

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

Monday, November 6, 2023
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
Bill McKeever
George Weber
Sam Karim
Brady Phillips

Also Present:

Dave Campbell, Township Planning Director
Paula Lankford, Planner
Mark Gall, Township Fire Marshal
Randy Thomas, Insite Commercial
Debbie Watson, DDA Director

B. APPROVAL OF AGENDA

Dave Campbell – The gentlemen who are interested in Item I1, I don't see them here yet. Maybe give them a few more minutes by flipping I1 and I2.

MOTION by Loskill, supported by Phillips, to approve the Planning Commission Regular Meeting Agenda of November 6, 2023, with one change; to hear Item I2 before Item I1.

MOTION CARRIED UNANIMOUSLY

C. APPROVAL OF MINUTES

MOTION by Winkler, supported by Loskill, to approve the Planning Commission Regular Meeting Minutes of October 2, 2023, as written.

MOTION CARRIED UNANIMOUSLY

D. UPDATE OF ACTIVITIES

Bill McKeever – Zoning Board of Appeals

- We haven't had an agenda since our last meeting.

George Weber – Township Board of Trustees

- We had a Trustees Board Meeting on October 10th. The following are some items of note from that meeting.
- We had two public hearings and we approved two resolutions associated with the Fire Department SAD, and the Police SAD for 2024.
- Regarding the Fire Department:
 - We concluded our negotiations. They have ratified a contract, and the Board has approved it for the next 5 years; I think it is good for both sides of the table.

- A key element of the discussions and negotiations centered around the Township encouraging more paramedics. Therefore, beginning in early 2024, the Department will start to become an ALS Department. We will have more control over life-saving visits, which will improve response times and overall will be a significant benefit to the community.
- We will have a period where we will be phasing into this. At the end of the day, we'll probably have two fire stations that will have full ALS capabilities serving the community.
- We are also encouraging folks financially and through education, all of our Fire Department personnel, to give them the opportunity to become paramedics. That's going to be a great thing for our Fire Department and our Township.
- We approved the snow removal SADs, Township-wide, with two separate contractors.
- We adopted the ordinance and the changes regarding sidewalks; how we will maintain those and how we'll be moving forward with the overall work that the Planning Department has done on trail ways, continuing with the focus on nonmotorized transportation and connectivity through the Township.
- We approved a generator for the Library. It's a good time to do that. If we continue to have power outages like we've had in the past several years, it will be a location where people can go to charge their cell phones, to stay busy, and also to stay out of the cold during business hours.
- We approved a snowplow for the Fire Department.
- We approved a new concession agreement for the 2552 Wixom Road property, the old horse farm.
 - The new concessionaire will not only keep a strong equestrian presence, but they will also be instituting a community garden. They plan to have Farmer's Market days.
 - It will be much more of a community property than just a horse-specific property. We're looking forward to that.
 - They did have an Open House, where they had over 400 people attend on fairly short notice.
 - They will have an event in December, and then they will kick off a large slate of activities in the springtime.
- Lastly, it is Township budget season. So, in addition to budget discussions during regularly scheduled Township meetings, almost every Tuesday we're having special meetings to discuss and approve budget items.

Brian Winkler – Downtown Development Authority

- I can summarize the October 17th DDA meeting as follows.
- 5 & Main Update: Bruce Aikens gave his quarterly update to the DDA.
 - He said leasing activity continues. He estimates that about 75% of tenants will be national companies, and 25% will be smaller, neighborhood type businesses.
 - The residential portion of the project will start in the spring, with a ribbon cutting planned for March.
 - He will give the Township Board an update at their December 12th meeting.

- Attorney's Report: Significant work has been completed on the utility easements for the 5 & Main development. The DDA Board made a motion to approve the development and installation of utilities associated with the 5 & Main project, whose construction costs will be borne by the developer.
- Insite Commercial Update: Parcel J1 – A full price offer, with a Letter of Intent (LOI) has been received from a buyer proposing two 6,000 square foot boxes in the northeast corner of the parcel. The DDA approved the execution of the LOI at the meeting. The PC will be reviewing this project on a preliminary basis tonight.
- The Outrun Hunger 5K event is scheduled for this Saturday, November 11th.
- The DDA is looking for a new member to replace Susan Spelker, whose last DDA meeting was October 17th. Susan will be missed.

Jay James – Building Department

Chairperson Parel – Dave, I know we don't have Jay here, but any Building Department updates?

Dave Campbell – I don't have anything Building Department specific that Jay told me to relay. I know Cooley Lake Road is back open.

Chairperson Parel – What about Oxbow?

Dave Campbell – That will go all the way through November. I don't know the details. I talked to the Manager for the RCOC, it was always potentially scheduled through the end of November, and on that one, they ran into some issues. They will need the full duration of the project.

E. PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

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

No comments.

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

F. TABLED ITEMS

None.

G. OLD BUSINESS

None.

H. SCHEDULED PUBLIC HEARINGS

None.

I. NEW BUSINESS (5)

Item I2 was moved up, with Item I1 to follow.

