

**CHARTER TOWNSHIP OF COMMERCE  
PLANNING COMMISSION MEETING**

Monday, May 1, 2017  
2009 Township Drive  
Commerce Township, Michigan 48390

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

**ROLL CALL:** Present: Larry Haber, Chairperson  
Tom Jones, Vice Chairperson  
Brian Winkler, Secretary  
Bill McKeever  
Jay Czarnecki  
John Hindo  
Absent: Russ Schinzing (excused)  
Also Present: Dave Campbell, Planning Director  
Jay James, Engineer/Building Inspector  
Jason Mayer, Township Engineer  
Hans Rentrop, Township Attorney

**APPROVAL OF AGENDA**

**MOTION** by Czarnecki, supported by Jones, to approve the Planning Commission Regular Meeting Agenda of May 1, 2017, as presented.

**MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF MINUTES**

**MOTION** by Czarnecki, supported by Winkler, to approve the Planning Commission Regular Meeting Minutes of March 6, 2017 as presented.

**MOTION CARRIED UNANIMOUSLY**

**UPDATE OF ACTIVITIES**

Brian Winkler – Downtown Development Authority

- The April 25th meeting was pretty routine but informative. There were two highlights.
- One was that the developer for the property immediately south of the Township Hall is getting very close to signing an agreement for a proposed medical center, which is a low-intensity use.
- Two was that the Oakland County Sheriff's Department, Lt. Schroeder, gave us an update on crime statistics for some of the bigger businesses in the DDA.

Bill McKeever – Zoning Board of Appeals

- We haven't had an agenda since the last meeting of the Planning Commission.

John Hindo – Township Board of Trustees

- We haven't had anything of real significance.
- We had some Board appointments, routine items, contracts and things of that nature.

Jay James – Building Department

- We're quite busy. It has really picked up over the last month, so much so that I've hired two new building inspectors.
- Meijer is close to completion with about one month left.
- Granger's First & Main project is a little behind schedule. They're just starting to do some drywall inside. They're moving along and I believe their target opening date is July, possibly August.

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

Ray Golota, 1595 Vanstone Drive, Commerce Township - Welcome back, Larry. Tom did a great job. I would appreciate that everybody speak into the microphone, and don't be afraid to lean forward. I'm sitting up front now, but it's difficult for people in the back to hear you when the blower is going. During the meeting, if I can't hear anybody talk, I'll point to my ear. I'm going to do this at all the meetings. The representatives should talk loud enough so that everybody can hear.

Regina Fronczak-Roth, 4080 Lake Pointe Lane, Commerce Township - About two months ago, I suggested that the Township logo be included in any announcements in the newspaper to identify a Commerce Township meeting. I am pleased to see that Dave Campbell has done that. I have copies of the publication from April 14th with the logo. It makes a difference. You can spot the notes for your community. I want to thank you for doing that.

### **ITEM 1: PSU17-001 – CLARK GAS STATION – SPECIAL LAND USE – PUBLIC HEARING**

K & S Fuel Venture of Commerce MI is requesting Special Land Use for expansion of a new fueling station located at 519 Commerce Road.  
Sidwell No.'s: 17-10-404-002 & 17-10-404-003

### **ITEM 2: PSP17-0002 – CLARK GAS STATION**

K & S Fuel Venture of Commerce MI is requesting Site Plan approval for the construction of a new gas station/retail building located at 519 Commerce Road.  
Sidwell No.'s: 17-10-404-002, 17-10-404-003, 17-10-404-024 & 17-10-404-025

David Campbell, Planning Director, gave a review.

Dave Campbell - Clark's Conditional Rezoning was approved by the Township Board in January 2017. Their next step in the process was to come to the Planning Commission for a public hearing to seek site plan with Special Land Use approval. Under B-3 Zoning, a gas station, or expansion of an existing gas station, is a Special Land Use. Part of State law is that the notice for the public hearing has to be published in the Oakland Press 15 days prior to the hearing. The Township is also required to send out notice to every property owner within 300 feet of the subject property within 15 days of the hearing. Back in early April, the Planning Department scheduled the hearing for May 1st.

Since then, a significant event happened on April 12th. The home at 4645 Broadway, which was part of the Conditional Rezoning Agreement for the rezoning of the property,

was raided by the OCSD for suspicion of a marihuana growing operation. As part of the search warrant, the Township Fire Marshal also entered the property, and he noted what he saw to be a lot of recent electrical upgrades to the house. The Fire Marshal reached out to the Township Building Official and asked him to come to the home, along with the Electrical Inspector, to inspect the electrical work to determine what work was done, whether any of it was permitted, and whether it met any of the applicable building codes. Those dates are relevant, because the Sheriff's Department activities happened on April 12th, but the Planning Department sent out the public hearing notice on April 11th to ensure it was published by April 14th.

Therefore, to anyone who is in the audience tonight who received a letter about the public hearing, or saw it in the newspaper, the recommendation of the Planning Department and of the Township Attorney is for this Planning Commission to make a motion to table the public hearing - to not hold any discussion on it with the public, the applicant, nor amongst themselves, and furthermore, to withhold any action on the corresponding site plan that would go along with the proposed expansion of the Clark Gas Station.

The home at 4645 Broadway is subject to a municipal civil infraction because of the unpermitted electrical and building work that happened inside. Until that is resolved, it wouldn't be prudent for this Planning Commission to take any action on the Special Land Use or on the site plan. Recommended motion language has been provided by the Township Attorney and the Planning Department for the Planning Commission to table the public hearing to a later date which will be determined once some of the issues have been resolved. The Attorney is present to speak to the matter also.

Attorney Rentrop - Just for clarification, when the public hearing is tabled, new notices aren't necessarily provided.

Dave Campbell - That's true.

Attorney Rentrop - It would be tabled, and would remain on the table at the Planning Commission's direction. It is our recommendation that the Planning Commission table this matter tonight as it seems to be a moving target. The situation continues to change. As of late Thursday, I received additional information which continues to change my perspective. I'm preparing suggestions on how to move forward.

**MOTION** by Hindo, seconded by Jones, that the Planning Commission table Item PSU #17-001. Move to table the public hearing on PSU #17-001, a special land use application by K&S Fuel Ventures Inc. for the expansion of the Clark gas station at 519 W. Commerce Road, and further withhold any consideration by the Planning Commission of PSP #17-0002, the corresponding site plan. The motion is based on the fact that additional information obtained after the notice for public hearing was published has brought into question whether the Conditional Rezoning Agreement and other Township ordinances have been breached. Further investigation and review is necessary before the Planning Commission considers the site plan and special land use permit.

**MOTION CARRIED UNANIMOUSLY**

An unidentified resident asked if they would receive another letter if they live within the proximity, or if they just need to show up every month.

