

**FINAL**  
**CHARTER TOWNSHIP OF COMMERCE**  
**PLANNING COMMISSION MEETING**  
Monday, January 12, 2026  
2009 Township Drive  
Commerce Township, Michigan 48390

**A. CALL TO ORDER:** Chairperson Parel called the meeting to order at 6:59pm.

**ROLL CALL:** Present:

Brian Parel, Chairperson  
Brian Winkler, Vice Chairperson  
Joe Loskill, Secretary  
George Weber  
Brady Phillips  
Caitlin Bearer  
Mickey McCanham

Also Present:

Dave Campbell, Township Planning Director  
Paula Lankford, Senior Planner  
Bethany Miller, Associate Planner  
Randy Thomas, Insite Commercial  
Debbie Watson, DDA Director

**B. APPROVAL OF AGENDA**

**MOTION** by Loskill, supported by Phillips, to approve the Planning Commission Regular Meeting Agenda of January 12, 2026.

**MOTION CARRIED UNANIMOUSLY**

**C. APPROVAL OF MINUTES**

**MOTION** by Winkler, supported by Loskill, to approve the Planning Commission Regular Meeting Minutes of November 3, 2025, as written.

**MOTION CARRIED UNANIMOUSLY**

**D. UPDATE OF ACTIVITIES**

Caitlin Bearer – Zoning Board of Appeals

- We had a ZBA meeting in November, and then we have one next week as well.
- In November, we approved a variance for a deck that was encroaching on the setback.
- Our meeting next week I believe is just a housekeeping meeting. We don't have anything else on the agenda.

Brian Winkler – Downtown Development Authority

- I have a couple updates regarding the DDA meetings since we last met.
- At the DDA meeting on November 18, 2025:
  - The Insite Commercial Report:
    - 5 & Main: A draft purchase agreement for the gourmet market is being prepared. Slow progress is reported with a restaurant operator for one of the outlots.
    - Parcel J1 – The corner of Haggerty and Oakley Park; we are looking at this tonight. A conceptual site plan has been prepared by Giffels Webster as a marketing tool to illustrate how a drive-through could be incorporated on the site.

- The Attorney's Report:
  - At the request of counsel, the DDA approved a temporary extension of Aikens' option on the Phase II property to February 18, 2026.
- At the DDA Meeting on December 16, 2025:
  - The Attorneys Report:
    - Debbie Watson's contract as DDA Executive Director was reviewed and approved by the DDA Board.
    - Counsel noted that he received a punch list from Aikens' attorney regarding their requirements that would allow the extraction of Pad A from the 5 & Main site. That was a pretty extensive list.
  - Committee Reports:
    - Finance Committee: Both the 2025 DDA Amended Budget and the 2026 DDA Budget were approved by the DDA Board.
- With Randy Thomas here tonight, he would like to give us an update from Insite Commercial regarding what's going on with the DDA properties.

Randy Thomas – Happy New Year everybody! I will give you a brief highlight of where we are at globally on the whole project and give you a sense of where some of the moving pieces are.

The first part I'll talk about is 5 & Main, which everybody asks about as to what's going to happen and how it's going to happen. I can tell you, it's going to happen. It's going to happen in phases. Dave, can you bring up Pad A on the overhead? That is the piece that the DDA retained within the 5 & Main development. To highlight what Brian was saying, after reviewing some of the documents for the extraction of Pad A, I spoke with the DDA Counsel and Deb and made the recommendation that we leave it as part of the association, thereby avoiding a lot of the things that we were talking about. Quite honestly, all the things that were talking about were already included in the HOA. So, hopefully that will happen a little quicker with the documentation.

Dave, can you move to where Dort is located? Dort Credit Union has closed on this site. They own it and construction is ongoing. They're working a lot on the underground right now. I don't know the exact timing of this, but they'll be going vertical in a short period of time. I believe the target opening is November.

Dave Campbell – And if you can't tell, this picture is a few months outdated. I think this was early Summer 2025, so there has been more progress than what you see on the picture..

Randy Thomas – Then Dave, can you move to where the shopette is? This will be the next project you'll see coming in front of you. It's the launch of the look and feel of the development. It's a 12,000 square foot building with a drive-through and five tenants. Leases are out on this. They are working on the plans, and they should be sitting down with the Planning staff here within the next 60-90 days. I'm trying to figure out a date so I can tell you.

Dave Campbell – That building would have the drive-through component as shown on the approved PUD plan.

Randy Thomas – Correct. Then Dave, can you shoot over to where the gourmet market is going to be? So, what you're looking at there is the old library site, and that's still owned by the Township. Everything around it is owned by the 5 & Main development, up to Library Drive as the northern boundary. In that portion right there, it's slated for hospitality or a hotel, and then it will have shared parking with the high-end market, with some ancillary retail that will be a component of the bigger development, which I call the core development, which will happen between the apartments and area we're looking at now. We have been working on a lease for a very long time. The owner of the market has expressed a strong interest, and he would rather own the property and the adjacent retail. We have come to an agreement as to price. We're not at the point of a purchase agreement yet, but we're at a Letter of Intent because there are a lot of things in a development of this nature that need to be considered, such as performance. Can the buyer perform and get the financing? Is he guaranteed to build what is proposed to be built? If he doesn't, there are buy-back provisions. There are provisions for restrictions on uses, along with the look and feel of the building. It's not a typical purchase agreement. There are a lot of things going into it, so we're flushing through that right now and it is well underway. Dave, can you go to the area for the restaurants?

Dave Campbell – At the corner?

Randy Thomas – Yes, this area. And with the restaurants, I'm in the discussion stage. There is a restaurateur known in the market and he has a couple very successful concepts. He lives in the market area and absolutely loves the site. He's looking to do two concepts. It's too premature to get into the details. That would function as a focal point in the roundabout looking to the northeast.

Then as you go back, driving north on Martin Parkway, you'll see the market, and then you're going to start to get some spatial balance; it will help to break up the height of the buildings with a taller hotel in the back. We have a couple hotel operators interested, it's just way too early to do a deal with them because they want to see what's happening in that core, the middle area, before they make any commitments.

Dave Campbell – Hey Randy, since everybody loves to hear about restaurants, can you speak to who some of the users would be in the shopette? I know you can't get into name brands necessarily.