ITEM 12. SW CORNER OF PONTIAC TRAIL AND WELCH ROAD – CONCEPTUAL REVIEW

Randy Thomas of Insite Commercial, on behalf of property owner Bradley Thomasma, is requesting a conceptual review of a mixed use retail/office building with drive-through located on the southwest corner of Pontiac Trail and Welch Road.
PIN#'s 17-26-278-011 & 17-26-278-021

Dave Campbell brought up the proposal on the overhead and gave a review.

David Campbell – The first of our two conceptual discussions tonight is for the southwest corner of Pontiac Trail and Welch. Both concepts are similar in several ways. Both are on the southwest corner, both are a little more than two acres, and both are seeking multi-tenant retail with a drive-through use.

On this corner, we are actually talking about two properties. The corner property with the existing house, and adjacent to the west is this undeveloped property. These would be assembled and redeveloped. The house would be demolished, and the proposal is to replace it with a 2-story building with multi-tenant retail on the ground floor, and office on the second floor.

What you're looking at is the concept plan that was included in your agenda packets that went out last week Thursday. Today, Mr. Thomas, who is representing the property owner and the prospective developer, sent me an updated version, which doesn't have all the color. On the initial proposal, they did not propose a point of access along the west side of Welch Road. If you compare that to the revision, now there's two-way access proposed, which necessitated shortening the building. The square footage is now 8,600 square feet on each floor, down from closer to 10,000.

The properties are currently zoned single-family, but both are designated on the Township's Future Land Use Map as Neighborhood Business, or local business. That's a land use designation that's most consistent with the local business zoning district, or B-1 on our zoning map. To accomplish something like what is being proposed, the properties would have to be rezoned. They would have to be rezoned to at least B-2, our Community Business zoning district, because only in B-2 are uses like sit down restaurants, and more specifically, drive-throughs. So, the issue with B-1 zoning is that it only allows take-out type uses. It does not allow indoor seating for restaurants. It's meant to be low-intensity retail; bakeries, flower shops, barber shops, et cetera.

What the petitioner is likely to seek is at least B-2 zoning, which allows a sit down restaurant, but more particularly, the drive-through component.

What is being proposed is a drive-through that circulates around the building. The ordering station would be here, and the pickup window would be on the north side of the proposed building. Drive-throughs are permitted as a Special Land Use in the B-2 zoning, so even if they were to get the rezoning that they would need, they would also need to get Special Land Use approval for the drive-through.

Rezoning would require a public hearing before the Planning Commission, along with a formal recommendation from the Planning Commission, and final action from the Township Board. What would also be necessary from the Planning Commission would again be the Special Land Use for the drive-through.

The property owner for both properties is the Thomasma family, represented this evening by Bradley Thomasma, and he is being represented by Randy Thomas. I know Randy hopes to present this concept on his own behalf. In our preliminary conversations, we expected that the drive-through would be a point of conversation with

the Planning Commission. Like everything in Commerce Township, I expect that traffic impacts are going to be part of the discussion. Welch and Pontiac Trail is a busy intersection, and we would have to be smart with how we address traffic for whatever develops on this corner.

Lastly, in terms of relation to existing land uses, on the northwest corner you have the plaza with 7-Eleven, Happy's Pizza and Chase Bank, which notably does have a drive-through, and then kiddie corner is the quick serve oil change facility with the party store behind it. The Planning Commission may recall that we had a conceptual review about a year ago for this undeveloped property, which is zoned commercial, but the property owner was hoping to do a multi-tenant retail building with a drive-through. In that instance, the Planning Commission did have concerns with the drive-through, and I think those were mostly centered around impacts that a drive-through use at this location might have on the adjacent neighborhood/residential land uses.

I hope that gives the Planning Commission some context of what the concept plan is before you tonight at the southwest corner. I'll pause there to see if there are any questions for me. Otherwise, I know Randy and perhaps Bradley would like to address the Planning Commission on his own behalf.

Randy Thomas of Insite Commercial was present along with the property owner, Bradley Thomasma.

Randy Thomas – I appreciate you taking the time to go over this. I apologize for the late submission on the site plan. There's a reason for that change and I'll get to that. I'm sure all of you have driven by this corner for many years. It's that old white house that sat there for a long time. I think it was a daycare at one point, and senior living at another point. It's currently being leased out to two tenants. It's old and there's something that could look better on that corner. It's a corner of the Township that deserves some attention.

As Dave mentioned, the property is zoned R-1B; however, on the Future Land Use Map, it's future commercial. The drive-through; you're going to be seeing this in all submissions that are coming in front of you. It's the way of the world and tenants are demanding it. For the longevity of the center and keeping tenants, it's something that needs to be considered.

Having been in front of the Township on many projects, I think this is one we can make sense of. Traffic would be one of the concerns. I don't think this center is going to generate any more traffic than what would normally be travelling down the road.

Primarily, that route is a heavy morning traffic route going eastbound on Pontiac Trail to get onto M-5, or for those that want to avoid that, driving southbound on Welch Road. I think there's a logical argument that this is the morning side traffic. We would be pulling traffic off, but not necessarily generating more traffic to the site, and then regenerating the traffic out.