Dave Campbell - The Township Attorney is correct. Because it's a tabled hearing, you will not get a new notice. You can stay in touch with us. We've been doing everything we can to keep the neighborhood informed on where the project stands, and we will continue to do so. There is also an option on the Township website to subscribe to our Township agendas by email. The earliest that the public hearing would be taken off the table would be the June 5th Planning Commission meeting.

Chairperson Haber - That is not a guaranteed date by the way. Hans and Dave, can we mail the notifications out again? I think these people deserve to see that. Is that a problem?

Dave Campbell - It's not a problem, unless the Township Attorney has a better idea. If the Planning Commission directs us to republish the public hearing notice, we can do so.

Attorney Rentrop - You certainly can do that if you so choose. Sending out another notice is not necessarily required, but you're putting the onus on the Township.

Chairperson Haber - I think the public deserves to know. It's been a hot issue for a long time, nearly two years now. I would like to see them re-noticed if we can do that, at least the people within 300 feet of the property. The rest of the people would have to find out by others spreading the word.

The resident thanked the Commissioners and staff.

**ITEM 3: PSU17-002 – UNCLE BUCKS – SPECIAL LAND USE – PUBLIC HEARING**

Chris & Paula Phaneuf, owners of Uncle Buck's of West Bloomfield MI are requesting a Special Land Use for a warehouse use in the Technology Light Manufacturing (TLM) District located at 8232 Goldie Street. Sidwell No.: 17-13-400-043

**ITEM 4: PSP17-0005 – UNCLE BUCKS**

Chris & Paula Phaneuf, owners of Uncle Buck's of West Bloomfield MI are requesting Site Plan approval to construct a new warehouse/office building located at 8232 Goldie St. Sidwell No.: 17-13-400-043

***>> Chairperson Haber proposed that Items 1 and 2 be heard together, with separate motions to be made for each, and there were no objections.***

David Campbell, Planning Director, gave a review of the proposal and provided an aerial of the site on the overhead. The building is approximately an 80/20 split between warehouse and office use. He explained that anytime there is a nonconforming site such as this, where the applicant is looking to build or expand, the role of the Planning Commission, per Section 39 of the Ordinance, is to have the site brought into

reasonable compliance with the current standards of the Zoning Ordinance, in proportion to what is proposed, which is to construct a new building on the existing pad. The applicants, Chris and Paula Phaneuf, were present along with Robert Hittinger, 2730 Union Lake Road, Commerce Township.

Robert Hittinger - In the plan, we're looking at utilizing the existing pad and bringing it back up to specs. We've been looking at a number of buildings and at one time, it was just fully square and fit the same envelope. They wanted to try to make it nicer and broken up on the front, so they have larger overhangs and some different layouts on the front. It's shown in red - those aren't the colors, but those would be metal, detailed build-outs that would protrude off the front of the building to give it more depth. They want the building to look different from each angle as opposed to a square block building. This is in the back of a warehouse area, so it's not fancy, but yet they did want the front of the building to look more attractive than just cinder block.

Chairperson Haber - You will have clients coming there so you want it to look nice.

Robert Hittinger - Yes, that's why they're trying to make the front part of the building look nicer than just a warehouse.

**Chairperson Haber opened the public hearing and clarified the process for the residents by explaining that all questions and comments would be heard, but answers would not necessarily be provided this evening.**

Jeff Golota, Sargon Partners, 8230 Goldie Street, Commerce Township - I'm a tenant on Goldie. I'm here to speak about the company that's located here in the technology area that we chose to be in. We're a technology based company, one of the few that are based here in Commerce Township. We actively recruit young people from the Walled Lake School District to engage in technology, engineering particularly. We do a lot of electronic tracking and we have five different types of technology that we develop. We've employed students who have gone onto college and are getting their engineering degrees while still working with us.

We envision that area to be a technology base, just like you did. We do not support the special use of a warehouse, especially with the retail portion of it; the 2,000 square feet of showroom space that encourages consumers to come into that area, to have additional traffic. Also, some other items that were in the notice in terms of noise, washing trucks and equipment in the area, again, we don't believe that is in conformance to what you have, and what we have envisioned for the area.

I've talked to the four other existing property owners on Goldie Street. I have their signed concerns that I would like to share.

Chairperson Haber - You can leave that with the secretary and it will be part of the record.

Mr. Golota, 8230 Goldie, submitted an email for the record which he had sent to Dan Mendelson, 8226 Goldie, Gary Cott, 8250 Goldie, and Dan Wissner, 8240 Goldie, with Cc to Joseph Grenn. The subject was Goldie street development Uncle Buck. The

content was objection to Uncle Buck's use in the TLM district, and opposition due to issues such as traffic, road maintenance, drainage, noise, and parking. Each recipient signed and returned the letter to Mr. Golota to express their concerns.

Jeff Golota - All of the concerns are primarily with the consumer business use, the retail focus. We are all business to business use. We are a technology based company, and there's one warehouse and one service based company. We believe there are more appropriate locations in the area for that use. We all want that property to be developed, which would reduce incidents in the area, but we want something more consistent with the use it was intended for. We are concerned about an industrial laundry facility being built in there, and if you go along with this, we need to discuss drainage for that facility, specifically into sanitary sewer and not into septic.

Aminur Rahman, CEO and President of Invisi-Tag, 8230 Goldie Street, Commerce Township - We are an RFID tracking company who helps contractors track their tools and assets on their smart phones. We do business with many different contracting companies, small and large, all across the country.

One of my concerns is attracting talent. As a new, growing technology company, one of the biggest things I have to do is attract potential employees that want to work in the new era of technology based companies. Uncle Buck's is not conforming to the technology area that we are trying to develop and grow. We work with Walled Lake School District and many different universities in the state. We have a variety of students from different backgrounds, from engineering, to marketing to business. Going forward, I'd like to grow into a company that will attract different talents. If this Special Land Use is approved, my company would need to look at other areas for relocation.

Chairperson Haber - Are you a renter or an owner?

Aminur Rahman - I'm currently a renter.

Chairperson Haber - Thank you.

Joseph Grenn, Attorney, 5736 Chase Road, Dearborn - I'm here on behalf of MEJT Corporation, the owner of the building at 8230 Goldie, which is just to the south of this proposed facility. I'd like to say that a rose by any other name is still a rose. I looked at the building application and it lists a B-3 building and he's asking for B-3. His main object is retail. Now, incident to the retail, he has to store his tents. How is that any different than Costco or Home Depot? He's retail. You can call it wholesale, or warehousing, but that's incident to his retail business. He's not a proper use for the area. He's a nonconforming use and he doesn't fit any of the exemptions. There's also the industrial association. There's a declaration of interest in the by-laws that was recorded. Pursuant to that agreement, he has to have all of his neighbors approve of his building site. I haven't seen anything in the packet where the association has approved the building, or anything about it. In addition, there's only 20 feet of property where he wants to put his truck bay in on the side of the building. How's he going to get a truck in there? There's not enough room, unless he's going onto the neighbor's property.