Randy Thomas – I can give types, but I don't want to use names yet. There is a drive-through coffee shop. There is a, believe it or not, a dog grooming and bakery place. I have not seen it, but it is supposed to be high-end and cool. There is a Pilates studio. There is a very popular breakfast/lunch place that is also part of it. Those leases are out and have been negotiated. I don't know where they're at in the leases but that is pending and will be coming in front of you.

Debbie Watson – Randy, there was also a spa, correct?

Randy Thomas – Yes, and a spa. Thank you. So, five users in the 12,000 square feet. That is going to help you as a board to get the look and feel of the project. I know we spent some time preliminarily on it. This will give you the big picture of where this is going because that's the way the balance of the buildings are going to look. I haven't seen it all yet. I'm waiting.

Weber – Do you have ballpark timing? Will it be in the Spring that they will be coming to us with the concept?

Randy Thomas – George, I believe so. I'm not doing the application, but just with the discussions I've had, I believe it will be within the next 60-90 days. I don't want to put any expectations out there that people can't rely on.

Dave Campbell – And I hope it's more than a concept. The concept is already approved, so hopefully what they're coming for is actual site plan approval with some real detail.

Randy Thomas – Yes, that's what I'm speaking of, the detail of the buildings. That's what they plan to roll out on a bigger scale.

Debbie Watson – Right, because this will dictate the rest of the architectural theme for the entire development.

Randy Thomas – Right. So, that's what I have on the greater 5 & Main development. Be patient. The core is going to be the really cool part. It's just going to take longer. There is a mall owner in the Novi market who is very powerful, very strong and who strong arms tenants, and it's happening in this case. That's not to say that they're going to be successful, but it's happening.

Chairperson Parel – To prevent them from duplicating the concept here?

Randy Thomas – Well, you know how this works in the malls. We're going to put you here, but you can't do this or that. The landlords really have a very stronghold on the retail tenants.

To the north is Phase II. That is about 13 acres. That's where the DDA carved out roughly 1.5 to 2 acres here, immediately northeast of the roundabout. I have seen concept plans for Phase II, which would be a continuation of the core going to the north. There's potential for mixed use. I don't know yet, but that is down the road.

Parcel F is here in front of the Township Hall. This is a 2.3 acre parcel fronting on Martin Parkway, southwest of the roundabout. We have had an offer on this from a medical group. They punted and that was pre-COVID. We do get calls, mostly curious people. We do have a developer that has inquired. I talked to him as late as this morning and his interest remains, he just has to dust it off. I do think this would be one of the latter pieces to move in the project.

Dave Campbell – Are you able to say what that developer would want to do?

Randy Thomas – No, I don't know yet.

Dave Campbell – Okay.

Randy Thomas – We could go to Parcel J1 which would be the subject property for tonight's discussion.

Dave Campbell – We can, but that's an actual agenda item. I think we want to stick with the order of the agenda.

Randy Thomas – That's fine.

Dave Campbell – We didn't do a call to the public yet.

Debbie Watson – Right, we're still on updates. We would go to George next for his Township Board update, then to public discussion before Parcel J1.

Chairperson Parel – Sounds good. As far as timing on the 5 & Main project, you're thinking we'll see the shopette next, and then maybe the restaurant and hotel?

Randy Thomas – I'm speaking as to where things stood today, and tomorrow they could change. I think you'll see the shopette, hopefully in the first quarter of this year, at least they will meet with staff.

Chairperson Parel – And then hopefully the restaurants would follow?

Randy Thomas – I would say the market would follow. There are moving pieces for us to get to the point where they could come in and give a conceptual.

Chairperson Parel – Would you say it's a stronger commitment for the market than the restaurants at this point?

Randy Thomas – Oh yes, we're at a point where we're negotiating. I'm still courting the restaurants and they're tough guys.

Dave Campbell – I'll mention too, you may have seen across the street from 5 & Main and Walmart where there were two houses. They are in the process of demolishing those houses. That's where the Taco Bell is going up, probably by summer of this year.

Chairperson Parel – That was previously approved but ...

Dave Campbell – It was approved a while ago. I don't want to tell a long story, but if you can see that thick yellow line I'm tracing with the cursor, that was a big problem because it is the boundary of a subdivision plat that had to be dissolved. Dissolving a subdivision plat is a longer and more arduous process than anybody wanted it to be. It had to go all the way up to the State Attorney General.

Randy Thomas – Was it 15 months?

Dave Campbell – It felt like twice that, but hopefully it's all resolved now. We also had to fight with Sonic to get cross-access through the stub driveway, and that has also been resolved. Hopefully now it's cleared for a Taco Bell to be operating there by the middle of this year.

Chairperson Parel – Wonderful. George, any updates from our Trustees?

### George Weber – Township Board of Trustees

- There's a few.
- After approximately 90 days worth of work, on December 9<sup>th</sup> we approved the 2026 Township budget and that included not only all wages for staff, but ultimately finalized the wages for the three full-time elected officials, our Supervisor, Clerk and Treasurer.
- As an aside to that, we also approved the Commerce Township portion of the Michigan Airline Trail budget.
- Additionally, we approved all of the meeting schedules, the holiday calendar and the other amendments associated with that. Dave, I'm assuming that is all on the website now.
- We had a spirited discussion regarding the use of Flock cameras within the Township. We are one of the last communities within Oakland County to approve the use of those. Those are cameras that basically assist law enforcement to find criminals vehicles and be able to track them down. The concept and the discussion we had was basically regarding use and privacy. Who would have access to this information, and how would it be controlled. In working with the Sheriff's Office, we came to an agreement that basically said there is a one person gatekeeper, and it could only be accessed if a crime has happened, and if it is of a serious enough nature that it warrants tracking somebody. And to be honest, there were numerous examples on how this technology, just within Southeast Michigan, has caught the worst of the worst people, and how it has returned children who were picked up off the street by bad actors. There's an awful lot of good with it, but rightfully so, we wanted to make sure that there wasn't a privacy issue, and that there was a strong process that we were comfortable with.
- At the end of the year, our Building Department, in concert with Giffels Webster, sent out letters to all people that had sidewalks that were inspected and were in need of repair. This is a new sidewalk program within the Township where basically every year, 20% of the Township's sidewalks get inspected to make sure that they're not hazardous with trip and fall or safety concerns. Associated with that, any resident that has a sidewalk on their property, they're responsible for those repairs. So, we've developed a program where we can contract all of the repairs and, in theory, get a better price to do those repairs for everybody. But the owner has the ability to say yes or no. They can decide to contract it themselves, but there is a deadline. I want to say it is a 90-day window for repairs to take place. This is new for us. This is the first time we've actually done it and have moved forward to the repair stage within the Sidewalk Ordinance. So, we're expecting maybe a little bit of growing pains through the winter, but we think ultimately it's going to be a big benefit. In theory, if we contract 20% of the Township and all those repairs with one contractor, we should be able to get a substantially better price for the homeowner than if they were to do it themselves.
- We have moved forward with F&V Operations for our wastewater treatment, and moving forward with our water services. We're still working with the County to make sure we get the billing handed over and everything smoothed out when we and F&V take over the billings for that.