The menu board is going to be midway through the building on the east side, fronting Welch Road. We can screen any of the noise what would otherwise be caused to the residents to the south. Your pickup point would be on the north side, and traffic would circulate out. The reason why you have the second site plan in front of you is because I misunderstood something Dave had said. When I read his write-up, I said I would rather have a second point of ingress/egress. It works better for the site flow and I think the Fire Department would agree.

There's new technology that actually deflects the noise, so you'd have less of a noise footprint than you would normally have at a McDonald's or some of the older ones. The newer ones are more inclusive in their design to manage and maintain the noise. The drive-through here, I don't like how this flows. I think we will cause some confusion on incoming traffic who may be trying to make this turn. To direct the traffic, we'll lose four parking spaces here. We're over parked right now. We will put curb on the side and have directional signage to direct that drive-through traffic that comes in off of Welch Road. I don't believe we would be burdening any of the Welch Road traffic. I think most people coming out of the drive-through will exit right onto Pontiac Trail.

The proposed user we have for this endcap is coffee-oriented, and you can see, we do have provisions for some outdoor seating on the side.

I have a couple plans from a visual standpoint of two centers. This center sits at the corner of Maple in Orchard Lake. It has a Tim Horton's. You get an idea of the massing. I clearly understand materials that the Township and the Planning Commission like. We would be consistent with utilizing materials that the Township wants. It would be something similar to this and no EIFS or anything like that.

Dave Campbell – Do you know how big that building is? I'm trying to think of scale. Is that bigger than 8,600 square feet?

Randy Thomas – Yes. That is probably a 15,000 square foot floor plate. Ours is only going to be 8,000. We will scale it so it has the architectural features.

This one here is at Long Lake and Telegraph. Again, it's retail on the bottom and office on top. One of the questions you may have is what's going on with the office market and why would you do that? We're considering moving our headquarters to this space, and we do have another group that has talked to us that has been looking in the market. They would have interest in it as well. We're putting our money where our mouth is on this. We feel it's viable for the location. If it were much bigger, I would have concerns, but at this size, you're really talking about 3 to 4 retail tenants, and probably 2 to 3 tenants upstairs.

Dave Campbell – Randy, we know to make this happen, the property would have to be rezoned, and I think you've been a spectator to folks going through the Conditional Rezoning process. Could you see that being a route to go, with Conditional Rezoning, and maybe some of the conditions might have limits on the types of users within the retail center? For example, no vape shops, or no massage or tattoo parlors, the kind of places that sometimes are questionable.

Randy Thomas – I don't think I would want them as a tenant. I don't have an issue. I've been around this Township long enough. I get it and the last thing I want to do is bring that. There's one thing; I don't know if it's a flaw in the process. You can get through a rezoning, but in this case, you would have a Special Land Use, and so you have to go back and forth through the meetings. One thing I would like to bring up, and you might want to consider for further discussion, is if we go through the site plan, and you get the land use recommendation as a condition, the board may want to look at avoiding that gap. It's something I mentioned to Dave and maybe we can explore it.

Dave Campbell – It's something that has come up and we continue to discuss it with the Township Attorney. If the Planning Commission will recall Valvoline. When they wanted

to build a new oil change facility in the Costco outlot, they needed to rezone the property and it was a Special Land Use as well. What we said to them is, you don't want to go through the rezoning process only to have the Planning Commission turn down your Special Land Use. But they said no; they wanted to do it in order, getting a ruling on the rezoning, then coming back to get a Special Land Use. They understood the risks inherent with that. The Planning Commission recommended approval of the Conditional Rezoning, but specifically said in the motion, *do not take this to infer that we will approve the Special Land Use*. Valvoline proceeded to the Township Board on the Conditional Rezoning and the Trustees denied the Conditional Rezoning anyway, which was the end of their story.

What Randy is describing is that he would want to avoid a scenario where the rezoning gets approved, only for the Special Land Use to fail because that puts everyone in an awkward position.

Commission Comments:

Chairperson Parel – So the concept is that we would conditionally approve. We would make a recommendation on the rezoning, and then conditionally approve Special Land Use, assuming the Township Board approves the rezoning.

Dave Campbell – I think that is what Randy Thomas is asking for. I don't think it's necessarily a bad idea. I do want to confer with the Township Attorney who had some concerns with doing it in that sequence.

Phillips – Dave, is the Special Land Use solely because of the drive-through?

Dave Campbell – Yes. If this property were zoned B-2, both the office uses on the second floor and the retail uses on the ground floor would be permitted under B-2 zoning by right, but a drive-through is a Special Land Use.

Phillips – Okay, maybe it's a comment for later, but I know what was presented says that a drive-through is essential for success of the business, and based on the pandemic. I'm not sure that applies so much anymore.

Randy Thomas – It does. There are tenants right now ...

Phillips – They won't do it if they don't have a drive-through?