Some of these things are impractical, they don't fit and they don't belong. He's going to bring in a lot of traffic which will beat the road up. It's a private road, so now he's putting his costs on all the other property owners. That's another reason we're upset. In fact, by his own statements, he says it's only in June, July and August, so you're going to have a traffic jam.

This is not suitable and it's out of character. All the other buildings are cinder block, solid buildings. This looks like a pole barn; it's steel. It doesn't match the character and doesn't look right. I don't know if there's enough parking and I don't know what the Ordinance requires, but if you're going to have retail, you'll have a lot of cars. When you say office space, is that his sales space, like a car dealer? A car dealer could be a warehouse as well then. I'd ask that you deny it.

Chairperson Haber - Thank you, anyone else?

Robert Hittinger - I'd like to address a few of the issues. There is a large misunderstanding as far as retail. The facility is a rental facility, so if you're having a graduation party or a wedding, you don't have the whole party coming to pick out the tables and chairs. There isn't a heavy traffic use, other than the employees during the days when the party would take place. The employees would be loading up the tables, chairs and tents to deliver them. You would have a couple coming in to pick something out once in a while, but most items are done online. It will probably have less traffic than most of the other facilities in the development.

As to the comment regarding a commercial washing machine and laundry mat; if you have a large wedding of 200 people, there would be 20 tables. That means 20 tablecloths, napkins, et cetera. That's less laundry than a standard family of 4 does at home. It's not like a commercial laundry facility. They use Tide and wash a few loads of laundry after a party.

The building can be standard block like the other buildings, but we were trying to dress it up to make it look a little more upscale for the area. We will work with the Planning and Building Departments for whatever materials the Planning Commission wants to see, and we will adjust the front elevations.

**Chairperson Haber closed the public hearing.**

### **Commission Comments:**

Winkler –

- Regarding the site plan and the building use, it's important to mention that the warehouse portion of the site is not a prohibited use in TLM. It's a permitted use, provided it's a Special Land Use that is achieved.
- I have no real objections to the use and site plan, with what's being proposed.
- Dave mentions in his report that the north and east sides of the building are essentially not even visible. He suggested that we look at the south and the west sides.
- I would like to suggest two things. First, along the west side on the bottom elevation, the bottom strip should be a split-faced CMU or some kind of masonry to further dress that elevation up.

- Secondly, it should then go around the corner, to the right or south, possibly replicating what the petitioner has done in that trapezoid form.

Brian Winkler presented his draft suggestions for consideration by the Commissioners and the petitioners. Robert Hittinger and Chris Phaneuf approached to review the plans. Discussions continued regarding the architectural features and materials to make the building look high-tech, including a combination of brick, CMU, metal siding and canopies.

Chairperson Haber - Brian is an architect and he has excellent suggestions. I will inform you that we really should see a material board. I spoke with Dave earlier and I'd really like to see that, but if you go forward, I expect you will have one for us to see.

Jones – What about the comment regarding an agreement with the association?

Chairperson Haber - Dave or Hans, one of the speakers here said that we needed approval of the people in the area. Would you like to comment on that?

Dave Campbell - That's the first I've heard that the other owners have architectural control over any new building. That sounds like a private agreement amongst private property owners, not unlike when you have a residential neighborhood with private deed restrictions that say everyone has to have a 3-car garage or a certain number of trees in their yard. That's not necessarily the Township's authority to enforce.

Relative to access; we have traded correspondence with Mr. Phaneuf and his attorneys regarding the reciprocal access easements that traverse across all of these properties, and it certainly appears from my read that they are to the benefit of all property owners. By design when this area was platted, the driveways and circulation patterns were meant to benefit the property owners within that development, so those would remain in effect.

Attorney Rentrop - I concur. My only question is whether it's a condo. If it is, then the master deed of the condo would control. I have not seen one, nor am I aware of one.

Joseph Grenn - May I address that point? I have the documentation.

Chairperson Haber - Yes, go ahead. You can show it to them.

Joseph Grenn approached with the documents. Attorney Rentrop requested time to review.

Chairperson Haber - We will move forward while you're working on that.

Czarnecki - Nothing to add.

Hindo - Nothing.

McKeever - No.

Jones - On the Planning Report, there is a comment; *The Fire Marshal provided several items that would need to be addressed on the engineered construction plans. Several of those items involve improvements to the existing system of hydrants.*

I didn't see anything in the recommended motion language that indicated that the requests of the Fire Marshal would be complied with, unless I missed it.

Dave Campbell - His overall recommendation is approval, subject to these items being addressed, which is not uncommon with the Fire Marshal review letters. Those items, in his opinion, could be addressed, if and when the applicant submits engineered construction plans. A few had to do with upgrades to the existing hydrant system, and other items that address typical fire code issues. The water servicing on that site has been turned off for a long time, so you just want to make sure the service is still viable.

Jones - Okay, are we talking about the recommendation for Special Land Use yet?

Dave Campbell - Typically this is done in two steps. You would talk about the Special Land Use first, and then the site plan second. If the Special Land Use is not approved, then the site plan is effectively a moot point.

Jones - Where it refers to, *...approval of a Special Land Use conditional upon approval of a revised site plan which addresses the outstanding issues noted;* I was just wondering where you were going with that?

Dave Campbell - There's a few things that we would want to see addressed. Administrative approval is typically how we handle these if they are relatively small items. The question for you is, do you want the site plan to come back to you, or are you comfortable approving it, conditional upon some revisions to be reviewed administratively? Again, that is secondary to Special Land Use approval.

Chairperson Haber - Jay, drainage was brought up. Do you have any comment there?

Jay James deferred to the Township Engineer.

Jason Mayer - They are not adding any new, impervious area, so the drainage is going to be the same as what it is now.

Chairperson Haber - The drainage is not an issue?

Jason Mayer - The drainage is not an issue.

Chairperson Haber - Parking?

Dave Campbell - They're showing how they're going to lay out the parking, including the handicapped spaces. They're going to restripe the spaces that have been there historically. We did look at the parking count relative to the 20/80 breakdown of office versus warehouse, and they are providing sufficient parking.

One of the things the applicant could address, should he so choose, is the nature of the business relative to clients coming in. He may be able to speak better to whether it is a walk-in type service, or whether it's by appointment only, which might give a better sense of the need for parking.

