

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

Monday, February 2, 2026  
2009 Township Drive  
Commerce Township, Michigan 48390

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

**ROLL CALL:** Present: Brian Parel, Chairperson  
Joe Loskill, Secretary  
George Weber  
Brady Phillips  
Mickey McCanham  
Absent: Brian Winkler, Vice Chairperson (excused)  
Caitlin Bearer (excused)  
Also Present: Dave Campbell, Township Planning Director  
Paula Lankford, Senior Planner  
Bethany Miller, Associate Planner  
Jay James, Building Official  
Debbie Watson, DDA Director

**B. APPROVAL OF AGENDA**

**MOTION** by Loskill, supported by Phillips, to approve the Planning Commission Regular Meeting Agenda of February 2, 2026, with one revision, to move Old Business Item G.1. to the end of the agenda after Item I. New Business, which will allow for the public hearings to be handled first.

**MOTION CARRIED UNANIMOUSLY**

**C. APPROVAL OF MINUTES**

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

**MOTION CARRIED UNANIMOUSLY**

**D. UPDATE OF ACTIVITIES**

George Weber – Township Board of Trustees

- We've had two Trustees meetings since our last Planning Commission meeting. A quick summary. At our January 13<sup>th</sup> meeting, it was a fairly light agenda.
  - I will say first thing, if anybody noticed the photographs tonight as they were walking down the hall, we had our annual photo contest awards. There were five nominees out of several hundred entries. The winner is notated out in the hallway, which was a time-delayed evening photo of the M-5 bridge.
  - At that meeting, we also introduced a resolution for our sidewalk repair SAD. For those who aren't familiar, we have started inspecting roughly 20% of the sidewalks in the Township every year. If there are visible hazards, whether it's from tree roots or other damage, we notate those. Homeowners are responsible for the sidewalks in front of their property. In this case, we have contracted with Giffels Engineering and we're providing each resident with an opportunity. We let them know that the sidewalk is in a condition requiring repair, and it needs to be repaired in a timely fashion. They can either do that on their own with their own contractor, or we have contracted with one entity that will do that. So, in theory, we are getting a group price. So, for each sidewalk flag that needs to be repaired, hopefully it will be a lower cost to the residents and less painful if the Township does it all in one

shot. If that's the case, then the homeowner would be billed by the Township. This is the first year for that and we're expecting a few growing pains, but the intent is that we will do 20% of the Township every year so every 5 years, every bit of the sidewalk within the Township will have been inspected.

- We made some purchase recommendations for our Maintenance Department; we are retiring some 20-year-old vehicles and replacing them, as well as doing work on our mowers, et cetera, as we get ready for summer.
- At the Quarterly Discussion meeting on January 27<sup>th</sup>, there were a few items.
  - We continued and revised our poverty exemption; if you meet certain thresholds, you basically will not have to pay the property tax on your home. It's for those folks who are below the poverty standard, and actually I think our standard is poverty standard times 150%, so we're trying to be a little more cognizant of that to help those in financial need.
  - We have updated our employee handbook with some position descriptions that were out of date. Our HR Department and our Finance Team have gone through and updated and cleaned up a lot of errors.
  - Maybe the most important as it applies directly to today's meeting; we had a lengthy discussion on the use of emergency gates as a secondary access for neighborhoods.
    - Right now, we have somewhere around 10 subdivisions within the Township that generally would require two accesses to get into the neighborhood, and the two accesses are in place for safety reasons. If one entrance is blocked, we still need to be able to get emergency vehicles back there.
    - Historically, we have allowed the use of temporary gates that basically only the Fire Department or the Police Department would have access to.
    - What we have found is that a lot of those gates are not accessible. People are using them as parking lots. This time of year, we did an inspection and virtually none of the gates were accessible due to snow plowing, et cetera. So, the emergency gate really wasn't working.
    - The emergency gate concept is a little bit at the discretion of our Fire Chief. It is part of the International Fire Code which we adopted for our safety standards. While the vote was not unanimous, we did vote to provide the Fire Chief with the final say in the matter. It is his opinion that emergency gates are not as safe as they could be.
    - As it pertains to tonight, what it means is that any subdivision with more than 30 homes either requires two methods of access, or the homes need to be fire suppressed as they are built. So, in this case tonight, we will be hearing a proposal for a subdivision that is going to be fire suppressed because there won't be an emergency gate.

Chairperson Parel – Thank you, George. Deb, I'm wondering if we can get an update from you for the DDA.

Debbie Watson – I don't have a lot new to report from our last meeting, but Dave has a few things that he can update us on since then.

Chairperson Parel – Dave, would you also be the one to update us on the ZBA items?

Dave Campbell – To the extent that there is an update to be given.

- I'll start with the ZBA. They had a very brief meeting in January, and they did not have a quorum, which is why it was brief. However, the bylaws say they must hold a meeting, so they held a meeting just long enough to say *we adjourn any action until our March meeting*. There were no petitioners. The only action to be had was annual housekeeping. They had to elect their officers and approve their bylaws.
- As far as a DDA update:
  - We do have a meeting coming up this week with the developers of the 5 & Main development, and some of you are invited to that meeting, which is for what they call Building G, aka the shopette. That is the multi-tenant building next door to the credit union that is already under construction. What's significant about this building is it will be something of a prototype for the look, the design, the building materials and the architecture for the rest of the 5 & Main development. Along with Building G, they will also be submitting what they call their tenant handbook, which is meant to encapsulate their design standards; again, materials, architecture and so forth. That's something that the Planning Commission was looking for back when the Planning Commission was considering the credit union, and they weren't ready with it for the credit union. So, we said, okay, when you get to the shopette, Building G, we have to have those design criteria. So those are hopefully close to being ready, and that's what this meeting with them is about later this week.
  - You may have noticed that the traffic signal at Pontiac Trail and Walnut Lake Road, as of this morning, the signal heads were hung, and they still had the black covering over them. They were not yet energized, but that may have changed over the course of today. Once the signal is energized, it's going to be on a flashing yellow, I think for a week, and then it will go in operation.
  - The last update to 5 & Main that I'm hearing has to do with the gourmet market. From what we're hearing from Randy Thomas, who is the broker for the DDA, but is also doing some coordination work with the developer, Mr. Aikens, there is a deal in place for the owner/operator of the gourmet market. He wants to actually own his real estate within 5 & Main, so he's going to buy a pad from Mr. Aikens. That pad does not legally exist yet. It would have to be in the form of a condominium unit, so they're going to have to amend the 5 & Main condominium to create this pad so that Mr. Aikens has something to sell.
  - The way we are hearing it, as soon as the owner/operator of the gourmet market buys the real estate from Aikens, then Aikens effectively signs that check over to Commerce Township in order to buy what we call the Library parcel. That is a key piece for the market because in addition to it eventually being the home for the hotel, it will also be the home to a parking lot that will be shared between the hotel and the gourmet market. So, it's important that the developer control that Library parcel. Currently, Mr. Aikens has an option to buy the Library parcel that goes through May.

Chairperson Parel – That’s great, and we have a good amount of people here from the community, so 5 & Main is on a lot of people’s minds. Thanks for giving us that update.

Dave Campbell – And within that Building G is hopefully going to be a nice restaurant and a nice coffee place, amongst other tenants. I think it’s a 5-tenant building, so the two endcap users are going to be the restaurant on one end and the brand name coffee shop on the other end.

Chairperson Parel – Excellent, thank you.

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

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

No comments.

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

### **F. TABLED ITEMS**

None.

