

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

Monday, June 6, 2022  
2009 Township Drive  
Commerce Township, Michigan 48390

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

**ROLL CALL:** Present:

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

Also Present:

Chelsea Rebeck, Secretary  
Dave Campbell, Township Planning Director  
Paula Lankford, Planner  
Jill Bahm, Partner, Giffels Webster  
Rose Kim, Staff Planner, Giffels Webster  
Mark Gall, Township Fire Marshal

**B. APPROVAL OF AGENDA**

**MOTION** by Loskill, supported by Rebeck, to approve the Planning Commission Regular Meeting Agenda of June 6, 2022, as presented.

**MOTION CARRIED UNANIMOUSLY**

**C. APPROVAL OF MINUTES**

**MOTION** by Winkler, supported by Loskill, to approve the Planning Commission Regular Meeting Minutes of May 2, 2022, as presented.

Discussion –

Rebeck – I will abstain since I was not present.

**AYES:** Winkler, Loskill, McKeever, Weber, Parel, Karim

**NAYS:** None

**ABSTAIN:** Rebeck

**MOTION CARRIED**

**D. UPDATE OF ACTIVITIES**

Brian Winkler – Downtown Development Authority

- The May 17<sup>th</sup> DDA Meeting can be summarized as follows.
- The Sign Bandit, who had been responsible for vandalism of several signs within the DDA area, was apprehended by the OCSD after many months of trying to find that person.
- Insite Commercial Report:
  - Parcel B1-Phase 1 (Five and Main): Bruce Aikens will be reporting to the DDA at a Marketing Committee meeting scheduled for tomorrow, June 7th. He will also report to the Township Board on the progress of this project at their June meeting.
  - Parcel C - Pontiac Trail and Haggerty:
    - The Letter of Intent submitted by LaFontaine Auto Group (LAG) has been signed. Modifications to the Zoning Ordinance and Commerce Towne Place condominium, which we will review tonight, will be

required to allow an auto dealership to be located within Commerce Towne Place.

- A Purchase Agreement has been drafted for approval at a special DDA meeting scheduled for tomorrow June 7th.
  - Parcel L (1.8 acres on Haggerty Road): The PC approved this project, with conditions, at our May meeting. Closing is expected soon.
- Director's Report: Among other subjects, the potential formation of a Beautification Committee was noted by Jose Mirkin, the Public Relations Committee Chair, and a proposal will be presented to the Township Board at their July 12<sup>th</sup> meeting to explore those ideas. It's important to note that a lot of other nearby municipalities and Townships have had Beautification Committees for a long time, with Wixom and Novi as examples. It will be interesting to see where that goes.

#### George Weber – Township Board of Trustees

- I'm happy to say that Mr. McKeever, here to my right, was reappointed to the Planning Commission and the Zoning Board of Appeals for a 3-year term ending in July 2025.
- We have a new member on the Parks Committee, Laura Waterworth, who was nominated for a 4-year term, ending in 2026.
- Chris Long, our Oakland County Commissioner, came in and gave an update on three items of note.
  - The County is looking to put together a housing department, specifically to address what they termed fair-housing. If in fact that happens, it's likely to have some effect on us if there will be requirements regarding cost of ownership for homes, the potential for mandating of properties for all income levels. As we're going through the Master Plan process, we should have it in front of us, and whether it impacts us or not is to be determined.
  - The County is also looking to revise or put on the ballot a smart transportation millage. Right now, Commerce Township and many other municipalities opt out of that, basically stating that we don't have needs for mass transportation for taking residents from Commerce to other areas. We do have a contract with People's Express for transportation services for our seniors, handicap, and in effect everyone else, to provide low cost transportation. If it isn't opt-out, then we basically lose a level of control on our ability to say that we don't want to have what will likely be hundreds of millions of dollars' worth of taxes. We will be out of that governing process. We don't necessarily agree. We think that local government should be able to represent the voices of the people within their municipalities.
  - Finally, she noted that Barb Garbutt was identified as the Outstanding Senior for all of Oakland County. Nice recognition for Barb.
- Regarding adoptions, the Board had a good discussion on the sidewalk and recreational pathways ordinance. It is still in process.
- The Board approved the setback for freestanding signs which this Commission had previously approved.

Bill McKeever – Zoning Board of Appeals

- There was a ZBA meeting.
- I was out of town, so I would defer to Paula.

Paula Lankford – They actually had four items on the agenda, two of which were tabled; one for a fence in the front yard and one for a detached garage in a front yard. Those two requests are likely to come back in July.

They approved an addition onto a house at the corner of Grinshaw and Cooley Lake Road. They also approved the 3,200 square foot detached garage at 6080 Ford Road, which the Planning Commission approved on May 2<sup>nd</sup>, conditioned upon the ZBA approving it in the front yard and they did receive that variance.

Dave Campbell – I think the ZBA conditioned that variance approval on all of the conditions that the Planning Commission included in their motion, upgrading the building materials, landscaping and so-forth.

Paula Lankford – Correct.

Chairperson Parel – Jay is not here today. Any updates on Building?

Dave Campbell – I gave Jay permission to be absent this evening, however I did not get an update on what he has going on in the Building Department. They certainly seem to be quite busy over there and this is the time of year when you would expect that.

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

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

Dave Campbell – There are no public hearings on tonight's agenda, so if anyone from the public, other than the petitioners, would like to speak, now would be the opportunity.

There were 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 11. PSP22-03 – OPTIONS FURNITURE ADDITION**

Alan Edelson with Options Furniture of Commerce MI is requesting site plan approval to construct an addition onto the existing building located at 2121 Easy Street.

Sidwell No.: 17-26-426-015

David Campbell, Planning Director, gave a review. Alan Edelson with Options Furniture is applying for site plan approval for an 8,237 square foot addition onto their existing 18,000 square foot building, located at 2121 Easy Street, along the west side of Welch Road north of Maple. The building was built in 1969, and Options Furniture has occupied the building since 2005. The addition will house an office/showroom and warehouse for a secondary tenant still to be determined.

