

**FINAL**  
**CHARTER TOWNSHIP OF COMMERCE**  
**PLANNING COMMISSION MEETING**  
Monday, September 14, 2026  
2009 Township Drive  
Commerce Township, Michigan 48390

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

**ROLL CALL:** Present: Brian Parel, Chairperson  
Brian Winkler, Vice Chairperson  
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  
Debbie Watson, DDA Director, Recording Secretary

**B. APPROVAL OF AGENDA**

**MOTION** by Loskill, supported by Phillips, to approve the Planning Commission Regular Meeting Agenda of September 14, 2026. **MOTION CARRIED UNANIMOUSLY**

**C. APPROVAL OF MINUTES**

**MOTION** by Winkler, supported by Loskill, to approve the Planning Commission Regular Meeting Minutes of August 10, 2026, with the following typo corrections noted by Winkler:

1. *Page 26 of 48, Weber – Okay. So, I'm just trying to wrap my **head** around it.*
2. *Page 41 of 48, McCanham – There's so much.*

**MOTION CARRIED UNANIMOUSLY**

**D. UPDATE OF ACTIVITIES**

Caitlin Bearer – Zoning Board of Appeals

- We have not had a meeting since the last meeting of the Planning Commission.
- The September meeting was cancelled as there are no petitioners.

Brian Winkler – Downtown Development Authority

- The following is a summary of the August 18<sup>th</sup> DDA meeting.
- Insite Commercial Report
  - Five & Main (Aikens) Phase I:
    - A Letter of Intent has been signed for the national gourmet market and lease negotiations have started.
    - Engineering permits for the shopette are complete. An LOI is close to being signed with a developer who would build the shopette, aka Building G, with the understanding that they will build what was approved by the Planning Commission. Construction is scheduled to start in November.
  - Interest in remaining CTP parcels has been routine and light.

- Attorney's Report: Option on Phase II Property: Aikens' option to purchase the Phase II parcel, which is 14 acres to the north of Phase I, was to expire on August 20th. The DDA voted to extend this option for one year.
- Director's Report: The condition of the Martin Parkway landscaping: The Director was working with the irrigation and landscaping contractors to address issues along the Parkway and make improvements. The irrigation pump failed and extremely hot temperatures in August created significant challenges. Per an update from Deb, the pump is fixed, the irrigation is back on as of last week and landscaping issues were addressed, so it's starting to look better.
- Engineer's Report: The concrete pathway has been poured along the LaFontaine Automotive Group's property. The connection to the CTP pathway, behind Walmart, will be completed soon after final grading and retaining walls are installed.
- Committee Reports, Finance Committee: The DDA voted to approve a DDA Cash Advance request of up to \$1.2 million from the Township Board to offset an anticipated budget shortfall.

#### George Weber – Township Board of Trustees

- The last Board of Trustees meeting was on September 8<sup>th</sup>. It was a packed agenda, and we had a packed house to go along with it. The following are the items of note.
- We had public hearings for our fire, emergency and police special assessment districts. As many people know, the voters approved an amount of up to 2.8 mills for fire and EMS, and up to 2.9 mills for police. Every year during budget time, we investigate and do an analysis to see what is the appropriate amount. So, 2.8 and 2.9 are the maximums. The police will probably be maxed out again because of the overhead costs the County has inflicted upon us. I am estimating that fire will be less than 2.8 which will be good for all of our taxpayers.
- We appointed Mr. Phillips and Mr. Winkler on this Planning Commission for an additional 3-year term ending October 21<sup>st</sup> of 2029. Congratulations.
- Under contracts and agreements, we approved the Conditional Rezoning for Wingate Preserve. As many people know, the developer agreed to reduce the number of homes on that, therefore the site plan was modified slightly. I think everybody was happy to see that the modified plan provided a significantly greater buffer between the new homes and the existing neighborhoods around them.
- We agreed to extend the contracts for Huron Cemetery Maintenance, our sexton for taking care of the cemeteries within the Township, as well as KER Engineering who provides the building services for the Township.
- We will be adding a new hydrant at Fire Station #4. It will be behind the fire station to be used for training for all of our present firefighters.
- We approved a new cost study for our sewer system. Since we privatized the sewer system, we need to understand exactly what the costs are and what the usages are for some of the surrounding communities. While it's our sewer system, White Lake, Novi and Walled Lake use it. We want to make sure that what they're being charged is appropriate based upon the use of our system.

- We had a show cause hearing for a dangerous building. It's very near Commerce and Carey that has been vacant for a number of years. The homeowner has been contacted, going back for 5 years. Right now, it's dilapidated and pretty close to falling down. They no longer communicate with us. They don't live in the area anymore. Kids are using it for not-so-great purposes, and it's dangerous, so we will be taking that down.
- We approved the Lakeside Accessory Structures change to the Ordinance, which this Commission went through in detail. No changes were made.
- We approved the Conditional Rezoning for Commerce Lake Market, at the corner of Benstein and Glengary.
- We amended the Zoning Ordinance 3.070 which goes along with the Commerce Lake Market rezoning to update the zoning map.
- We had a spirited discussion on the Mount Royal paving SAD, which has been approved by a vote of the residents; it's a very, very close vote. So roughly 51% of the people were for it, and roughly 49% of the people were against it. There is a little more work to be done to make sure the cost is as accurate as possible, but it's roughly \$15,000 per home over a 10-year period, so \$1,500 per home. I think it's probably still going to go through, but there's more work to be done.
- We approved a \$1.2 million cash advance to the DDA. At the end of this year, correct me if I'm wrong Deb, but this will reduce the debt that the DDA is responsible for, and ultimately the Township is responsible for, down from \$34 million to \$28 million, which is estimated to be paid off in 2034.

Debbie Watson, DDA Director – That's correct.

George Weber –

- We approved a donation agreement for a lot on Union Lake Road at the Golf View subdivision. The Township had acquired that from the County, and a resident has agreed to pay the Township for that amount as long as that parcel remains greenspace. The Township Board approved that to try to keep a little bit of the congestion down as much as possible.
- The Haggerty pump station abandonment project is being remapped. The pump station is being abandoned north of the LaFontaine Genesis store. Originally, it was going to go direct from east to west, directionally bored under the swamp. It was found after more borings that it was probably too risky. So now the pipe is going to have to be laid around that property, which as you can imagine, is going to add significantly to that project, roughly a half a million dollars more.
- I think that's probably enough.

Chairperson Parel – Thank you, George. Good update. Dave and team, I know we have some information about some permits here. Anything else from the Building Department?

Dave Campbell – Maybe just to continue with something that Mr. Weber updated you on, which is the change to the Zoning Ordinance relative to Lakefront Accessory Structures. So, the Board effectively approved the Building Department to continue on with that process. The next step would be to have a public hearing with this Planning Commission at your meeting in October. So, Jay and the Building Department will have

the latest standards that you've had a chance to look at preliminarily, for a public hearing in October.

Paula Lankford – Possibly in October.

Dave Campbell – Possibly in October, and if the Planning Commission chooses to do so, you would forward them onto the Township Board for Board approval at their October meeting. In other words, you will still see that one.

#### **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.**

Chairperson Parel – As a reminder, we do have one public hearing scheduled this evening in regards to a text amendment. So, at this point I would like to invite anyone up who would like to discuss any matters not related to that text amendment, anything at all.

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**

##### **ITEM H.1. PZ26-01 – COMMERCE TOWNSHIP – TEXT AMENDMENT – PUBLIC HEARING**

An amendment to the Commerce Township Zoning Ordinance No. 3.000, to amend:

- Article 2 – Definitions
- Article 5 – Land Use Table
- Article 22 – TLM, Technology & Light Manufacturing District
- Article 23 – I, Industrial District
- Article 26 – Use Standards

**\*\*NO DATA CENTER IS CURRENTLY PROPOSED; THE PROPOSED AMENDMENTS TO THE ZONING ORDINANCE ARE INTENDED TO CREATE STANDARDS AND PROCEDURES FOR IF AND WHEN A DATA CENTER IS PROPOSED.\*\***

Dave Campbell – This is a topic that's familiar to the Planning Commission and it has to do with amending our Zoning Ordinance relative to the development of data centers. It's familiar to the Planning Commission because we had a preliminary discussion back in May. We had a more detailed discussion at our meeting back in August. We've also had comparable discussions with the Township Board in April and then in July.

Right now, like a lot of communities, Commerce Township is in the middle of a moratorium of acceptance of any applications for any data centers. The Township originally adopted a six-month moratorium back in February, so that took us through to August. And then based on the amount of work that still needed to be done, the Board extended that moratorium for another four months, taking us to December. What that moratorium is meant to do is to provide the Township, this Planning Commission and the Township Board the opportunity to develop a series of Zoning Ordinance amendments to address data center development, which is a big part of what we are here to do tonight. So, after the preliminary discussions back in May and August, the Planning Commission will hold a public hearing tonight for the text amendments that are being proposed for five different articles within the Zoning Ordinance relative to data centers.