### **G. OLD BUSINESS**

*>>Moved to the end of I. New Business*

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

#### **ITEM H.1. PCZ25-01 – BOGIE LAKE RESIDENTIAL – CONDITIONAL REZONING – PUBLIC HEARING**

Bogie Lake Holdings, LLC of Walled Lake, MI is requesting a Conditional Rezoning of seven parcels of land totaling approx. 14.9 acres from R-1A (Large Lot One Family Residential) & R-2 (Attached Residential) to R-1D (One Family Residential) located on the south side of Bogie Lake Road between Walled Lake Northern High School and the Westlake Health Campus. The developer intends to build 46 single-family homes.

PIN#’s: 17-03-100-010, 17-03-100-004, 17-03-100-019, 17-03-100-020, 17-03-100-021, 17-03-100-022, & 17-03-100-024

Dave Campbell – On the big screen is the aerial from Spring of 2025. The area that we’re going to be talking about for this project; it’s an assemblage of seven properties. You’ve got the former West Winds nursing home here, that’s one, and then there’s four stacked properties here, the property back here is six, and this backwards L-shaped property is seven. All are owned by Jim Maher who is here this evening and is looking to rezone all seven of those properties in order to build a new neighborhood of 46 single family homes. The property is located along the South side of the east to west stretch of Bogie Lake Road, bookended to the west by the Walled Lake Northern High School, and bookended to the east by the West Lake Senior Living Health Campus.

Of the seven properties, four of them are currently zoned R-2, which is effectively the Township's duplex zoning, so that's the four stacked lots right here. I can pull up the zoning map. Then the properties surrounding them are zoned R-1A single family, with R-1A being the Township's large-lot single family zoning district. What's being proposed by Mr. Maher and his team is to conditionally rezone all seven properties to R-1D, which is single family zoning but smaller lot sizes. So, as you go from R-1A to B to C to D, the most significant difference is the minimum lot size and the minimum lot width of those zoning districts. R-1A is our largest lot size, R-1D is our smallest single family zoning district. Specifically, R-1D allows for a minimum lot size of 7,200 square feet and a minimum lot width of 50 feet.

What Mr. Maher proposes for the layout is 46 single family homes with one single point of access off of the south side of Bogie Lake Road. This is a property and a project that is somewhat familiar to the Planning Commission. It came to you in a different layout about a year ago at your February 2025 meeting when they were considering two points of access and 42 single family homes. Let's review what has changed between that concept plan and what you see this evening.

This is the proposed layout for the Conditional Rezoning that's being considered tonight. As I mentioned, one point of access and three roads all ending in a cul-de-sac with a total of 46 homes. The concept plan that the Planning Commission saw about a year ago had two points of access along the south side of Bogie Lake Road and 42 homes. What changed with that is the two points of access were too close together to meet the International Fire Code (IFC), and this is what Mr. Weber was alluding to a few minutes ago. The IFC requires that the two points of access be a minimum distance apart from one another, and that minimum distance is determined by the diagonal distance of the area to be served. So, if you look at this property, it's kind of a long property with limited frontage along Bogie Lake Road and there was no way to get two points of access along the Bogie Lake Road frontage and still meet that diagonal ratio.

So, the alternative was to provide one point of access, but because there are more than 30 homes proposed, what the fire code allows is for more than 30 homes with one point of access so long as all of those homes are fire suppressed. So, these homes that are being proposed as part of the rezoning this evening, all of them would have a fire suppression sprinkler system.

As I mentioned, the properties currently are a mix of R-2 and R-1A zoning, and so it's being proposed as something of a hybrid or a middle ground of R-1D zoning. Mr. Maher and his team are seeking that as a Conditional Rezoning, which as this Planning Commission is well aware is effectively the petitioner saying, please give me the zoning I need and I promise to build this and only this, which is this 46-unit site plan that you have on the screen.

This is not yet a fully developed site plan. If the Conditional Rezoning were to be approved by the Planning Commission and by the Township Board, then Mr. Maher would have to come back to the Planning Commission and to the Board with a fully developed condominium site plan that would include the condominium master deed, which would be again approved by both the Planning Commission and the Township Board

What's somewhat unique about this particular rezoning is it's what we call a border case. The south side of Bogie Lake Road is Commerce Township, and the north side of Bogie Lake Road is White Lake Township. So, by State law, anytime you have a rezoning proposed in one community that borders on another community, by State law, the County and their planning staff and planning commission have to weigh in on the rezoning. The intent is that one community is not putting the other community in a bad spot by rezoning

to something that's completely disparate from what's on the other side of the municipal boundary.

From a scheduling standpoint, we are holding our public hearing for the rezoning this evening, and again, that's required by State law. If the Planning Commission is prepared to do so, the Planning Commission would make a formal recommendation to the Township Board whether to approve or deny the proposed Conditional Rezoning. In between those two meetings of the Township, this plan would have to go to what's called the Coordinating Zoning Committee for Oakland County and their role is to ensure that one community is not putting another community in a bad spot.

Scheduling wise, that Coordinating Zoning Committee meeting could be on March 4<sup>th</sup>, and the sequence could potentially be the public hearing tonight with the Planning Commission recommendation tonight, then go to Oakland County on March 4<sup>th</sup>, and then go to our Township Board for a formal decision on the Conditional Rezoning at the Board's meeting on March 10<sup>th</sup>. That is the potential schedule.

Another key component to a Conditional Rezoning, in addition to the Conditional Rezoning plan that we're all looking at, is a Conditional Rezoning agreement. This is a contract between the developer and the Township, which effectively memorializes this agreement of giving the zoning that the developer needs, and in return he promises to build only this. This Conditional Rezoning plan would be an exhibit to that agreement. Within that Conditional Rezoning agreement are the conditions that are being volunteered by the developer, with a key condition being a layout almost identical to this, just with more detail in the form of engineering, landscaping and so-forth.

The developer can opt to offer any conditions, and it's the discretion of the Planning Commission and of the Township Board whether to accept or not accept those conditions memorialized within the Conditional Rezoning agreement. What you have in your packet this evening is the draft agreement that was developed by the Township Attorney, with a lot of input from Mr. Maher's team. Again, the Planning Commission would have the option to make a formal recommendation tonight. If you're not prepared to do so tonight, you can make a formal recommendation at a later meeting. Then it would be up to the Township Board whether to formally approve or not approve the Conditional Rezoning, including the Conditional Rezoning agreement.

We did have our traffic engineer take a look at this and do a trip generation model, looking at the proposed number of homes, how many trips they would generate over a 24-hour weekday; so how many trips they would generate in the weekday peak hour. So, during the busiest hour in the morning, the busiest hour of the afternoon/evening. The summary of that report is included in your agenda packet. The traffic engineer also looked at the existing intersection to the west of Bogie Lake Road and the northerly entrance to Walled Lake Northern High School to see what impact this development might have on that signalized intersection. While the 46 homes that are proposed would have a very negligible impact on the existing intersection, the traffic engineer did find that there are some upgrades that could be made to the operation and timing of that signal. So, they are passing those suggestions on to the Road Commission for Oakland County (RCOC) to see if they want to make adjustments to the operation of the signal to hopefully help, I think primarily in the morning, during the chaos of the morning drop off, to try to move the parents through there a little quicker and more efficiently.

But what the traffic study did not determine was that there would need to be any significant improvements to the layout of Bogie Lake Road, which already has a center left turn lane along that particular stretch, so there wouldn't be any need to add one. As one of the conditions of the rezoning, the developer is volunteering to put in a right-turn

acceleration/deceleration taper at the proposed site access point. What's not warranted based on the RCOC's warrants is a full right-turn lane. Included in the traffic study in your agenda packet, you can see the warrant charge that the RCOC uses and the amount of traffic that will be generated by this development is quite a ways away from what the Road Commission would require to put in a full right-turn lane. So that's a very brief summary of what the traffic engineer came up with for traffic impacts.