The addition would be constructed effectively as a separate building, abutting the existing building. International Fire Code issues will need to be addressed as part of the proposal. There is concern with EIFS materials in commercial applications, but the Township's building material standards do not apply to the Industrial Zoning District. It's reasonable to duplicate the EIFS element onto the northeast expansion, as it already exists on the southeast corner of the building.

Dave discussed rehabilitation of the existing parking lot, ADA-compliant spaces, and requiring curb and gutter, which is at the Planning Commission's discretion. He addressed architectural elements and building materials to complement the existing building, a loading zone on the non-rear side of the building, additional proposed overhead doors on the east and west sides of the addition, and suggestions for conditions, such as adding glass window elements to all new and existing overhead doors to provide an aesthetically pleasing look.

Dave explained discretionary items for the Planning Commission to bring the existing, nonconforming site into reasonable compliance with the standards of the Zoning Ordinance. In addition, the Planning Department report noted that more information is needed on the proposed exterior lighting, freestanding and building mounted; details are needed for light height and fixture type to ensure compliance with the Zoning Ordinance for downward directed, full-cutoff fixtures.

The site plan did not include a dumpster enclosure. There were questions regarding waste removal. There was a note on the plan that all trash would be contained inside the building. With another tenant coming in, a dumpster enclosure may be a wise investment. The site plan also notes there will not be any outdoor storage. Historically, the site has had outdoor storage, and this is an opportunity to eliminate that.

The existing building is 18,000 square feet. The Township's records show that Options Furniture occupied the building in 2005, and when they did, they were either required to fire suppress the entire building, or divide the building into two or more tenant spaces, separated by a fire wall, into sizes that would not require any one tenant space to be fire suppressed. It does not appear that either of those options were pursued, and since 2005, they have occupied the entirety of the 18,000 square feet. The Township Attorney is looking into that history, and whether the Township can and should require the existing building to be fire suppressed. There is also the question of, can the Township condition this proposed building addition on fire suppressing the building? The Planning Department has offered recommended motion language which includes a condition; *A determination by the Township Attorney of whether the existing 18,000 square foot building is required to be fully fire suppressed consistent with the terms of a Letter of Understanding signed by the property owner in 2005.*

The proposed addition is 8,000 square feet, which being less than 12,000 square feet is potentially not required to be fire suppressed. Although, in conversations with the Fire Marshal, it will depend on occupancy and use classification for the tenant that moves into that space, which is still an unknown. The Fire Marshal would review construction plans for the building addition if it receives site plan approval to make a determination of whether the addition is required to be fire suppressed.

Alan Edelson, 2121 Easy St, Commerce Township, MI, was present to address the request, along with Craig MacDonnell, 312 E. Liberty Street, Milford, MI.

Craig MacDonnell – Dave and Paula did a great job. We've been working with their department. One other item; the addition will not be at the same floor level as the existing building, which is partially why it will be designed as a separate building with a firewall. It will be under 12,000 square feet.

I know there are some conversations in the Planning review about possibly connecting to sanitary for the new addition. It's a good suggestion. I'll turn it over to Alan, the Owner.

Mr. Edelson – We've been in Commerce Township for 46 years. We were on Crumb Road, then Winner Street, then we moved here about 15 years ago. We enjoy being in the Township and we want to make the building look better. It's the original parking lot. The building was originally owned by Williams. We've been holding off on repairing it and saving up our money. One of our plans is not to rehabilitate the parking lot, and we got some prices on totally redoing the lot instead.

**Commission Comments:**

McKeever – The fire suppression or the firewall partition, why wasn't that ever completed after it was agreed to?

Mr. Edelson – When that was first brought to our attention, I didn't really have a recollection of that. We had a different architect at the time. Had we known that, we would have pursued one way. There actually is a wall that exists there. It's probably not a legally fire rated wall, but it was built by Williams when we moved in 15 years ago. There is a Florida ceiling, and I'm not an architect, but there is a wall that divides it up, but it is probably not compliant at this time. In 15 years, no one has ever come to us and said, *You've never done this*.

McKeever – What are we basing it on, the fact that it was agreed to? Is that something that's in the minutes?

Dave Campbell – There is a Letter of Understanding that we came across in our files, signed by Mr. Edelson in September 2005, agreeing to one of two options. One is to fire suppress the existing building, or two was to divide the building into multiple tenant spaces, of which Options Furniture, and those multiple tenant spaces would each be less than 12,000 square feet and separated by a firewall. Neither came to fruition since 2005.

Mr. Edelson – That's true. There is a wall there built by Williams.

McKeever – They require a fire rated wall for a reason.

Mr. Edelson – I understand that. I'm not...

McKeever – I'm just wondering why we wouldn't be better served to find out what the Attorney's opinion is before we move on this proposal in the first place.

Mr. Edelson – Well, let me respond in kind. We're in the process of getting numbers to have the existing building fire suppressed. I'm not totally opposed to doing that. It adds value to the building, and obviously it is compliant. If we are required to do it, then we're going to do it. It's not going to be a battle.

Dave Campbell – From a legal standpoint, one of the questions that we posed to the Township Attorney was, could the Planning Commission withhold action on the building addition based on an item that is still up for further research on the existing building?

Weber – But if Mr. Edelson is saying he will bring it up to code, then if we choose to approve based on the rest of this discussion, we can make that a contingency on approval, based upon him saying, yes, we'll do it.

Mr. Edelson – I'm good with that. I want to make the building right.

Dave Campbell – I want to be clear. So, what I heard is conditional site plan approval would be fire suppressing the existing 18,000 square feet.

Mr. Edelson – Yes, because we are going to remain there, but in reality what happens is, if I ever went to sell the building to somebody, they're going to have to do it anyway. I might as well just do it now and make the building right.

Mr. MacDonnell – It also helps with your insurance.

Mr. Edelson – Right, so I'm fine with that. I think what happened was ... Once the Planner told us that we signed the letter, I sort of remember it from 17 years ago. Bill, your question is very cogent. I think the way it was left was that we were going to have a discussion with the Fire Marshal to determine what we really need to do to build a wall, versus what we would need to do to suppress. That meeting never came to pass and we never pushed the ball to the goal line.

Weber – You made half of it easy for us, so thank you for that. The building is a spec?

