Rebeck – I think you can fix the aesthetics, such as, *No McDonald's style letter-changing signs*. I don't know if that's within this, but I think that can definitely be addressed.

Dave Campbell – It was a year ago now, but my recollection is that the reason we were able to eliminate the changeable digital signs was for traffic safety reasons. To apply that same logic to the old fashioned change-by-hand, I think Hans said that might be too much of a reach.

Weber – I would also say, one of the examples we used was that we didn't want commercials to be broadcast with the capabilities of the new LED signs. I think it still only passed the Board by a 4-3 vote.

Rebeck – To me, this is very much like vinyl siding versus Hardi-plank siding. You can't have a McDonald's style letter-changing sign. It has to be something else. You can still change the message and it can still look nice, but it can't be slide-in plastic letters.

Jay James – Correct me if I'm wrong, John, but that doesn't stop them from being able to change the copy of the sign. If we said they couldn't have changeable letters, they could go out and change the whole sign.

Chairperson Parel – What if we just said the material is limited?

Attorney Kummer – So you're seeking an express prohibition within the sign ordinance that, changeable copy, whether electronic, mechanical or manual means, be prohibited?

Rebeck – I don't think we've hashed that out yet, but it has to be this certain type of material that the letters and/or sign are made out of. I think it's beyond this, but I think we can still approve what's in here now. What he's saying is that we don't want it to look the way it does currently.

Attorney Kummer – I agree, and understanding your comments now, I don't believe it has anything to do with content. So for purposes of this, it can be addressed separately.

Chairperson Parel – If someone wants to make a change to their sign, they want to change their copy, I'm assuming they would talk to Jay and get a permit to modify their sign and use the proper materials.

Jay James – I don't think they have to come back to me. We are permitting the sign, not what's in it.

Chairperson Parel – I'm sure you're right. Maybe they don't have to come back to you, but they still have to abide by our regulations.

Jay James – Yes, they couldn't put in an electronic sign.

Chairperson Parel – And they couldn't use an unapproved material.

Attorney Kummer – Correct, there are construction and maintenance standards that are required. If they're changing the sign, and that changes the construction and maintenance ...

Chairperson Parel – I have no problem with the content. My issue is with the aesthetics.

Attorney Kummer – I understand.

Dave Campbell – If this is leading to a change, is it a change that's going to be incorporated into what we have before us this evening, or is this a change that we're going to spend some time over the next couple of months?

Attorney Kummer – It's something that could probably be addressed prior to heading to the Township Board. I guess my question is, are there specifics as far as Overlay Districts, or Township-wide?

Weber – Is this on the Board agenda tomorrow?

Dave Campbell – No. We thought that was the goal at one point, but it will potentially be at the October meeting.

Weber – I think what's being described here is heavy lifting. I think there's an importance to get what's in this document now before the Board as soon as possible. And as you said, it's a sign ordinance and it's going to get tweaked.

McKeever – What we're talking about is design standards.

Dave Campbell – That's what I'm hearing. We're okay with changing the copy, but we want it to look better than the black on clear vinyl letters.

McKeever – But these signs don't apply to just McDonald's; it's every fueling station and anywhere prices are listed that fluctuate and need to be changed on a daily basis. I thought the original intent of the digital signs restriction was to limit the multiple messages that were continuously rotating and distracting drivers.

Dave Campbell – Yes, multiple messages, moving around, flashing, dancing, flipping, whatever things those signs can do. The way we were able to legally justify that is from a traffic safety standpoint, and not from a messaging or aesthetics standpoint.

McKeever – How does that apply to the digital changing billboard that we have on M-5?

Dave Campbell – That billboard has a history all its own and is the outcome of a consent judgment. That is allowed to flip once every 10 seconds. That was all written into the consent judgment and that has its own private agreement.

Chairperson Parel – In the future, how does that apply?

Dave Campbell – Mr. Kummer, correct me if I'm wrong, but we've effectively prohibited any future off-premises signs.