- As I think everybody knows, over the last 12 to 18 months, we've moved our Fire Department over from basic fire service to Advanced Life Support (ALS). We previously contracted with a company called Superior for all of our paramedics and ALS. We've taken that in-house and I give Chief Dundas a lot of credit. It's a big deal. There's lots of training. It's very difficult to go from being an EMT to a Paramedic, but every one of our firefighters has embraced it. They're going to school. I think we're probably close to 70% who are now paramedics and moving forward with that. The response time, when we were contracting it out, was basically an average of 10 minutes from the time when somebody called 911 to when a paramedic arrived. As of last month, we are now under 6 minutes to arrival by taking it in-house. That's a 4 minute difference and if somebody is having a heart attack or something else, that's pretty tremendous. So, everybody at the Fire Department is doing a great job with that.

Chairperson Parel – Thank you, George. Appreciate it.

#### **E. PUBLIC DISCUSSION ON MATTERS FOR WHICH THERE IS NO PUBLIC HEARING SCHEDULED**

**Chairperson Parel opened to Public Discussion on matters for which there is no public hearing scheduled.**

No comments.

**Chairperson Parel closed Public Discussion on matters for which there is no public hearing scheduled.**

#### **F. TABLED ITEMS**

None.

#### **G. OLD BUSINESS**

None.

#### **H. SCHEDULED PUBLIC HEARINGS**

None.

#### **I. NEW BUSINESS**

##### **ITEM I.1. Oakley Park/Haggerty - Concept Discussion for a Drive-Through**

The Downtown Development Authority (DDA) has requested a conceptual review of the potential for a drive-through use at the southwest corner of Oakley Park and Haggerty. PIN# 17-24-228-036

Chairperson Parel – Dave, I know we have Randy here. We're having an informal conversation, a concept discussion for a property at Oakley Park and Haggerty.

Dave Campbell – That is correct. (Dave brought up the site on the overhead) So, Parcel J1 is owned by the Commerce Downtown Development Authority, the DDA, and it's this property here at the southwest corner of Oakley Park and Haggerty. When I reference

J1, what is J2 is the property immediately next door to it which now houses Public Storage today. When it got approved by the Planning Commission back in 2017, it was Beyond Self-Storage, who got bought out by Public Storage.

So, the DDA continues to market Parcel J1. The property's base zoning is TLM. So, as the Planning Commission is aware, that's a zoning district that focuses on office uses, research and development uses, medical office and uses such as that. But then the property is also within what we call the Haggerty Road Corridor Overlay, or the HRC Overlay. The way the Overlay works is it allows uses beyond those that are allowed in the base zoning, so long as those uses are developed to the higher development standards of the HRC overlay. That's kind of the trade off and those higher standards involve better site design, better site layout, better building design, better architecture, better lighting, better landscaping, all in an effort to improve the overall design and the aesthetic of the Haggerty corridor.

When I talk about the additional uses that are allowed in the HRC corridor, there are two that are relevant to the discussion tonight. One is that the HRC Overlay allows for retail uses that are not otherwise allowed in the TLM zoning district. The only time that retail is allowed in TLM is usually something like if you had a gift shop or a small pharmacy inside a medical building, something like that. That would be the limited amount of retail that would otherwise be allowed in TLM. But within the Haggerty Overlay, so long as you develop to the HRC standards, you can do more typical retail, multi-tenant retail buildings. Also allowed in the HRC overlay, albeit as a Special Land Use, are drive-throughs, so this could be a drive-through for a restaurant, a coffee shop, a pharmacy, a bank, a dry cleaner. Drive-through uses are allowed as a Special Land Use in the HRC overlay, and so the Planning Commission is aware of the standards and the criteria for any Special Land Use, including one in the Overlay.

The DDA, in their efforts to market this property, and Randy can speak to this better than I can, but they do get inquiries on what could be allowed on that property. I think a lot of the inquiries are for gas stations, which is probably not a surprise to the Planning Commission. Everybody wants to build a gas station on a busy corner and Haggerty and Oakley Park is certainly a busy corner. The TLM zoning does not allow for retail use, such as a gas station. The HRC overlay could potentially allow it, but the hiccup or the tripping point there is that almost any gas station anybody wants to build, they're going to want to have an alcohol retail component. They pretty much don't build a gas station anymore without being able to sell beer or wine, and/or liquor, and based on the standards of our Zoning Ordinance as they apply to off-premises alcohol retail, this site could not meet the spacing standards. It's what we call the two-per-mile rule. We only allow two alcohol retailers within any one mile, and based on the other alcohol retailers that are in this vicinity up and down the Haggerty corridor, you could not meet those basic standards at this location.

So, in an effort to maybe expand upon the potential buyers or developers of the site, the DDA is curious what the Township and the Planning Commission's receptiveness might be to a drive-through use as a Special Land Use. To help us kind of understand how a drive-through might layout on the site, they worked with Giffels Webster to do a test fit. This is by no means meant to be a final site plan or a final layout for the building or for the site in general. But it's meant to help the Planning Commission with the visualization of how this could plausibly be laid out. You'll note that the conceptual tenant space at the south end of the building would have the drive-through pickup window, with the drive-through queuing along the back of the building. However this building were to layout, if it

did have a drive-through, it makes sense that it would be at the south end of the building, just based on the typical circulation of a drive-through.