As you can see on screen, the five sections to be amended have to do with our Definitions, which is Article 2, our Land Use Table, Article 5, the TLM Zoning District, Article 22, the Industrial Zoning District, Article 23, and our Use Standards within Article 26. What we propose to do, before I move on from this screen, I just want to zoom in on this part right here. *No data centers currently proposed. Proposed amendments to the Zoning Ordinance are intended to create standards and procedures for if and when a data center is proposed.* So, the first time we brought this to you in May, we had a full house in this room of folks who gave themselves the impression that there was a big data center proposed in Commerce Township, comparable to the ones that are getting a lot of attention in Lyon Township, Saline Township, Van Buren Township and so forth. I'll say again, no data centers are proposed in Commerce, nor have we had any conversations with anyone who's even considering or looking into the potential for a data center. Again, these standards that we're about to talk about are meant to be proactive so that we are ready for if and when someone proposes one. Within your packet, there's a redline and a clean version of all the changes that are proposed to the Zoning Ordinance. First, we want to create a definition for data centers, which currently doesn't exist in our Zoning Ordinance. And what we've decided to do is create 2 tiers of data centers; a Tier 1 and a Tier 2 data center. Tier 1 would be a data center of 20,000 square feet or less. And then based on the conversation that we had with the Planning Commission back in August, we actually added another qualifier of 20,000 square feet, or anything less than 17.5 million kilowatt hours per year. So, one or the other of those criteria would be a Tier 1 data center.

Phillips – Dave, I have a question on that. We discussed the 20,000 square feet. I didn't recall 17.5 million kilowatt hours per year. I know we talked about some energy consumption metric.

Dave Campbell – We didn't discuss that number specifically.

Phillips – Where does that metric come from?

Dave Campbell – We did some homework of what is typical for a data center for electricity usage relative to square footage. That 17.5 million kilowatt hours per year is consistent with 20,000 square feet, as an industry average.

Phillips – I know in the proposed language you get several examples of single organization data centers that would fit that, so I was curious if that 17.5 was based on that data set.

Dave Campbell – It was, yes.

Phillips – My other question would be, is 17.5 for a Tier 1 data center the right level, or are we constricting it unnecessarily? Should we give them more? Do they expect their needs to grow?

Dave Campbell – I don't know that we are constricting it any more than we are constricting it with the 20,000 square foot threshold. By creating these tiers, we're saying Tier 1's can go into our TLM or Industrial zoning districts, and anything beyond that would be a Tier 2 and those would only be allowed as a Special Land Use and only in the Industrial zoning district. When we brought this to the Planning Commission in August, we only had that 20,000 square foot threshold, and I think it was Mrs. Bearer who said, in addition to square footage, should there also be a threshold relative to energy consumption? Everyone agreed that it sounded like a good idea, so based on the research that we did subsequent to that discussion, that's where we came up with the 17.5 million kilowatt hours over the course of a year.

Phillips – Okay. What happens when that Tier 1 exceeds that level? Do they suddenly become Tier 2?

Dave Campbell – They would, and part of what they would be required to submit, which we will get to, is an energy consumption estimate. That would determine whether or not they cross that threshold.

Phillips – I'm just curious what the likelihood is that we're going to have what we consider a relatively small data center hit that threshold and create a lot of activity, rather than having some level of buffer, be it 20 million or 18 million.

Dave Campbell – The intent with all of this is to more so address the ones that are getting a lot of attention statewide and nationwide which are the hyperscale ones. What we're trying not to do by creating these two tiers, and by creating this Tier 1 is to not effectively zone out the small enterprise data centers, and the data centers that already exist in Commerce Township currently.

Phillips – And I agree with that approach.

Dave Campbell – So, as I mentioned, by creating the Tier 1 and Tier 2, then we are differentiating where each of those tiers can go, which leads to changes to our Land Use Table. If we zoom in all the way down to the bottom, as I mentioned, Tier 1's would be a principal permitted use in TLM and in the Industrial zoning district. And then the Tier 2 data centers are going to be a Special Land Use in the Industrial zoning district. From there, we've made the corresponding changes to the articles of our Zoning Ordinance specific to TLM and to Industrial. So now, within TLM under principal permitted uses, you'll see Tier 1 data center, and then when we get to the Industrial zoning district, and this is the table that we use, you'll see that a Tier 1 data center is a principal permitted use, and as we scroll forward, a Tier 2 data center is a Special Land Use subject to the requirements of Article 26.

The Use Standards of Article 26 are kind of the meat and potatoes of this whole amendment. This is where all this new red text is, and these are all standards that would apply for a Tier 2 data center, greater than 20,000 square feet, only in the

Industrial district. These standards have to do with a lot of the concerns that we're hearing about; water usage, electricity usage, noise, vibration and emissions. There's also a requirement for a decommissioning plan with the intent being that, if and when a data center becomes functionally obsolete, it is the developer's obligation to return the property to its pre-development condition, and they would have to put up a financial guarantee to ensure that. There are several pages of requirements relative to showing the Township what their projected energy consumption would be. Also showing the Township that they would not be putting any stress on the grid, and if they are, that they would have to be responsible financially for the upgrades to the energy grid. Also showing that they're not going to monopolize the grid. It's one thing to show that there's capacity in the grid, but it's another thing to monopolize all that capacity such that whoever comes in behind them doesn't have capacity because they have used everything up. Part of what they would have to show is not just the projected use, but what's projected to be the capacity of the system and how much surplus there is for whatever the next use to come along would be.

Any cooling and humidity control system for a Tier 2 data center would have to be a closed loop or sealed system. That's intended to minimize the amount of water usage. The alternative is an evaporative system where they use a lot more water, because the water they use for cooling the equipment evaporates, versus the closed loop system where the water stays within the system. The tradeoff between closed loop and evaporative is that the evaporative system uses a lot more water, but uses less electricity. The closed loop system uses less water but a lot more electricity.

We have standards in place for not just the water in, but also the water out. So how the stormwater on the site is contained onsite, and how the water that goes into our sanitary sewer system is treated, both onsite and then before it reaches the wastewater treatment plant, so that the Township Engineer and the operator of our wastewater treatment plant are fully aware of what, if any, chemicals that might be going into the sanitary sewer system to ensure that the wastewater is being treated properly before it reaches the treatment plant.

Standards relative to noise and vibration. So, they have to submit a plan demonstrating what the noise and vibration impacts would be. We require that all of their mechanical equipment and all of their generators be within a noise containing system, an enclosure, to knock down the noise to the extent possible. There are standards for how much noise can be generated at the property line and when during the week that noise can be generated, limiting the hours and the days that the noise can be generated.

A lot of these standards, by the way, with respect to energy usage, water usage, noise, vibration and emissions, came from several different sources. Primarily what we took advantage of was the Michigan Townships Association which just recently released their model Zoning Ordinance relative to data centers. This is something that we were all looking forward to seeing. The MTA put a lot of resources into developing it. Between myself, the Planning Department and the Township Attorney, we were actually encouraged by how close we were with what we'd already come up with what the MTA then released sometime thereafter, but we did steal some of the MTA's good ideas and insert them into this proposed language that we're looking for the Planning Commission to take action on tonight.

I'm going through this somewhat quickly, but again, recognizing that the Planning Commission has already seen this in earlier iterations. There is a whole section relative to public safety and emergency response. We got some help from the sheriff's department and from the fire department with developing some of these standards, and again, took some good ideas from the MTA's model ordinance. And then concluding

with the standards for the decommissioning plan; what a decommissioning plan should entail, what the financial guarantee should be, and how it's determined whether a Tier 2 data center has become obsolete.

So, I could go into more detail if the Planning Commission chooses. As we've already discussed, because this is an amendment to our Zoning Ordinance, there does need to be a public hearing. The Planning Commission would want to be sure we open and close the public hearing this evening. And if the Planning Commission is prepared to do so, the next step would be for the Planning Commission to make a formal recommendation to the Township Board on these standards. and then the Board could look at this as soon as their October 13th meeting for potential adoption. Keep in mind that the moratorium goes through December 10th, so we've got a little bit of a cushion if the Planning Commission and/or the Township Board need a little more time, but we don't have a lot of cushion. The hope I guess from the Planning Department is, even if there's some things that might need to be tweaked with this or even if we, as this data center topic evolves over the next six months or a year, even if we need to go back and make some adjustments to what we have here, we can certainly do that. But if what we have tonight gets us 90% of where we need to be, then that's certainly better than where we are right now, which is basically at 0%. If we can get the 90% adopted by the board in October, then we always have the opportunity to come back and make some adjustments as we learn more. With that, I'll take a pause and see if there's any questions or comments for me before we open the public hearing.

Chairperson Parel – Thanks, Dave. Maybe we'll just go down the line to see if anybody has any questions or comments for you, and then we will open the public forum. Caitlin, do you want to start?

**Commission Comments:**

Bearer – No questions.

Winkler – No.

Phillips – I've got some questions and comments, starting with Section 26.B.1.c., which talks about the minimum separation from residential zoning districts. A setback of 100 feet to me seems grossly insufficient. I can't imagine one of these massive data centers 100 feet from a home or residential area.

For Item 2, for the public utility connection standards; I know Commerce has an agreement with the Great Lakes Water Authority that has restrictions on usage, and if we overuse, they're allowed to retroactively penalize us financially. It seems that if that over usage is triggered by a data center, there should be some way to have them pay for the penalty.

For the sanitary sewer, the question there is what is the risk of contamination? I know there's language in sub items 2, 3 and 4 where it talks about what they need to put into place to control it, but it doesn't say what the remedy is in the event that they are unable to comply, either by accident or intent. It seems like if we have an issue with the sewer system, there should be some means for them to pay for the cost of cleanup and repairs. Maybe a good example would be, I know the Township spends a good amount of money on sewage processing, where we can take sludge and convert it into useful fertilizer. If there's something in the outflow that enters into our sewer system from one of these data centers, what is their responsibility to make repairs to that? I think there could be some stronger language around things like that.

Dave Campbell – We will look at the stronger language. I will say, with the pollution incident prevention plan (PIPP), that's a standard plan statewide, and it does have mitigation components to it if something does go wrong.

Phillips – So that would cover those concerns?