Attorney Kummer – The consent judgment is before the Township Board for discussion tomorrow night. Let's table discussion of that. As far as the scheme of this ordinance going forward, it in essence removes billboards from being sought within the Township. It provides for specific signage area of large big box stores or unified developments, but generally caps at about 32 square feet for signage. That was a number that was provided by the Building and Planning Departments. It was provided by our office with blanks left in that would meet the Township's development needs for approval purposes, as well as the aesthetics and the desired character of the Township, taking into account the rural characteristics.

Chairperson Parel – With what we restricted for electronic or digital signs, what ones are currently allowed?

Attorney Kummer – There will be no more allowed under this. The only exception is for those gas station signs. There would be nonconforming signs that may be able to continue, if there is a bank with a ticker that shows the weather, date and time.

Chairperson Parel – In theory, couldn't we do the same thing with the McDonald's signs?

Attorney Kummer – I believe we could, and that's why I indicated it's something I can look at and work on.

Chairperson Parel – Dave, if everyone agrees, maybe we take a motion on this tonight. It's an always evolving sign ordinance. We can potentially address that later. If you'd take a look at it, we'd appreciate it, but maybe we don't address that tonight.

Weber – John, all the language in here incorporates all the best wisdom of the sign litigation expert.

Attorney Kummer – Yes, in speaking with a sign litigation expert, there was an initial proposal provided for some schemes he thought might be best. Our office took the best, and pushed back as far as what we thought might be safer in advancing the Township's interests, while still incorporating the best of those ideas, but taking a more conservative approach. An example of that is the proposal to move the entire sign ordinance from the Zoning Ordinance to the Code of Ordinances, and use the police power. With existing case law, there's a number of good reasons why we felt it was more appropriate to keep it in the Zoning Ordinance at this time.

Another proposal was to completely remove the variance scheme and not allow any variances. Our position was that there should be some dimensional variances allowed, so we worked with them to come up with a narrowly construed variance procedure that still allows that, but respects free speech and doesn't provide overly broad, vague decision-making discretionary authority to the Zoning Board of Appeals as well. We've spent a lot of time on it. The expert has worked on it and reviewed three drafts of it. I like to think that we extracted as much litigation knowledge as possible in this process.

Chairperson Parel called to the public for comments and explained that the Public Hearing has remained open.

No comments.

Chairperson Parel closed the Public Hearing.

MOTION by Loskill, supported by Rebeck, to recommend approval, to the Commerce Township Board of Trustees, of Item PZ22-05, an amendment to the Commerce Township Zoning Ordinance No. 3.000, to update sections within Article 30 – Signs, to ensure consistency with precedential case law including rulings by the United States Supreme Court regarding Constitutional protections of free speech.

Move to recommend the Commerce Township Board approve PZ# 22-05, a series of amendments to Article 30 – Signs of the Commerce Township Zoning Ordinance. The Planning Commission's recommendation is based on a finding that the proposed amendments achieve content neutrality and location neutrality for the standards contained within Article 30, consistent with applicable decisions of the Supreme Court of the United States.

MOTION CARRIED UNANIMOUSLY

I. NEW BUSINESS (1):

ITEM 11. PPU22-01 – LAFONTAINE AUTOMOTIVE GROUP (LAG) DEVELOPMENT

LAG Development of Hartland MI is requesting a Preliminary Review of a Planned Unit Development (PUD) for a new dual-branded automotive dealership located on the northwest corner of Pontiac Trail and Haggerty Road, Unit 3 of the Commerce Towne Place. Sidwell No.: 17-24-401-056

David Campbell, Planning Director, gave a review of the Planning Department's report. He provided an update on the project, changes to the site plan since the preliminary review, the pre-application process, and progress on drafting the PUD agreement.

The petitioners, Gary Laundroche and Elizabeth Marchese were present to address the request on behalf of Lafontaine Automotive Group.