Chairperson Haber - Some things that were not addressed for site plan would be signage, dumpster, et cetera.

Dave Campbell - We noted that there is a dumpster shown on the site plan. We would want to know that the dumpster is compliant with the standards of the Zoning Ordinance, which requires a 10 foot concrete apron in front of the dumpster so the trash truck doesn't sink into the asphalt. The enclosure has to be 6 feet tall and has to match the building materials. We would need more information and this should be one of the conditions of site plan approval.

Landscaping; they did provide a relatively simple plan, but the area out front is the only realistic opportunity for landscaping on the site. Some unhealthy vegetation would be removed and replaced with a mix of plantings, shrubs, pine trees and birch. The plan was not sent to the landscape architect because it was simple. In our opinion, it is sufficient to comply with the standards.

Signage; our typical practice is to have the Planning Commission defer to the Building Department. If and when they want to put up a new wall sign or ground sign, they would need to comply with the specific sign standards and obtain a permit.

Also, it's important for the applicant to hear this. Outdoor storage would require its own Special Land Use approval. They are not proposing outdoor storage at this time and I'm not sure where they could make it fit on the site if they wanted it. If this current Special Land Use is approved, I recommend it be conditional upon no outdoor storage, unless they come back to request a Special Land Use permit specifically for outdoor storage.

Chairperson Haber - I'm concerned about the dumpster. Do you have a plan for disposal of waste?

Robert Hittinger - There is an area where there was a dumpster previously, but Uncle Buck's does not have enough garbage to require a dumpster. They may just use a couple large home trash cans. If there is a dumpster at some point, it will be made to conform with the building materials.

Chairperson Haber - If this goes forward, we don't want to see the garbage cans outside. They will have to be stored internally.

Robert Hittinger - Internal in the building, yes, or build a dumpster enclosure.

Attorney Rentrop - I'm prepared to answer your questions. The document presented to me was a declaration of restrictions for Goldie Industrial Park dated June 4, 1986. It's not a condo; it's a classic deed restriction. They've created an association with certain restrictions and powers.

First, I don't know if the organization still exists and I don't know what documents may have been filed after the fact which would impact these deed restrictions, and I'm not in

a position to determine that now. Regardless, the Township has never taken the position to apply private deed restrictions on property owners. Obviously, the applicants should be aware that if this organization exists and if it's active, they would need to make a decision to accept impunity of the restrictions. That's between the property owners of the association, and it's not necessarily up to the Township to enforce.

Chairperson Haber - So what did you just say?

Attorney Rentrop - Don't worry about it.

**MOTION** by Jones, supported by Winkler, that the Planning Commission **approves, with conditions**, Item PSU17-002, Uncle Buck's Special Land Use, the request by Chris & Paula Phaneuf, owners of Uncle Buck's of West Bloomfield MI for a Special Land Use for a warehouse use in the Technology Light Manufacturing (TLM) District located at 8232 Goldie Street. Sidwell No.: 17-13-400-043

Move to approve PSU #17-002, a special land use for Uncle Buck's Party Rental, to allow a warehouse use within the TLM – Technology & Light Manufacturing zoning district on the vacant property at 8232 Goldie Street. 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 standards for special land use approval for a warehouse use in the TLM – Technology & Light Manufacturing zoning district.

**Special land use approval is based on the following conditions:**

1. Approval of a corresponding site plan by the Planning Commission;
2. No outdoor storage without separate special land use approval.

Discussion -

Jones inquired with the Commissioners about prohibiting outdoor storage on this site. The consensus was that condition #2 above was sufficient as the applicant would have to come back for the request.

Jones and Haber confirmed that there was no need to be concerned with any potential deed restrictions by the association as discussed herein with counsel.

**AYES: Jones, Winkler, McKeever, Hindo, Czarnecki, Haber**

**NAYS: None**

**ABSENT: Schinzing**

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Jones, seconded by Czarnecki, that the Planning Commission **approves, with conditions**, Item PSP17-0005, Uncle Buck's, the request by Chris & Paula Phaneuf, owners of Uncle Buck's of West Bloomfield MI for Site Plan approval to construct a new warehouse/office building located at 8232 Goldie St. Sidwell No.: 17-13-400-043

Move to approve Site Plan # PSP17-0005, a new 12,000 sq ft office / warehouse building for Uncle Buck's Party Rental, to be located upon the vacant building pad at 8232 Goldie.

**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. The proposed building materials and architecture to address the comments of the Planning Commission and approved administratively, such that the new building satisfies the intent of Article 27 of the Zoning Ordinance;
3. Any dumpster and dumpster enclosure to be consistent with the design requirements of the Zoning Ordinance;
4. 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;

Discussion -

Haber - You understand the dumpster requirements?

Robert Hittinger and Chris Phaneuf responded affirmatively.

Haber - I'm concerned about the aesthetics of the building. It would be very advantageous to use Brian Winkler's sketch and do the stone décor on the west side to spruce it up.

Chris Phaneuf - On the west side?

Haber - The street side.

Chris Phaneuf - We have no objections. We want to make it look sharp.

Haber - One of the problems is that we do not have your materials board. We have two choices. We could put this off until we get one, or we can work with you.

*(The Chair polled the Commissioners. The consensus was to handle this administratively, and the applicants agreed to work with staff.)*

Haber - Okay, this can be handled administratively, but it can be brought back before us for review if not found to be satisfactory to Dave Campbell and Brian Winkler. So this is a conditional approval, pending the above conditions.

**AYES: Jones, Czarnecki, Winkler, Haber, Hindo, McKeever**

**NAYS: None**

**ABSENT: Schinzing**

**MOTION CARRIED UNANIMOUSLY**

**ITEM 5: PZ17-0002 – COMMERCE TOWNSHIP – TEXT AMENDMENT – PUBLIC HEARING**

An amendment to the Commerce Township Zoning Ordinance No. 3.000, to amend the following Sections: Article 2, Section 2.02, to add a definition for Off-Premise Alcohol Sales Outlet and Article 26, to add Section 26.316 to regulate retailers selling beer, wine, and/or liquor for consumption off-premise.

David Campbell, Planning Director, gave a review.

Chairperson Haber - Everyone please turn to Page 2 of 5, under Limitations. Dave and I spoke about this earlier, and I'd like your opinion on it. It says, *There shall not be more than two off-premises alcohol sales within one mile*. I would like to change that to one per one mile. Let's tighten this up.

**Chairperson Haber opened the public hearing and clarified the process for the residents by explaining that all questions and comments would be heard, but answers would not necessarily be provided this evening.**

Ray Golota, 1595 Vanstone Drive, Commerce Township - I do not want to speak regarding this proposal. However, I want to reinforce that everyone needs to speak into

the microphones. It's a disservice toward me. I'm proposing to Larry, and to David Scott, wireless microphones, so you can sit back in your chair with the microphone on you and everybody can hear. Once again, I believe the people behind me can't hear.