Mr. Edelson – I've had a lot of interest. Not a marijuana shop. I've had someone in the tile business. It's actually a great corner. Our showroom is great. Our business has transitioned over the last 25 years from consumer-to-business, and now it's mostly business-to-business, so we don't really utilize the showroom. It would be someone in the tile or granite business, something like that.

Weber – Something complementary.

Mr. Edelson – Yes.

Weber – Dave, help me understand where we were talking about curb and gutter, and the parking lot.

Dave Campbell – The existing parking lot does not have curb and gutter. If they were building this site from scratch today, that's something the Township would require. In that sense, what you have is a legal nonconforming site; an uncurbed parking lot. The

petitioner wants to put a significant investment into the property with an 8,000 square foot addition. Per Article 39 of our Zoning Ordinance, when you have a nonconforming site that the owner wants to put an investment in, it's at the discretion of the Planning Commission regarding what other existing deficiencies of the site need to be brought into compliance, and how would they be reasonably proportional to the investment that's being proposed. One of the things that we brought to the Planning Commission's attention was the uncurbed parking lot and whether upgrading it is in reasonable proportion to the building addition. The fact that we just heard that they're willing to fire suppress the existing building, I would think should be taken into consideration with the reasonable proportion equation. You can see the portions of the parking lot that they propose to reconstruct. I do still want to make sure that we're compliant with ADA as far as location and quantity of barrier-free parking spaces.

Weber – Help me understand, what language should we use regarding the parking lot, if our motion is to approve of this? What is your plan?

Mr. Edelson – I had Ajax out, and they said you're not going to spend any money redoing it. If you're familiar with the site, it's actually much lower than Welch Road and you really don't see it. First of all, on the west side of the building, there would be no gutters because it's sort of a shared lot with the marijuana place next door. The only place you would conceivably have gutters would be on the east side of that parking lot. He said it would be very expensive and it's not something that you would even see. Then you'd have again, gutters, as you come off of Welch Road, and trucks would be going over the curb.

Weber – My question is, did you say you're going to re-asphalt the parking lot?

Mr. Edelson – No, we're going to tear it out and redo it.

Weber – It's asphalt, if I remember right?

Mr. Edelson – What's left of it is asphalt.

Weber – So you're going to replace the asphalt?

Mr. Edelson – Yes, down to the dirt, put in new stones and asphalt. It should have been repaired or seal coated. We haven't spent money on it, knowing that this was on the horizon.

Mr. MacDonnell – From an engineering aspect, the site is sheet drained. Everything drains to the north, so we really couldn't curb the north end of the parking.

Weber – I think if you're going to fire suppress the building and if you're going to replace the parking lot ...

Mr. Edelson – Replace it, right.

Weber – And I can never tell what the landscaping looks like on architectural drawings, but any landscaping along Welch Road I also agree would be a large positive. I don't have anything else. We have fire suppression and a new parking lot as part of this.

Mr. Edelson – Right, and also over time, the west side of the building, a couple of my guys have had trailers parked there. They know as part of this process, even though you really don't see them, but when we redo the parking lot, that's all going to go. It needs to be cleaned up on the west side of the building and that's going to be part of our process.

Dave Campbell – Mr. Edelson, the entirety of the parking lot is going to be resurfaced? Not just the portions shown on the plans?

Mr. Edelson – Right, the whole thing, the west side, all the way from the street to the north boundary of the property.

Chairperson Parel – But without curb and gutter at this point?

Mr. Edelson – Right, no curb and gutter. On the west side, you couldn't put curb or gutter. You'd only have it on the east side of the parking lot, and you really don't see it.

Loskill – Well, it's really not there to see. It's there to keep the parking lot from deteriorating. That's the whole point of curb and gutter, which is exactly the situation you've got right now. If you're going to tear the whole thing up and put in new, normally you would put curb and gutter on that side. If you get sheet drain off the north side, all you have to do is put a couple curb cuts on that north curb, let the water flow off the parking lot into your bioswale and that solves that problem.

Mr. MacDonnell – But based on the volume, you need more than little curb cuts in there.

Loskill – You may have a couple of them along that north side, but you have a bioswale up there anyway, right?

Mr. MacDonnell – Right.

Loskill – That's a typical detail. It's not too tough to come up with. My only other comments; I'm not a big fan of putting another loading dock door on the Welch Road side. There's two there already and they're not permitted by the Zoning Ordinance to be on that side. I think another one is only adding to the lack of a really nice look on this building.

My other thought is, you're putting the entrance to this building on the north side of the building where you have very little visibility. Wouldn't you be better on the east side of the building with that entrance?

Mr. MacDonnell – It could be revised.

Loskill – That's up to you folks, but I don't think anybody is going to be able to see that entrance and know where to go. You'll have to have a sign on the front window that says, entrance around the corner.



Mr. MacDonnell – It's no different than the entrance off Easy Street.

Loskill – Yes, if you're coming in off Easy Street so you see the entrance. You're coming in off Welch here.

Mr. MacDonnell – You're mostly coming in off of Welch, and you don't see the south end entrance either.

Loskill – If you come in that south entrance, it's just off to the left.

Mr. MacDonnell – It's basically the same thing on the north side.

Loskill – I understand that, but you've got a road on the south side with ingress and traffic. If you have a door on the north side, nobody's pulling in on the north side. You're coming in off Welch and nobody will see the door.

Mr. MacDonnell – It could be relocated. Again, we don't have a tenant yet. They might request that.

Loskill – I'd like to see the curb and gutter put in on the east side if you're going to replace the parking lot to maintain a nice looking lot for the next 20 years.

Rebeck – I don't have anything.

Vice Chairperson Winkler – I don't really have any objections to what's being proposed, with one exception. If you look at the aerial, in the industrial district, outdoor storage is allowed, correct Dave?

Dave Campbell – It's allowed with the Planning Commission's discretion of how to best screen that outdoor storage.

Vice Chairperson Winkler – Okay. If you look at the aerial, on the west side of the building, there's a number of trucks and stationary items. Quite honestly, I think they need to be cleaned up as part of this site plan approval.

Karim – I went and had a look from outside. I think what you're doing is a great improvement. That site really needs improvement. I think it's good.