Elizabeth Marchese –

- As Dave indicated, we were here in July for site plan review. We then went forward with our preliminary PUD meeting.
- One of the things that you had asked us to do after site plan review was to switch the locations of Genesis and Hyundai.
- You also asked us to put in a walking path, a connection. We did have the sidewalk in front. That does continue and we put in a walking path that goes along the Walmart property line to the end of our property. I'm assuming you will be putting trails back there at some point in time, and then you'll have access.
- We did keep the gazebo.
- I did understand that we've got to walk that fine line between overhead doors not being visible, and the OEM requiring someone who comes to the site to be able to see where the service entrance is. We did move the service entrance back 30' on each building. We did landscaping so if you're doing a quick drive-by, you're not going to see the overhead doors, but if you actually pull in and are in the front drive, you'll be able to see the service drives. Plus, we would like to add directional signage on the property in the PUD, so it can say, *Service Here, Sales Here*.
- We do not plan on using this site for doing predominant service. It will be service intake for both Hyundai and Genesis. Most of that service will be done at the Dick Morris site at a later date.
- We understood that EIFS is not a favorite of Commerce Township, so we have gone back to Hyundai and requested to use alternative ACM, burnished block.
- Genesis on the other hand is predominantly glass. They have what is going to be called a floating ceiling. Within the building, they have an atrium so when you're pulling in or getting your new vehicle delivery, there's a garden wall there. If you're inside waiting, you'll have the option of looking at the EV service area, like a tech bar where I can watch them work on high-end vehicles, or I can sit and enjoy the atrium.
- The other big item; I wanted to make sure you're aware that the very first SP-11, which gives an overview of the site, is actually an architectural site plan. It is not a civil site plan in terms of where parking will actually be allowed, islands, snow removal, et cetera. We have wetlands and we have a wetland survey in process now. We have to be conscious that because of that, we might not have as much usable parking space in back.
- We also want to put in some type of directional signage for public access for EV charging. Both Genesis and Hyundai do offer EV, and they're going to be offering more in the future.
- We're happy to answer any questions.

Dave Campbell – My hope is that this conversation is a good lead-in so that the next time they're in front of you, which might be for a public hearing for a formal PUD submittal, this would be an opportunity to discuss with them what you hope is included and what your expectations might be.

Commission Comments:

Chairperson Parel – A good preface, thank you. Bill?

McKeever – I have nothing to add.

Weber – I give you or your architect props for the renderings submitted that strategically placed foliage in front of any picture of the service doors. It's all about the angles. Dave, can you go back to the overhead view of the site? My understanding is that where you have the service drive in the front, coming in, that in order for them to get into the service area, they're actually going to have to make a left-hand turn.

Elizabeth Marchese – It depends on which direction they come in.

Weber – At the Genesis store, it would be a left turn, and Hyundai would be a right turn, within that write-up area. It's not just a drive-through. (Approached the overhead and reviewed the circulation.) That's a pretty small area to have two lanes of cars trying to turn left. It isn't optimal.

I get what Hyundai wants; they want visibility of service, go here, here's the doors. But I'm assuming their highest priority is that when customers are on the lot, they know where to go, and that's your directional signage. It seems like it would be a conversation to have with their market rep team, if the entrance into service was from the north of the Genesis store, there would be a sign on the front saying *Service* >, with an arrow. It would be cued so then you would have a straight shot not only into the write-up area, but then it's a straight shot into the service department and you're not jockeying cars within a small space. That also makes us happy because there's no big garage doors that are common with that. Dave did talk about some alternatives for fancy garage doors.

Dave Campbell – I think it was a storefront option, but I don't what that means beyond using that term.

Gary Laundroche – We have no desire to display the service entrance on the road. That's something Lafontaine prefers. That is a manufacturer requirement and it's something that they're pretty strong with. They want that service entrance on the front. We're doing another site in Livonia, and they made us tear out a completely good service reception that was on the side of the building and forced us to put it on the front, on Plymouth Road, only because that was their current image. We fought them on that because it was a lot of money that was unnecessary and that we didn't gain anything from.

Weber – They don't care as much about your money. They're saying, this is our design standard, but if there is a Township behind it...

Gary Laundroche – Correct, but understand, 99% of the cars that come into service write-up do not turn into the service garage. That doesn't happen. The service garage is going to have X amount of vehicles already in there that are being serviced. When they come into the write-up, a porter will take those out and park them in a service area that is waiting to come into the shop. For all practical purposes, those are drive-through lanes. I don't know if there is going to be a door into the service garage directly. A lot of

them don't have that. These are full glass and aluminum storefront doors. They look like storefront glass on the front of a building. They're not a definitive overhead roll-up door. They're 100% glass and aluminum framing, so aesthetically, they're a lot more appealing.