Dave Campbell – To my understanding, but your concerns are valid so I want to double check that.

Phillips – Okay. I think in general, this is very good. It's a great start. Those were my main concerns. There were other areas where my repeated concern was, if they don't comply, what is the penalty and what are the means of remediation for costs and things like that.

Dave Campbell – With the 100 foot setback, typically any building in our Industrial zoning district has a minimum setback of 50 feet. So, the 100 foot was as simple as doubling that. If it is going to be more than that, I want to continue that discussion with the Township Attorney, because what we want to avoid is, if we make it so restrictive, then the Attorney would say you're exposing yourself to the potential of someone saying, you can't require something of me that is so disparate from what you would require of anyone else.

Phillips – I understand that concern, but 100 feet for something like that, because once it's a Tier 2, it could be just over the 20,000 square feet and 17.5 million kilowatts, or it could be a giant data center.

Dave Campbell – I will double check some of those and depending on how this discussion goes, we could either bring it back here, or we could make adjustments before it gets to the Township Board. If there is a setback number that the Planning Commission wants us to look into that seems more appropriate, we can talk about that number.

Chairperson Parel – Is that setback for all Industrial zoning?

Dave Campbell – Well, these would only be allowed in Industrial zoning.

Chairperson Parel – Is the current 50 feet?

Dave Campbell – 50 feet is the standard for any building in our Industrial zoning district.

Chairperson Parel – Even if we had a million square foot building, it would still be 50 feet?

Dave Campbell – That's correct. I don't know that we have any properties big enough for a million square foot building.

Chairperson Parel – Just hypothetically, okay.

Phillips – Do we have a separate discussion to address any of those concerns or find out input from legal counsel?

Dave Campbell – If the Planning Commission wanted to move this along this evening, you could do so on the condition that the residential setback be the maximum that the Township Attorney would be agreeable to, and we could have that discussion with the Attorney.

Phillips – How about some of the other concerns about Tier 2 responsibilities for cost and remediation?

Dave Campbell – I am more confident that all of those are addressed in the documentation that they be required to submit. I'm less concerned about tweaking those and still taking it to the Township Board in October than I am about the 100 foot setback. I want to get the Attorney's input on requiring a greater setback than 100 feet. I think it's 100 feet from residential. If it is industrial to industrial, it would just be the standard 50 foot setback.

Phillips – Understand.

Dave Campbell – Was there an answer to your question in there?

Phillips – I'm not familiar enough with emissions and noise and things like that. It's not clear that their assumption of responsibility for costs or repairing things is included in the current documentation.

Dave Campbell – I'll make sure Paula writes that down, assumption of responsibility, and make sure we address that before this gets to the Township Board.

Phillips – That would be great.

Loskill – Nothing for me.

Weber – Just a couple questions and comments. We have a trigger if their electricity usage causes an increase to our residents, there's language in there that addresses that. On the water side, Brady, I think it might be moot because their water usage is going to be basically just for what's going to be happening inside the building. We're forcing them to use a closed loop system, so they're not going to be drawing what we've seen in some other communities from city water. They're not going to be drawing that massive amount to continuously flush through the cooling system. So, I think that might mitigate your concern. I'll leave it to Dave to think about that, but if it wasn't a closed loop system, then absolutely I think it would be a risk. With it being a closed loop system, I don't see the risk.

Dave Campbell – My understanding of the closed loop system though is they have to add additives to it, glycol or whatever it is, so eventually that liquid has to be evacuated one way or the other, and it most likely goes into our sewer system. So, there needs to be an understanding of, what is that?

Weber – Yes, two separate issues.

Phillips – You're talking about how much they consume, which I don't know based on the magnitude of the operation if their consumption would exceed what we have where it would cause penalties to the Township. I don't know the math on that.

Weber – I don't either. I think it's definitely worth understanding. I think we might be protected because of mandating a closed loop system. I think what I read on the discharge, I think it does merit some additional work, meaning I don't know what the State's PIPP mitigation is for that. So, whatever they need to do for that pre-cleansing before it gets to the treatment plant, but Brady makes a good point regarding the Lystek system. I think we would want to have Jason contact Lystek. Everything I've heard is, the only significant issue with the waste out of data centers is the increased nitrate level that many treatment plants can't scrub out enough. I don't know what the effect is on Lystek, and I think we should understand that. With Lystek, we run all of our waste through the system, and basically we get as much moisture out as we can so that when it has to get hauled to a dump, it's much smaller, lighter and less costly, and the byproduct is actually a Tier 2 fertilizer that gets sold to local farms that are looking for that. So, we want to make sure we're not putting any of that in jeopardy.

Dave, on the first page under Article 2, it talks about for a Tier 1 data center, *where one or more Tier 1 data centers are on immediately adjacent properties, the combined square footage and combined energy consumption shall be considered in determining whether they meet the standards for a Tier 1 data center.* I'm assuming that is to protect against somebody playing games by putting two right next to each other but claiming they're separate, and implying that they're not meeting the threshold for a Tier 2.

Dave Campbell – That's correct, and I believe it was the Township Attorney that added the language about the adjacency for just that scenario.

Weber – Does the language, where it says, *shall be considered*, give us the flexibility to say ... What I don't want to do is to have two completely separate businesses that are legitimate, they're not there just to be data centers, and we're going to penalize them because they decided to be right next to each other. Does that language give us the flexibility to say, there is no common ownership, there's no common interest, these are truly two separate businesses that just happen to be next to each other?

Dave Campbell – The intent is not to penalize. I think adding language referencing common ownership or common interest would be a good addition to that definition.

Weber – And I think Brady hit everything else I had. I had a question on the 100 feet, but when I looked at our zoning map, if I looked at all of the properties that are presently zoned Industrial, even 100 feet would limit their ability to build almost anything. If you think about where our Industrial lots are, they're all small. So, that might be something that we do need to get some counsel from the Attorney.

Dave Campbell – Because what you need to avoid with all of this, and with the dimensional standards in particular, is any sort of claim that your zoning is now exclusionary. If you set this up with a setback that is so rigid that no one could build one anywhere in Commerce Township, that does open you to a claim of exclusionary zoning and we want to avoid that.

Weber – Last question. We say that they must hook into city water. That's not the cooling since they're closed loop. It's for bathrooms, kitchens, et cetera. I want to make sure we are consciously saying that they cannot use a well for any of that.

Dave Campbell – That is the intent. If you want to add a sentence that explicitly says, "no wells", I don't think there's any argument there.

Weber – No, I think we're covered. I think you, Paula and ~~Hans~~ **Beth** have done a great job. I think you've addressed everything we were interested in; protection of water, protection of environment, noise, lighting, electricity usage, impact, protecting existing businesses, and using the best practices from other municipalities and the MTA.

Phillips – I missed one. Under energy consumption, it states that *they must demonstrate that it will supply the data center's energy needs independently of the current energy available*. Should it say *current and future*, or is current the date they're applying? Or is it current as of the date we agree to these amendments? I'm pretty sure our energy needs will be growing just for the Township. That's 3.a., second line.

Dave Campbell – So revise that to say, "current and future energy available". We can come up with that.

Weber – You could almost just say "supply the data center's energy needs independently of the *then* current energy available within the Township". So basically, you're saying at the time that they're applying, it's whatever the current consumption is at that point in time. Is that what you're trying to say?

Phillips – Well yes, but I'm also concerned about the growth and our requirements for energy, and as we make more available over time, does that start putting restrictions ... is their usage preventing us from growing?

Weber – I get what you're saying. It's not just what impact are ~~the~~ **they** having on us at the moment they're building, but future, normal expansion of the Township. Are we going to be limiting someone else?

Phillips – I think the intent is that they are independently covering their requirements without adversely impacting availability of energy ...

Weber – Today and tomorrow.

Dave Campbell – Yes.

McCanham – The more I study data centers, the more my eyes roll back in my head. You guys have done a good job of coming up with what you've got here. I like it. I just have a couple questions. When you talk about mitigation of hazardous materials, in case a company closes or something, that they're responsible for that. How are we making them responsible? If the company goes belly up, they might have a preferential level of bankruptcy, so there has to be a business process for that. Back when I was a commercial credit manager, there were standby letters of credit, performance bonds, all sorts of stuff. If a company goes bankrupt, they clean it up. I'm wondering if there is something to look at there.

Dave Campbell – Agreed, and what type of financial instrument it is I suppose is open for discussion, but the idea is that it is a financial guarantee of 125% of the estimated decommissioning.

McCanham – What is the guarantee?

Dave Campbell – A bond, a letter of credit, I suppose cash.

McCanham – The other thing was hazardous materials inventory reporting. Talking about glycol, if you look at the airports, in the County SARA reporting, those are closed systems. You can't just dump glycol into the storm drains. At Metro Airport, they have ditches for normal runoff, and then where they use glycol, those are closed systems underground and they treat that differently.

Also, when you have any kind of hazardous materials in a business, there is yearly reporting on what you have in inventory and how much you've used in the prior year. It's a very loose EPA law that every state has to follow. That's why, in Oakland County Emergency Management, we have a whole reporting system for that. You'd be surprised how many companies that have sizeable amounts of hazardous materials don't report. They're supposed to report to the State, through the County, and then also to the local Fire Department. So, if something happens, the firefighters know what they're facing. So, I'm just wondering how we can put some teeth into the reporting requirement. Maybe list what the reporting requirement is, and then put in some discipline for it, fines or whatever. Put some teeth into it, because right now, there are no teeth in the nationwide system, mandated by the EPA. People violate it all the time and it ends up costing your community to pay for it.