And I think that's most of what I wanted to go over as part of my summary of the Conditional Rezoning, again recognizing the Planning Commission has already seen this to some degree about a year ago. I know Mr. Maher and Mr. Mike Noles from Umlor are here to present on their own behalf. So, if there are any questions for me, I'll answer them now. Otherwise, you could invite Mr. Noles and Mr. Maher up to make their own presentation.

Chairperson Parel – Sure. I was thinking that would be next, unless anybody has anything they'd like to discuss now. We can invite the gentlemen up, and then open the public hearing.

Dave Campbell – Right, I'm sure Mr. Noles would love an opportunity to address any questions or concerns that may be brought up during the public hearing, so usually he would want an opportunity to do so after those comments and questions are heard.

Jim Maher, President, Bogie Lake Holdings, LLC, 816 N Pontiac Trail, Walled Lake, MI 48390, was present along with Mike Noles, Sr. Vice President, The Umlor Group, 49287 West Road, Wixom MI 48393.

Mike Noles – Good evening. It's great to be back. Thank you, Mr. Campbell, well done, as usual. As Dave mentioned, my name is Mike Noles. I'm with The Umlor Group. We're the civil engineers and surveyors for Mr. Maher, who is here with me tonight. As Dave mentioned, you've seen this before. We've been working on this for a little over a year. This slide kind of illuminates a little bit better. This is a very unusual spot-zoned assembly. We have seven parcels, and right in the middle we have the high-density zoning, surrounded by the low-density zoning, which is a very unusual configuration. So, when Mr. Maher brought this to us, we tried several different things, and you'll see some of those things on the next slide. Some of them are pretty ugly, and some not so bad, but we will talk about those.

These parcels are all in a higher density, the R-2 zoning, which are attached units. That is a total of 2.52 acres. The bulk of it, 12.37 acres, is in the R-1A zoning. So, we have a mix of high-density and low density, the low density being the bulk of it, and the high-density being the small parcels here. So, what are we going to do here? I counted today and we did 24 different concept plans on this job over the last year and a half. Some of these were DOA. When you end up with a parcel with multiple zonings ... This is the Master Plan here, not the zoning map. It is Master Planned for 3.5 dwelling units per acre. So, your Master Plan would say 49 units.

Of course, the Master Plan is not the law, which is why we're here tonight, because we'd like to change the zoning to be something that's more palatable to the community, to the Planning Commission and to the Township Board that falls in line with your vision of the property. So, 49 was kind of what we were shooting for. We originally started with rezoning the whole thing to R-2, which would have been a senior duplex configuration or

multi-family. Those were dead on arrival as you might expect. They were not warmly received.

Then we looked at straight zoning. That's always a question, but these were some of the concepts that we did, a desktop parallel plan. You can see the property lines here in orange, they're covered by some of the designations for the roads. What we're looking to do is decide if we can develop it the way that the zoning shows it. We talked about doing a 20-unit building right up here at the front, and then doing these single lots in the back. That came out to around 32 units if we were to develop it strictly in accordance with the zoning. It falls short of the Master Plan and it's also a terrible layout. Who would want to live here?

So, we tried to do something a little bit different over here. We got it up with using the cluster option underneath the straight zoning. That got us up to 49 units, and again it's in a configuration that is pretty ugly and isn't typically what you would see in a Master Planned multi-zoned property. We've developed several of those and this is not the typical formula for that.

Then we tried several different configurations of singles. As Mr. Campbell mentioned, we came in front of you last year and this is the one you saw last year, this R1-B cluster with 42 homes. Some of the direction that we got was, well, can you approach the neighboring property to see if you can purchase it? Maybe you can do a little bit more of an efficient layout. We tried that. Mr. Maher was unsuccessful in putting that additional property under contract. We were also taking a look at a possible emergency access connection, which you heard a little bit about from Trustee Weber. The emergency access is not the Fire Chief's favorite thing to do, and he wasn't alone. The County didn't like it at all. It's not a great place to put an emergency access in a high-traffic school lane, and they wanted no part of it. There's also some grading in here; you can see the topography over here, each one of these lines is a foot, so there's some steep topography down here at the south end of the site. So, it wouldn't have made a great emergency access, and I could definitely see the snowplow just pushing it right into the gates and making it unfunctional.

So, we abandoned those ideas and this was the idea you saw. This was another iteration of that same idea. And here is the diagonal problem with the International Fire Code (IFC). For what you're servicing, you have to take this distance, and you have to have a certain separation. There's a ratio that's required and we couldn't meet the separation no matter how we tried. We couldn't get this road over far enough. The detention basin is somewhat dictated by the topography of the site. Even if we went through extraordinary means to push these out as far as we could in either direction, we just couldn't engineer that.

So, we were left with a whole lot of roadblocks along the way. It seemed like the plan we presented was warmly regarded in the meetings we had with various members of the Planning Commission, the Board, the Supervisor and Planners, and also the introductory meeting that we had here with the Planning Commission. This target of the Master Plan seemed to be well-received.

So, we wanted to try to keep this deal alive, which is this slide. Mr. Maher has agreed to fire-suppress all the units. It's the only way that this can get developed, unless we develop it as a 20-unit, large lot, side entry, \$750,000 per unit project, like most of the new projects coming on. I think we had some discussion at our last meeting about how it's very difficult to develop attainable property anymore because of the parts and pieces, and there's no one person or one entity that is really at fault. When commodities go up and fuel goes up; those are all the parts that are going into the project, doing the earthwork, and concrete goes up, and pipe goes up, and bitumen is a product of petroleum, so those prices go up, and lumber goes up, and labor goes up.

All the inflation that we see, it's not just limited to eggs and to milk. You see it in all the purchasing that you do too. It's had a real impact. I used to say at the beginning of my career, we can't build anything under \$300,000 because we just can't make it work. And now we say you can't do anything under \$400,000. You just can't make it, and so we were trying to keep this to be more attainable housing. That's why we went with this R-1D. Now, Mr. Campbell is correct that Commerce prefers a Conditional Rezoning, because as you saw on that last slide, if I were to just simply ask you for R-1D, you could theoretically get 6 units to the acre with 7,200 square foot lots and we could be at 89 units. We would lose some room for road right-of-way. This is just a rough approximation. You'd have to actually do a concept plan to get this number in, but you certainly don't want to give me zoning for R-1D that would permit me to do 71 units. That wasn't the deal, it wasn't what we talked about and it wasn't the direction that you gave us.

The direction you gave us was the Master Plan density and see what you can do. That's what we've done here, and the only way we can do it is by implementing fire suppression. That was one of the conditions that we're offering in this Conditional Rezoning. We're also offering that none of these lots can go to the ZBA for any appeals. The side yard setbacks are set, rear yard and front yard setbacks are set. Nobody's going to come in and say, I didn't know and I want to put a deck from the back of my house all the way to my property line. That would be part of the disclosures in the master deed and bylaws, and in the purchase agreements, that these houses are not eligible to go to the ZBA for a dimensional variance.