Weber – We get that, but I think the intent of the language that we have is, even if it's a write-up area, it is not going to look awesome all the time. There's always going to be cars parked there and they will be visible, and service advisor desks that are visible, especially if they're all glass doors.

Gary Laundroche – We aren't going to be able to hide the fact that we're an auto dealer. These are automotive dealerships that are there for sales and service. We aren't trying to hide the fact that we're a dealer either. There are service receptions, however, the service write-up desks are not in the drive aisles. They're in an enclosed area with high-end furniture and fixtures, especially on Genesis. We've tried to move them back so that they're not in the forefront of your line of sight. You're right, the architects did a good job in the renderings, but it is a true representation of a good portion of the visual you'll get when you pass, either on Haggerty or on Pontiac Trail. We have considered that as part of this design.

Weber – I'm thinking full glass doors, and the only thing I can think of is the full glass doors we have on our fire department. I'm not sure what you're proposing. Truly just glass, bottom to top, every panel is glass?

Gary Laundroche – They're about 2 feet of glass with an aluminum strip.

Weber – So it's not these that we see here?

Gary Laundroche – It is not those, unless you like those better. I think your fire department doors are probably full glass panels with aluminum sections.

Discussion continued regarding the glass storefront doors.

Chairperson Parel – You mentioned Livonia. Where else are you developing these? Are there any others in Michigan? And what about outside of the state?

Gary Laundroche – Yes, we're doing one in Dearborn as well. We have nothing outside of the state.

Elizabeth Marchese – This is our only Genesis.

Chairperson Parel – Are there other Genesis dealers in the state?

Elizabeth Marchese – There's one other one.

Weber – The only other comment I had, and this came from one of the other Board members, was a limitation on the number of the display pads out front. I didn't see that in the write-up that says there will only be 2, or whatever it is.

Elizabeth Marchese – We have none. We had zero. We weren't going to put any display pads.

Gary Laundroche – He's talking about the front of the building, there's some vehicles on the concrete on the front.

Dave Campbell – On the site plan, or on the elevation?

Weber – On the elevation. There's one in front of each dealer on display. If the answer is zero, awesome.

Gary Laundroche – She meant no display pods out along the road, which is pretty typical for a dealer. We would probably like to incorporate a couple on the front of the building.

Weber – I don't have an issue with it. The design looks tasteful. I just would want something there that says, we're only going to have this many.

Dave Campbell – It should be defined.

Weber – Yes.

Dave Campbell – As different managers come and go, so someone doesn't decide to put a dozen out there one day.

Gary Laundroche – We know all about it.

Weber – Those were my only comments. I think the elevations look great. I think the layout is fine. I would still like to push for the side entrance, and the only other item was the display pads.

Loskill – My only concern is people trying to turn left out of the site. Are we going to restrict access to right-in and right-out?

Gary Laundroche – We're pretty sure the RCOC is going to mandate that, especially with that section of the decel lane coming down Haggerty. There's no way they're going to get a left-out there. We're prepared to follow the recommendations, which will probably include the pork chop center aisle curb, which forces you right-in or right-out only. I think that's probably the only way to function that close to the intersection.

Dave Campbell – We did provide this plan to the RCOC's permitting division. They did receive it and they told us they will have comments. I don't think we received any yet. This conversation is reminding me to remind them tomorrow. I think Gary is right. There has to be an expectation that left-turns in or out will be prohibited at this driveway, given its proximity to the intersection, given the lane configurations through here, and given how far this left turn lane queues. If you're northbound on Haggerty, good luck trying to get into this left turn lane.

Loskill – There's always that one person who is trying to turn left out of the gas station across six lanes of traffic.

Chairperson Parel – Is that something that we should restrict or can restrict now?

Dave Campbell – We are going to receive comments from the RCOC. I think part of this PUD is going to be a traffic impact analysis, whether it's Lafontaine's traffic consultant, or whether it's the Township using Fleis and Vanderbrink. I think we will have better answers to those questions once the traffic engineer has a chance to evaluate this.