Dave Campbell – When you talk about teeth, you're talking both in the context of pollution concerns or contaminating storm or sanitary sewer, but also teeth relative to protecting emergency responders.

McCanham – Yes. But also keep an eye on how much inventory they have of those hazardous materials. If some places are using diesel fuel for their generators, all sorts of things. My question is, SARA III is the Federal Act, and Tier 2 reporting is what I'm talking about. The mandated reporting to the State and to the County and the local community needs some teeth. If you need more information on that, I can send you over what we do countywide. When we have a spill in Commerce Township, the Fire Department is required to report it to Emergency Management Oakland County and it's tracked. It's amazing how many departments don't do any of that. I'm just looking to the future. There could be sizeable amounts of hazardous materials, so we should put some teeth into making sure they trace inventory every year. If they violate, then we can fine them. We can put that into the ordinance.

When we talk about the buffer, another thing is, when you look at something as simple as a firing range, or you're going hunting, 100 feet is nothing. So, if we're talking about noise, I think the buffer should be bigger.

Dave Campbell – I don't want to say this argumentatively, but in addition to the buffer, there are also requirements specific to noise, and to noise abatement, screening, enclosures, etc., around the generators and the cooling equipment.

Chairperson Parel – Dave, I had a couple questions. Under energy consumption, Section 3, sub article b., we're requiring them to provide an estimate of their usage prior to the process. Are we going to require that to align with their application to DTE, to ensure that both are the same? And the second part would be, what if it changes? Either right after development or 5 years down the road?

Dave Campbell – To know if it changes, we would want to add something relative to annual or quarterly reporting.

Chairperson Parel – But it's more than just reporting. Let's say they're going to double their usage. Just reporting that to us doesn't help.

Dave Campbell – I suppose you could make an argument that, since all of this is tied back to Special Land Use approval, that doubling energy consumption would change the terms of your Special Land Use and require new Special Land Use approval.

Chairperson Parel – What about 10 or 20%? I don't want it to be ambiguous I guess.

Weber – But the key is the 17.5. If you're less than 17.5, you're a normal business. If you hit that threshold of 17.5. that takes you to a Tier 2, which then requires Special Land Use. That's where we get a bite at the apple. The key is, how do you know they've gone over 17.5?

Chairperson Parel – Or what if we approve it and a year from now, they go over?

Weber – Tier 1 or 2?

Chairperson Parel – I assume that would be Tier 2.

Weber – We're not monitoring any other business. But Tier 2, once they cross that threshold, then all of these stringent requirements come into play. I think the key is, if they start out as a Tier 1, then add a bunch of server rooms, that takes them to a Tier 2. One, how would we know that? Is it reasonable that we would be policing something like that? I would say probably not, unless they came in close to their threshold. We don't want to put something in the ordinance that we can't manage. Reasonably, how would we know when somebody crossed the threshold, after 5 years?

Dave Campbell – The first thought in my head is some sort of annual reporting on energy consumption, whether it comes from them, or if they're required to submit it through some independent third party, or whether it comes from DTE. Frankly, I don't know if that's something DTE can disclose. It might have to be some form of self-reporting. I would have to do some homework as far as what that might look like. And how often should they have to self-report.

Paula Lankford – And to who?

Chairperson Parel – The second piece of it is, if they come in and they're already over the threshold, and approval is granted, what is to stop them from doubling their usage?

Weber – If they're responsible for their own energy, meaning they have to supply themselves through some means, then we'd carry that weight.

Chairperson Parel – What if their usage doubles?

Weber – I think that was Brady's point. There's already language in here that protects the effects on residents' electric bills. But, to me, what's more germane is that if all of a sudden they're taking more energy, does that limit other growth within the Township for other small businesses?

Chairperson Parel – So do you think the solution is that they have to report?

Weber – Only for a Tier 2 we're talking about. You can't go Tier 1, because that's every business that we have in theory. That's not rational that we would ask them to start reporting. If you're a Tier 2 data center, which is highly unlikely to ever happen here, just because of the cost of the property, and what's going on with this language, I would think some level of self-reporting on an annual basis.

Dave Campbell – We can add a self-reporting requirement. I think I agree with the Mr. Weber that the self-reporting as far as energy usage should only apply to Tier 2, because keep in mind, with Tier 1, you're still at that 20,000 square foot. How much could you really increase your energy consumption when you're still having to work within the footprint of a 20,000 square foot building?

Chairperson Parel – It seems reasonable to focus on the larger, but what happens if it goes over?

Dave Campbell – So, then I would think they need Special Land Use approval. By the same logic that if you have a Special Land Use and you get it approved with 500 parking spaces, and then you need to double the number of parking spaces; well, you're expanding the use, so you have to come back to this Planning Commission for a new Special Land Use.

Chairperson Parel – So, we just need some language around that. I think that makes sense.

Dave Campbell – Okay.

Chairperson Parel – The last item I had was in regard to noise vibration. I think when we have these topics, and the topic comes up in relation the data centers, but there's two different kinds; noise and vibration. I think one is caused by the generators which are tested on a regular basis. There are a lot of businesses that have backup generators that do that and we can't be exclusionary as it relates to that. My bigger concern is the low level hum that's continuous. It sounds to me like we've made some language around that to protect against that disrupting residents and other businesses. I just want to make sure. I honestly don't understand ...

Dave Campbell – I'll be honest, nor do I. So, this is language that we borrowed quite heavily from MTA. It gets into *ground-borne vibration level exceeding a Peak Particle Velocity (PPV)*. I'll be honest, I don't know what that is. These are very specific

requirements that are relevant to someone who is in the noise/vibration monitoring industry, which there are. There are companies that this is what they do.

Chairperson Parel – I just want to make sure we're not being exclusionary in that aspect as well, for other businesses that are currently putting that out. I'm guessing you don't have the answer to that.

Dave Campbell – In terms of being exclusionary, these are specific to Tier 2 data centers. We don't have standards comparable to this in place for other land uses. We have noise standards in place, and we have emissions standards.

Chairperson Parel – I just want to make sure, if this is going to happen, in the very unlikely scenario, that there's not an argument to be made that we're being exclusionary because there are other businesses that fall within certain metrics.

Dave Campbell – I hear that, and my response to that is the Township Attorney went through this with a pretty fine tooth comb and did not object to anything relative to noise, vibration or emissions.

Chairperson Parel – Okay, I'm good with that.

**Chairperson Parel opened the public hearing.**

Toni Dean, 1846 Alsup, Commerce Township – Our residential lot is 50 feet. I cannot imagine a huge data center right next door. I think 50 feet is just not possible for a resident to tolerate, and they were there first. If they move to the lot after the data center was there, that would be different because they would know that they're going to live next to it. I wish you'd reconsider that 50 feet. Also, I want to thank you all for seriously looking through all these details. This is a big change in our lives. We've lived in Commerce Township almost 60 years, so we have seen change. And, this is such a beautiful place. It's so environmentally friendly, and I think we need to be really careful about where these data centers are placed, not near our wetlands. Think of our wildlife that's precious to us, the birds that wander around here and knock on the windows. Also, do they have special emergency plans in place? The Tier 2, the power that they use and the chemicals that they use; I'm not really familiar with them. I'm from another generation, but such a change like this; aren't they required to have emergency plans in place? What do they do if there's a fire or a chemical spill? Are our emergency responders prepared to respond to the type of emergency that they might have? Thank you.

Chairperson Parel – Thank you for speaking. Just one clarification, Dave. She mentioned a 50-foot setback. We're proposing a 100-foot setback from the property line, not from the building.

Dave Campbell – It's a 100-foot setback where adjacent to residential, for the building or any vertical equipment. It may be generators or utility equipment. If it's adjacent to residential, we're proposing 100 feet from the property line.

Chairperson Parel – So the current is 50 feet.

Weber – And we're proposing to double that.

Toni Dean – That's better, but still not very far.

Chairperson Parel – Thank you so much for your comments.

Maury Dean, 1846 Alsup, Commerce Township – It seems like there are a lot of ifs involved when we go into heavy industrialization, as they did when I was a kid growing up in Detroit or Dearborn by the Rouge Plant. It was huge, all the industrialization. One reason we fled was to get to these beautiful forests and lakes. We consider that the possibilities of something awful happening are not high, but you could have something like Long Island where they tried to put up a nuclear power plant back in the 70s. There was no way to get off the island if there was a disaster. And then of course, Chernobyl in the Ukraine. We don't want to think horrible things like this, and we're not against data centers, but we're just thinking there are better places for them other than right around here, with the beautiful lakes and the areas that we fled away from other industrialized areas for. So, I think you've brought up some very good points, and your argument too is excellent for what you want to do here. I agree and we thank you for caring so much about it. Lake level control is something we have, and we have our lakes. There are certain levels and they're related to one another. I have to wonder about the water and wastewater involved, and would that change the levels in any way. I just have basically the same questions as my wife. We love this area and we'd like to keep it how it is. Data centers are fine and we need to know about it. I hate to use the hold NIMBY argument, but not in your backyard either. I think there are great places for this, and I would suggest elsewhere.

**Chairperson Parel closed the public hearing.**

Chairperson Parel – David, I think the next step would be to make a formal recommendation to the Board of Trustees.

Dave Campbell – If you're prepared to do so, yes. I'll just make a general statement of, we've heard this before, and not just in Commerce, but in a lot of communities. Why don't we just say, we don't allow them here? To say that would be illegal. That's called exclusionary zoning and plenty of communities have tried that with different land uses going all the way back in time, whether they be adult uses, or other objectionable uses, marijuana uses, and so forth. To zone them out is unlawful and exposes you to litigation, and oftentimes communities find themselves at the wrong end of that litigation. So, we have to provide reasonable allowances for where this land use can be located within the Township. So, that's what these are meant to be, is reasonable standards for allowing them, primarily in our Industrial zoning district.