Chairperson Parel – From my perspective, as a Commission, we tend to focus on the aesthetics of the building, when really one of the most key things is something that you're helping us solve, which is the safety of the folks inside with the fire suppression. I put a lot of stake into that and I appreciate that.

I personally think fixing up the parking lot is going to help a lot. I agree with Sam that this building needs some help, and it's only going to help the existing business there as well.

To Joe's point, maybe I'm missing it, but I too don't want to see another loading dock door on the main side of the building, but I don't know how they'd be able to lease the additional space without it.

Loskill – Because you've got a loading door on the back side.

Chairperson Parel – On the north side?

Loskill – On the west side.

Mr. Edelson – On the west side. My idea was to have a pull-through.

Loskill – I think if you do that, you'll have to fire suppress the building. You can't park a vehicle inside of a building without it being suppressed.

Mr. MacDonnell – That's true, so we are suppressing. If we're going to put suppression in, it makes sense to suppress the entire building.

Dave Campbell – Does it make any difference with the aesthetics of those overhead doors?

Chairperson Parel – Yes, I think there's a good comment in the Planning Department's report about how we upgrade the doors and get some kind of glass or window features. I think we all agree on that.

Loskill – I'm not against an upgrade, but still would prefer no more doors. If everybody else wants to do the glass doors...

Dave Campbell – To the petitioner, are there any thoughts on a glass element to those overhead doors, particularly the ones facing Welch Road?

Mr. MacDonnell – Yes, we already mentioned we were amicable to that.

Mr. Edelson – Yes, I have two comments. Today, you can go to houses and you see pull-up doors or garage doors, and they look nicer than an entry door in a mansion. So, part of the back and forth was, all right we're going to have a door there, and the other two doors are 46 years old. Let's do all three and make the building look really good. The point about moving the door to the east side is something that Craig and I can consider.

I did ask AJAX or ASI about putting curbs in. Just putting a curb in on that one side, which you're really talking about Welch and a little on Easy Street, it's really expensive. If I have to do that, I may take back what I said about the parking lot. I would only totally replace the parking lot on the east side, the one you see. But, the one on the west side which looks bad now with all the trucks on it, I probably wouldn't want to replace that. I would probably rehabilitate that. Not all those trucks are stationary, but some are. As I said at the outset as part of the process, we're going to clean it up, but I wouldn't have the wherewithal to replace both lots and put a curb in.

Chairperson Parel – Is that a choice?

Mr. Edelson – Yes.

Weber – My view would be that I would rather have an all new parking lot, if it was either or. I understand there's affordability to everything, but with what you're designing; we are now talking fire suppressing all 26,000 square feet...

Mr. Edelson – We're trying to get some estimates on fire suppressing the building, which I've agreed to on the existing building to make it compliant with the Fire Marshal. If the ordinance requires me to fire suppress the building, because I've cut a door on the east side, depending on the tenant, I might not suppress it and not have a door there.

Weber – Okay.

Mr. MacDonnell – And that would be evaluated during the building permit review.

Mr. Edelson – Right. Either way, the two doors that are existing, even if I didn't put a door on the east side of the new building, I would replace those doors because those look bad.

Loskill – Putting glass doors on this building, are we going to be seeing something unattractive? I'm assuming this is an industrial use.

Mr. Edelson – Maybe frosted glass.

Mr. MacDonnell – Yes, suggesting putting some film on the inside.

Weber –

- Well, we've got fire suppression on 18,000 square feet.
- We have the new landscaping plan that you submitted.
- We will figure out the language administratively between Mark and Dave on the requirements for fire suppression for the new 8,000 square foot section.
- And, we have an all new parking lot.

Dave Campbell – To Mr. Winkler's question, we talked about outdoor storage, vehicles parked in the back. What's the plan of operation moving ahead?

Mr. Edelson – The plan of operation moving ahead is not to have any stationary vehicles. We don't want to have the dumpster inside, so if we were required to put up an enclosure for the dumpster, then we'd do that.

Dave Campbell – So, Mr. Weber, I would ask that a dumpster enclosure be shown on a revised plan that could be reviewed administratively.

Weber – I agree.

**MOTION** by Weber, seconded by McKeever, to approve, **with conditions**, Item PSP22-03, Options Furniture Addition, the request by Alan Edelson with Options Furniture of Commerce MI for site plan approval to construct an addition onto the existing building located at 2121 Easy Street. Sidwell No.: 17-26-426-015  
Move to approve PSP #22-03, a site plan for an expansion of Option's Furniture at 2121 Easy Street, based upon a finding that the proposed building addition and parking lot

restoration comply with the applicable standards of the Commerce Township Zoning Ordinance, and that the proposed site improvements are reasonable in proportion to the scale of the proposed building addition consistent with Sec. 39.05 of the Zoning Ordinance.

**The Planning Commission waives the requirement for loading areas to be located only in the rear yard of properties zoned Industrial, subject to the condition noted below. Site plan approval is subject to the following conditions:**

1. Approval of engineered construction plans by the Township Engineer, Township Building Official, and Township Fire Marshal;
2. A revised site plan be submitted for administrative review & approval by the Planning Department. Revisions to include the following:
  - a) An exterior lighting plan showing exterior building and parking lot lighting details including height and fixture type, both new and proposed;
  - b) The existing 18,000 square foot facility to be brought up to current code for fire suppression;
  - c) A revised elevation to indicate the glass component within the three overhead doors;
  - d) Location of proposed ADA-compliant barrier-free spaces, including van-accessible spaces, accessible to both tenant spaces within the expanded building;
  - e) Consideration by the petitioner whether a connection to municipal sanitary sewer as part of the building addition project is wise, given that the connection will be required, if and when the existing septic system fails;
  - f) The tenant agrees that no stationary vehicles will be stored on the property;
3. The Planning Department has administrative authority to review and approve the need for a dumpster enclosure;
4. The parking lot for the entire property will be replaced with all new materials;
5. Any new signs to be reviewed and approved under a separate Sign permit by the Building Department subject to the requirements of Article 30 of the Zoning Ordinance.

Discussion –

Chairperson Parel – Dave, does landscaping need to be mentioned or is it included?

Dave Campbell – The site plan did include a landscape plan that was recommended for approval by our Landscape Architect.