A couple of the other things, which I guess they're really the sleeves off our vest, but they're worth mentioning. I think it has been a goal of the Township to get rid of the abandoned West Winds home, and the two existing houses in the multi-family zoning, which would be demolished as part of this deal, and to limit it to the 46 units we're proposing here. Also, the compliance with applicable Township ordinances doesn't really get you much more than that, as much as sprinklers, no ZBA and demolition of eyesores. We've also offered to build a dog park feature. We talked at the last meeting about possibly getting some kind of active, recreational component here. We did kick around pickleball. This is a tough corner to put pickleball on because of the topography; it's a sloped hill over here. So, we're planning to fence it, put a pet waste station, some benches. You can see the sidewalk. I highlighted the sidewalks because Commerce, and really every community, is hot on pedestrian connectivity, with Commerce more than most. You've really invested a lot into pedestrian connectivity. So, there's a little walk over here to get to the dog park, and there's sidewalks on both sides of the roads, as well as a walk across the frontage. That's a nice little feature that might be nice for attainable housing, starter level housing.

Everyone always asks, what are the houses going to look like and how much are they going to cost? And I really can't answer that question in this particular case. This is not a planned unit development where we're developing architecture specific for the site, but you know it will be something like a two-story colonial, lots are 50-feet wide and they have 14-foot combined side yard setbacks, which means there's 36 feet left in the building envelope, a two-car front entry garage is 20 feet of that. The remainder is the front porch and the front entry. I tried to pick a couple of pictures off the internet that kind of give you that feel; a tight-knit neighborhood with a small front porch, with the two-car front entry. This is not Jim's product. He hasn't developed any product specifically for this job, but as you might imagine, he has a lot of interest in this job. All of the local developers that develop around this area are all very much interested in taking it off of his hands. That is not a decision that he has made at this point. He will have to make that if we get further

on through the process, and have final engineering completed so we can market and sell an exact building envelope, the exact storm system, and an exact number can be put on the cost of the site improvements.

The last item on the Conditional Rezoning; this is from Mr. Rentrop's proposed agreement. You can see already drawn in here is an acceleration/deceleration taper rather than just your normal 30-foot radii to go right up to Bogie Lake Road, and that is subject to the Road Commission's approval. That being because we were concerned about traffic; it's one of the things that we get at every meeting. Everyone's always concerned about traffic and rightfully so. We all commute in it every day. This project of 46 units really isn't going to move the needle much, but isn't the traffic really a sum of all the projects, whether it's 3 units or 3,000 units. So, we're happy that your traffic consultant, that Jim paid for through the Township, concluded that this won't really move the needle one way or the other. That's helpful, but it doesn't make the traffic go away. It obviously adds to the traffic, and so we're trying to do our part by doing something a little bit extra over here, by limiting it. All of your traffic models are built around your Master Plan for what you have planned for your community, and also your capital expenditures, as well as the County. They look at all of that as well to make their land improvements over time.

So, that's the gist of what I wanted to bring to your attention. I thank you for your consideration. I know it's never an easy decision to do a rezoning. I think probably the biggest reasons to want to do this is, if you look at the existing zoning, it's just impossible. You can't really develop it the way that it's zoned, so something has to change. We felt that using the Master Plan as our guide, and also vetting it through your Planning Department, through your elected bodies, and through this Planning Commission as well as your Fire Chief ... I don't blame him. He is very safety-minded. We've always been able to work with your Fire Chief and he's looking out for the best interest of this Township, and he doesn't like the gates. He's got good reasons for it and so, it's not a small expense to add fire-suppression to a single-family home. I'm glad that we were able to come to an agreement on that particular matter, and hopefully this is something that you can support.

Chairperson Parel – Thank you for the presentation. Dave, I have one question, and we may have others before we open the public hearing. In regard to density; you and I talked about this today, and the presentation kind of addressed it a little bit. Do you agree with the presentation, that the amount of homes that would be allotted under the current zoning, permitted by right, do your numbers align with what we've heard?

Dave Campbell – I think we're close. The reason it is hard to definitively say *here's how many houses they're proposing versus here's how many they could achieve under the existing zoning* is that a lot of it depends on how they lay out the site, and particularly how they lay out their roads. We can do the math and the equations and the ratios, but until you actually lay it out, it's sometimes challenging to come up with a firm number. Based on math and ratios, I came up with a number that's probably in the mid to high 30s, and what they're asking for is 46. So, if that's the same ballpark, then that's what it is.

It's also worth reminding that what they originally wanted was a concept plan that proposed 42 units, but that's where we got into the whole discussion with the Fire Department regarding the two points of access. So, in order to meet fire code, they changed it to one point of access, but with every house having fire suppression. In so doing, they lost that section of road, and so they backfilled it with four units and that's how

you get up to a count of 46. So, as Mr. Noles points out in his presentation, there are a lot of different ways to do the math.

Chairperson Parel – That's helpful to the conversation, at least for me.

Dave Campbell – And keeping in mind, that math assumes that they would have to put in duplexes on the four properties that are currently zoned single-family. I listened to Mr. Noles explaining a layout that would have attached residential surrounded by large lot single-family residential and the question is, does that kind of layout make sense? That is a consideration for the Planning Commission as well, and certainly what our Master Plan calls for is a critical consideration.

Chairperson Parel – Definitely. Any other questions or comments?

Phillips – First of all, I think the proposed Conditional Rezoning represents an improvement for the use of this property. One thing I was wondering; Mr. Noles, you said that priority was given to pedestrian access. Is there any need or potential for pedestrian access to the high school?

Mr. Noles – We did talk about that and we'd be happy to do it as a small piece, if the high school can get on the page of wanting that access. Certainly there might be some homeowners and some students that might want to walk there, and they're going to beat a trail through the grass whether there's a path there or not. The question becomes, what are they walking into? They have to come down a hill it's the drop-off lanes right there. So, is there a safe way to drop them off? You could probably do it at this corner. We could extend our sidewalk around the dog park and probably get it down to that corner. We would be more than happy to do that. It's not a big ask or expense, so long as the school would allow it.

Phillips – Right, and I don't know if it's need for high school. I don't know how many people ride their bikes or walk, but if you lived that close.

Loskill – There's a lot.

Phillips – And we have the Bogie Lake Road pedestrian sidewalk, but the adjacent property does not, so they'd be forced to walk on the side of the road and that could be a safety problem.

Chairperson Parel – Dave, can we look at that?

Dave Campbell – The connection to the school?

Chairperson Parel – I was thinking scroll up to the north so we could see the connectivity.

Dave Campbell – Yes, I can go to Google street view. The question of whether or not to have a pedestrian connection to Walled Lake Northern is as much a question for the developer as it would be for the school district. They might have their own thoughts or concerns regarding inviting pedestrian traffic to that particular corner of the campus.

Dave Campbell brought up street view from October 2024 on the overhead and reviewed connectivity.

Phillips – That's not very good.

Dave Campbell – Here is the bulk of the property we're talking about. What they're proposing is to run the sidewalk along their frontage, but it would end where you see that house. There would not be a sidewalk along this stretch as Mr. Maher does not control that property. Then, as you continue westward, here is the entrance to Northern.

Chairperson Parel – And Northern just has a street; they don't have any sidewalks aligning to the road.

Dave Campbell – Correct.

Chairperson Parel – The kids would walk on the grass I'm sure. So, there would be a gap there from the school to Mr. Maher's property, and then where would it pick up on the east side?

Dave Campbell – When Westlake did their original facility, and then these independent units to the east, the Township had them put in a meandering sidewalk along their frontage which wraps around the corner with the roundabout, and goes as far as the school property and the main entrance off this leg of Bogie Lake Road. At the risk of going off on a tangent, Commerce Township is putting a millage in front of the voters in November of this year to see if voters support a millage to put in additional sidewalks and pathways throughout the Township. One of the projects that we would hopefully complete if that millage were to be approved would be along Bogie Lake Road, all the way from Walled Lake Northern south to Commerce Village.

Chairperson Parel – That was a tangent I was hoping you would go on.