Chairperson Parel – Good point. Thank you.

Weber – So, just a question. Brady raised a couple of important items that I think might be easy to solve. If we still want to keep on a time frame, what is the possibility, if we make a motion contingent upon the answers that we get back on the issues. I think there were three; water usage, 100-foot setback, and the ability of the wastewater treatment plant to handle the scrubbed byproduct.

Phillips – And energy usage. We had several comments, but I think you're right, we could modify them quickly and be able to move forward.

Dave Campbell – I think we can too. I'm not sure if you were about to offer suggestions. What we've done, under different circumstances, but between now and the Township Board, if the Planning Commission were prepared to make a formal recommendation tonight, conditional on certain revisions, if I have three volunteers, we could go through those changes sometime between now and October 13<sup>th</sup>. I'm looking at you Mr. Phillips because you had the most suggestions. If everybody is comfortable with those revisions, then that could be the version that proceeds to the Township Board.

Chairperson Parel – I support that.

Dave Campbell – Are you volunteering by offering support?

Chairperson Parel – Yes.

**MOTION** by Weber, supported by Phillips, to recommend approval, to the Commerce Township Board of Trustees, of Item PZ26-01, Commerce Township Text Amendment to Zoning Ordinance No. 3.000 to amend Article 2 – Definitions, Article 5 - Land Use Table, Article 22 - TLM, Technology & Light Manufacturing District, Article 23 - I, Industrial District, Article 26 – Use Standards as presented. This recommendation is contingent upon feedback from the Township Attorney and the Township Engineer as it relates to electricity usage, water usage, wastewater treatment plant impact, and options for the 100-foot setback. **MOTION CARRIED UNANIMOUSLY**

Chairperson Parel – Dave, I do think Brady is the right person to start with if you need a 3-person panel. I'm willing to do it. We can sort that out afterward.

Dave Campbell – We will send out an email tomorrow.

## **I. NEW BUSINESS**

### **ITEM I.1. THE LEARNING EXPERIENCE – CONCEPTUAL REVIEW**

Conceptual review of a proposed 10,000 sq ft daycare center/preschool on the south side of Richardson Rd. just west of Haggerty Rd. PIN# 17-13-426-013

Chairperson Parel – A conceptual review is a non-binding conversation between the developer and this board.

Dave Campbell – So, this is a project that, again, is familiar to the Planning Commission. This is a concept plan for a preschool daycare called the Learning Experience. It's familiar to you because back at the July meeting, you saw a concept for the same use, but at a different location. At the July meeting, the location that the prospective developer was looking at was the southwest corner of Carroll Lake and Wise Roads. That's a property that's zoned single-family residential. It's got a unique configuration to it. And so, when we had a conceptual discussion with the prospective developer at that meeting, there was a lot of concern about traffic impacts and safely getting folks in and out of the site given its constraints. The developer heard those concerns, took them to heart, and knowing that his partners really are eager to locate a

new facility in Commerce Township, saw another site, and that other site is what we're going to discuss this evening.

This is the south side of Richardson Road between Union Lake Road and Haggerty. To the west is the CJ's restaurant, and to the east is the shopping center with 7-Eleven, and which used to have Jennifer's Cafe, but Jennifer's is not around anymore. I'll zoom in here just to help everybody get their bearings. We're talking about this undeveloped piece of property here. As I said, CJ's is over here to the west and the Bay Pointe Plaza shopping center to the east.

What's proposed, again, comparable to when we saw this back in July, is a 10,000 square foot daycare preschool, which would include a 5,000 square foot outdoor play area. The building would be toward the north side of the site, the play area to the south side of the building with parking surrounding to the east and to the south. One new point of access along the south side of Richardson Road. We did send this concept to the Road Commission for Oakland County who has jurisdiction over Richardson Road just to get their preliminary thoughts. Probably most significant of the Road Commission's feedback was they would likely require an extension of the existing center left turn lane along Richardson Road. If you look, the existing left turn lane starts tapering right about here, and this is the turn lane taking you all the way to Haggerty. What the Road Commission is speculating is that this turn lane would have to be extended to some point west of the site to provide adequate storage for folks to make the left turn into a driveway that would land right about there.

It would be the Planning Commission's discretion whether or not we would want to require a traffic impact study for this proposed use. A lot of times traffic impact studies are based on your daily trip generation and usually 750 daily trips is the threshold for requiring a traffic impact study. I doubt that this daycare center with a maximum of 150 students would generate 750 daily trips. However, they are highly concentrated trips. You get a big rush at morning drop-off, you get a big rush at afternoon pickup. So, while it may not meet that daily threshold for a traffic study, it might meet the peak hour threshold. That's something we want to talk to our traffic engineer about and determine what sort of traffic analysis would need to be done if this project were to move ahead. The subject site is zoned B3, general commercial. Daycare centers are a principal permitted use in all of our B zoning districts. So B1, B2, B3. So, this would be a permitted use within B3. It would have to meet the use standards of Article 26, one of which is that it cannot be within 1500 feet of another licensed daycare facility. We don't know that there is. We would have to double check that. And the Planning Commission also has the option to deviate from that 1500 foot requirement. The idea with that 1500 foot requirement is more on the residential side. You don't want to have too many daycare centers clustered within a single-family neighborhood because then that single-family neighborhood kind of turns into more of a commercial neighborhood. Obviously Richardson Road, just west of Haggerty, is not a single-family area so the logic behind that 1500 foot separation rule might not apply here. Paula apparently already did the homework and she's come to the preliminary conclusion that there are no daycares within 1500 feet, so it sounds like it's a moot point.

So, Joey Jonna from Jonna Construction is with us again this evening. We saw him back in July and he is now looking for the Planning Commission's feedback for the same facility he wanted to do at Wise and Carroll Lake, but now do it at this Richardson Road site. One thing I'll mention before I turn it over to Mr. Jonna to reintroduce his project is with respect to stormwater, if you see on the conceptual site plan, this 40 foot area at the south side of the site; that is a stormwater management easement on this property and it collects stormwater from the Bay Pointe Plaza to the east. If Mr. Jonna

and his group opt to move forward with this project, they would be looking to utilize that area for their stormwater detention/retention. They didn't want to get too far into the engineering of this project without knowing if the Planning Commission felt this site was a good fit for the proposed use. I know we often get questions about where the stormwater is going to go and so they're looking in that area, but they'll know more if they proceed with this project.

So now I'll see if there's any questions for me. Otherwise, I will welcome Mr. Jonna to come up and reintroduce himself and reintroduce this project at a new location.

Chairperson Parel – Questions? Hearing none, we welcome you up, sir.

Mr. Jonna – Thanks for having us back. Joey Jonna from Jonna Construction. We've covered most of it. I talked a lot about the Learning Experience last time. I'm happy to answer any questions you may have.

Chairperson Parel – We have seen your proposed use. My personal opinion is that I like this site a lot better. Let's go down the line and have a constructive conversation with you. We'll see if we can help you out. Mickey, any questions or comments?

**Commission Comments:**

McCanham – Not at the moment.

Weber – I think it's a much better site than the first one. I had one question. We have a requirement that a school cannot be within 500 feet of a bar. A daycare is specifically excluded from that, so there is no issue with the daycare being this close to CJ's. I don't have any issues. I like the elevation.

Loskill – I have no comments. I think it's a much better location than Wise and Carroll Lake.

Phillips – I agree that it's a better location. I still have concerns over the traffic, and I think a peak hour study would be warranted. Even though with the extension of the left turn lane, I could see that being a problem; a left turn going in, and a left turn going out. It could potentially be a problem.

Chairperson Parel – Your concern is more in regard to the amount of cars coming in and out during intense times, as opposed to the total number.

Phillips – I mean for the existing businesses, it's difficult to make a left turn at peak hours.

Chairperson Parel – The question is, if you put something else there in B-3, you could have more folks coming there during the day, but it could be more spread out.

Phillips – Exactly.

Dave Campbell – Mr. Jonna, are we correct? There is a school component so there is a specific drop off time and a specific pickup time, as opposed to more of a daycare where parents just come and go based on their own personal schedules.

Mr. Jonna – That's correct. The window is 6:30-9:30 in the morning, and 3:30-6:30 in the afternoon.

Chairperson Parel – And for clarification, the window is when the parents drop their kids off?

Mr. Jonna – Yes.

Chairperson Parel – Okay, so it is a little different than a school where everybody has to be there all at once. He's saying there is a window of 3 hours.

Dave Campbell – So, maybe with respect to traffic and doing any kind of an analysis, we want to talk more about that schedule and loop in our traffic engineer. Maybe at least do some sort of projection and what sort of numbers are we talking about, whether that trips the warrant for doing a traffic study.

Chairperson Parel – What he's describing spreads it out more. I think it mitigates the issues. I'm not saying it solves it.

Phillips – I'm not sure about the number of vehicles passing through that intersection or area presently during those hours. I would be interested to see if there is a huge number going through there today, are they contributing any significant extra amount.

Dave Campbell – The other thing to consider with any kind of traffic analysis in this neck of the woods is, fingers crossed, by 2028 we're going to have roundabouts at Union Lake and Richardson, and Richardson and Martin. So, any traffic analysis would have to take into account the flow of going through a roundabout as opposed to the current flow which is going through a signal. We would want to talk about that with our traffic engineer as well.

Phillips – That's my only concern.