**MOTION CARRIED UNANIMOUSLY**

**ITEM I2. 299 COMMERCE ROAD – CONCEPTUAL REVIEW**

Jonathan Semma of Commerce MI is requesting a conceptual review of a proposed rezoning of a portion of a parcel located at 299 Commerce Road.

Sidwell No.: 17-11-151-018

David Campbell, Planning Director, gave a review of Mr. Semma's concept plan for a proposed rezoning of a portion of land located at 299 Commerce Road, from R-1B (One Family Residential) to O (Office) to allow construction of multi-tenant office building and possibly up to two single family homes. The eastern property that he hopes to have rezoned to Office would be intended for relocation of his real estate office, 365 Realty, to a new building at this site.

Dave explained the challenges associated with this uniquely configured property, including a high-pressure gas main that cuts across the property which does not allow vertical construction within that easement. In addition, there are State-regulated wetlands along the northerly portion of the property. The Township owns Victory Park to the north, and the Township owns and manages the cemetery immediately adjacent to the east. Dave presented a preliminary site division on the overhead. Mr. Semma is conceptually proposing some sort of access from the office portion of the property to Victory Park. Currently, folks will park along the cemetery roads and walk through the property to get to the trails in Victory Park, which is not ideal. The Planning Department had discussed the Conditional Rezoning process with Mr. Semma. Dave reviewed the nearby adjacent properties and zoning districts.

Mr. Semma – I'm with 365 Realty, 3160 Haggerty Road, West Bloomfield, MI. I've been a Commerce resident for almost 27 years. I've worked in West Bloomfield for 22 years. It has been quite a journey for me. I was talking with Mr. Campbell and I came across this property. I'd like to move my office into Commerce. It makes sense to stay within Commerce Township. I had some drawings that Mr. Campbell and I discussed. We went over a couple of options, and I came up with the two residential parcels, and then having the other parcel to the east as either office or light industrial, also with access to Victory Park on the east side.

**Commission Comments:**

Chairperson Parel – As Dave mentioned, this is completely informal. It's just an opportunity for us to chat. I just have a couple questions. That access to the park is a good idea. Is that just for pedestrians?

Dave Campbell – I don't know that we've gotten as far as defining it. Mr. Semma, have you had any thoughts? I don't believe it is the Township's intent, or if we would be legally allowed per our deed restrictions with the DNR when we bought this property, to have vehicles get through here to get into the park. I don't think we're allowed to do that, and I don't think that's what we would want. I think the idea is that there is some sort of safe means of access for someone to get in there on foot, or on a bike, or if there's an opportunity to park their vehicles in Mr. Semma's parking lot if he was agreeable to that.

Chairperson Parel – That was my thought. I know we're constrained here on the amount of space we have. I thought the petitioner could offer up something similar to what was done at On the Dunes where there is a trailhead. I don't know if we need that much, but instead of having a big access, maybe it's just a few parking spots there.

Dave Campbell – Maybe I'll look to Mr. Weber. I don't know how often we see cars park at the cemetery to get back into Victory Park.

Weber – I don't know that it's a lot, but there is traffic through the cemetery to get to the park, whether that's parking a vehicle, riding bikes, or even just walking through the cemetery to get to it. We have issues with protecting the cemetery.

Karim – That access to the park is around 50'.

Mr. Semma – 60’.

Karim – Yes, and you do actually have parking all along. The road to the parking could start there. You’ll have parking and access at the same time. I’m pretty sure once you have parking, people will go out there.

Chairperson Parel – My thought was it could be a dual use, where he could use it for his business, and at the same time, if people wanted to park there and use the trail, they could, instead of taking 60’ up which is a big chunk out of his property.

Dave Campbell – That would be a question for Mr. Semma. If this were to move forward, would there be an opportunity to oversize the parking lot, if there is space to do it? Again, space is a premium on this site, but having at least some of those spaces signed as park access parking spaces.

Mr. Semma – We can probably arrange something like that, yes.

Chairperson Parel – It might save you space.

Winkler – The Planning Department has been very clear about the challenges represented by this site, but the access to the park is very advantageous to what you’re proposing. And, whether or not that’s vehicular access, or it’s a pathway, it really doesn’t matter as far as the fact that there’s access. I think sidewalks will be important on that property. I’m not sure what side of Commerce Road has sidewalks, if any. Dave, you called out the spot zoning for the office portion of the site, as subdivided. I don’t have an issue with that because there are adjacent office and commercial buildings. They’re not immediately adjacent, but close enough to provide continuity there.

Rebeck – If you can make it work on this property, I’m not opposed to having office and residential there. I think it flows, and giving us access to the park for Commerce residents would be great.

Loskill – The rectangle, is that the proposed building?

Mr. Semma – Well, with the wetland there, we’re really unsure of the actual location. So, we’re proposing anywhere from a 5,000 to 7,500 square foot building, for my office and...

Loskill – What I’d like to see is if you could develop this a little bit further, and showing that he could put homes on these two residential pieces, and meet all the setback requirements, because you’ve got that gas line running through there. I’d like to make sure that we’re not creating a lot that we’re going to have to give variances to in order to make it viable.

I love the idea of not doing a dedicated access to the park, except for maybe a walking trail and using that space for additional parking for both your space and for people to access the trails. I think that would be much nicer than trying to jam another parking lot in there. Just make it one big parking lot and maybe a nice trail in there, and connect it

up with the sidewalk. I think you'd be miles ahead when it comes to getting a favorable condition from the board.

Dave Campbell – One question; when we speak about the potential size of the building, do you envision just your office being the only tenant?

Mr. Semma – No, I'd like to have another tenant, one or two, depending on the size of the building.

Dave Campbell – And if there is a second tenant...

Mr. Semma – It would be something like real estate, maybe a mortgage or title company that has an affiliation with my brokerage.

Dave Campbell – Who that user is might determine how much parking is required. A medical office, for example, requires more parking than a mortgage office would.

Weber – Mr. Semma, the Township has looked at acquiring this property in the past, and literally days before you contacted Dave, I had communicated with our Parks Director and one or two members of the Board about revisiting that. So, just to be fair to you and to the process, I'm going to abstain from my thoughts on what you're proposing. I do appreciate your creativity.

Mr. Semma – Thank you.