Chairperson Parel – Will we still reserve the right to handle that at a Township level?

Dave Campbell – Yes, but I always say we should put a lot of credence in what a traffic engineer tells us.

Gary Laundroche – We also use Fleis and Vanderbrink for our consultant, so that works out. I don't think we would have a problem putting that restriction on there. I'm hoping that will include a variance as we may need additional signage there saying, *No left turns*. I've seen that work effectively on some approaches.

Discussion continued regarding circulation at the site.

Dave Campbell – I think as part of the PUD agreement, there needs to be a signage plan specific to this development. This development has enough unique aspects to it that I think to try to apply the sign regulations that we just approved would create a lot of challenges. If Lafontaine came with their agreement, showing the signs they want, sizes and locations, that should all be part of the PUD consideration.

The Commissioners agreed.

Gary Laundroche – We want traffic to be able to flow without being congested. We'd like to offer a public EV charging area so they should know where to go.

Weber – Is there a fee for charging?

Gary Laundroche – Yes.

Discussion continued regarding EV charging stations and costs.

Rebeck – I love the proposal. I don't have any input to add.

Winkler – I agree. I would mention a couple of things. One is, in the Planner's report, there is mention of landscape islands with the parking lot. Those are important. You see them in the Walmart parking lot. Those will probably be required by the ordinance anyway.

I'd like to suggest some sustainable design concepts and features be added to the building. I'm not sure if that's corporate philosophy for Hyundai and Genesis, but this might be a good opportunity. Maybe some bioswales, net zero/carbon neutral HVAC systems and things like that.

Gary Laundroche – We actually have 5 LEED certified facilities within our corporation.

Chairperson Parel – Is your plan to make this LEED?

Gary Laundroche – It's not, because we have to follow the manufacturer. It's hard to do and there's a lot of things that go into that, but whether we go for LEED certification or not, we do install sustainable practices in all of our construction nowadays. It makes sense. It's a more efficient, better building to run long-term. It's better for the environment, the local community, and for our employees and customers. We've found it to be an exceptional recipe for success and it's very well received in every community.

Karim – I love the project. No comments.

Chairperson Parel – You answered my question regarding public access to EV's. I think that's a great thing. It's a prominent corner and I think having it in an area close to M-5 and the freeway is a lot better than having it in some of the other locations proposed. The Dick Morris site that you are looking to renovate, do we have any plans for that?

Gary Laundroche – We do not yet.

Chairperson Parel – I'm assuming we will see that later.

Gary Laundroche – It has to get completely redesigned. It's barely standing.

Dave Campbell – What is the sequence to it, in terms of the timing with this project versus the timing with the former Dick Morris? Is it the idea that they both open at the same moment?

Gary Laundroche – Close, we'd like to get it going simultaneously. Maybe this is a Phase I. Maybe Dick Morris can happen just as fast as this. The variable is that we haven't yet determined if Hyundai Genesis is going to mandate that we do an image program that follows their corporate images, or if we can really make it more of an independent brand. We'd like to follow that, but there are strings attached and it's another layer.

Chairperson Parel – So you are committed to the Dick Morris site?

Gary Laundroche – We are committed to that 100% and we actually need that for this to function. Especially since we're not really doing used car promotion on this site, not to say that there won't be used cars on this site...

Elizabeth Marchese – Certified pre-owned.

Gary Laundroche – Yes. It's really hard, where do you draw the line? Dealer demo, that's not a new car anymore. There are several layers. With the economy, used cars have been the premier vessel for sales because there haven't been new cars. People are waiting. We don't have the place or display area for used cars here, so we need to function at Dick Morris for that aspect, along with service to really make these sites work. It's a package for us that all needs to happen.

Chairperson Parel – There was a lot of talk about the service doors, and I have those concerns as well. I guess one route is we have opposition to the service doors and the orientation of it as shown. The other option would be, have your landscaping protecting our views on this prominent corner.

Weber – I think with the change in the doors they're not looking like it's an oil change shop with garage doors. And, with the appropriate screening. I'm not opposed at all to directional signage so that people know where to go. As people are sitting at the traffic light on Pontiac Trail heading west, they're not just staring at garage doors.