Randy Thomas – They're only looking for drive-throughs. Some of these older centers aren't going to be able to compete. I agree with you. I'm over the pandemic, and I think a lot of people are, but the fact is that the drive-through, and what that's done for a lot of businesses long-term, it has become a new reality. You'll see it in just about all of your-

Phillips – I also see other businesses that don't require that. There are a lot of places, in Novi for example, where you park, you go inside, you get your food and you leave. To have the sit down or outdoor seating, is that a Special Land Use?

Dave Campbell – No.

Phillips – Okay. So, I would just argue that the drive-through is not as critical as you're presenting, and that's probably one of the bigger issues with what's being proposed from my perspective.

Weber – One, I don't disagree with what you're saying. From a business owner's standpoint, a drive-through can leverage higher margins because you don't need the same personnel. I think that's part of the struggle that some businesses are having.

Phillips – I understand that.

Chairperson Parel – That's a good way to kick it off. I really don't have a preference here. Brady, do you have any other comments?

Phillips – Yes, and probably more so than the drive-through. Looking at the adjacent properties and the impacts on those residences. It's more with the undeveloped property where it's heavily treed. You've got people who moved into a sizable lot, built a home and they've got woods. What they're going to have next is a parking lot. They probably moved in knowing that the adjacent undeveloped property was residential, and it's a big difference having a house built there versus having a parking lot. I would be concerned about that. I know the proposal says heavily landscaped to protect that. I would be interested in what heavily landscaped means.

Winkler – If I go down my checklist, we have the sidewalks covered, no EIFS on the building, screening is needed. Randy of course knows the hoops that he will need to jump through as far as rezoning and Special Land Use. Hopefully the Planning Department can find a way to streamline that process.

I look at the fact that the project is using some underutilized parcels, and that the end result would be more tax revenue for the Township, versus the number of residences that could be on the site. One suggestion I would make, and this might assist the project in getting through the approval process of the adjacent residential landowners, is maybe look at having the building have more of a residential feel rather than office. That might help the situation going forward.

Karim – I'm looking at the floor plan and the entrance from Welch. I wish that you could find a better solution because it looks like it has been done in a hurry to present this. Right now, if somebody comes from Welch and wants to go through the drive-through, they have to go around all of the parking area to the front.

Randy Thomas – Yes. Sam, our intent in here is that we would lose parking spots and curb it on the north and south sides to direct that traffic, and then use directional signage.

McKeever – My concern is with the drive-through and circling the building. It's on a corner lot. It's a pretty visible corner. It makes it look like the Costco filling station at noon. That's what I envision when I see the site plan. I'm not saying I'm absolutely against it, but I'd have to see something pretty impressive that would sway me and convince me that a drive-through works on that corner.

Randy Thomas – Our intent, where that escape lane runs, is to bring the landscaping in where it will shield the cars and some of that lighting, and then pick that up around the corner with more landscape. I think that's the best way, and really the only way that you can do that. We've seen it done with screening, and it can be done.

McKeever – Yes, in that sense, I would have to be impressed.

Weber – Here's my concerns. To the west, south and east, for the most part it's single floor residential. I understand that the property there now is 2-story. With the elevations that you showed us, and maybe Brian's comments can help that, but those elevations would tower over the residential. That's related to B-2 zoning. If it was B-1, a bakery or a florist, it's a different animal to me. We've tried not to abut B-2 right next to residential. That's the intent of B-1 with some level of transition.

My second concern is traffic. I'm up and down this neck of the woods a couple times a day. During any of the rush hour peaks, if somebody is heading west on Pontiac Trail and they try to turn left there ... Right now, Pontiac Trail gets backed up from Decker, so sometimes you can't make it through the light if you're heading west. If somebody is trying to turn left in there as they're heading west, I see that as a concern. That could be addressed through the traffic study, but the traffic at that intersection is busy.

The other item comes back to the site being surrounded by residential. You've got a home due west, you've got a home to the south. Especially that corner lot to the south is now going to be surrounded by parking and traffic which isn't there right now. To the east, the homes would be negatively impacted by a B-2 or B-3 building of that scope.

Loskill – The drive on the north side; I think we should do everything we can to try to align it with the drive across the street so that two groups turning left don't interfere with each other. I like the drive on Welch, I think that's a great idea. I'm a little concerned about the turning radius coming out of the drive-through and whether somebody can get out of there and then back onto Pontiac Trail.

I'm not sure I'm a big fan of the drive-through on that side because you don't have enough room to do a serious landscaping effort. You could put a big concrete wall up there, but that's about all you have room to do. Are you going to put signs on the Welch side of this building, or just on the inside of the building? I'm sure the outside walls are going to be desirable, and an annoyance to the people across the way.

Randy Thomas – We're going to be sensitive to that. We would probably look at doing some monument signage for identification purposes. I wouldn't envision putting signs on there, and I don't think it would be approved.

Loskill – The examples are pretty plastered with signs.

Chairperson Parel – I think I agree with a lot of the comments that were made. There were a couple things for me that weren't detailed so much. In order for us to pass or approve the Special Land Use, there's like 7 or 8 requirements.

Dave Campbell – Eight.