McKeever – Would the access to the park be an easement?

Dave Campbell – Yes, in one form or another. It depends on what it is, whether it's just a walking path, or some parking spaces that are meant to be shared.

McKeever – Would that affect the frontage on the eastern lot, to where the 4-to-1 rule would come into play?

Dave Campbell – That's good question. I do not think we would subtract the easement from the road frontage.

Weber – The 4-to-1 rule?

Dave Campbell – The State's Land Division Act states that, *thou shalt not create a property that's more than 4 times deep as it is wide*. So, if you have a property that's 100 feet wide, it shouldn't be more than 400 feet deep. I think what Mr. McKeever is asking is, if you have 100 feet wide, would we take 50 feet away from it if there were a 50-foot easement. I don't think that we would and I don't think that would be logical.

Chairperson Parel – I think it's reasonable to have a property like this as a transition from that cemetery. Personally, I'd like to see something like this up against the cemetery versus a home. I think sidewalks are important to us. I think we can be efficient for both parties on the park access. I hope we helped you here today. Anything else?

Dave Campbell – In terms of procedure, would you agree that a Conditional Rezoning, where both parties can agree to certain things contractually, is a more advantageous process than a straight rezoning? In my mind, the Conditional Rezoning has a potential to be beneficial for both the developer and the Township.

Chairperson Parel agreed.

Chairperson Parel – Mr. Semma, is there anything we can answer for you?

Mr. Semma – No, you've answered my questions. I appreciate it.

Chairperson Parel – Dave, on the feasibility piece, that's the next step, right?

Dave Campbell – If Mr. Semma were not proposing the rezoning, if he were just proposing to take a single-family property and split it into two or three properties, that's an administrative decision that goes through the Planning Department, with input from the Building and Assessing Departments. The reason we're here this evening is because he is proposing a rezoning component. I think I heard you use the metaphor earlier, the chicken or the egg. I wanted to get the Planning Commission's sense on the rezoning side of things before we look too hard into the feasibility of the three lots and the dimensions that are being proposed. Mr. Semma, correct me if I'm wrong, if you can't get the office zoning, it wouldn't be your intention to do three residential lots.

Mr. Semma – Right.

Dave Campbell – I think however these lots get configured, the gas main running through there is going to be a huge challenge no matter who acquires this property, and the wetlands are a challenge as well. If we are going to move toward the rezoning process, or the Conditional Rezoning, if that's what Mr. Semma opts to do, the Planning Department will take a closer look at the configuration and dimensions of these lots and how feasible those are.

Weber – Dave, you might also want to run this plan past Emily. She is the expert on the deed restrictions from the DNR on the park property and any access. She might have good insights.

Dave Campbell – Emily England is our Parks and Recreation Director. We keep talking about deed restrictions, and maybe you know this history. When the Township acquired Victory Park, it came with deed restrictions for the parkland. The intent of the DNR in selling the land to the Township was that it be preserved as a nature park, a passive park. We're very limited in our ability to put in parking lots, playgrounds, soccer fields or any of those things. That's why Mr. Weber is suggesting if you opt to move forward, we want to get her insight on some of this.

Mr. Semma – Sounds good.

Chairperson Parel – Hopefully we helped you out and gave you food for thought. I guess the next step is to see if this makes sense. If I'm hearing correctly, nobody really has any strong opposition to this.



The Commission agreed.

Mr. Semma – I appreciate it. Thanks for your time.

### **ITEM I3. MASTER PLAN DISCUSSION**

Dave Campbell gave a review. The Planning Commission created a subcommittee in May to finalize the scope of the update to the Master Plan. The subcommittee consists of Mr. Parel, Mr. Winkler, Mr. Weber, and with Mr. Loskill ready to step in as an alternate as needed.

The subcommittee met on May 12<sup>th</sup>. The direction agreed upon is for the scope to include 11 study areas or development properties as the focus of special area plans. The properties to be included under the two umbrellas are as follows (moderate priority areas are noted as such):

#### North End

- Long Farm
- Bay Pointe Golf Club
- Commerce Village Settlement Area
- WLCSD - Commerce Rd property adjacent to Victory Park
- Union Lake Golf Course (moderate priority)
- Commerce & Carey properties (moderate priority)
- WLCSD - Commerce Elementary property (moderate priority)
- Former Commerce Drive-In

#### Commercial Center

- Beaumont property
- Williams International
- Rock Road properties

Dave discussed the Walled Lake School Board's withdrawal of their recent RFP to sell and develop their land adjacent to Victory Park, due to push back from the public. He also discussed the potential for taking Martin Parkway through the former Commerce Drive-in site.

Jill and Rose updated their map to incorporate the recommendations of the subcommittee. The scope stays similar. If the Planning Commission supports this revised scope, it can go before the Township Board at their June 14<sup>th</sup> meeting to seek a budget amendment to fund this work.

Ms. Bahm – That was a great introduction. I don't know what else I can add, but we're happy to answer any questions.

Chairperson Parel – Dave, I agree with that. Let's see if anyone has any comments.

Dave Campbell – I don't think I need a formal motion, but a consensus that this is the scope that the Planning Commission supports.

Weber – And the dollar amount is?

Dave Campbell - \$83,040. Jill, I will look to you on this one. With Jill's help, we applied for a grant from SEMCOG that could potentially help us pay for this. Jill, is there any sense of how many applicants there are, or how many awards will be given out?

Ms. Bahm – No, I did not hear how many applicants. I don't know if you ever got anything back from SEMCOG.

Dave Campbell – I think I got an auto response to say it was received.

Ms. Bahm – We haven't heard anything yet.

Dave Campbell – It was due the Friday before Memorial weekend. Our hope is that we can get some grant money to help fund this.

Chairperson Parel – Well, I think you have the nod of approval from this Commission.

Dave Campbell – If I get my funding approved by the Township Board, what would be the next big step?

Ms. Bahm – I think we would meet and talk about meeting deadlines, and get the notice of the intent to plan out. We would probably have a little work to do, then come back and meet with the Planning Commission, probably in August.

Weber – When would we have the Microsoft project plan? A project that has dates, who is responsible for what, how it all flows together, et cetera. What is the process to get to that document, so that we and the Township Board are holding ourselves accountable to make decisions?