The other thing that's notable about this site, and I think the Planning Commission is aware of it because we've looked at this site in other contexts in prior years, is that there are two parallel gas mains that run across the property at an angle, right through here. Two big gas mains, both of which have an overlapping 75-foot easement over top. Within that easement, you're very limited with what can be done atop of that easement. Basically, you can only put pavement on top of it and maybe some modest landscaping. In other words, you can't put a building on top of it. You can't put light poles on top of it. You probably can't put big trees on top of it. So, this site does have that challenge of being limited with what can be done within that 75-foot easement. And so, this test fit that Giffels did takes that into account, and that's why the building has this diagonal shape because they had to stay out of that 75-foot easement.

I think what the DDA would want to be able to take from this meeting, and when I say the DDA I'm speaking of Deb Watson as DDA Director, and Randy Thomas as the DDA's broker; I think they want to get a sense from the Planning Commission of, would it be wise for them to market this property as having the potential for a drive-through use. That's what they're hoping to get out of this conversation. What I want to avoid this evening is getting too far into the details of the site plan. There's always a temptation to get into the traffic impacts of a development. Anytime you talk about anything in Commerce Township, the first thing anybody wants to talk about is traffic. And when you speak to a retail use, especially a drive-through use, then traffic is going to be part of the conversation. If and when any prospective developer looks at this property, we would engage the Township's Traffic Engineer to look at their site access, their internal circulation, the traffic generation based on the user that they're proposing, whether that user be a coffee shop, restaurant or pharmacy, and the Traffic Engineer will have recommendations of how best to manage the site's access. For example, would one of these driveways have to have turn restrictions? Such as no inbound lefts or no outbound lefts, something like that. I don't necessarily want to get into that level of detail tonight because we don't know what's being proposed. It's all speculative at this point, and I don't want any of us, including myself, to pretend to be a Traffic Engineer. That's why we have a Traffic Engineer to look at that in detail and apply the science that is Traffic Engineering. So again, I'll let Randy and Deb speak on their own behalf if they wish, but that's what we're trying to get out of Planning Commission tonight is your reaction to the potential for a drive-through on this property, and likely at the south end of whatever building would develop on this property. I'll take a pause there.

Debbie Watson – So, I think Dave covered it all very well, and I'm sure you all read my memo that was in the packet too. I would look to you, Randy, for any additional comments if you think Dave missed anything, but I think he covered it.

Randy Thomas – No. Well done.

Debbie Watson – Yes, thank you, Dave. We can always count on you. If we could go to the Commission for comments. Just your thoughts on a drive-through use and what you think we might run into in the future. We would love to put “potential drive-through” on the sign, or some wording to that effect.

Chairperson Parel – Obviously everything we talk about is conceptual and non-binding, but let's have a conversation.

McCanham – The only thing I would be concerned about at this point is the traffic study. There's a lot we don't know.

Weber – I think since we've kind of informally said that this would be the only place we could conceive a gas station going in, and I also thought that we looked at a concept that included a drive-through on this property several years ago.

Dave Campbell – I'm not sure how many years ago that was.

Randy Thomas – It was about two or three years ago.

Dave Campbell – I'm not sure how serious they were, but yes, they were talking about doing two buildings, one of which was going to be a Dairy Queen with a drive-through. For the other building, I think they were proposing a tire place or automotive retailer.

Weber – I think since this location is so far away from any residential that to me, a drive-through would work, where many other locations in the Township were kind of deaf on drive-throughs. But, as Mickey said, we'll see what the traffic study says, but I think you've covered it, Dave. At least from my opinion, some level of restricting the ingress/egress, left turns and so-forth, and I'm assuming the traffic study is going to give us some facts and data, not just conjecture on it. I'm okay with going forward with the concept.

Chairperson Parel – Okay, and George your thought is that some of the negatives that we perceive around drive-throughs, things like people barking into the microphones, the lights of the cars, operation outside normal business hours, those are all things that disrupt neighborhoods, and your thought is that this is far enough away from neighborhoods that you'd support it? Not to put words in your mouth ...

Weber – I think the only other thing I would add is that drive-throughs don't really help a sense of community. The community is not gathering there, but everything else you had with the nuances and the nuisances of a drive-through you had.

Chairperson Parel – And there's not much, at least Commerce Township community at this location.

Weber – Well, and the two very large homes there on Walnut Lake are pretty far away and I think the screening is even more so than what is depicted there.

Chairperson Parel – Okay, thank you.

Loskill – My only concerns deal with pedestrian traffic and vehicle traffic on the site. That would have to be worked out for me. The other question I had is regarding the parking spaces. The spaces are dimensioned out as 10 feet, but noted as 9 feet in the description at the bottom. I don't know if that's a typo, or if there's an opportunity to pick up some spaces because 9-foot are allowable. It's the very last note under notes.

Debbie Watson – So, I think in the cover email from Giffels there was a note about parking and that there might need to be an exception, but again, it's just a conceptual.

Randy Thomas – Yes, Joe, just look at this as conceptual.

Loskill – Yes, I'm just saying you might get more parking spaces.

Randy Thomas – Yes. I'm not sure anybody is going to build that building to be honest. They just maximized what you could build and put a drive-through on.

Loskill – I'm just trying to remove one more hurdle which would be having to get an exception for the parking. If you can put 9-foot spaces in there and meet the required parking, it's one less hurdle.

Dave Campbell – Although you'd have to convince Mr. Weber as he drives a monster truck, so he likes those 10-foot parking spaces.

Debbie Watson – Maybe we recommend a truck parking section.

Chairperson Parel – Seems like everything we approve has to be altered for George's vehicle.

Phillips – I don't have anything to add. I agree with the comments so far, although I was looking forward to a Dairy Queen.

Loskill – How about Cold Stone? They're better.

Winkler – Well, as we all know, this is a very awkward site. And, given some of the complexities of the site with the gas main, this appeared to be almost the best utilization of the site, given that gas stations without alcohol aren't going to happen. One thing that does come to mind is sidewalks, and I think that's something that needs to be kept in mind on whether or not we want to ask for sidewalks on this site or not. Other than that, this is a good way to utilize what is a very awkward site.

Dave Campbell – With respect to sidewalks, we did have ... It's almost comical, but we did have the self-storage place put in a sidewalk along their frontage. Now their frontage is only that 100 feet there. So yes, I think the expectation would be that if this property gets developed that sidewalk would wrap around the frontage of both Oakley Park and Haggerty.