Chairperson Haber - I will take care of it.

Sindy Rabban, Annie's Party Store, 535 W Commerce Road, Commerce Township - I'm a business owner with an SDM license. I had a chance to read this trap that the Township put into place. There are key points to the trap, but there are also a lot of issues that, as a business owner, I think are wrong or lacking from this. None of you are business owners with an SDD or SDM license. There should have been some kind of committee constructed of on-premise and off-premise licensees to weigh in on this before you guys decide to put your two cents into it.

As a business owner, I know there needs to be some kind of enforcement on this because there are way too many bad operators out there in this Township with licenses that should be revoked.

I hear it every day. I'm a business owner. I deal with the public day in and day out. They're going to come to me to say, the person across the street is selling to minors. That's the problem. I'm a business owner seeing this on a day-to-day basis. I'm the one who more or less advocated not to allow the Clark Gas Station to have a beer and wine license. They're 20 feet next to my establishment. They do nothing and they don't benefit the Village. There should be some kind of enforcement by the city, but where do you start?

Reading this, if you guys are going to start some kind of city ordinance of this sort, on Part E, #2, how do you guys plan to make this fair for all retailers? You are basically allowing a business of 20,000 square feet to have an exception, but no small "Mom & Pop" business owners to be able to thrive in this area? How do you allow big box stores to have an exception? I know that Kroger in Union Lake got a citation because one of their employees sold to a minor. Big box stores are not immune to having bad employees that operate badly. I don't understand. If you're going to do this, then do it right for everybody and no exceptions.

Also, the one mile radius rule is horrible I think. How do you promote new businesses if there are conditions like that in place? I know you said one within one mile, but then why exclude new potential businesses from operating with the bad businesses that are there thriving? Shouldn't the point be to weed out the bad operations with new, good operators with no criminal records so they can come into the Township and open up shop. Why aren't you checking their history to see that they don't have citations. You are going to limit new opportunity, but let horrible operators run. How is that fair?

Where are the repercussions to the bad business owners? There has to be something you can do. I know it's not your job to reinforce, but if you don't, then where does it stop?

You should look at this further before you put something in place. There should be some kind of committee, or somebody else that should weigh in besides the Planning Commission.

Chairperson Haber - I suggest that you speak to Dave Scott about that.

Sindy Rabban - I did, I sent him an email.

Chairperson Haber - That's where you've got to start. Thank you very much.

Iven Sharrak, 9555 Commerce Road, Commerce Township - I have a petition, a site plan that's in the city for a gas station on Commerce and Newton. Obviously, one of the proposals that I have is to have alcoholic sales in there. I hold the largest liquor licenses inside of gas stations in the State of Michigan for an independent operator. I have 8 licenses in my gas stations.

I just want the Township to be mindful of passing this Ordinance just to exclude competition, because that's not the way it's supposed to be. West Bloomfield did something to that effect where the wine store owners went to them and forced their hand to not allow gas stations to have alcoholic sales. I'm in the process of actually suing City of West Bloomfield for that. It's exclusionary and that's discriminatory. I don't think they should pick on a particular business like a gas station and say that they shouldn't sell. Why shouldn't they sell? Alcohol is sold in every other establishment from a golf course to a restaurant. Speaking for my industry, just to be picked on as a gas station not to sell alcohol would be detrimental to the city ordinance.

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

**Commission Comments:**

Chairperson Haber - Dave, how do you want to go about this?

Dave Campbell - I think discussion amongst the Planning Commission is in order and hopefully some direction would come out of the discussion. The Attorney and I are here to answer your questions. There was a certain urgency that was put on this project by the Township Board, so we want to get it right but we don't want to delay.

Winkler – On Page 2 ...

Chairperson Haber - Please use the microphone.

Winkler - On Page 2 of the proposed amendment, Item C. 2. b., Special Land Use Approval, it says, *A site plan and corresponding floor plan which illustrate the proposed location where the alcohol sales would occur, as well as all the locations of other off-premise alcohol sales outlets that presently exist within a one-half (1.5) mile radius...* It says one-half, but then shows 1.5 miles. That should be corrected.

Dave Campbell - That is a typo and we did notice it after distribution. It is intended to be "one-and-a-half, or 1.5 miles". When they come before you for Special Land Use approval, they would have to show a map letting you know where all the retailers are within a 1.5 mile radius of their proposed location.

Winkler - Under Page 3, E. Exceptions; David in his report suggests that we put in an exception for PUDs. I think we should add that language under the exceptions.

Dave Campbell - It's discussed in my cover letter attached to the amendment. If we follow through with Mr. Winkler's suggestion, we would add new language under the exceptions that would include Planned Unit Developments, or PUDs.

Brian Winkler - Could you hear me back there?

Regina Fronczak-Roth - Yes, that was much better.

Chairperson Haber - Dave, you said you had a graphic of places in Commerce that have beer and wine?

Dave Campbell brought up the map on the overhead which indicated the off-premise alcohol retailers and reviewed the locations. The map was drafted using a list from the Michigan Liquor Control Commission.

Jones – On Page 2 of Dave's report, we need to discuss whether an exception should exist for full-service supermarkets.

Dave Campbell - Do you feel that's appropriate for there to be an exception to the proposed new Special Land Use requirement for supermarkets over 20,000 square feet, assuming that those supermarkets have more than 51% of their sales from items that don't have an age restriction on them; in other words, something other than alcohol, cigarettes, certain non-prescription medications, lottery tickets, et cetera.

Jones - Shouldn't it be more like 81%?

Attorney Rentrop - Let me address that to some degree as to why. The reason that exception is carved out within the ordinance is because what we're looking at is an ordinance based upon health, safety and welfare. We look at the situations which can cause adverse consequences to the neighboring properties, crime, possible thefts, lighting, traffic issues, et cetera. If you have a full-service supermarket, potentially, arguably, possibly, you have less traffic issues, you have less security issues, because most of them are well-lit, they have surveillance cameras, and they have protection policies, et cetera. Of course any PUD could also have similar accommodations for safety aspects and that may be a reason to put the PUDs into the exceptions as well. Arguments can be made both ways, but that was the idea behind it.

Jones - Why is the number only 51%? Shouldn't the major portion of the supermarket sales be other things? Why wouldn't we have 70 or 80%?

Attorney Rentrop - You could do that.

Jones - Does anyone have a problem with raising that number?

Chairperson Haber - I think 51% is probably it, but you could put in whatever you want. You have that ability.