Ms. Bahm – Once we meet with staff to come up with those initial deadlines and key dates, then we'll plug the dates into that spreadsheet. It's our best guess too, because sometimes conversations take more than one meeting, or meetings get canceled. We try to keep to it and it's helpful to stay on track.

Discussion continued regarding the timeline for the Master Plan update. It's estimated to be a 12-month process. Public engagement could take place this Fall.

#### **ITEM I4. TEXT AMENDMENT DISCUSSION: Article 33 General Provisions**

Dave Campbell – The Planning Department got involved in this one late in the game because it involves our Zoning Ordinance. This evolved from a conversation between our Code Enforcement Officers and our Township Attorney about two topics that seem to come up regularly in the Township. One is having portable storage and moving containers, with the brand name being Pods. They're showing up on residential properties and sometimes staying there longer than what the neighbors would like to see. Our Zoning Ordinance currently only allows those types of structures when it's on a property with an active building permit. The Zoning Ordinance is silent to the scenario of somebody moving who brings in a Pod, a couple weeks ahead of time, they load it up and it gets transported to their new house.

This amendment is intended to provide a permitting system which would limit the duration and the location of where these Pods can go on residential properties. That

permit could be extended depending on various circumstances, but it's meant to be a mechanism to ensure that these storage containers don't remain on residential properties for undetermined amounts of time.

Also, as part of this proposed amendment within Article 33, it has to do with storage and the location and duration of trailers. Trailers, whether they be utility, boat, or jet-ski trailers; where and when can they be located on residential properties. We have standards that say they can only be in the front of the house certain times of year, and otherwise they need to be moved to the side or the rear of the property.

Our Code Enforcement division and our Township Attorney have worked through this. They've made several rounds of amendments to this. I had Paula work on this one, and I think we're to the point where everyone is comfortable with what we're trying to do. It's here as a discussion item tonight, with the intent that if it looks favorable, we will bring it back to the July 11<sup>th</sup> Planning Commission meeting for a public hearing. If that recommendation is favorable, it will go to Township Board on July 12<sup>th</sup>.

Chairperson Parel – For the Pods, there's only a requirement for a permit for that, if there is a building permit pulled currently. And with the amendment, anytime they put one down they would need a permit?

Dave Campbell – Yes.

Paula Lankford – And only for moving.

Dave Campbell – Yes, and we had discussion with the Township Attorney regarding someone doing a significant renovation in their house.

Chairperson Parel – But that would get a permit, right?

Paula Lankford – It depends on the renovation.

Dave Campbell – We had a question today about somebody who wanted to put epoxy coating in their garage and they needed a place to move their stuff. Could they put all that into a Pod? The way this is structured, it's meant to be specifically for moving.

Chairperson Parel – So what happens in that scenario you just described with the garage?

Dave Campbell – The Pod would not be permitted based on this language. We will discuss this with Jay regarding interior renovations. It's not meant to be bureaucratic or government overreach. It's meant to have some sort of parameters to ensure that Pods don't remain for 6 months at a time.

Chairperson Parel – And these companies, they would just have an understanding that if they want to do business in our Township, they know they need to pull a permit.

Dave Campbell – They do know that. Every community treats these differently and it's their obligation, on behalf of their client, to look into what the municipality requirements would be.

Karim – No comments.

Winkler – No comments.

Rebeck – I'm debating. I personally don't like the permitting process for this. If I get a Pod, I would have it in and out in two days. If you're going to have it for more than a week, I understand requiring a permit, and it can't stay for more than 4 weeks. I would prefer that because I don't have time to come up here and get a permit during the week when I'm working. I'm also not going to leave it in my driveway.

Karim – I agree.

Discussion continued regarding the typical length of time storage containers remain on a site, the potential for a minimum time period where a permit is not necessary, and whether permits would be pulled by the company or the resident.

Weber noted that the language seems to restrict only to those storage containers that are in driveways. Dave Campbell explained that the intent is that these are only meant to land in your driveway, not your yard. Paula Lankford added that they will only be approved if they're in the driveway. Dave would reword the language accordingly to make it clear that they're only permitted in the driveway.

Ray Golota, 1595 Vanstone Drive, Commerce Township – You were talking about storage of trailers. Are there any changes being made to that?

Paula Lankford – It's mostly cleaning up language. There was confusion between what a trailer is, versus what a utility trailer is, or a trailer for a jet ski versus a trailer for landscaping equipment, et cetera. This cleans that up.

Dave Campbell – It doesn't matter what kind of trailer it is; the same standards apply.

Ray Golota – The months that you can have it, does that stay the same?

Paula Lankford – That's going to stay the same. If you have a jet ski trailer, that would be permitted during those months. For a trailer in general, it can never be in the driveway. There can't just be a trailer with nothing on it. It has to be on the side or in the rear.

Weber – Are we getting to personal property trailers as a separate discussion, or is that in the discussion we're having right now?

Paula Lankford – Personal watercraft on a trailer can be in the front yard during May to October.

McKeever – But not an empty jet ski trailer.

Paula Lankford – Correct.

Dave Campbell – The discussion right now is about both. My hope is that we bring this back in July and it's ready for action.

Weber – Two questions. For the industrial district where we can put a semi, it's limited to 14 days. Previously it just said it has to be road worthy and licensed, and now we're saying it can't be there more than 14 days. That seems counterintuitive to an industrial district.

Paula Lankford – Honestly, I don't know why they changed that. That may have been the Attorney who put that in there.

*Weber – Industrial district; semi-trailers, shipping containers, similar temporary storage structures shall be permitted to be placed on a lot in the industrial district for a maximum period of 14 days per calendar year. Semi-trailers permitted for this purpose shall be currently licensed and fully road worthy.*

Dave Campbell – Part of it is to clarify that it's only permitted in the industrial district. You can't have a trailer sitting in the commercial district or single-family.

Weber – But they can't have a trailer for more than 14 days out of 365?

Dave Campbell – That is what that is intended to say.

Weber – So I'm in the industrial district and I've got lots of trailers coming in and out...

Paula Lankford – As long as it's road worthy.