Dave Campbell – I know we get picked on about sidewalks to nowhere, but in this case, the sidewalks will hopefully be part of a broader network if the voters choose to vote in favor of it.

Phillips – I know that the fire suppression in each home is a significant expense. Is it also potentially a safety selling point to the individual homeowner?

Mr. Noles – It can be.

Phillips – The Fire Department is very responsive, but having fire suppression ... It seems like you might sell that.

Mr. Noles – It can be a selling feature. There are, as you might guess, opinions on both sides of that topic. If they are unsightly, or what if they go off during my cocktail party? The way they show us in movies is not really how fire suppression systems work. There are modern finishes and it can be a selling feature for folks who are safety-minded.

**Chairperson Parel opened the public hearing.**

There were no comments from the public.

Dave Campbell – Before you close the public hearing, included in your agenda packet was a letter from Mr. and Mrs. Stanton. I know Ms. Watson will include it in the meeting minutes, but the letter was primarily their concerns about traffic.

The following is the aforementioned letter:

*January 21, 2026*

*Re: Proposed Rezoning PCZ25-01*

*I am writing in regards the proposed rezoning of the seven parcels: 17-03-100-01 0, 17-03-100-004, 17-03-100-019, 17-03-100-020, 17-03-100-021, 17-03-100-022 & 17-03-100-024. I would like to express my/our whole family and neighbors' disapproval of this development. Bogie Lake Road as it is now, is already an extremely high traffic, unsafe, busy road. With it being a main connecting road to M59 up to Commerce, Cooley Lake and other streets as well as home to 3 high schools, one of which is directly behind this proposed subdivision, there are mornings it can take up to 15 minutes just to leave our driveway. The speed limit is 45, yet it feels as if it is the autobahn. Drivers speed recklessly through our stretch of road, easily going 60 and above, regardless of the schools, speed limits posted or roundabouts. It is also a highly driven route for police (however, no one ever seems to be pulled over), Fire and EMS. With a senior living development on Bogie Lake and Huron Valley hospital close by, the traffic is even more exaggerated.*

*For all of us that live on that road, especially in the direct area of where these 46 homes are proposed to be built, it would be a complete nightmare to have yet another development there. Construction trucks and crews would be heavily adding to that nightmare of traffic and destruction of the road for most likely several years. There are a lot of families with children and pets; safety in this area is already a major concern. We have known of several families that have relocated already strictly due to the traffic.*

*We do not need yet another greedy developer, adding to more of the already struggling issues of this area. We ask respectfully, that this rezoning be denied. If a developer wants to take down the dilapidated houses that are there and replace them with a few new ones, that would be more reasonable than a 46 single family home development.*

*Sincerely,*

*Mr. and Mrs. Michael and Liane Stanton*

*10772 Bogie Lake Rd, White Lake, MI 48346*

**Chairperson Parel closed the public hearing.**

Dave Campbell – The potential step this evening would be to make a formal recommendation, at which point it would go to the Township Board, but in this case, not before it goes to Oakland County's Coordinating Zoning Committee. That is a unique step for this project because it does border White Lake Township.

**Commissioner Comments:**

McCanham – I have no comments.

Weber – When I first saw this, I was one of the people who was warm to the concept of getting rid of the abandoned assisted living facility and doing something that made sense. For me, I was pretty much all in with the 42 units. I thought that was a fair balance between the multi-family and the R-1A, still providing the R-1D size, but the original concept basically had more greenspace around it. That's my concept. I know we're only talking about four additional homes, but that's four additional lots that were originally devoted to greenspace that aren't now.

Loskill – I live in the area. My concern is that these people will not be able to make a left hand turn for an hour in the morning. It's impossible. It backs up all the way to the roundabout every day that the school is open. Going north on Bogie Lake Road, it backs up all the way from the signal at Walled Lake Northern all the way back into the roundabout at Bogie and Carroll Lake. We're going from an R-1A and an R-2, which both have 20,000 and 10,000 square foot requirements, 100 and 150-foot frontage requirements, and we're slicing those into fractions. You're getting a lot more units.

You're picking only one piece of the Zoning Ordinance to uphold, which is the units per acre. That's all everybody is looking at. The ordinance also requires minimum lot widths and minimum lot sizes so that we don't overbuild on these lots. I think this many homes is too many. It's not just a matter of units per acre. You've got to meet all the requirements of the Zoning Ordinance. I do this every day at my job and I can't look at the number of units per acre. I have to meet all the requirements of the Zoning Ordinance. As much as I would like to see this get developed, because the old folks home is an eyesore, I think it's just too many homes and it's too small of lots. I'm not really a big fan of nothing but garages. I would like to see fewer lots and a better diversity of home styles so it's not just a sea of garage doors. That's my thoughts.

Chairperson Parel – I appreciate it. I obviously don't have the expertise that you do in the matter, but how does some of that relate to the fact that they have a permitted right on the parcels that are in the center that could be duplexes for instance?

Loskill – Sure, the R-1A has basically 2.2 units per acre. R-1 has 4.5 units per acre. They're at 6 units per acre, so they're 50% higher than the multi-family zoning. They're 300% higher than what the R-1A would permit. It's a significant number of homes. I understand it's a developer's job to squeeze in as many homes as they can. It's our job, I feel, to make sure that we get a good development for the Township.

Chairperson Parel – I think that's a good answer. I appreciate it. Brady?

Phillips – I don't have any more questions.

Chairperson Parel – I'm not sure I could add more to that. There were some really good points. Dave, I think it might be a good idea to invite the developer up to address some of those comments. I don't know if you have any additional comments at this time. I know we are short here on the number of people voting, so they've got to consider that as well.

Dave Campbell – It is relevant that we're down two votes; one was a last-minute illness. In terms of taking any action, it would need to be a majority of the Planning Commission present, so that is relevant. In terms of traffic generation, delays and levels of service, the traffic engineer did take a look at that and does have an analysis as far as the level of

service for the proposed site driveway. That's included in your packet. I can go into more detail about that if warranted, but I can see that Mr. Noles is eager to respond.

Loskill – Even in the traffic report, they note that there is a problem with school drop off and pickup.

Dave Campbell – At the signalized intersection, yes.

Loskill – There's no way around that. There are too many people and only one way in.

Dave Campbell – It's an existing problem, regardless of what happens on these properties.

Chairperson Parel – Mr. Noles?

Mr. Noles – Thank you. By all means, your comments are valid. I'd like to offer a retort just to clarify some things. First of all, Trustee Weber, I appreciate that you're looking at going from 42 to 46. It's not necessarily a change from open space to more impervious area, because remember, we've taken out the impervious area of that road which allows there to be more developable area. So, it's a much more efficient layout and I would venture to say that the impervious area calculation would be close. We do have the open space calculations in there which are very close on both.

Weber – I get it. That's probably as efficient a design as you could possibly have. But I will say that Mr. Loskill has also given me some pause in my thoughts, even at 42. I think maybe I did my math wrong, but my logic on 42 was that it basically took it to about the same density of what could have possibly been there for R-1B, somewhere within that. So, removing multi-family and combining the R-1A, R-1B was a hybrid for me. I think though, Mr. Loskill's comments maybe have given me pause. Obviously, density is always our second priority behind safety, but he has given me more things to think about that I hadn't considered.

Mr. Noles – Well let me address a couple of items that Commissioner Loskill pointed out. We are not at 6 units to the acre. That's what R-1D would permit us to do. I had the calculation on there that showed that it would be somewhere between 90 ... once you take the roads out, it would be at 70 units, which would make the 6 units to the acre calculation true. We're not asking for that. What we're asking for is less than 3.5 per acre. Your Master Plan calls for 3.5 units to the acre, which calculates to 49. We're actually going to be at somewhere like 3.3 units per acre-

Loskill – But you're only looking at one aspect of the Article 6.