Jones - I think at least 70%. What do you think Brian?

Winkler - I'm not sure of the benefit of increasing the percentages, given the fact that 51% is certainly in perspective.

Dave Campbell - Keep in mind, there is a size limit too. It would have to be a grocery store of 20,000 square feet or more. That's bigger than a typical Walgreen's so it's a fairly decent sized store.

Jones - I'd be fairly surprised if Kroger had 49% sales in alcohol.

Chairperson Haber - I don't think that's what it's saying.

Jones - That's what I read it to say, but okay, we can bypass that. You've already addressed this, but it recommends that an exception for PUDs be provided. What was the reason for that? To give them flexibility if they're developing a large project?

Attorney Rentrop - Yes, if you're developing a large project in an integrated PUD development, you're given opportunity to address safety concerns that are associated with this ordinance. That's the idea behind it.

Jones - The Township Board, or the Planning Commission, would have some discretion over what they're planning to do?

Dave Campbell - Yes, any PUD is going to come through both the Planning Commission and the Township Board. It will have a development agreement, which has to be signed by both the petitioner and the Township Board, and the agreement would be an opportunity to potentially be even more restrictive than what is proposed here; more restrictive in terms of operations and things of that nature. The PUD approval process would allow control over locations and how they operate.

Chairperson Haber - This is a discussion to make a recommendation to the Board.

Dave Campbell - As with any Zoning Ordinance amendment, you are the recommending body.

Jones - On Page 2 of 5, it states; *The proposed amendment would require new/expanding alcohol retailers that operate later than 9pm to locate a minimum of 500 feet from any residentially-owned property.* But then later it states; *Based on the way the distance is proposed to be measured, the site of a new/expanding alcohol retailer could be immediately adjacent to a residential property, but could meet the 500-foot spacing requirement by following the centerline of the road.*

If it has to be 500 feet from a residence, how can it be adjacent to it?

Dave Campbell - The way that distance is measured is you go to the centerline of the road and you basically drive the road until you get to the closest residential district. If you picture the Clark Gas Station; they're essentially at the middle of the block. Even though they have residential properties directly behind them, the way we propose to measure the distance, you'd have to drive along Commerce Road and down Ponderosa, then across. By the time you do that, it might be more than 500 feet. That's part of what we wanted to bring to your attention tonight.

Jones - Okay. On Page 2 of the proposal, the 1.5 is settled. Larry brought up that we should recommend it be one per one mile. Hans, is there any reason you feel that's too restrictive?

Attorney Rentrop - I don't necessarily think so. It's an improvement one way or another. I know of no reason why it would not be acceptable.

Jones - So we will recommend one per one mile.

Chairperson Haber - That's the recommendation.

Jones - Under Exceptions, Item 4, *An off-premise alcohol sales outlet that existed before the date ... seeking to renew, but not expand, its liquor license.* By that, you mean that they're selling beer and wine and they can't expand ...

Dave Campbell - They could if they could get it approved under these proposed standards. They would be expanding upon a Special Land Use. For them to be able to that, they would have to meet these standards, if the standards are adopted. They would be allowed to continue to exist as they currently exist, but if they were looking to expand, they would be subject to these requirements.

Jones - Review Standards, Page 4 of 5, c. regarding criminal activities including robberies, shoplifting, et cetera; With regard to the criminal activities, as Ms. Rabban mentioned, we are not in the business of enforcement.

Dave Campbell - Enforcement would still be the OCSD, the Michigan Liquor Control Commission, (MLCC). We don't have the legal authority to conduct stings for underage buying. We will rely on our law enforcement and our state regulators for things like identifying and enforcing against the people who are breaking the rules.

Czarnecki - With the Meijer that went to the State, how does this prevent someone from doing that again?

Dave Campbell - We have to remain in close communication with the MLCC to ensure that before a new license gets approved by the MLCC, that the municipality has an opportunity to approve it at a local level.

Attorney Rentrop - Understand that the Township itself does not have approval authority over off-premise alcohol sales. We can't say that we like this one, and we don't like that one. We are limited in what we can do to regulate these types of establishments. The direction at the January Board meeting was to try to put some limitations into a restrictive ordinance.

As far as the Meijer situation, that will be handled by the MLCC. The way this Ordinance will work is that an off-premise alcohol license is subject to all local Ordinances. This is very blanket language. The Zoning Ordinance says that you can't have more than one in one mile. That can be reported to the MLCC and in theory, they will abide by that restriction.

Czarnecki - By putting more restrictions on this, how much does that open us up to more lawsuits, with what's happening with West Bloomfield basically? I know they put extreme restrictions on it.

Attorney Rentrop - You're never going to be 100% secure. We've tried to take every measure possible to minimize that risk. The less restrictions you have, obviously the less risk of lawsuits. Most of these have been vetted one way or another. Each one of these are looked at on an individual basis for legitimate safety concerns.

Hindo - I have a few comments. Page 2 of 5, D. 2., Limitations; While I agree with limitations, I don't think we should be more restrictive than the State of Michigan is currently. My thought would be to be more in line with the MLCC. I don't think there should be a distance requirement as it relates to SDM licenses, which are beer and wine only. The State does have a restriction on SDD licenses, which is one per 1/2 mile. My suggestion would be no distance requirements on an SDM, and one per 1/2 mile on SDD so that we're more in line with the MLCC, and there's more of a basis for supporting our decision, when and if we end up in court.

On Items 3. and 5. of Limitations, I feel those are a little too restrictive. As to the hours of operation, I think 9:00 is very early. There are already other retailers in residential areas that are open much later and we haven't seen any issues. My recommendation would be to increase the hours of operation.

Also, I don't feel the distance of 500 feet from a residentially zoned property is necessary. I do agree with the 500 feet of distance as it pertains to a school, a place of worship and those types of establishments, but I don't think it's necessary for a residential property.

Lastly, I don't see this in here and I'd like to see it, for the benefit of the Planning Commission and the Board of Trustees. There needs to be a mechanism to grant an exception should we choose to. I don't know that if we implement the Ordinance if it is hard and fast, or if we have any discretion for granting certain waivers. Maybe there should be a provision built in to give us that right, should we choose to. We don't know what special circumstances might arise where we would want to grant a waiver, and I think we should preserve the right to grant one, should we deem it's appropriate.

McKeever - How does this affect the big box stores with the ability to sell beer and wine from their fueling locations? If they're already selling it in their store, why give them the ability to sell it from their fueling station also?

Dave Campbell - Most of the big box retailers fall under the exceptions because they're over 20,000 square feet and their sales are more than 51% of goods that are something other than beer.

You're saying, if we're going to allow an exception for a big box store that also has an accessory fueling station, then should we only allow alcohol sales in the principal store and not in the accessory station?