Chairperson Parel – All right, there's 8 requirements, and two are pretty critical to me. One is that the development can't have a negative traffic impact, and the other is

documented and immediate need. I think those would have to be shown in order to get there. We're not going to solve that tonight, but it's something we have to consider. As to the two stories. I know this is preliminary, but I'm not sure the examples that you showed were the greatest. When you talk about 2-story properties at the corners of those major thoroughfares compared to this, but that doesn't mean we can't solve it with a nice looking building with a smaller footprint and a different design.

Randy Thomas – On the architectural aspect of it, we can definitely work on that. We have other things we can consider, such as doing gable roofs and different designs so it has a more residential feel to it. Again, these are just some examples that are out there.

Chairperson Parel – Making it more residential could be a possibility.

Phillips – George, I agree regarding the left hand turn off Pontiac Trail if you're going west. Can you control that and say no left turn entry into the property? People going in that direction, they could turn left at the light onto Welch and have a right turn in. There could be ways to address the traffic issues.

Dave Campbell – Ultimately, it's the Road Commission's road and what they allow in terms of access. I was just looking at the existing lane configuration and the existing striping. The driveway is proposed more or less in the center of the westerly property.

Randy Thomas – Yes, maybe a little further to the west.

Dave reviewed the site, traffic circulation, ingress/egress and stacking on the overhead as discussion continued regarding left turns, along with speculation on potential road modifications that might be necessary. The traffic study would look at these details.

Randy Thomas – We're fully aware that we would need to do the traffic study.

Chairperson Parel – Any other questions or comments? (None.) Randy, anything else we can answer for you?

Randy Thomas – I'll be back. I'm not surprised. I urge you to really think about changes in retail. I'm not the only one who is going to be doing this. This is happening in every single new development. As a matter of fact, what you're going to see happening is instead of bigger buildings, you're going to see two buildings on one site because they're trying to accommodate the drive-throughs for the tenant requirements. That's the trend.

Chairperson Parel – Thank you. I heard that the new footprint format for pharmacies is going to be tiny, and they're going to be drive-throughs.

Dave Campbell – What we've heard is that they're going to go to strictly a pharmacy and get away from groceries, cosmetics, and the knick-knacks you might see at a typical Walgreen's.

Randy Thomas – Yes, their footprint is getting to be 5,000 to 6,000 square feet with a drive-through. They have to have the drive-through. 80% of the money they make at drug stores is right through that pharmacy.

Also, as a former firefighter and paramedic, I think it's great that the Township is going ALS. It's those first few minutes that count for everything. If you can get a crew out there that is well-trained and understands that, it's great for the community. Good work.

Weber – Why didn't you keep your paramedic license up to date?

Randy Thomas – It is.

Chairperson Parel – Oh. Thank you.

ITEM 11. SW CORNER OF OAKLEY PARK & HAGGERTY – CONCEPTUAL REVIEW

Jon Semma of 356 Real Estate Co is requesting a conceptual review of a site plan for two multi-tenant retail buildings, each with a drive-through, located on the southwest corner of Oakley Park and Haggerty Roads. PIN# 17-24-228-036

Chairperson Parel – Dave, do we have the petitioner here?

David Campbell – I don't see anyone who looks familiar. I guess maybe there's two options. One would be to table this to December when the petitioners are here to speak on their own behalf and can hear firsthand the feedback that the Planning Commission is prepared to give. We do have representation here of the seller, which is the Downtown Development Authority. I might ask Deb to put on her DDA hat, and maybe Randy as the broker of the DDA.

Randy Thomas – Do you want 5 minutes and I can walk you through what they're looking at doing?

Chairperson Parel – Sure.

Dave Campbell – This is a revised version of the site plan that was included in the concept plan in the Planning Commission's packet. They sent this to us literally minutes after our agenda packet went out. I think Paula got this revised version to all of you. One of the things that changed was a reconfiguration, which I assume was to account for the pair of gas mains that run across this property and across southeast Michigan; DTE, formerly MichCon, gas mains that have a 75' easement over top of either of them. Essentially, you can't build a building anywhere in that easement. You can do parking, drive aisles and low height vegetation, but you can't have a building, light poles or trees. On the aerial, you can see the path this gas main takes on a big diagonal all the way to the west side of the state.

As I mentioned earlier, this is very similar to what Randy and his team are considering at Pontiac Trail and Welch in the sense of the size of the property, retail, and both buildings would have a drive-through on their endcap. The difference here is the zoning. The property is zoned TLM, Technology and Light Manufacturing, but it is also within the Haggerty Road Corridor (HRC) overlay. As the Planning Commission is aware, the HRC allows for land uses beyond those permitted in the base zoning, so long as you develop to the better standards of the HRC. We mean better layout, better architecture,

better building materials, landscaping, lighting and so-forth. That's the trade-off for the additional land uses allowed in the HRC.

Because this property is zoned TLM, what's being proposed, multi-tenant retail buildings, is not a permitted use. So, they would have to develop to the HRC standards in order to make a retail component allowable. Again, the drive-through, or in this case two drive-throughs are a Special Land Use in the HRC overlay. They would need both site plan approval per the standards of the overlay, and they would need Special Land Use for the pair of drive-throughs.