Bearer – I don't have anything additional.

Chairperson Parel – I guess something for me, and Dave, I know you wanted to draw the focus away from traffic ...

Dave Campbell – You're not going to let it.

Chairperson Parel – My concern is bringing more intensity or bringing more traffic to this site. I guess from my perspective, I recognize that Haggerty gets congested there at certain times during the day. I think a lot of drive-through traffic would make that problem worse. I was the one that voted against Scooter's Coffee on Union Lake Road because I said that I couldn't vote for anything that would bring another car onto Union Lake Road. I guess that would be my position. I'm one of many up here, but personally I wouldn't be in support of it.

Dave Campbell – Does it make any difference who the operator might be? I mean does a pharmacy feel different than a bank, versus a coffee shop or a restaurant?

Chairperson Parel – I think that poses other challenges too. I get what you're saying. We should be smart about this and think about all the options. Let's say we put in a pharmacy, and we like that concept better because of the traffic implications and then that pharmacy moves out in two years. We have a drive-through and another user could move in that would be busier.

Phillips – So Brian, I guess I'm not convinced that that necessarily creates additional traffic in the area. It could just be existing traffic taking advantage of that as a convenience.

Chairperson Parel – I totally agree, but I would say that there's a very high probability, at least in my mind, that there would be additional traffic brought to the site. Some people are going to go out of their way to get to this location. But I see what you're saying. Like the concept with Scooter's was that most people would be driving by anyway.

Phillips – Now, if they put in a Dairy Queen, I can really see a traffic problem.

Weber – I think you make a good point though, Brady, because it is so far away from residential, I don't see this being a destination place. It depends on who the operator is that goes in there, but it's not somebody that says let's hop down the street and go to a Dairy Queen. I think it's transient traffic.

Chairperson Parel – You think it's folks that are already in the process of driving by.

Weber – Yes. I'm just not sure with ... I mean the only residential that there is any significance of would be east down Richardson.

Chairperson Parel – So let's say it was a Dairy Queen. To me, that's a destination spot. I know my kids. They're at home and they're not driving anywhere other than to Dairy Queen when they want a blizzard.

Weber – Maybe it does depend on the operator.

Chairperson Parel – And then that's hard for us to dictate. But again, I'm just one person.

Dave Campbell – I guess I'd ask the question, if Randy wants to be fair to whoever might show interest, should he say that who the operator is or the nature of the operator makes a difference, relative to the receptiveness to a drive-through?

Chairperson Parel – It think it could, but we also have to consider one day if they move out, the center has the right to put somebody else in to use the drive-through, and it might not be a use that we like. I would also say that we want to get the DDA an answer and give them some direction.

Randy Thomas – The other thing to bear in mind is that you're probably looking at, on the high end, 15,000 square feet. More than likely, it's 12,000 square feet of multi-tenant retail. That's more than likely what you're going to get. And if you've got a drive-through, drive-throughs actually pull people off the roads and put them back into queues as they're leaving. I think this is a tweener site. The activity is to the north and to the south. This sits in between, so I think a coffee shop would be feasible. I think it will just be a local trade, maybe a service. I don't think you're going to get a whole lot of food. You'll probably get some, and some service. I'm not developing it, I'm just giving you where I see this going. Predominantly, Dave is right. If I had a nickel for every gas station call ... And I send them to Dave now.

Chairperson Parel – It's a great coffee site, right.

Randy Thomas – Right, with all that morning traffic. I hear your concern on it, but I just look at the scope and really what drive-throughs are doing is pulling from the traffic, rather than pushing all at once.

Dave Campbell – So, do you feel like you heard an answer.

Randy Thomas – Well, as always, everything is clear as mud. Yes, I think I can operate, going forward with no commitments or anything. And obviously there's enough dialogue where we'll have a good feel going forward. I like to do the conceptual reviews to get a lot of stuff out of the way fairly quickly.

Dave Campbell – Are you able to say what this is being listed for?

Randy Thomas - \$1.5 million.

Chairperson Parel – So, are we saying that they should market it as a potential site that could house a drive-through, but we kind of want to see who it is?

Randy Thomas – I don't want to tell people something that they're not going to be able to do. We will be smart about it. There's potential here, given that it's designed well. All the aspects that Dave and I constantly go over when we sit down with prospects. I think we can manage that. If it was just a hell no, that's what I wanted to hear. Other than that, I think I can manage.

Debbie Watson – Yes, thank you.

Chairperson Parel – Of course. Anybody have any other questions or comments? It sounds like we helped. Thank you, Randy.

Debbie Watson – Yes, thank you, Randy.

## **ITEM I.2. TEXT AMENDMENT DISCUSSION**

### **Discussion on waterfront setbacks for accessory structures**

Chairperson Parel – Dave, I see we have one more item, but did we update the agenda?

Dave Campbell – No, the agenda was not updated. If we are moving on to I2, Mr. Parel and I spoke earlier today. Item I2 is a prospective Zoning Ordinance amendment relative to detached accessory structures on lakefront properties, and this is something that our Building Official, Jay James, was wanting to have a conversation with the Planning Commission about to see if it's something that he would want to press forward with. Jay is sick today, so he wasn't able to make it. And I really want Jay to be leading this conversation because Jay, in his capacity as the Building Official and running the Building Department, he's the one talking with folks when they come in and they want to build a gazebo, shed, addition, or any of the above on a single family home on a single family property.

It's not really something that goes through the Planning Department. Because it's a single lot and a single family home, it goes through the Building Department. So, Jay has had a lot of conversations with folks who either want to build an accessory structure between their house and the lake and are disappointed to find out that they can't, or he hears from the folks who say, "My neighbor did this, and I know they're not supposed to. And so, what's the Township going to do about it?"

As I tried to say in my letter, maybe the easiest way to summarize what Jay wants to discuss with you all is, if there's an area between the house and the lake where you could build an addition to your house, or you could build an attached deck, then why shouldn't you be able to put a shed there? Or why shouldn't you be able to put a gazebo there? I think that's the logic behind what Jay wants to discuss with this potential Zoning Ordinance amendment. I think that logic is based on what he's hearing from the people who are disappointed when he has to tell them that he can't give them a permit for a gazebo between their house and the water. The person will say, "But you'd let me build an addition there," and Jay has to say, "Yes, I could let you build an addition there, but I can't let you build a detached accessory structure such as a gazebo there.