Mr. Jonna – The development guide lays out when people come in these windows. We will highlight that so you can assess it further.

Dave Campbell – And Mr. Jonna, the nearest facility is in Wixom?

Mr. Jonna – Yes.

Dave Campbell – Any others in our neighborhood?

Mr. Jonna – The newest is in Farmington Hills. That's the new prototype. It's at the 12 Mile and Halsted area. It's opening soon if it hasn't opened yet.

Winkler – One thing I looked at was the possibility of flipping the building location to try to provide more separation between the entrance to this site and the existing site to the east, but I realized you would put that entrance to the new development even closer to the entrance to CJ's, so there's no benefit to that.

Bearer – No real comments. Like everyone else, I appreciate this building site more than the original proposal.

Chairperson Parel – I agree. I think that's the general theme. It sounds like we might have a few conversations with the traffic folks. Is there anything we can answer for you?

Mr. Jonna – No. I will see you all soon.

Chairperson Parel – All right. You've got Dave and his crew if you need anything from us.

Dave Campbell – I will remind Mr. Jonna too that the Township, the Zoning Ordinance and this Planning Commission have high standards for architecture and building materials. The hope is that this project would have an aesthetically pleasing high quality building. I assume you want the same thing.

Mr. Jonna – We sure do.

Chairperson Parel – It's nice when somebody comes in with a new development, but we just don't like exactly where it is, and then they come back the next meeting to put it in a new location instead. We appreciate it.

Mr. Jonna – Thank you.

#### **ITEM I.2. COMMERCE BUSINESS CENTER – CONCEPTUAL REVIEW**

Conceptual review of for-sale light industrial condominium suites upon approx. 16 vacant acres comprised of five undeveloped properties on the south side of Maple Road, east of Beck Road. PIN# 17-33-176-001, 002, 003, 004 & 17-33-251-001

Dave Campbell – So just to help everybody get their bearings. This is the south side of Maple Road, east of Beck Road and it's a collection of five properties, just north of the campus of Walled Lake Western High School, and also next door to that, the Walled Lake Consolidated Schools bus garage. What Mr. Park is hoping to get some feedback from the Planning Commission on is something comparable to what the Planning Commission saw back in October of 2024, which is a collection of for-sale light industrial condominiums. Four of the five properties involved with the project are zoned Industrial, so the zoning is consistent with what Mr. Park proposes. Some significant differences from what you saw back in October is there is one point of access and the reason that's relevant is because with this iteration of the plan, all of the light industrial suites would be fire suppressed. That was a big part of the discussion last time around with the Planning Commission, with the Township Supervisor, the Fire Chief and the Fire Marshal, was whether the units were required to be fire suppressed relative to the two points of access that they were trying to get. We had a lot of back and forth on that one. And so, what Mr. Park is now coming back with is one point of access, but with fire suppressed units.

I know one of the things that Mr. Park wants to discuss specifically this evening and get some feedback on from the Planning Commission has to do with the buffering of these units. Because these properties are zoned Industrial and are proposed to be developed with an industrial use, the landscape standards of the Zoning Ordinance require a buffer yard. Anytime you have disparate zoning, there's a buffer yard requirement. And when

it's Industrial to single-family residential, which is what the Walled Lake Western campus is zoned, There is a 50-foot buffer yard E. The E designates how wide it needs to be, which is 50 feet, but then also the nature in which it is to be landscaped. The alternative to a buffer yard E is a 25 foot buffer, but with a 6-foot masonry wall, which as you can imagine is quite costly to construct, and then costly to continue to maintain. The Planning Commission does have the authority to deviate from those buffer yard standards where they deem fit.

I think Mr. Park's request is that the Planning Commission consider that 50-foot buffer yard because while the Walled Lake Western campus is zoned single-family, obviously it's not developed single-family. It's developed as a high school. If we go back to the aerial, it's the portion of the high school, the tennis courts, the baseball fields, and then the bus garage. So, Mr. Park is asking if the Planning Commission agrees with the logic that the 50-foot buffer yard is not warranted in this case because you're going to be buffering these light industrial suites from the campus of the high school as opposed to a single-family neighborhood.

The suites themselves would be self-contained with a man door in the front and an overhead door in the rear. They'd be, as I say, for-sale condo units. They'd be sold primarily to startup businesses and folks who need extra commercial space. And then one of the key aspects of the proposed layout is that there would not be any outdoor storage proposed. Mr. Park is well aware of outdoor storage and the concerns the Township would have with that. So, these are all meant to be contained, and any activity that goes on would go on inside of the suites.

So again, looking for some Planning Commission feedback on what's being proposed. Included in your packet are some conceptual elevations. As I mentioned, man doors in the front, overhead doors in the back, flat roofs. And then also one of the things we want to talk about is the buffering from the Michigan Airline Trail. This is a rendering of what Mr. Park envisions along the Airline Trail side of the property. I'll go back to the aerial. Here's the Michigan Airline Trail running across the front of the property. It used to be the railroad, now it's our very nice rail trail. In an effort to create a nice screen buffer between the rail trail and the proposed suites, Mr. Park is showing a rendering of a privacy fence with some landscaping to create that buffer. I think part of Mr. Park's logic would be if he's going to invest in screening and buffering, do so along the rail trail, not so much along the tennis courts, the outfield and the bus garage of the Walled Lake Western campus, and just keep this natural with the existing tree line along the shared property line.

Mr. Park did provide some pictures that we can pull up of what that tree line looks like just so the Planning Commission has some appreciation of what type of vegetation is currently creating that existing screen. I know once we talk about the proposed light industrial suites, I know Mr. Park has another idea with the property that he wants to bounce off the Planning Commission before he moves too far ahead with anything. So, if everybody's agreeable to it, we can start with a discussion of the industrial suites and then shift gears to Mr. Park's other idea.

Chairperson Parel – Sounds good to me. That's why we're here, to bounce some ideas off each other. Dave, one point of clarification; you mentioned the majority of the acreage that's being assembled is Industrial, but one 3-acre parcel is ...

Dave Campbell – Yes, thank you for reminding me of that. I can pull up the zoning map in a moment, but this triangle here is zoned B-2. So, everything to the west where he's actually showing all the new buildings is on portions of the property zoned Industrial. But

really the only thing that would be on the portion zoned B-2 would be the driveway access and then one of the detention ponds.

Chairperson Parel – Got it. Maybe we can give Mr. Park an opportunity to present and dive in a little deeper on some of those details.

Dave Campbell – And while he presents, I'll pull up the zoning map.

Mr. Park – Thank you for your time. I have been building in this area for 45 to 50 years. I've probably built 300 houses very close to this site along the Benstein, Maple and Pontiac Trail area. This is a peculiar shaped parcel, and we've tried to come up with all kinds of different ideas to build. It is zoned Industrial and this is the softest use of Industrial. The other industrial buildings multi-tenant that I'm involved with end up being karate studios, dance studios, Pilates studios, some small businesses, but nothing of any real industrial type of uses.

I anticipate that there'll be some plumbers, electricians, but probably many more man caves on these uses. You have all these lakes around here. These people have small lots and lots of stuff. So, that is the people who've been contacting me. And part of the lag time is I was pursuing some other ideas as people had continued to contact me about using this as small offices and for man caves and different types of small businesses. Really my hope when I put together this was that these small businesses would end up being work study for the high school. You basically can't get into, there's a few openings, but not to meet the need of the kids who want to go to vocational school today. You got the school up on Beck Road, but it does not get the capacity.

I took some pictures along the property line to show that the buffer already exists along the property by the school. Interestingly enough, actually just today, I sent the pictures to Dave, I drove into the bus garage and realized they were using outside storage and they got all kinds of trailers and pallets and plows and they got mounds of things backed up to this property line. You actually can't see it because it is buffered so well at the fence line.

Dave Campbell – Dennis, do you want me to pull up those pictures?

Mr. Park – Please.

Dave Campbell – I'm just going to go in order and you tell us what angle we're looking at.

Mr. Park – This is all along the bus garage property line. My property is clear. It is all along their property line. The elevation changes about 16 feet, which is why we stepped the buildings up as we were going. This is the property line from the other side. So, you're looking at the trees on previous photographs, and now you're looking from their side. There are hundreds of feet of collections.

Dave Campbell – So, the thought would be to preserve most if not all of that tree line and use that as a buffer between the school property and your project?

Mr. Park – Correct. We'll have to do some plantings to enhance, but basically we're restricted to somewhere around 10 feet for the geometrics that we have to satisfy the Fire Marshal and all the other setbacks that are required. It's a very challenging site.

Dave Campbell – Dennis, maybe a question. Your narrative references 91 units, but if you actually count the units on that plan, it's 79.

Mr. Park – No, there's 91. On the far west end ...

Dave Campbell – On that plan, if you count the rectangles, it's 79, but the ask is for 91.

Mr. Park – The plan is this plan. I thought there were 91.

Dave Campbell – That's 79.

Mr. Park – There's three units, the three big buildings are 26, 26, and 27.

Dave Campbell – They're not though, they're 23, 23, 21, 9 and 3.

Mr. Park – Okay, well when we laid it out, I thought it was 26, 26 and 27.

Dave Campbell – I'm just trying to make sure we're on the same page as far as the number.

Mr. Park – That would be the general plan, however the numbers shake out.

Dave Campbell – And the bulk of those units are 1500 square feet?