Next door on property J2, it was developed as Beyond Self Storage and has since been acquired by Public Storage. Keep in mind, when this site plan got approved for this facility, the Planning Commission required the potential for cross-access from their driveway along the south side of Oakley Park to whatever developed on this property someday, if cross-access made sense. One of the considerations with whatever develops on this property is whether we would want to take advantage of that potential for cross-access. If we did, it might be in an effort to eliminate or consolidate one of the driveways, either one of the pair of driveways proposed along the south side of Oakley Park, or the pair of driveways proposed along the west side of Haggerty.

I know Randy can address this on behalf of the DDA, and based on the conversations he and the DDA have had with these prospective buyers.

Randy Thomas – We've been marketing this property on behalf of the DDA. We sold J2 several years ago. This is outside of the 5 & Main development area. We've had umpteen gas station operators. Of all the inquiries, 80 to 90% were gas station operators. Most of them wanted alcohol as part of their sales, so that was the biggest turn off and we really never brought anybody before you.

This is an odd piece because of the shape, and because you have that big easement. It's a larger easement than normal. You can't move it and it's not going anywhere. They had one plan with the buildings up closer to the corner. I think that's where you run into the Meijer look with the back of a building facing a major road. They would have a hard time trying to figure out how to circulate a drive-through.

Those are two 6,000 square foot buildings. The one to the south, they had talked with the district operations manager for DQ and their intent is to put a DQ with a drive-through there. They have another drive-through on the building to the north. In our discussion with them, we asked them, if they got two drive-throughs, would they have a less intense use for the north drive-through, such as a bank or something. They said they would agree.

In looking at the site plan, Dave and I had talked to them about looking at and picking up that joint drive with Public Storage and improving that so you just have one access point. The RCOC will let them know that four access points is too much. I'm not sure this flows as well as it did on the previous plan. I just saw this myself this afternoon.

Dave Campbell – I was just thinking about how the dual drive-throughs would operate. If you came in from this entrance, I think your instinct would be to get into the drive-through here, but if you're trying to get to the DQ over here, are you stuck in the queue behind the other drive-through users here? The alternative would be to come in this way. I think both on this site, and back to the Pontiac Trail and Welch site, if drive-throughs are going to work on either site, they're going to have to work with some very intelligent use of pavement markings and wayfinding signs, because there's a lot of vehicles moving in a lot of different directions, especially on this site.

Debbie Watson – Is there an escape lane there?

Dave Campbell – No, there isn't a bypass lane. I was noticing that too. This is just a concept but the dimensions of it do not seem to show a bypass or escape lane.

Randy Thomas – No, that's 12-foot, so they've got to put another on there. It's heavily parked. I don't know if you will need all of that parking. I think the other plan might have flowed better.

Debbie Watson – When you say other plan ...

Randy Thomas – The first one they had that the DDA looked at and liked. This plan has everything moved up.

Debbie Watson – Was that as a result of the easement?

Randy Thomas – Yes.

Weber – That plan that's in our packet, not the revised plan, that seems more logical.

Debbie Watson – That looks a little better. I think a bank of landscaping got taken out between the easement and the back of the buildings.

Discussion took place regarding the easement.

Dave Campbell – This is the one that was in the Planning Commission's packet (on the overhead), and I think while this isn't necessarily dimensioned in a great level of detail, the backs of these buildings probably land within that 75' easement which is a non-starter as far as DTE is concerned. I assume that is why the buildings were pushed closer to the corner.

On this plan, they actually show the easement with the dashed line that meanders through here. They're staying out of that easement because they have to.

Chairperson Parel – So, without having the petitioner here, are there any questions we can shoot to Randy? It sounds like he will be speaking to them.

Loskill – I have questions.

Dave Campbell – I guess I'm interested both in Randy's opinion and your opinion. Does it make sense to have a conversation directly with the prospective buyer/petitioner, or Randy, do you want to hear what the Planning Commission has to say?

Randy Thomas – You guys are here. I'll take the 5 minutes and give them some general feedback.

Commission Comments:

McKeever – I realize that this is going to be a tough site, so I'm probably more open to this one. That, and the fact that it's not surrounded by residential.

Chairperson Parel – More open than the previous proposal?

McKeever – Yes.

Weber – I agree. The fact that it's not surrounded by residential makes it a little bit easier. I can wrap my head around it. I'm sure the flow can be figured out. I have two comments. The four access points seem excessive. I think if you eliminated the northern most access point on Haggerty Road, and the eastern most access on Oakley which could be combined with the self-storage. I think that helps to alleviate ... Haggerty gets backed up from Richardson, past Oakley Park at times. I think by eliminating those two access points, it might create better traffic flow around the drive-throughs and I can support how that would work. Somebody smarter than I will need to figure out the traffic flows for the drive-throughs, but limit the access points.

Loskill – Everybody kept saying 6,000, but the drawing says 5,000. Is 10,000 square feet being proposed, or 12,000?