So, like any Zoning Ordinance amendment, if we decide that this is something that would move forward, after what I hope is a conceptual discussion when Jay can be here, hopefully at the February 2nd meeting, then it would have to have a public hearing with the Planning Commission and you would make a formal recommendation, and then it would proceed to the Township Board. But before we got into that, we wanted to have a discussion tonight, but we wanted Jay to be here. So, I guess I'm hoping we can punt for the most part until February 2<sup>nd</sup>.

Chairperson Parel – I'm good punting, unless anyone disagrees.

Dave Campbell – But I would say, if there are any strong opinions tonight, based on the little bit of discussion we had, I can relay those back to Jay.

Chairperson Parel – Is there a history behind it? Do other communities follow suit with the way we currently have it structured? Is there a reason why a gazebo would be different than a shed?

Dave Campbell – The intent, as I understand it, is you want to protect everyone's view of the lake. Everyone who lives along the lakefront, you want to do your best to protect their line of sight, their viewshed to the water. Conversely I guess if you're out on the water, you kind of want to have a coordinated aesthetic around the lake, rather than everybody having a shed or gazebo or a boathouse, and then you have a cluttered look. At the same time, I don't think it is unreasonable for people to want to have a gazebo down near the water and to be able to take advantage of the views of the water under some sort of cover or shade. So, I suspect that every community handles it differently, I mean every community that has a lot of lakes. I don't think we've done any research into how all of our peer communities do it. We could, but maybe we wanted to have a discussion first before we dedicated that manpower into doing a bunch of research.

Weber – So Dave, I guess most people know, I sit on the Wolverine Lake Planning Commission as well. This issue, since the majority of the homes in the Village are lakefront, at least a very high percentage, they've kind of seen everything. You're right Dave, the most important thing is protecting the viewshed so that somebody is not building some large structure that is then blocking the view and nobody can see the sunset anymore, or whatever it might be.

They do things a little bit differently. They have additional criteria where they define a shed. A shed is something that is 200 square feet or less. We define accessory structures, I think up to 900 square feet, so they've got a separate category. They've also learned that you have to define almost everything, so literally they have, and if you don't, then somebody builds what you missed. So, they have playhouses; the large play structures that you can purchase are massive sometimes with their own tree house, et cetera. But defining terms; playhouse, gazebo, cabana, pergola, greenhouse, outdoor kitchens, you know, cannot exceed 100 square feet. They've had to define outdoor fireplaces and pizza ovens, because anything with a chimney, somebody is building. I think there was a fair amount of lessons learned on what some potential unintended consequences can be if we do this.

Personally, I find it hard to disagree with a lot of Jay's thoughts that say, if within this geography I could build a 1,000 square foot addition, in this same geography, how could I not put a gazebo, or a shed, or something else? But I think there are questions. It's not clear to me. It's clear to me how we manage it based upon the average of homes on either side of the affected property, and the way the Ordinance is structured now is to protect those viewsheds going left or right. But the examples that I could see, it's almost always where the newer home or property, as a result, is set further back than the neighbors. I don't know what happens if you had, let's say ... Because again, our minimum is 25 feet, and our maximum is 50 feet from the water's edge. So, if you had three homes that were all 80 feet back, just because that is what this lake happens to be, does that mean somebody could put a structure 50 feet from the water's edge, so literally 30 feet in front? Because then, in effect, you are significantly potentially blocking viewshed if you put in a large structure.

Those are some of the nuances you can take back to Jay. What happens in those scenarios where the homes are already well back from the 50 feet. When I read the language, it doesn't appear as though the average of the surrounding homes would affect that scenario. I don't know if I'm making myself clear.

Dave Campbell – It's clear to me. The average is effective up until the 50 foot mark. The 50 foot mark is the maximum minimum if that makes sense. So, if everybody else is 80 feet, you're correct, you could go up to 50 feet because that is the maximum minimum.

Weber – That is the one that would concern me because that is going to happen. Somebody is going to put a large structure that is 30 feet in front of the surrounding homes. Again, that is going to be an outlier, a small percentage of them.

Dave Campbell – As far as the funny things you'll see in all of these scenarios, and we'll probably never be able to cover all of them, is on Wise Road. You may have driven by it. There was a tiki bar that a guy had between his house and the lake/canal. He was told you can't have a tiki bar; you can't have an accessory structure between your house and the water. So, what did he do? He dug it up and put pontoons underneath it and put it on the water. He said, well now it's a boat and Commerce Township doesn't have jurisdiction over the water, so they can't tell me I can't have a boat. So now he has a floating tiki bar versus a bar on land. Those are the fun games we get to play.

Weber – I applaud the creativity.

Phillips – Can't the homeowner's association override it with more strict requirements?

Dave Campbell – The homeowners association could always be more restrictive than our Zoning Ordinance, but not less. So, if an HOA says our minimum set back is 80 feet or 100 feet, then it's on them to enforce that. We can't legally enforce it, and you may have remembered a couple meetings ago, we had a homeowner who was disappointed at how the new home going up next to her home was going to impede her view. Now, it had some funny angles because they were at a diagonal view of the lake, but the reality was that she was saying, "That house can't be there based on our deed restrictions." We have to say that unfortunately, we cannot enforce your deed restrictions because those are private agreements. We can only enforce what's in our Zoning Ordinance.

Chairperson Parel – For me, I see gazebos, decks, sheds are different buckets. A shed, to me, is kind of a different bucket only because I wouldn't want to see a shed on a lakefront.

Dave Campbell – With a shed and a gazebo, is the difference that it's enclosed?

Chairperson Parel – I don't know. I'm just thinking out loud. To me, sheds are ugly and you don't want them. To me, there's the front of the house, and on the lake you also have a front on the lake like the comment you were making. Something in my mind does not click. A gazebo might belong on a lake, or an outdoor kitchen like George was mentioning.

Phillips – We have a neighbor with a gazebo that they use as a storage shed.

Chairperson Parel – That's something different. I guess for next steps for this, if we're going to punt it, I think George had not only some comments but maybe some information he could supply. Wasn't the goal that we were going to approve something tonight?

Dave Campbell – No. The goal was to have an informal discussion to decide if we want to take this to the next step, which is actually drafting some language, with the help of the Township Attorney, which of course generates an attorney bill, which we want to avoid until we know that this is something we want to do.