McKeever - Yes, that's my feeling; no alcohol sales from their outlots.

Jones - Good point.

Chairperson Haber - May I ask, is there anybody out there from the press? (No response.) If you're here, please make yourselves known.

Thank you all. I think there are some good, constructive comments here. John, I have to disagree with you. I think one mile will be fine.

The problem I have is seeing store after store selling beer and wine and it gets out of hand. It makes it easier for youngsters who should not be served to get served. I don't want to see us get into a situation where it's a carnival. We can take the suggestions to the Board.

Discussion continued regarding the next step. The consensus was that the amendment should be revised and brought back to the Planning Commission for another review. It was noted that another public hearing would not be necessary nor required.

Chairperson Haber wanted feedback from the Township Board on the comments provided by the Commissioners.

Dave Campbell - You as the Planning Commission are a recommending body on a Zoning Ordinance amendment. I would think the best approach would be to let us work on this, and then bring it back to you in June. If at the June meeting, you feel it's ready for Township Board consideration, you can forward it on at that time. Once Township Board looks at it and has their own thoughts, they would be able to send it back to you with some direction on things they might want you to look into further. Procedurally, that would be the best approach.

Jones - You and Hans are going to work on this together?

Dave Campbell - Yes.

A resident asked to speak. Chairperson Haber noted that although the public hearing was over, he would hear her comment.

Sarah Henderson, 3076 Ridgemont Street, Commerce Township - There's a lot of information here that I've been taking notes on. It's just sinking in. If I send an email, is that something that would be considered?

Chairperson Haber - This is a recommendation that we are making to the Board. Will the Board have a public hearing also?

Dave Campbell - The Board is not required to hold another public hearing. It would be on their agenda for a public meeting, but not necessarily advertised as a public hearing.

Chairperson Haber - I suggest that if you want to be involved and have something to say, make it known to Supervisor Scott and to Dave Campbell. We are not voting on it. We just send it on to the Board with our recommendations.

**ITEM 6: PSP17-0004 – SAVAGE BUILDING**

Cheryl Savage of Commerce MI is requesting Site Plan approval to construct a new warehouse/office building located at 1111 Cornwall Park Drive.  
Sidwell No.: 17-33-276-018

David Campbell, Planning Director, gave a review.

Robert and Cheryl Savage, 1699 Traditional Drive, Commerce Township, were present along with Cliff Sieber, Project Manager, Sieber Keast Engineering, 100 Maincentre, Ste 10, Northville, and Douglas Necci, Project Architect, DNR & Associate Architects, 50850 Applebrooke Drive, Northville.

Cliff Sieber - I'll address the issues raised by the Planner. The reduced size of the parking spaces, from 20 feet to 18 feet, we would request that the Planning Commission provide a waiver so we can do so. That would allow for some additional landscaped area adjacent to the stormwater detention basins which I think would be helpful. The other item is the waiver on the front yard loading. On the renderings, it's very attractive for an industrial building with the glass and treatments. I don't think front yard loading would be a detriment in this case. Finally, with regard to the dumpster, we will provide for a masonry dumpster enclosure with a 10 foot apron in front of that as requested.

Doug Necci - The idea for the façade was to use glass for the overhead doors associated with the front yard loading area, so as to make it look more like windows than overhead doors. It's unlikely that there will be any outdoor storage, or people parked in the loading area for any extended length of time. It's more of a storefront. The site is very limited as to the buildable area. The building followed that shape and the steps in the building are accentuated in the vertical aspect.

Mr. Necci continued with a detailed review of the elevations and the high quality building materials.

Dave Campbell - With this building being in the industrial zoning district, the Township's building materials and architectural standards don't apply here. Any efforts by the applicant to enhance the building are to everyone's benefit.

**Commission Comments:**

Winkler – no comments

Jones – Curb clearance has been reduced in a lot of areas. It should probably be only 4 inches.

Dave Campbell - Exactly. Our standard for a parking lot curb is 6 inches. In the past where we have done 18 foot long parking spaces with a 2 foot overhang, we've reduced the curb down to 4 inches.

Czarnecki – My only question is the loading area. You said it would not be there for an extended amount of time. What is a decent amount of time that it takes?

Cliff Sieber - I know that the Savage's operation is a morning dispatching function where the crews are loaded up and off to their job sites, usually within an hour. There may be a vehicle parked there loading from the shop area for an hour or so, but not overnight.

Czarnecki - Yes, that's what I'm getting at.

Hindo – No comments.

McKeever – Will there ever be any option for this building to be multi-tenant?

Doug Necci - Yes, it's designed to be 50% owner and 50% tenant occupied.

McKeever - Are there separate metered utilities for the potential rental spaces?

Doug Necci - I would imagine so.

McKeever - Dave, if this is approved with the glass doors being part of the façade of the building for front loading, will they be required in the future, should the doors ever need replacements, that the same glass doors be installed?

Dave Campbell - If in the future, they replaced the doors with solid doors, that would be contrary to their approved site plan.

McKeever - I would not be in favor of anyone coming in and replacing the door with a solid metal door.

Chairperson Haber inquired about sidewalks. Dave Campbell explained that there were no appropriate opportunities to extend the existing sidewalk network in this area, and their frontage is located in Walled Lake.

Chairperson Haber - Signage will be done administratively. You understand that if you put a dumpster in, it has to be enclosed and approved. We spoke about parking. Do we need a parking waiver?

Dave Campbell - The only deviation from the parking requirements would be putting the loading in the front, which you have the authority to deviate from that.

Chairperson Haber - Usually we like to see a material board.

Dave Campbell - Because this is in the industrial zoning district, they're not required to meet any architectural standards.

Chairperson Haber - Well, I appreciate what you've done. It's looks very decent.

**MOTION** by Winkler, supported by Czarnecki, that the Planning Commission approves, with conditions, Item PSP17-0004, Savage Building, the request by Cheryl Savage of Commerce MI for Site Plan approval to construct a new warehouse/office building located at 1111 Comwall Park Drive. Sidwell No.: 17-33-276-018  
Move to approve Site Plan # PSP17-0004, the Savage Building on Parcel B within the Maple-Benstein Business Park along Comwall Park Drive.

**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. Administrative review and approval of an application to split the 15.4-acre parent parcel into new Parcels A, B, and C;
3. 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;
4. The forthcoming Stamping Sets to include the following changes:
  - a. The proposed dumpster pad to include a 10-foot apron in front of the enclosure
  - b. The proposed dumpster enclosure to be constructed of a masonry material complimentary to the principal building;
5. Spaces along the perimeter of the parking lot will be reduced to 18' in length, with a 4" curb to allow for a 2' overhang to reduce overall impervious surface and maximize greenspace.