Randy Thomas – The original buildings were 6,000, and I think they shrunk them down.

Loskill – I also noticed there is no delivery zone, if you have a bunch of restaurants in here... You have a big parking ratio with 130 spots for 10,000 square feet of building. That's a lot of spots and no loading zone for restaurants.

I don't see how you're going to get those dual drive-throughs to work. As people are exiting the northern one, they're going to be in the way of people stacking up for the southern one. With only 24 feet there, I don't think there's enough room to actually make that work.

I don't like that most of the parking is behind the building. People are going to have to be walking through the drive-through lanes to get to the fronts of the buildings. I think it would work out better if you stuck the two buildings in the corner and worked the traffic flow around it that way. I think it needs sidewalks along Haggerty and Oakley Park. You also need to find a location for a dumpster. There are some challenges left to work on this plan.

Phillips – I agree with everything everybody has said. Joe got into some issues that I didn't foresee, but personally, I like the idea of this type of development. I drove by that lot and it's unsightly as it is. And, I like the Dairy Queen.

Chairperson Parel – Documented and immediate need.

Phillips – I think there are some challenges but I would support that type of development.

Winkler – To remind the Planning Commission, most if not all of the offers that have been made on this parcel have been gas stations. What's being proposed here is far better than any gas station we've ever seen on this site. It's also an uptick from the surrounding properties because largely, everything west of Haggerty Road is pretty much industrial and one-story tenant spaces.

One thing I don't like about it is the 9' wide parking spaces. In many cases, the way parking is laid out, you'll be able to take advantage of the overhang on the curb which

would maintain the 18' depth, but the 10' width is something I would certainly like to see because I know firsthand the difference of trying to park something in a 9' space versus a 10' wide space.

I would suggest that at the extreme northeast corner of the site, you have diagonal parking in front of the two buildings, and if you wanted to snip off that northeast corner at a 45-degree angle, you could have parking, but also free up that corner for some greenspace; some landscaping, signage, something in a miniature sense of what was done at the Hyundai/Genesis dealership for the corner at Pontiac Trail and Haggerty. It became a little bit of a public space. I think you have the opportunity to do that, and at the same time, you'll lessen the amount of asphalt by a small degree.

Karim – There were a lot of comments made already. I don't have anything to add. Thanks.

Chairperson Parel – I thought about a couple things as this was coming in. I agree with Bill's initial comment that I would support this over the Pontiac Trail and Welch property. I think the concept works better here. I agree with what you said Randy, and what Brian reiterated, that all we see is gas stations here as that is what comes across your desk. It's not something we are looking for, and I would rather see something like this. They have to figure out how to lay it out.

It's interesting to me that the northern building may somehow be restricted to a less intense traffic use like a bank. Is it possible to limit it that way?

Randy Thomas – Everything is good in concept, until you deal with it in reality. Eventually, this building could get sold. How do you restrict in the future? It sounds good today, but I don't know what happens in the future.

Discussion continued regarding potential restrictions on the intensity of the use for the second drive-through.

Randy Thomas – Is there overall support so that I can get back with the buyer, that if he can figure this out, he could do two drive-throughs on there. I think in today's world he may agree to do some sort of lighter use, but look at reality in the future. I think the site is over parked, and the access points need to be reduced.

Dave Campbell – It seems some of the areas dedicated to parking could be better purposed for circulation, islands and so-forth, to better define the circulation through the site, and through the individual drive-throughs.

Randy Thomas – We will work with them on the plan. I will relay the information. Thank you.

ITEM 13. PLANNING COMMISSION BYLAWS

Dave Campbell – We review the Bylaws every year to ensure that they are up to date. This year we made some relatively minor changes. We added a reference to the State of Michigan's Open Meetings Act. We changed a reference from Planner to Planning Department. Otherwise, the intent of the Bylaws is unchanged. There was just a little bit of cleanup in there.

Phillips – This is my first chance to review them. I was looking at Page 3 and it talks about posting within 10 days of the meeting. Is that the meeting schedule for the year that gets posted?

Dave Campbell – The Planning Commission's meeting calendar, which we're going to look at in a minute, is ultimately approved by the Township Board. At their December meeting, the Board will approve the calendars for Planning Commission, Library Board, Parks and Rec, et cetera. Then yes, consistent with the Bylaws and also consistent with State law, we will post that schedule within 10 days of it being approved.

Phillips – My concern is more the communication with public attendees. They need to know when the meetings are, and I think the ones who are interested do know.

Dave Campbell – I've had conversations with several people, looking ahead to 2024 meeting dates, and I'm saying, well, I'm pretty sure the January meeting will be on this date, and I'm pretty sure the February meeting will be on this date, but I can't say with certainty until the Township Board approves it in December.

Phillips – Okay. The other thing that caught my eye was, looking through the details of remote meetings. It goes on to say, *if an agenda exists, it has to be posted for the public two hours in advance*. I don't know why we wouldn't have an agenda, but we always have an agenda here. Isn't that posted anywhere and shouldn't we have that posted so people know the topics being reviewed?