Mr. Noles – No, I understand that-

Loskill – You're just looking at the units per acre. You're not looking at the unit sizes that are required, you're not looking at the frontage requirements. You're not looking at any of those.

Mr. Noles – No, but we are. It meets every requirement of the R-1D.

Loskill – Of the R-1D.

Mr. Noles – Correct. And we've got open space in the rest of it. So, we're meeting your Master Plan, and we're under 3.5 per acre. If we were coming in for a straight rezoning to R-1D, then you'd be correct. But, because it's a Conditional Rezoning, we're limited to this number of units, 46 units. It's a voluntary condition, and so the math on 46 units divided by 14.5 acres is 3.3 units to the acre. We're not asking for 6, so that's an incorrect comparison. I don't mean to be offensive on retorting to that fact, but that's not true that we're asking for 6 units to the acre. We're asking for 3.3 units per acre, which is less than your Master Plan.

So, the Master Plan also carries some weight. You spent a lot of time working on your Master Plan and having a vision of an area. When you looked at this area and saw it was shoehorned between a multi-family, high-intensity development and a highly intense, even though it's zoned R-1A, the school is a high-intensity use, how do you develop this parcel? You can't do it as zoned, and so we used the Master Plan as our guide and came in under the Master Plan.

The other thing I wanted to address was the-

Loskill – So you're looking at using the R-1D for all your requirements, and I'm not sure that moving it that far down from our most generous to our most restrictive is in the best interest of the Township.

Mr. Noles – It's not your most generous because you have R-M and you have R-2 that are more intense, and they're right next door. So, this makes a good transitional zoning case to transition from those high-density developments that you already have in your Township to something that is less.

To your point about a sea of garages; anytime you do a higher density than the R-1A, which is 20,000 square foot lots with two or three-car side entry garages. If that's the only product you want in the Township, that's okay because you set the parameters. But, you have asked for diversity of housing types because you don't want all \$750,000 to \$800,000 homes with a half-acre lot. How you do that is you create rules that we follow, which is how we developed this plan to hit frontage, 50-foot wide lots, 14-foot combined side yards, front yard setbacks, rear yard setbacks. We're not only looking at ratios. We're actually lotting it out, and so when we do that and we use the R-1D, that's why it's conditional, because we're tapping it at that density, and we're offering a product that you don't have enough of in this Township, which is a diversity of products for first-time homebuyers.

I was telling Mr. Campbell ahead of the meeting. My daughter and her husband are building here in Commerce. My first house that I bought was \$85,000 in 1993, and their first house is \$550,000 here in Commerce Township; the smallest one they could get at Crystal Lake, the Robertson Brothers product. There's a housing problem across the country and this is one way to solve it, but they are not going to be side entry garages and they're not going to half-acre lots. This is a way to solve that problem, is to have some entry-level attainable product for those kids to have a chance to be able to buy a house in a community like Commerce that has all of the amenities that they want to be around; the walkability, they want to ride their bikes, they want to run on the trails. They want to use the features that you have in this community and it's not going to be with a three-car side entry garage with a half-acre lot because you can't build one for the price that they can afford.

Those are my only retorts to the comments that I heard here. We think it's a good plan. We got feedback from you. Your own traffic consultant said that it's a drop in the bucket and it's not going to change the situation. It does add a diversity of housing. We did scale it back into the direction we were given in terms of where we started with multi-family and duplexes. It's not developable the way it is currently zoned. It has to be rezoned to be developed. I thought it was notable that we are tearing down an eyesore, we're having entry-level attainable product, we're having an active park, we're investing in pedestrian connectivity, and we're going to have one of the safest developments in your community with fire suppression. We were hoping that would be enough to sway your opinion that this would be a worthwhile endeavor. I hope some of my comments have landed well.

Mr. Maher – Any feedback on that?

Chairperson Parel – I was wondering the same.

Loskill – Well yeah, it's a matter of going from the most generous zoning to our most restrictive zoning, and you're reducing all the areas, you're reducing all the frontages, you're reducing everything to its bare minimum to squeeze as many lots as you can. I understand that. I'm an architect. I understand how this works. You've got to get so many numbers to make it pencil out, but we're not limited to only this. We can decide that this zoning is just too much for the area.

Phillips – I have a question for Joe and George. You referenced 42 units. If it was 42 units and redrawn, would that be acceptable?

Weber – I hate getting down into 4 units and yes or no, but to be honest, I am, and for a lot of the reasons that Mr. Noles talked about, specifically that my first home in Commerce was \$60,000. Thinking about starter homes being \$400,000 is scary, but that is the world that we're living in. We know that the majority of developments within Commerce now are much more than that. So, I guess it's a balance to me. Just speaking for myself, is it worth it to have more affordable housing for a few more homes, from the 40 that Dave had to 42, but at the same time I want to balance the look and feel where we're not just jamming everything in that we possibly can. That there is a balance to greenspace and density for a development like this, and also providing a more reasonably priced home than what is presently going on, not just in Commerce, but with homes all over the County.

Phillips – Was that a yes or no?

Weber – At 42, I'm a yes.

Phillips – Joe?

Loskill – I just think it's too many. I worked through the zoning. I think based on the original zoning, it should only be 38 units there. I think it's too many, especially in that spot. Nobody will be able to make a left hand turn for an hour every day.

Phillips – They turn right, go down to the roundabout and get stuck there.

Loskill – They get stuck there, right. It's an unfortunate situation.

Phillips – I think what I'm trying to get at, because I think the question is, how many units would be acceptable for us as a board?

Loskill – I would like to see something below 40, something closer to the original zoning. But again, we're looking at only one column in the Article 6 of the Zoning Ordinance, which is units per acre. The R-2 is 150-foot width, so you're cutting that in a third, and the R-1 width is 100 feet, so you're cutting that in half. We're really going down into a fraction of what was originally zoned there. You have to meet all the requirements of Article 6, you don't just get to pick and choose one.

Dave Campbell – Help me understand, what is an example of the picking and choosing?

Loskill – I guess by rezoning the whole thing, you're getting down to the 50-foot lots. It's still a lot more dense than the original zoning would have permitted. The lots would have been a lot bigger. You're going from the most generous to the most restrictive. If it were to be developed as R-1A, as it's currently zoned.

Dave Campbell – With the notable exception of the duplex portion in the middle.

Loskill – Just because you can do it as multi-family doesn't mean you have to. You could put the same product on that.

Chairperson Parel – But it is zoned that way currently and he has the right to do that.

Loskill – Right, absolutely. But you're only going to get 10 units there. Of the 15 acres, only 2.5 is zoned R-2. The balance is zoned R-1A. The greatest majority are zoned R-1A.

Dave Campbell – In addition to looking at the math, is there any consideration of whether the project is logical from the Township's perspective if it were to be developed under its current zoning, whereby you would seemingly have duplexes in the middle surrounded by R-1A single-family homes? Is there any consideration of whether that is the development that the Township would consider to be in the best interests of the Township, beyond the math equation?

Chairperson Parel – Probably not. It's not what our Master Plan shows. I understand the balance George is referring to. What's the value of four units, or in your case six or eight units? We have to balance that against the Township's desire to provide affordable housing. Let's call it affordable housing at \$400,000 or \$500,000. I don't know how to quantify that. Is that something that's important to our Trustees, and how important in comparison to this? And to your point, Dave, and to the petitioner, if we were to even say 42, does that get us there? Or does that kill the deal for you? You don't have to answer that right now.