Elizabeth Marchese – I have notes to get a picture and send it to Dave so you can see what we're talking about when we refer to a storefront overhead door.

Chairperson Parel – Okay.

Gary Laundroche – Dave, can you scroll back to the overhead view? I want to point out, because of the orientation of this building and front facing, only from this angle is someone looking directly at these overhead doors, that small window when they're travelling right here. Anywhere else, there is blockage from this island here.

Discussion continued regarding disguising the service doors. Additional screening was strongly recommended.

Dave Campbell – I don't know if Deb Watson has any comments or questions.

Debbie Watson – I think the only question I had was, did you have any issues with any of the bullet point items in Dave's report? And, did you see the additional items, *a commitment to not seek a reduction in property tax, and also landscape islands?*

Gary Laundroche – We did see that, and we really don't have objections.

Dave Campbell – The genesis for that, no pun intended, is this is a DDA capture district. The whole model is predicated on tax increment financing (TIF) and capturing the additional taxable value created by the investment in the property. For Lafontaine to come back after this place opens and say, we want to reduce our taxable value by 75%, that would be concerning both to the Township and to the DDA.

Gary Laundroche – I get it. Really, the only vessel we would have is if we were trying to do a Brownfield redevelopment for TIF with a right to offset, but we don't have anything like that happening here. I don't see any reason we would be going for a tax reduction.

Chairperson Parel – Can we get that confirmation now?

Debbie Watson – We have the Township Attorney reviewing that.

Dave Campbell – That's right, the Township Attorney is looking into it to see if that is something that can be incorporated into a PUD agreement, and would the developer be agreeable to incorporating it into the PUD agreement if the Attorney determines it's something that can be done.

Chairperson Parel – I think I'm hearing we don't need to resolve that this evening.

Gary Laundroche – No, but we don't object.

Dave Campbell – I think Lafontaine needs to hear that it's an important matter.

Gary Laundroche – We don't object to that being a condition.

Debbie Watson – Thank you. I know that's something our Treasurer brought up.

Chairperson Parel – I have one last question about the wing wall. In the rendering, it says, *Welcome to Commerce Township*. My personal opinion is that we have a lot of Commerce Township signage around this area. Is this something that the Planning Commission has any thoughts on?

Weber – It's the furthest point of the Township. I think Dave had notes in there that it should be something similar to what Barrington has.

Elizabeth Marchese – Yes.

Dave Campbell – In my opinion, that's a good looking sign.

Discussion continued regarding a wing wall for this prominent corner and a need for consistency.

Chairperson Parel – Sir, do you have what you think you need from us?

Gary Laundroche – I do. I think I know what you feel strongly about.

Chairperson Parel – This is a really good looking development on a prominent corner. We appreciate your partnership and we're looking forward to it.

Gary Laundroche – We are too.

Weber – Thank you. I know there was some arm twisting regarding the path along Walmart, but we appreciate that.

Gary Laundroche – We are assuming Walmart doesn't have a choice in the cross access. It's there already and we will have access to it?

Debbie Watson – That is how I understand it.

Dave Campbell – We have an easement there.

Debbie Watson – Yes, and that should be coming up in the title issues the attorneys are reviewing.

Gary Laundroche – We're really excited. Thank you for all of your input.

J: OTHER MATTERS TO COME BEFORE THE COMMISSION:

Chairperson Parel –

- Thank you, Chelsea, for your tenure on the Planning Commission. You have helped me out a ton and you've had some great suggestions.
- Dave, our Supervisor mentioned a survey. Is it live on the website?

Dave Campbell – Yes, he put that on the website. I think that's something we can incorporate into our Master Plan public input process.

Chairperson Parel – I've had a lot of people ask me about pathways and connections. There are many areas where it is dangerous to ride a bike or walk. We talked to a developer last week regarding a tree replacement program. I think Supervisor Gray was willing to discuss that with the Trustees, and I think it's important.

Dave Campbell – That is my recollection as well. I'm not sure if he has had an opportunity to address that yet, but there is a Township Board meeting tomorrow night.

Chairperson Parel – From your report, the Union Lake restaurant proposal; one of my concerns there is that they are proposing residential above the restaurant. I'd like to know if there's an ability for the Township to restrict short-term rentals for something like that.