Mr. Park – Yes, and all the units are 25x60. Now once we do the engineering with some of the new things that Jay came up with, we'll have to figure out how we're going to allow for those. We have always built these buildings before with one sewer lead and one water lead, and then branch them from that inside the building. It helps prevent frost and a lot of different things. Jay's new idea is that because they're almost singly owned, because I want them to be condos. The units that I have that are rentals, I always found it disturbing that these people would do all these fancy buildouts, and then their business plan would change and they would abandon hundreds of thousands of dollars' worth of work they had done. I was the beneficiary of it, but it didn't make sense. It wasn't fair.

So, I wanted these to be condos. Jay, under that interpretation of it looking like single-family, I'm not sure exactly how he got to it, but he wants a separate sewer and water for each unit.

Dave Campbell – It comes down to how many times does the water and sewer main have to be tapped. I think what Mr. Park wants is for each building to have its own one tap and to have it branch off in there, correct?

Mr. Park – Well, you'd still pay for taps for each one of them, but you'd branch it from inside the building. It's only going to create issues for me and for construction down the line.

Dave Campbell – Understood. And this isn't really the Planning Commission's domain, but the way the water and sewer ordinance reads, each unit, if they are owner-occupied units, or for-sale units, each unit has to have its own dedicated tap at the main. So, instead of having one tap for a 27-unit building, there would be 27 taps for that building.

Mr. Park – But the sewage is charged based on water usage anyway.

Dave Campbell – So, these are ongoing discussions that Mr. Park is having with Mr. James.

Chairperson Parel – I have a question. We're all familiar with the similar project.

Mr. Park – Similar would be a very good word.

Chairperson Parel – Are you familiar with it?

Mr. Park – On Oakley Park.

Dave Campbell – Very comparable, with at least one key distinction being those are going to be for-rent and Mr. Park is looking at for-sale.

Chairperson Parel – But these would be units in which you foresee a tradesman taking on a unit, operating a plumbing business out of it for instance. The gentleman who has the other development has a mix of uses. The majority of his uses were smaller warehouses.

Dave Campbell – That other project is two phases. One is strictly storage, cold shells basically, and the other phase is very comparable to this.

Chairperson Parel – And the one that's comparable was the smaller phase.

Dave Campbell – Smaller, but not by much. Pretty close to being half and half.

Mr. Park – I'm not that familiar, but just from what I saw, that was really an oversized mini storage. These can be some of that with people storing their boats, cars and RVs, and then using them as man caves.

Dave Campbell – But these are climate-controlled, they all have bathrooms.

Mr. Park – Yes. It's a nicer unit than what I saw from their renderings.

Dave Campbell – Another important distinction with that project is that those properties are zoned TLM, Technology and Light Manufacturing, whereas these properties are zoned mostly Industrial, with the exception of the triangle which is zoned B-2.

Chairperson Parel – Is that the rationale behind requiring fire suppression in each unit, or is that due to the fact that there's only one access point?

Dave Campbell – It's due to the geometry of the properties and the fact that you couldn't get two driveways that were separated by enough distance. They call it the remoteness requirement.

Mr. Park – It's a 50% rule. At one point we had negotiated with the school to come in the back end of their parking lot, which would have satisfied the Fire Chief. A lot of that rule is up to the Fire Chief and communities interpret it differently. A community that I'm

familiar with west of here just allows a boulevard entrance to meet that criteria, but that's strictly at the discretion of the Fire Chief.

Dave Campbell – Yes, we had a lot of discussions about that topic, and whether or not these units need to be fire-suppressed, or whether there could be a second point of access to meet the IFC.

Chairperson Parel – Okay, we'll go down the row here and see if anybody has any questions or comments for you.

**Commission Comments:**

Bearer – I don't have any questions at the moment. I might if you come back.

Winkler – I have a few things to bring up. David, can you bring up the site plan? Do you know what the width of the Michigan Airline Trail is?

Dave Campbell – It's 50 feet wide.

Winkler – I'm looking at this rendering and the petitioner's site plan. The site plan shows the screen fence on the property line, along the MALT trail, and if I'm reading the site plan correctly, all of those plantings that are on this rendering would be on the MALT property and not on the petitioner's property. That's one question I have.

The second thing is, I can see on the north and south sides of the buildings that there's parking, but between the rows of buildings, it looks like these elongated parking spaces. I'm not sure what those are. Are they intended to be for backing up a cube van or a semi or something through the overhead doors?

Another thing is, we at the Planning Commission talked about a couple of the more recent Industrial storage facilities that might be proposed, and one of the concerns I brought up is making sure all these parking spaces don't end up full of dilapidated, unused vehicles that are just sitting there for months or years at a time. That would be something that would be negotiated between the owners of the individual spaces, and the owner of the property to make sure that we don't end up with that situation.

Then, the other thing that comes to mind is, I understand where the developer didn't want to put in a second drive into the space, but that northeast corner might be a good location for a second entrance to the site, simply for convenience of the owners. It's something the petitioner might want to consider.

My biggest question is what are those elongated spaces? What is the intent, because if you end up with a bunch of trucks, there's not enough space to get the trucks out.

McCanham – If you look at one of the renderings here, it's got parking spaces with two lines between each parking space.

Mr. Park – The parking spaces will be 9 feet wide.

Winkler – I was just wondering what they are.

Dave Campbell – The question is how will these spaces, leading up to the overhead doors, how will they be utilized? Will there be trucks parked there, for the evening and so forth? Is that the intent?

Mr. Park – The amount of trucks, the amount of people who are going to use trucks, and you're going to have some businesses, plumbers, electricians, whatever that have trucks; that will be minimal. I would suspect the amount of traffic that those have will be extremely limited. You can park cars, I don't care if you're in Bloomfield Hills or Oakland Township, if a car has a license plate in your driveway, there isn't a damn thing you can do about it. If it's abandoned, it's sort of alluded to, and it doesn't have a current license plate, then it's not allowed.

Winkler – Well, I live very close to this and I'll be driving by this place to make sure those cars aren't sitting there for months.

Mr. Park – They have to have current license plates and current tabs, otherwise by definition they're an abandoned vehicle.

Winkler – Those are my comments, Brian.

Phillips – When we reviewed this initially, I thought it was a good use for this property. The big concern was access for fire control. I think you've addressed that with fire suppression. With respect to deviating the buffer along the school property, I don't have a concern with that. I think Brian raised a good concern about the buffering along the Michigan Airline Trail.

Mr. Park – This is what I'm hoping on the Airline Trail, and I haven't quite baked it through my mind. I am not allowed to go onto their property and plant material. It's not my property. So, really what I was hoping, and I've got to sort it all out with you and the Board, is to move the fence back a couple feet. They don't mow. All they have is weeds right now on their property between myself and the actual beaten down trail. They don't mow that. The idea is to move my fence back a couple feet and then use some low shrubs. I'm limited because of ITC above me. I have an easement with them and I shared that. I'm limited with what plants I'm allowed to put in that area. That's what I thought would be the best solution in the overall scheme.

Phillips – Okay, I'm fine with that. Thank you.

Loskill – There's a number of inconsistencies between what's written and what's drawn. If you're showing the decorative light fixtures on the front and back, yet the description calls out for wall packs. There's a gray rectangle that looks like a door, yet it says there's no man door in the back. Can you tell me what those are supposed to represent?

Mr. Park – There is a man door next to it. Some of the language that I put together wasn't real ... What I wanted to do tonight was to get a feel, having not been here for a couple years, and my biggest concern, quite honestly, was the 50-foot buffer next to all of the outside storage that the bus garage had, and how big an issue that was going to be for the Planning Commission.

Loskill – I noticed you have the road pushed right up to the property line. If you want to save all those trees ... Those trees, including their canopies, do they reside completely on the school property, or do they overhang yours?

Mr. Park – There are two trees that are still on my property line. I went down in those trees last year and cut the roots in place, which is how I know how to do it. More times than not, you will save the tree if you cut those roots and leave them in place. The tree will learn to live without those roots over a couple years, and feed off the other roots that are going onto the school property. I've done it successfully.

Loskill – As an architect, I have seen people do that and a lot of times they kill the trees. That's my concern. I'd like to make sure that, by putting that road so close, you don't destroy the property you say you're saving.

Mr. Park – What I thought you were referring to, there's a monster oak tree that is actually on my side of the property.

Loskill – No, I'm talking about you said you're going to leave the trees on the school property and use them as a buffer.

Mr. Park – Yes, I don't believe their roots will be affected.

Loskill – Normally, the tree roots approximate what the canopy is, and it looks like an overhang of the canopy onto what would be your property. If you go through and pave over those areas, there's a good chance you'll kill all the trees, so I would just take that into consideration when you're looking at your landscaping. One of my big concerns is aesthetics. I really don't find this attractive. I think it's as cheap as you can possibly make it. There's very little landscaping proposed. I think it's not nearly as nice as the one that's going on Oakley Park where they've used multiple materials, lighting effects and upgraded landscaping. I would like to see something more along those lines than nothing but metal panels.

You're proposing lights on the back of the building. Are we going to need a cutoff so that those aren't illuminating the Airline Trail at night? Are they going to be set on timers and how is that going to be controlled? One of the things you mention in your writeup on elevations is that you're using single phase power. I think you're going to find that a lot of your tenants are probably going to want three phase power because if they're tradesmen, they may have 240-volt tools. That's something you may want to look into. You mentioned putting mezzanines in the building. Realize you're limited by code to the size of the mezzanine in the building before it gets reclassified as a two-story building. Just as a note, your rear elevation is shown backwards so you should probably get that flipped around.

The only other comment I have is the width of the road. Considering there is one way in and one way out, I would look at having the access road at least 26 to 27 feet wide so that you can get cars into the property while you have a fire truck or an emergency vehicle parked there.