Dave Campbell – I might want to avoid horse trading here at the meeting.

Chairperson Parel – Right, I'm not doing that.

Dave Campbell – Not that this isn't a worthy conversation, I just don't know if it's in anybody's best interest to pick a number.

Chairperson Parel – I agree.

Mr. Maher – Thanks again for having us here today. Jim Maher; I've been in front of you guys several times and with all of the officials working on this. Some of you probably know who I am. I live here in the community. I love Commerce Township. I'm highly invested in it. I do have other properties, rental properties. If you drive by any one of my rental properties, they're very nice, high-end, top-notch. I make it attainable for many residents in Commerce Township. If you ever want to take a tour, jump in the truck with me. I'd love to take you out.

I am not a quitter. I am a fighter, and this project has been challenging. I love challenges, however, it has been a long journey. It has been over a year. It actually started several years ago with another engineering firm and another planner. Then over time, we have been finessing this. Over this last year, it's been a ride. I wanted to bring this up to you and I think it's important to bring to you guys because I sat on the planning board in Wixom, Michigan for 14 years, I was the youngest planning Commissioner there. The only reason I resigned is because I came to Commerce Township. I learned a lot and I know what shoes you guys are in. And I also know and respect ... *I remember hearing those comments, all these developers, all they want is more property and they want to develop as much as they can.* This is not the case here.

We've been through a lot. We've been through a lot of surprises. We've been through a lot of challenges, all of us, everybody here, all the board members, what have you. Everybody has been in some challenges with this. Some of the things are, as we've talked about, this emergency access kind of threw us for a loop on that and really changed things up. Instead of fighting and beating our heads and being disrespectful to each other, we worked our way around it. Zoning; we went to multi-family at one time and we proposed 89 units, two stories. They thought I was crazy. I told them I was crazy. We walked back and forth on that.

Then we started looking at what makes sense. What makes sense for Jim Maher who lives in this community and has to drive by this development every day. I said, what is it? Here we have a nonconforming assisted living building that's approximately 16,000 square feet. I have a beautiful rendering of how to renovate that and bring that up to today's standards and actually lease and/or sell that, because we do have the right to do that. So, we looked at that.

As a landlord, and somebody that leases properties out, what was really intriguing to me when I bought this was the option of having duplexes. So, coming in and being able to build duplexes was a great idea. It's zoned for it and I didn't have to go through a bunch of approvals and what have you. I was pretty excited about it. We currently have two rental properties on there now and that was pretty intriguing to me.

Then as we walk through with the planners and what have you, and just went through this and said, what really makes sense? If we're going to come in and continue to change and work with Commerce Township and have a project that we're going to be happy and proud of, what is it going to be. There was a lot of arm wrestling, and even with my own team and investors on multi-family versus duplex, or incorporating the existing 16,000 square foot building on there.

We ended up coming down to this. We said, what if we take the path of least resistance. I've never done that in my entire life. You can ask Jay James. We've worked together

pretty much on a daily basis. I've never done anything easy in my life, and here we are taking the path of least resistance. I shut up and listened. I listened to some great people around me, including my engineers. They've been patient. When he said there were 23 different concept plans, that was true. It wasn't just Commerce Township. It was Jim Maher saying, what about this? And it wasn't, let's get more lots in.

Going back to this, how we ended up with 46. I never wanted to hear this as a Planning Commissioner, and I don't want to say it here, but I don't know how else to say it. We've gone a long way and bumped back and forth. I'm confident we're below what the Master Plan is, which I'm excited for, because I don't want to overbuild in a community. I see it happening throughout. I want something that I'm proud of. Once we ended up going back and forth on this 46 units from 42, one of the justifications was that I wasn't happy when we had to put fire suppression in these homes. It's extremely expensive. It's not a norm. There's nowhere in the community that has residential houses with fire suppression. I fought it for a while, and I finally said, how do we get through this? This is a substantial investment, so I said, how do we spin this in a positive direction? Take this enormous cost and turn it in a positive direction. How do I feel proud about this development? We are going to be the first residential development in Commerce Township, and maybe in Oakland County, that has fire suppression. I know the Fire Marshal and Fire Chief are ecstatic about it. We've had numerous conversations with them. I've worked with every department here and it has been positive.

I don't think answer here is to put it at 42 because I brought in 42 a year ago. Or 46 is too much because I'm a big bad developer. I'm not. I'm an average guy. I work hard every day, and I'm just here to try to get a reasonable development that makes sense for my community, your community and the people that are standing behind me. I just wanted to throw that out. There's just been so much hard work put into this and I don't want to see it go down the drain because of an arm wrestle over 42, 46 or 39, or nothing. I know, for me, financially and as a part to make this a successful development, 46 is our number. And here's the reason why 46 is the number. We've gone through this for the last eight or nine months; attainable housing. We brought this up when I wanted to make this all rental property. And Commerce, and the powers to be and the Township Supervisor were all like, no, we don't want any more rentals.

So, with the help of my engineers and staff, we looked at what we are trying to obtain here. We're trying to make attainable housing. What is attainable housing? \$500,000 or \$400,000, so the running joke was, every time something was added, we're making the house more expensive. That's not our intention. We're not here to build a cheap product at all. But, to make it attainable for somebody such as my mom so that when she retired, she could downsize from her big house where she raised a family of six in Walled Lake into an 1,800 square foot house and buy something affordable. For my son who is in college, coming out of school and trying to find something, and stay in Commerce Township. We're trying to build something great here for people to stay in Commerce Township and it's not a \$750,000 house.

Here is the problem we have with R-1A. It's in the wrong area. Many people agree, if you're sandwiched in between a school and a nursing facility, it's in the wrong area. This isn't a place where we want to build an \$800,000 home. We're not in Crystal Lake. We're not in other areas that have these different amenities. We're trying to create attainable housing and bring something to that kid who just worked hard in college and still wants to stay in Commerce Township next to his parents, or my mom who wanted to stay in the Township. That's my story. If you have questions, I'm here. I appreciate it. You guys are in a tough situation, but I don't think it's that tough. We have signs out here. We've been

talking about it for over a year. Nobody is here opposing this. I think sometimes it's just in our minds. You have to make a decision in an hour long time frame, when we've been working on it for over a year. I will not develop something in Commerce Township that is wrong, that doesn't fit in or that's not right. I'm a man of my word. You guys have a great team here. They're tough. We've had a lot of conversations. They do their job and they do it very well.

**Chairperson Parel reopened the public hearing.**

Ray Golota, 1595 Vanstone Drive, Commerce Twp. – I'm listening to this presentation and the only thing I can think of is that development that I believe is going to be acceptable east of Crystal Lake. If memory serves me right, everything is jammed in there. It might be that the lots are even smaller than this. That's my only comment.

**Chairperson Parel closed the public hearing.**

McCanham – Here's my concern. First of all, I respect your passion, your investment and the hard work you've done. I have a hard time trying to figure out how any residential is going to work in that area. My first home was a condo. It was a beautiful condo and they did a great job selling it to me. But every morning, I had trouble getting out of the subdivision due to traffic, and in the afternoon, I had trouble getting home. So, I started my day frustrated, I came home frustrated, and then I don't even know what my neighbors around me felt. I haven't heard anything about how are we going to deal with it. There's going to be frustration. The roads are never going to expand there. The high school is not going anywhere. I'm just concerned about a new homebuyer buying a place in there, and the frustrations they're going to encounter, and the frustrations added onto the neighbors that are already in that area. That's how it strikes me and I have a real problem. I don't know that every site works for housing. I respect what you're doing and how much work you've put into it, but I'm trying to think of the bigger picture of the people who are actually going to be left behind. The people who live there and the people who already live in the area.