Chairperson Parel – We can punt it and have an informal conversation with Jay when he's feeling better.

Weber – I'll stop in and see Jay in the next week or so.

Dave Campbell – Paula was just saying that she and Jay have already discussed that very scenario. I don't know that there was an outcome necessarily.

Paula Lankford – We discussed the 80 feet exactly and how you could put a detached structure back there and block everybody's view, but it would also block their view. So, we kind of thought maybe somebody wouldn't do that because they're blocking their own view. Then, Jay also thought maybe we limit the size, for example, sheds under 200 square feet, gazebos under 200 square feet.

Dave Campbell – And maybe we steal some of Wolverine Lake's language. If they have definitions for a gazebo or a shed, maybe we can steal that.

Weber – It's not that specific, but they have three categories based on size; so, a shed, a structure and a building.

Dave Campbell – At the risk of repeating myself, Jay has had this conversation a thousand times. Paula and I have only had it a couple times. That's why I really want Jay to lead this discussion before it goes too far.

Chairperson Parel – Do we have a comment from the crowd?

Ray Golota, 1595 Vanstone, Commerce Township – This is the main reason why I was here today, just to hopefully listen to what Jay was going to talk about. And maybe part of the reason Jay brought it up is because I was always nibbling at his ear about storage on lakefront. I moved out here in 1992. I live on Commerce Lake, and I always wanted a gazebo. I could never get one through, but other people have put sheds out there and this and that. I've complained and nothing was ever done because the previous Planning Department would always tell me, "Well, that's been grandfathered in." The former chair of the Planning Commission, Larry Haber, he lives on Commerce Lake. I would have conversations with him because he felt the same way I did. This is exactly what he said. He said, "Ray, don't even go there because you're going to open up a can of worms." Trust me, I would give anything to have this, because I live on a long narrow lot. I don't have that much space, but to have a gazebo out there would be great. My next door neighbor has a shed. It blocks my view a little bit, but not much. I'm just so curious to see where this is going to go, because trust me, I'll give you a quick example. This is probably ... Paula, how long have you been here?

Paula Lankford – 37 years.

Ray Golota – Okay, so she probably remembers this one. On Moberly Road, which is diagonal across from me, this guy put up a kitchenette on the lakefront. It had stainless steel, kitchen appliances, a ceramic floor, and he was starting to put a roof over it, and then the lady next door complained. There was an open meeting and this room was jam packed. That woman said he was blocking her view. It opened up to the public and I was the first one to raise my hand, and I had my neighbors there. I was the only one that said, “Hey, if I can’t have a gazebo, he can’t have one.” Everybody else, there must have been 30 people here, they all said, “It’s okay.” I guess what I’m saying is that I’m really curious as to where this is going to go. Seriously, because even now, you get a new home out there and I’ll be damned – they move in during the summer and up pops something.

Dave Campbell – Wherever this is going, I mean we can write whatever we want, but what’s more important is how it gets enforced. It’s really easy for somebody to go to Costco, get a new gazebo and put it up on a weekend. It’s easy for somebody to go to Home Depot, order a shed and have it delivered. So, there’s certainly an enforcement component to this. I think part of what I’m hearing from Mr. Golota is, the people who try to do it the right way, by coming in to say they would like to put up a shed or a gazebo, and we tell them no, sorry, you’re not allowed to have a detached accessory structure between the house and the lake, they say, “Well, I can tell you about 20 people on my lake that have one.” Yes, some of them maybe predate the Ordinance that restricts them, but other ones we just don’t know about. And then it becomes an enforcement challenge, because unless we’re going to buy Jay a boat, or buy our Code Enforcement Division a boat, which they’d probably love, and they would be out doing inspections all summer long. But yes, sometimes it is tough to find these structures because they are between the house and the lake and we can’t see them from the road, or at least not very easily.

Loskill – Buy Jay a drone?

Dave Campbell – No, the attorney doesn’t love that either. So, as I say with a lot of things, the rule book is only as good as the enforcement of that rule book.

Chairperson Parel – Okay, we will punt it.

Dave Campbell – Okay, so February 2<sup>nd</sup>.

**J: OTHER MATTERS TO COME BEFORE THE COMMISSION:**

None.

**K: PLANNING DIRECTOR’S REPORT**

**NEXT REGULAR MEETING DATE: MONDAY, FEBRUARY 2, 2026, AT 7:00PM.**

Dave Campbell – There are a couple of other things we are expecting to see on February 2<sup>nd</sup>. One of the things we thought would make it to tonight’s meeting, but it got deferred, is the property that you saw on a conceptual level which is an assemblage of properties totaling about 15 acres, bookended between the Westlake campus and the northerly entrance to Walled Lake Northern High School. The assemblage is made up of seven properties. Four of those properties are zoned R-2, which is effectively duplex zoning, and the other three are zoned R-1A single-family. The developer is proposing to meet in the middle of those two zoning districts and rezone the entire assemblage to R-1D. And what he would want to do is build 46 houses on those 15 acres.

The reason we didn't make it to tonight's meeting had to do with access to the property. The Fire Code says that based on the number of homes, you have to have so many points of access, and furthermore, those access points have to be so far apart from one another. Based on the geography of the site, the developer couldn't get his two points of access along Bogie Lake Road to be far enough apart, so now he is proposing one point of access on Bogie, but every house will have a fire suppression system, which is not something we have ever done before.

Weber – Dave, let me ask a question. In your write-up, it says that *the Township will no longer accept gated emergency access on the basis that gated connections are too often impeded by snowplows, campers, cars, boats, et cetera*. Who made that decision?

Dave Campbell – So, that's a great segue. The Fire Department, I think with the support of the Township Supervisor, has made that decision, based on their jurisdiction within the International Fire Code, which the Township Board has adopted. Now, if that is going to be the Township's position, I would like it to be in the form of an ordinance, or a resolution, or a policy, or something, so that when the developer's say, "Show me where it says that," I want to be able to say, "It says it right here." That is something I have talked with Larry and the Fire Chief about, and I think it will come before the Township Board.

Weber – I'm not sure I agree with that. I mean there are ways to enforce those emergency gates so that they're not snow plowed, and they're no parking. I get it – it becomes an enforcement issue. But, requiring somebody to put fire suppression in every home seems like we're being very difficult, and it's costly.