Weber – But it says I can't have one on my property for more than 14 days per year. I can't drop it for a week, once a month, to load and unload. The 14 days seems odd.

Dave Campbell – Is the question whether that is a cumulative 14 days? We will look into whether that is meant to say consecutive.

Paula Lankford – Why are we limiting it? That's a good question.

Weber – They have trailers.

Paula Lankford – I think they're trying to get rid of abandoned trailers that aren't road worthy.

Weber – That makes sense.

Paula Lankford – But why would you limit it to 14 days if they are road worthy and they are not junk? Okay, I'll look into that.

Dave Campbell – Is there an amount of time that sounds more appropriate?

Weber – I would want to talk to some businesses in the industrial district.

Discussion continued regarding the intent of the language, issues with the use of semi-trailers as storage units, keeping all vehicles road worthy and licensed, outdoor storage, temporary storage structures, and the time limit, which is to be clarified.

Weber – In personal watercraft, where it says *travel trailer, boat, personal watercraft or similar vehicle*; I would add something in there that says “recreational vehicle”. You don’t say side-by-sides, 4x4s or dirt bikes.

Dave Campbell – I think the intent was to draw the line at watercraft, whether it be a boat or jet ski.

Weber – I have my dune buggies on the trailer. What’s the difference?

Dave Campbell – This is Commerce Township and we’re a lakes community, so it’s reasonable that we have boats and jet skis. However, snowmobiles and four-wheelers are a different animal. That’s the logic.

Weber – I get it.

### **ITEM 15. TEXT AMENDMENT DISCUSSION: Article 19 Town Center Overlay District**

Dave Campbell gave a review. This is based on a project that has come before you on a conceptual level, and that’s Lafontaine Automotive Group (LAG) purchasing the DDA’s Parcel C, which is also Unit 3 of the Commerce Towne Place (CTP) condominium, located at the northwest corner of Haggerty and Pontiac Trail, adjacent to Walmart, for a dual-branded new car dealership. Because this property is in the CTP condominium and the PUD, both of those instruments present challenges to developing a car dealership on this property, and that was intentional. The concern was having a dealership and all of the undesirable components that typically go along with that, therefore, there were restrictions in place preventing this use.

Now that LAG has presented a concept that both the Township and DDA seem to be favorable toward, with respect to layout and operations, there is now a motivation to make changes to both the PUD agreement and to the condominium to provide a route for LAG to develop the dealership.

As noted in the letter, the Towne Center Overlay needs to be amended to amend a prohibition on outdoor storage. We’re proposing for the Zoning Ordinance to continue to say, *Uses having outside storage shall be prohibited*, but the new language would say, *... except for automobile dealerships and outdoor display space for the exclusive sale of new or used motor vehicles, subject to the terms of a planned unit development (PUD) approved by Commerce Township*. If Lafontaine wants to pursue this as a PUD, which they’ve said they are agreeable to do, then it would be permitted within the Towne Center Overlay, which means it would be permitted within the PUD agreement.

Concurrent to that, the CTP condominium association, and their President, Deb Watson, are proposing to amend the Bylaws of their Condominium Master Deed to amend a prohibition on dealerships, to have very similar language to say, *Dealerships are permitted only when proposed as a PUD, and only on Unit 3*.

Procedurally, an amendment to the Commerce Township Zoning Ordinance and a significant amendment to the Condominium Master Deed have to go in front of both the Planning Commission and the Township Board. So it makes sense to have both amendments on the same track for those meetings, potentially for the July 11<sup>th</sup> Planning Commission and the July 12<sup>th</sup> Township Board. A public hearing would be held on July 11<sup>th</sup>. We wanted to bring it to the Planning Commission first. If this seems like the right approach, we will schedule the public hearing for the amendment to the Towne Center

Overlay to provide an allowance for dealerships so long as they're developed as a PUD. Any thoughts or concerns with moving ahead with that?

Weber – The PUD keeps the control.

Chairperson Parel – Specific to that one lot, too.

Dave Campbell – Again, Lafontaine has been agreeable to that. The PUD allows us to place restrictions. They've offered to do some non-traditional design elements, moving their dealership buildings up closer to the corner, with vehicles displayed in the rear. That could be memorialized within the PUD agreement. It seems to be agreeable to the parties.

The Commissioners had no issues or additional comments.

Dave Campbell – This will come back to you as a text amendment in July, and along with that, an amendment to the CTP condominium.

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

None.

**K: PLANNING DIRECTOR'S REPORT**

- **NEXT REGULAR MEETING DATE: MONDAY, JULY 11, 2022**
- There is a prospective tenant for the old Hiller's building, at Union Lake and Commerce. Urban Air is the brand, which is an indoor adventure park with trampolines, go-carts, ziplines, et cetera. The property is zoned B-3 and would allow for this land use. Kroger controls that property through their ground lease and it has been vacant because they would never allow a direct competitor there.
- The closure of Union Lake Road to replace the culvert, south of Wise Road; the road was supposed to be closed back in April. It got delayed because of a problem with AT&T. It looks like that is now being corrected. The RCOC, last I heard, was speculating that the road closure would happen immediately after the July 4<sup>th</sup> weekend. The contractor has 60 days to do the project and get the road reopened.
- For next month's Planning Commission meeting on July 11<sup>th</sup>, we will have;
  - Two public hearings
    - TCO amendment
    - Article 33 amendment
  - A pole barn
- If you notice construction on the Michigan Airline Trail in the vicinity of Wixom, that's the Phase II portion of the trail. It's going to be paved to connect to the trail that goes through Lyon Township. They hope that connection will be made by this fall, and it's a connection of significant major rail trails.
- We've had conversations with Wilson Marine about their acquisition of the property adjacent to the M-5 pedestrian bridge. They currently rent the property and are looking to buy it. If they do, they will come to the Planning Commission with plans for an indoor boat storage building, and racks along the property line for elevated boat storage.

Discussion continued regarding the Wilson Marine site, the industrial zoning, screening of outdoor storage, fencing, and building design elements.

**L: ADJOURNMENT**

**MOTION** by Rebeck, supported by Weber, to adjourn the meeting at 8:58pm.

**MOTION CARRIED UNANIMOUSLY**

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Chelsea Rebeck, Secretary