Mr. Park – We actually went through with the Fire Chief to show his criteria of his 75,000 pound 70-foot whatever truck. He gave us the specs for the biggest truck.

Loskill – Right, but just because you can get the truck through there, doesn't mean you can get a car past it if it's blocking ... If you have an emergency vehicle parked there on a 20-foot road, you can't get a car past it. Since there's only one way in and one way out, you could very easily lock people into the development, depending on where the emergency occurs.

Mr. Park – He was very specific on which areas he wanted no parking on that side of the street, and wanted the signage to indicate [inaudible] ... How often the signs had to be there, but he made it clear that was going to be his [inaudible].

Weber – I like the concept. I like the use. I think there is a need in the Township for this type of use. I don't have an issue with the property line and the school, and lessening that buffer on the school side. I think the elevations you showed us two years ago looked a lot nicer than these, so I'll echo a little bit of Joe's comments. My personal preference, I think that was a nicer looking concept. I will be interested to see how the buffering and the screening goes along the Airline Trail. That's obviously important and I think Joe makes a good point on the lighting over that. We don't want it to be intrusive. I do think the three phase is something that is going to be needed by the customers you're looking for. To Brian Winkler's comment, I don't think we can put a second entrance up closer to the northeast because that's too close to the crosswalk for the Airline Trail. I think it would be dangerous.

Mr. Park – The Road Commission won't approve that.

Weber – Okay.

Mr. Park – You talked about the traffic study. I spent a tremendous amount of time out at the Road Commission doing a traffic study, and they embellished to me, and the takeaway was that we were going to have to convert Maple Road to 5 lines. Well, you could never make it any bigger than that. So, needing a traffic study wouldn't seem necessary.

Weber – Overall, the property is zoned Industrial. In thinking of everything I could think of that could go onto Industrial, I think I would rather see a project like this over a lot of other things that could go in there.

Mr. Park – Thank you.

McCanham – I got nothing.

Chairperson Parel – I also have nothing to add. Did we answer your questions?

Mr. Park – My biggest question, which you did answer or I'm comfortable with is the 50-foot buffer along the school bus garage. As far as the plant material, when you get further west, even though it's a parking lot, we need to do some landscaping up there and it will be done. The areas that make sense to put the landscaping in, it will be beneficial. Also, along where the pond is, next to the walking trail at that corner, will be a nice place to spend some money.

Dave Campbell – We like spending your money.

Mr. Park – Well, sometimes it makes sense, including that corner of that building. We could make that building look the best. The problem with the old plan was the requirements from the Fire Chief to have a pitched roof was literally millions of dollars' worth of dry chemical fire suppression.

Dave Campbell – With respect to the 50-foot buffer yard along the south property line, I haven't heard anyone say they would be opposed to reducing that, given what's on the other side of that line is the school campus.

Winkler – No issues here.

Dave Campbell – Dennis, did you want to bring up your other idea, or do you want to go home and watch Monday night football?

Mr. Park – One of the interesting things about Monday night football... One of the things they're doing is they are now using AI to review the films of football teams. It normally takes 4 days. They can review the entire films in under two hours. Anyway, one of the potentials here is these IT kids may come here and fill part of the place. That was part of the inspiration of coming back here.

The other idea that Dave and I talked about, after I was sitting with Mark Kassab and Mickey Shapiro, and they said I can't believe you got them to vote on zoned Industrial next to our apartments. They said they'll never do multiple. So, Dave and I were talking about it and I said what if I came up with a plan that had some ranches, would the Planning Commission entertain that because it's so ideal next to the high school and the elementary school. They could walk down the trail to the grocery store. And many of these people would then only need one car. It really is ...

Weber – I'm not a fan of putting residential here.

Mr. Park – And I've heard that time and time again, which is why I continue to move forward here. This was a unique site and you can't do it as single-family. I've played around with that, because of the configuration, it's just not possible.

Dave Campbell – So, you envisioned these being for-sale condominiums?

Mr. Park – I would hope that I could do some 4-unit buildings with 50% ranch, 50% townhouses, to get some people out of their homes in the Commerce/Wolverine Lake area, and that those homes start to be available for younger families. They have nowhere to go, that's why they're not moving.

Dave Campbell – It is relevant, so I'll ask again. Do you see these being rentals or for-sale?

Mr. Park – It would all be owner occupied.

Dave Campbell – Mr. Weber chimed in. Anyone else have opinions on a for-sale residential product? It would require the property to be rezoned.

Chairperson Parel – And George, why don't you like it? I'm curious.

Weber – Personally, I think there is a greater need, whether it's vocational, trades or small business. We have very little Industrial zoned property within the Township. I think that the overall use and intensity and traffic would be less in something like this. We hear everybody that comes to us and says, we're going to do this and it's only going to be one car and they don't drive as much. But every stat says, they all have two cars and

they all drive just as much. I'm in that age group, I'm in that demographic and I'm not giving up my vehicle, and my wife wouldn't give up her vehicle. Those are my primary reasons.

Chairperson Parel – And it's already zoned Industrial, and master planned same. Any other comments?

Phillips – I agree with George.

Mr. Park – I appreciate your discussion. It clears it up. I have been told that multiple times. I still had a hard time getting it through my brain, but as hard as my head is, it better get through it.

Chairperson Parel – Thank you for coming out. You've got Dave and his crew.

Mr. Park – Dave has been a pleasure, everyone has. Bethany has been on it, she has been very organized.

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

None.

**K: PLANNING DIRECTOR'S REPORT**

**NEXT REGULAR MEETING DATE: MONDAY, OCTOBER 5, 2026, AT 7:00PM.**

Dave Campbell discussed the following items that may be on the October agenda:

- The Wingate Preserve site condominium that goes along with Conditional Rezoning, as Mr. Weber told us, that got approved, and then reapproved by the Township Board. They made some tweaks to their layout. They were not huge and I think for the better, but they were enough of a change that it had to go back to the Township Board. They now have to come back to this Planning Commission and to the Township Board with their condominium site plan that would be very consistent with the Conditional Rezoning plan that this Commission and the Township Board already approved for 142 single-family homes on 75 acres at the northeast corner of Commerce and Carey Roads.
- The PUD at the southwest corner of Union Lake and Wise; They are hoping to have a public hearing on their PUD with the Planning Commission at that October meeting. This is for the grocer, the two restaurant retail buildings and the car wash with the 50-acre donation to the Township of most of the former Union Lake Golf Course.

Chairperson Parel – Last we spoke regarding the Union Lake and Wise project, I think the type of grocer they're considering for that property was really a trigger for a lot of the folks up here to move toward supporting, and I think when we had the conversation with the developer, we were working on ways to ... I don't want to say guarantee, but let's make sure that happens. Has anything taken place?

Dave Campbell – The Township Attorney and the developer's attorney are working on the terms of the PUD agreement. One of the things we were looking for within that agreement is a commitment that on opening day, it will be a grocer. Now, what they were saying, and I understand is, we can't guarantee what's going to happen 5, 10 or 20 years from now. What they will guarantee is that, at least on opening day, it will be a

grocer. That's as much of a commitment as they can make, given nobody can know for sure how successful a grocer will be at that location.

Chairperson Parel – I'm interested in talking more about that offline; what does that mean, Day 1 it will be a grocer?

Dave Campbell – As I'm sure you can imagine, it's a huge investment to open a grocery store. It's not just a matter of building a box. They've got all the cooling equipment, the refrigerators, and all the things that go into building a grocery store. So, it's not anything that anybody invests in foolheartedly. Again, if the market dictates that a grocer can't work there, and 5 years from now it has to be repurposed as something else, they want to have that option.

Chairperson Parel – My question is, are we requiring it?

Dave Campbell – We are.

Chairperson Parel – Are we saying that we're not going to allow you to open anything until the grocer is open and operating?

Dave Campbell – I'm sure it will open in phases. I don't know that there's going to be one opening day for everyone in the development. They physically have to open a grocery store, but we can't force them to keep a grocery store open.

Chairperson Parel – I get that. I just can't wrap my arms around how we force them to open it.

Dave Campbell – Because they would be committing to it within a development agreement.

Chairperson Parel – What if they can't get anybody in there?

Dave Campbell – Then they're not meeting the terms of their development agreement and the whole project doesn't move ahead.

Chairperson Parel – What if they've already built the building and opened the car wash?

Dave Campbell – They shouldn't build any buildings until they know they have a grocer tenant secured.

Chairperson Parel – Appreciate it.

Dave Campbell – (Potential October agenda items continued)

- Oakley Park; the aforementioned light industrial suites. That is a Special Land Use within the TLM zoning district, so we will be having a public hearing for the Special Land Use and site plan for that project on the south side of Oakley Park between Martin and Haggerty.
- The lakeside accessory structures, the text amendment to the Zoning Ordinance, that would allow limited accessory structures between the house and the water.

- Finally, we may or may not see Lowe's. If you recall, a couple years ago you approved an outdoor sales and storage display plan for Lowe's. They have not been adhering to that plan. They were issued citations for not adhering to that plan. Depending on how they respond to those citations, we may escalate to the consideration of rescinding their site plan approval. That is a process that has to go through the Planning Commission. The Zoning Ordinance specifically says the Planning Commission has to first work with the operator before rescinding their site plan approval for the outdoor storage and sales. So, working with them might depend on how they respond to these citations. We may bring Lowe's in here for the October meeting to discuss the potential of rescinding their approval.

**L: ADJOURNMENT**

**MOTION** by Loskill, supported by Phillips, to adjourn the meeting at 9:16pm.

**MOTION CARRIED UNANIMOUSLY**

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Joe Loskill, Secretary