Debbie Watson – What was the alternative, Dave? Did he have to reduce the number of homes?

Dave Campbell – The alternative was, I believe, if he had 30 or less homes then he could have one point of access without having to fire suppress. Once you pass 30 homes, then you have to have two points of access. Those two points of access have to be a certain distance apart from one another.

Weber – Is that a quarter mile?

Dave Campbell – It depends. This is where you get into the weeds a little bit. It depends on the diagonal distance of the area to be served, and then you get into healthy discussions about where are we measuring the diagonal distance from? Believe me, we've had those discussions with the Fire Department as well. But the only way he could have avoided putting fire suppression into every house was to reduce the count to 30, and that is not what the developer wanted.

Weber – Or have the emergency access on a road that's already there at Walled Lake Northern.

Dave Campbell – Which our Fire Department will not accept gated emergency access.

Weber – They won't get to make that call is my point.

Dave Campbell – I'm just the messenger.

Weber – We should have the discussion, because if that is where we're going to go, and maybe it is, then as you've said, it needs to be in the ordinance, not the whim of an individual.

Dave Campbell – I don't pretend to be an expert on the International Fire Code. I defer to the Fire Marshal to be that. My understanding, though, is that the IFC gives the authority having jurisdiction, the AHJ, gives them the discretion of whether or not to allow gated emergency access. And every year, Commerce Township adopts the IFC. So, by adopting the IFCT, we are effectively giving the Fire Department the jurisdiction whether or not they want to allow gated emergency access. That's my understanding of the legality of it.

Weber – And I just think maybe it's a little sensitive, but this is the second time this has come up with the choosing of whether to use an emergency access. The other one was the property close to Western.

Dave Campbell – Yes, it's a funny coincidence that in both cases, it was next door to a high school, either Northern or Western.

Debbie Watson – Dave, did you mention the rusty gates that are not maintained also?

Dave Campbell – Yes, even if the gates are not blocked by a snow pile, they're rusty and they're hard to get through. Obviously in an emergency situation, every second counts. These are the reasons that the Fire Department is saying no more of these gates.

Chairperson Parel – Interesting conversation, but it sounds really expensive and onerous to force a developer to put fire suppression into every single home. Although, we understand that he doesn't have to build that many homes.

Dave Campbell – Now, since we're talking about this developer coming before you on February 2<sup>nd</sup> for a public hearing, for these 46 homes with fire suppression, but at the same time we're talking about having a discussion about this whole matter of gates, now I'm starting to feel like it's the chicken or the egg to some degree. Maybe I will want to talk to Mr. Weber more about this.

Weber – I think we should make a decision on it and be clear. The IFC, I can't tell you how many hundreds of pages it is, but it's a lot. I think I've looked at it once. But, finding something that says, okay, we're adopting it for all of the good reasons, and there's one line item that's here in the weeds ... I don't think that, on something as significant as this, not just for this development, but for any development where we need appropriate access, I just think we should have the discussion.

Dave Campbell – I agree, and I think Supervisor Gray agrees too. I don't think we have come up with a timeline yet of how that discussion would be had.

Chairperson Parel – We probably should have it before February 2<sup>nd</sup>.

Dave Campbell – We have a Township Board meeting tomorrow night.

Weber – I will bring it up in other matters as a way that we can at least move forward with a direction to see where the Board's head is at. Not dissimilar to our viewshed discussion; do they want to have further discussion or not?

Dave Campbell – The other project that is potentially going to be in front of you for the February 2<sup>nd</sup> meeting is 1200 Benstein Road. This is the east side of Benstein, immediately south of the Benstein Crossing condominium development. The property has a building on it now. It is a long, narrow property. ProScape, who is currently up here on Martin Parkway, they're an outdoor landscaping, design and patio company. They bought 1200 Benstein. They're going to move their offices and their operations into the existing building, but they want to use the space behind the building for storage of their inventory, trees, shrubs, topsoil, mulch, all the things that you would see in a landscaping yard.

The property is zoned industrial and outdoor storage is allowed in industrial zoning as a Special Land Use. So, we would be having a public hearing at the February 2<sup>nd</sup> meeting. It is relevant that right next door is the Benstein Crossing development, and I anticipate that we will hear from those folks on the prospect of there being a landscape yard next door to their neighborhood.

There is a tree line there now, so we're talking to them about maintaining that tree line as much as possible. Their site plan just came in last week, so it might be tight to get it by February 2<sup>nd</sup>, but that's what we're anticipating at this moment.

Chairperson Parel – What type of building is it?

Dave Campbell – It's a pretty nondescript, light industrial building.

Weber – It's a white block building, but it's pretty far back off the road also, and that's a big, long, narrow lot.

Dave Campbell – It is.

Weber – The second one is close to the road. There's one adjoining to that which is pretty far off the road.

Paula Lankford – They had two structures on the property. One was demolished or caught fire.

Dave Campbell – This is the property. There is the building and all this area back through here is where they want to use it for storage of their inventory and materials.

Chairperson Parel – Sorry if you said it – what is the zoning?

Dave Campbell – It is zoned industrial. What is relevant to the back story is that Benstein Crossing was also zoned industrial in the early 2000's and it got rezoned to attached residential. So, we might have a public hearing for ProScape on February 2<sup>nd</sup>. That is what I had on my list.

- Dave Campbell discussed sharing the DDA's Insite Commercial report on a monthly basis with the Planning Commission.
- Dave introduced Bethany Miller to the Commissioners. Beth comes over to Planning from the Treasury Department. She is the new Associate Planner. Paula will be retiring at the end of 2026.
- Weber noted that he was at Commerce Market last night. The owner, Mr. Bakko, plans to return to the Commission in about 60 days. He is working with a new fuel company, and the State seems to be fine with the proposal now. Dave added that the latest concept is to add fuel pumps to the site and expand on the existing store. When you put in underground fuel tanks, there are regulations at the State level, and part of that is separation from residential wells, and all of the neighborhoods around there have residential wells. Mr. Bakko has to work through a State variance process.

**L: ADJOURNMENT**

**MOTION** by Phillips, supported by Loskill, to adjourn the meeting at 8:24pm.

**MOTION CARRIED UNANIMOUSLY**

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Joe Loskill, Secretary