Weber – It's posted on the Township website.

McKeever – We've had meetings with no agenda.

Phillips – Is there a reason why the Bylaws would not say that we post it on the website?

Weber – Correct me if I'm wrong, Dave. Public notice is dictated by State law. State law does not recognize the Township website. It has to be ...

Dave Campbell – Posted on the door.

Weber – On the door in a written format, and/or in a newspaper. I don't think State law recognizes Township websites. I think that is what led to that language. You can always do more, but the Bylaws have to comply with State law.

Dave Campbell – This language, Section 2.6, was drafted because of the pandemic, electronic meetings, and all the changes that happened to the State's Open Meetings Act when we all had to go to remote meetings during the pandemic. I would recommend that we don't mess with this language because it came from the Township Attorney, specifically to comply with the State's Open Meetings Act and all the changes of the last few years.

Phillips – I'm fine with that, if we post it on the website.

Weber – The more we can do to publicize, the better. We have to do a minimum.

Dave Campbell – We do the website, the door, everywhere else, we do it at least 18 hours and usually it's more like a full week in advance. I don't know that we have ever concerned ourselves with that 2-hour notice because it only applies to electronic meetings anyway.

Discussion continued regarding publishing online, on the website and the Facebook page, along with email blasts that are available for residents to sign-up for.

MOTION by Phillips, supported by Loskill, to approve the Charter Township of Commerce Planning Commission Bylaws as presented.

MOTION CARRIED UNANIMOUSLY

ITEM 14. ELECTION OF 2024 OFFICERS

MOTION by Loskill, supported by Phillips, to retain Chairperson Brian Parel, Vice Chairperson Brian Winkler, and Secretary Joe Loskill as the officers of the Commerce Township Planning Commission for the year 2024.

MOTION CARRIED UNANIMOUSLY

ITEM 15. PLANNING COMMISSION 2024 MEETING SCHEDULE

Dave Campbell – There's a couple dates I want to discuss. We moved the January meeting to the 8th because the first Monday is on New Year's Day. I do want to ask your opinions on July. The first Monday would be July 1st, and 4th of July is on Thursday. If we wanted to avoid July 1st, the next option would be July 8th, but that is the Monday after the 4th of July weekend. Which Monday are we more likely to have better attendance?

Discussion took place and the Commissioners settled upon July 1st for the July Planning Commission meeting date.

Dave Campbell – Also a heads up. We moved the August meeting to the 12th to avoid the primary election. We can't really avoid the general election in November because the following Monday is Veteran's Day and Township Hall is closed. So, at our November 4th meeting, there would be voting equipment throughout the Township, and we would need to meet in a different room.

Discussion took place regarding the November meeting conflicting with the election.

MOTION by Loskill, seconded by Winkler, to recommend that the Commerce Township Board approve the 2024 Planning Commission Meeting Schedule as written.

MOTION CARRIED UNANIMOUSLY

J: OTHER MATTERS TO COME BEFORE THE COMMISSION:

None.

K: PLANNING DIRECTOR'S REPORT

Dave Campbell – If you can picture what was once approved by this Planning Commission as the Sidecar Slider Bar on Haggerty Road, which also used to be the Dirty Duck before that; it changed names briefly a few times after Sidecar. It has been

sitting empty for the last year or so. There is an effort afoot to reoccupy that building and give it a facelift. I saw some plans today for what that might look like. More to come on that.

Weber – Is it still going to be a bar/restaurant?

Dave Campbell – Correct. The redevelopment liquor license that Sidecar had on that site was allowed to lapse or expire. Now, this new operator will have to go through the whole process again. The good thing about a redevelopment liquor license is that it's much cheaper than going out and trying to buy a license on the open market. The bad part is that you have to jump through a lot of hoops to get one from the State of Michigan. So, he's trying to go with a redevelopment license.

Dave Campbell –

- Our Master Plan is nearing completion of its 63-day review with neighboring communities.
- On Wednesday this week, the Oakland County Planning Department is having their coordinating zoning committee meeting. This is something they do every time someone does a Master Plan, so the County looks at it to make sure that one community is not hamstringing another community by doing something inconsistent with their neighbors. I'll be remotely attending that meeting on Wednesday morning to hear the County's comments.
- Lakeside Marine may be in front of the Planning Commission at the December meeting if they can pull their plans together.
- Cooley Lake Road is open. Oxbow Lake Road will be closed another month.
- The Township is trying to finalize efforts with the RCOC and DTE to put a flashing pedestrian beacon across South Commerce Road, at the entrance to Dodge Park, so that the folks that live in the neighborhoods on the west side of South Commerce have a safe means to walk across to get to the park or to the pathway.

Discussion took place regarding types and locations of pedestrian access signals.

NEXT REGULAR MEETING DATE: MONDAY, DECEMBER 4, 2023 AT 7:00pm.

L: ADJOURNMENT

MOTION by Loskill, supported by Phillips, to adjourn the meeting at 8:26pm.

MOTION CARRIED UNANIMOUSLY

Joe Loskill, Secretary