Dave Campbell – There are so many unique things and challenges with that property, and it's actually four properties, so with everything he is going through with EGLE, that project would probably be a PUD. Therefore, as with Lafontaine, we have more opportunity for give and take. Maybe one of those would be restrictions on how that residential unit above the restaurant could be used.

Discussion continued regarding the EGLE virtual public hearing scheduled for the Union Lake restaurant proposal.

Winkler – Jay, I saw three permits on your list in the packet for \$900,000 each. What are those for?

Jay James – Those are for Midtown, the development on Haggerty. They came in to get the front strip malls started.

Dave Campbell – I would also like to thank Chelsea for her service to the Township and Planning Commission. It has been almost 2 years. I think you were a great addition and we really are sad to lose you.

No rest for the weary; Supervisor Gray has a replacement in mind and that is Brady Phillips who has joined us this evening. Larry is nominating Brady to fill the rest of Chelsea's term. It's up to the Board to affirm Brady's nomination.

Brady Phillips – I've heard many names and some of the stories. It's great to have been here this evening and see how everybody interacts. I hope I can become part of the contributing team.

Weber – What is your background?

Brady Phillips – Purchasing and supply chain, automotive, chemical engineering undergrad, Masters in Business; then I joined Ford Motor Company for 21 years. After that, I joined Eaton Corporation in their truck operations group, primarily heavy duty transmissions. I served the last part of my career in a director role, or vice president role. I've done some consulting. I declared retirement, and then my wife Molly, who many of you may know said, *You look bored*. She thought I might be interested and I am very interested in what this commission works on. I'm a resident and I care. I think those are the two most important qualifications. I look forward to getting to know everybody and getting involved.

Winkler – Welcome aboard.

K: PLANNING DIRECTOR'S REPORT

Dave Campbell discussed the following with the Commissioners.

- **NEXT REGULAR MEETING DATE: MONDAY, OCTOBER 3, 2022**
- The Commerce drive-in property, which is one of the properties that the Planning Commission hopes to look at as part of the Master Plan update. That is owned by the Thomas family, Randy Thomas and his siblings. I know that he has the potential for interest in portions of that property. I've had a least one meeting with one prospective developer. I don't know if they're ready to disclose what that is, but I want it to be known that there is interest in developing portions of the property.

Weber – Would that have any effect on the Martin Parkway cut-through to Union Lake Road?

Dave Campbell – I think if these guys build their building, it would close the door on that potential, unless somebody wants to tear that building down 5 years later. I can't blame the Thomas family. They've had this property a long time and they want to accept offers on it.

- Costco has dramatically reconfigured their layout, with more pumps and better circulation.
- We might see a site plan for the properties we discussed earlier, the industrial properties along Ladd, Metro, Clarenton and Rig Street. The company is called Sure Conveyors and they build conveyors for the egg industry. They're based in Wixom right now, but they're running out of space. They want to build a new facility.
- Shepherd's Grove, the project on the Union Lake Baptist church property, that's going before the Township Board for consideration of final condominium approval tomorrow night.
- The Reserves at Proud Lake, which is on what we still call the Rose Button property, next door to Country Hills. That got approved by the Township Board.
- We continue to get inquiries from Marz Deli, which is on the west side of Haggerty Road, north of Pontiac Trail. He currently has a license to sell beer and wine. He would like to be able to sell liquor. Per the Zoning Ordinance, he is not able to make that expansion, based on his proximity to other stores, licensed daycare facilities and residential. He is working with his attorney to see if there's

any potential for a Zoning Ordinance amendment that could be tailored to his business, which is maybe unique from some of the other liquor stores in that he has a full deli, pizza kitchen, et cetera.

- Lastly, Dave provided an update on the M-5 bridge, the wave panels and lighting. The wave panels are being metallized, painted and then reinstalled. The timeline is not yet confirmed, but it is progressing.

L: ADJOURNMENT

MOTION by Rebeck, supported by Loskill, to adjourn the meeting at 9:21pm.

MOTION CARRIED UNANIMOUSLY

Joe Loskill, Secretary