**AYES:** Winkler, Czarnecki, Jones, Haber, Hindo, McKeever

**NAYS:** None

**ABSENT:** Schinzing

**MOTION CARRIED UNANIMOUSLY**

**ITEM 7: PSU15-008 – KROGER – UNION LAKE ROAD**

Thomas Ross representing Kroger Co of Novi MI is requesting final approval of a Special Land Use for their permanent outside sales area located at 2905 Union Lake Road. Sidwell No.: 17-12-276-018

David Campbell, Planning Director, gave a review.

Thomas Ross, Real Estate, Kroger Company of Michigan, 40393 Grand River Ave, Novi, was present along with the Assistant Store Manager, Jamie Babel, to address the request.

**Commission Comments:**

Jones - Do we react to complaints? Jay, do you have officials drive by?

Jay James - I do drive by there on occasion, and we do react to complaints, but we haven't received any. I have not noticed any issues at that particular Kroger. Their probation period is up and they've done a good job.

Jamie Babel - I am one of the assistant store managers.

Chairperson Haber - How long have you been managing at that store?

Jamie Babel - At that location, since January 8th.

Chairperson Haber - May I pontificate? We've had problems with that store, but you're probably not aware. That's the reason there was a probationary period. Neighbors complained about trucks unloading back there when they weren't supposed to be. The display area got out of hand. I will tell you that I'm not for this being permanent. Although it looks like it has been better and there haven't been complaints, in the past there have been and we are responsible to the residents.

McKeever - No comments.

Hindo - Nothing to add.

Czarnecki - Nothing.

Jones - Back when it was a different store, the sidewalk was so congested with displays that it was inaccessible and I had to walk in the street to get to my car. We don't want that to occur again. It seems the issues have been corrected and I don't have a problem with this.

Winkler - No comments.

Thomas Ross - I was here 18 months ago asking for permission on a permanent status. We designed the store for this, with this space in mind. We came up with the design plan that was submitted to the Township. We addressed all of the issues, including the parking problems there; which was actually truckers and other folks deciding to park in the parking lot without permission. We've posted now that it is prohibited.

Chairperson Haber - My problem with this was the responsiveness. Ms. Babel, you've been there since January, but you may not be there next January and then I'll have to deal with somebody else.

Thomas Ross - I would suggest that you stay in touch with me at Kroger Real Estate. I deal with all of the 126 stores in Michigan. My team is small, but we've been here quite a long time and we are a more permanent location. We don't move around from store to store and we would be your best contact.

**MOTION** by Jones, supported by Czarnecki, that the Planning Commission approves Item PSU15-008, Kroger, the request by Thomas Ross representing Kroger Co of Novi MI for final approval of a Special Land Use for their permanent outdoor sales area located at 2905 Union Lake Road. Sidwell No.: 17-12-276-018  
Move to approve PSU15-008, a Special Land Use without conditions for a permanent outdoor sales area for the Kroger store at 2905 Union Lake Road, by the request of The

Kroger Company of Michigan. Approval is for the reason that there have been no complaints or concerns at this location during the 18 month trial period.

Discussion -

Jones - If we see any issues, we would prefer to work with the manager, but you can give your phone number to Jay James so he can reach you. When someone new comes into management, I would assume that they would be informed of the things they need to be mindful of.

**AYES: Jones, Czarnecki, Winkler, Haber, Hindo, McKeever**

**NAYS: None**

**ABSENT: Schinzing**

**MOTION CARRIED**

**ITEM 8: PSP17-0003 – KROGER – 14 MILE/HAGGERTY**

The Kroger Co. of Novi MI is requesting approval for a temporary outdoor sales event located at 39950 14 Mile Road. Sidwell No.: 17-36-400-021

David Campbell, Planning Director, gave a review.

Thomas Ross, Real Estate, Kroger Company of Michigan, 40393 Grand River Ave, Novi, was present along with the Store Manager, Raymond Stec, to address the request.

**Commission Comments:**

Jones - Since you have such a small sidewalk, nothing can ever be on there. It's only like 3' wide. I have been behind that store several times and I haven't seen any issues. Are you asking for permanent approval?

Dave Campbell - No. Because that store does not have a dedicated area for outdoor displays, so this is a seasonal display. Every year, right about this time, they come before you to do this. Every year, their proposal is seemingly the same. Effectively, they just put a new date on it and resubmit it. One of the things you could discuss is that as long as they keep doing it the right way, from this point forward you could have this be administratively approved. That would prevent them from having to come back before you on an annual basis. However, you may choose to have them come in once per year.

Chairperson Haber - I would say administrative approval is fine on this. There's no reason for them to come in and spend the entire evening here until 9:15pm.

Dave Campbell reviewed the recommended motion language.

**MOTION** by Jones, supported by Czarnecki, that the Planning Commission **approves, with conditions,** Item PSP17-0003, the request by The Kroger Co. of Novi MI for approval for a temporary outdoor sales event located at 39950 14 Mile Road. Sidwell No.: 17-36-400-021

Move to approve PSP# 17-0003, a Temporary Outdoor Sales Event for Kroger at 39950 Fourteen Mile Road.

**Approval is subject to the following conditions:**

1. Hours of operation shall not exceed Kroger's regular business hours;
2. Operations shall commence on May 2, 2017 and end by November 11, 2017 with the sidewalk area restored to its normal state immediately following the event;
3. Items for sale are limited to those items as outlined by the applicant including flowers, fruits and vegetables and not including items like mulch, topsoil, firewood, furniture, grills etc..;
4. Fire Marshall's requirement for no storage under the canopies at any time;
5. The sidewalk should at all times maintain the clearances as provided;
6. The outdoor sales areas should be kept in a neat and orderly manner;
7. From this point forward, this request can be handled administratively, so long as the applicant continues doing their Temporary Outdoor Sales Event the same way and there are no issues.

**AYES:** Jones, Czarnecki, Winkler, Haber, Hindo, McKeever

**NAYS:** None

**ABSENT:** Schinzing

**MOTION CARRIED UNANIMOUSLY**

**ITEM 9: OTHER MATTERS TO COME BEFORE THE COMMISSION:**

None.

**ITEM 10: PLANNING DIRECTOR'S REPORT**

- Dave Campbell stated that, other than what is provided in the report, he had nothing new to add this evening.
- He offered to answer any questions the Commissioners may have.

**ITEM 11: NEXT REGULAR MEETING DATE: JUNE 5, 2017**

**ITEM 12: ADJOURNMENT**

**MOTION** by Jones, supported by Czarnecki, to adjourn the meeting at 9:18pm.

**MOTION CARRIED UNANIMOUSLY**

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Brian Winkler, Secretary