Phillips – Let me just express my feelings. I was in favor of this and I still am. I feel like we're going to find something wrong with it and we're never going to get this property developed. It's just someday, something will come forward and we'll know it when we see it. This isn't quite it. That's why I asked the question – Does 42 do it? Or, is there a lot width that we would agree to? What is it that makes this work? And the traffic is always a problem. I understand frustration, but to leave it zoned as it is, undeveloped, is a mistake in my mind.

Dave Campbell – Can I speak to traffic, briefly? I just want to remind everyone, we have a traffic impact assessment from a traffic engineer, and there is a science to what they do. There is a science to their methods, to their conclusions and to their recommendations. The science indicates that the delays getting into and getting out of this proposed neighborhood are acceptable levels of service. Level of service A and B is what they're projecting. Again, this is not anecdotal. This is not people going by what they see. This is actual science based on traffic counts and the methodology they use as engineers. I think it's relevant and that's why we have traffic engineers, and why Mr. Maher paid a pretty penny for them to do their analysis.

Chairperson Parel – I think that's fair. That's a good point.

Chairperson Parel – We're at a point now where we have to make a decision. I don't know if a straight vote is in their best interest, Dave.

Dave Campbell – I do want to talk about procedure. You don't have to take action tonight if you are not prepared. If there is more information you need, then that is at your discretion. If you were to take action, that action would be in the form of a recommendation to the Township Board, as it would on any rezoning, conditional or otherwise. So, the Township Board would then take this Planning Commission's recommendation into very serious consideration, but it's ultimately the Township Board's decision whether or not to rezone any piece of property.

I do want to bring up the Planning Commission's bylaws in this particular section because the Commission is shorthanded tonight. The question came up, does the action have to come in the form of a majority of the total number of Planning Commission members, or a majority of the members present? I wanted to remind myself of that answer; it is the majority of the members present. So, if there were to be a vote tonight, that vote would need at least three votes to be a valid motion. If you were approving your Master Plan tonight, it would have to be a majority of the total membership, so that would be four members, but that's not what you're doing.

Chairperson Parel – So that said, we need to determine if we are going to make a recommendation.

Dave Campbell – The petitioner may have some thoughts of what they want to see happen next. They might want to discuss it internally and make some alterations. I don't want to speak for them.

Chairperson Parel – I'm not sure we've presented anything that we want from the Township that might get us over the edge.

Dave Campbell – While I said I don't necessarily want to horse trade on a number tonight, it does sound like the unit count is relevant. I don't know if them reevaluating their unit count and coming back with something different is something they want to consider.

Chairperson Parel – Sure, that's a possibility. So maybe I'll throw it back to you gentlemen. How would you like to proceed?

Mr. Maher – I think we've taken enough of your time and we definitely appreciate it. I think we presented well and hopefully we presented all the facts to you. We're going to ask that you make a recommendation today and move forward.

Dave Campbell – I will remind you, if there is a vote to be made, it needs to be in the form of a roll call vote.

**MOTION** by Phillips, supported by Weber to recommend approval of Item PCZ25-01, the request by Bogie Lake Holdings, LLC of Walled Lake, MI, for a Conditional Rezoning of seven parcels of land totaling approximately 14.9 acres from R-1A (Large Lot One Family Residential) & R-2 (Attached Residential) to R-1D (One Family Residential) located on the south side of Bogie Lake Road between Walled Lake Northern High School and the Westlake Health Campus. The developer intends to build 46 single-family homes.

PIN#s: 17-03-100-010, 17-03-100-004, 17-03-100-019, 17-03-100-020, 17-03-100-021, 17-03-100-022, & 17-03-100-024

Move to recommend the Township Board approve PCZ#25-01, a Conditional Rezoning petition by Bogie Lake Holdings, LLC for Bogie Lake Residential, a single family site condominium residential development of 46-units upon the property consisting of seven parcels on the south side of Bogie Lake Road. All seven properties would be conditionally rezoned from R-1A (One Family Residential) and R-2 (Attached Residential) to R-1D (One Family Residential). The Planning Commission's recommendation is based on a finding that the Conditional Rezoning petition meets the applicable criteria within Articles 3 and 36 of the Township's Zoning Ordinance, is consistent with the intent of the Commerce Township Master Plan, and will result in a land use compatible with the unique land uses (a large public high school and an assisted living and health care campus) that surround it.

The Planning Commission offers their recommendation with the expectation that the project will return to the Planning Commission for consideration of approval of a condominium site plan that demonstrates compliance with all applicable standards of the Zoning Ordinance and with the approved Conditional Rezoning plan.

**This recommendation of approval is conditional upon the following:**

1. The applicant enter into a Conditional Rezoning agreement with conditions volunteered by the applicant and acceptable to the Planning Commission and Township Board, and the executed Conditional Rezoning Agreement be recorded with the Oakland County Register of Deeds prior to any formal consideration by the Planning Commission of the condominium site plan;
2. The applicant shall apply for approval by the Planning Commission and Township Board of a condominium site plan and master deed consistent with the terms of the Conditional Rezoning agreement and the standards and procedures of Article 37 (Condominium Regulations) of the Township's Zoning Ordinance;
3. Any public road improvements committed to within the Conditional Rezoning agreement and shown on the Conditional Rezoning plan to be reviewed and approved by the Road Commission for Oakland County (RCOC).

**ROLL CALL VOTE:**

**AYES:** Phillips, Weber, Parel

**NAYS:** McCanham, Loskill

**ABSENT:** Bearer, Winkler

**MOTION CARRIED 3-2**

Mr. Maher – Thank you.

Mr. Noles – Thank you very much. I know it wasn't an easy decision.

Chairperson Parel – A lot of hard work.

**ITEM H.2. PSU26-01 – PROSCAPE – SPECIAL LAND USE – PUBLIC HEARING**

Proscap of Commerce Twp., MI, is requesting Special Land Use approval for outdoor storage (trees, shrubs, topsoil, mulch & shrubs, hoop houses, etc.) to the rear / east of their building at 1200 Benstein Rd in the Industrial zoning district.

PIN#: 17-28-476-020

**I. NEW BUSINESS**

**ITEM I.1. PSP26-01 – PROSCAPE**

Proscap of Commerce Twp., MI, is requesting Site Plan approval to re-purpose the existing building for an office/warehouse use and include outdoor storage (trees, shrubs, topsoil, mulch & shrubs, hoop houses, etc.) to the rear / east of their building at 1200 Benstein Road. PIN#: 17-28-476-020

*>>Item H.2. and I.1. were reviewed concurrently, with separate motions for each.*

Dave Campbell – The subject property is the existing improved property at 1200 Benstein Road, which is on the east side of Benstein, just south of Loon Lake Road. It's this existing 12,000 square foot light industrial building and a large portion of the land behind it. The subject property is zoned industrial, as are the properties to the south. To the north is the Benstein Crossing condominium neighborhood, which is made up of the attached condominiums, and that property is zoned R-2, attached residential.

Proscap, a landscaping design and installation company, represented by owner/operator, Chad Messel, who is here this evening, proposes to occupy the existing building, but also occupy what is currently undeveloped land to the east of the existing building and utilize that area as a storage and display yard for their landscaping operations. They would lay it out based on the site plan that you received in your agenda packet, and which I have on the overhead. Storage would include a combination of live materials, trees and shrubs, stored materials, mulch and topsoil, and likely stone and materials like that, along with additional parking for customers and for employees, and a display area behind the building. Then, if we look at the proposed landscape plan on a subsequent sheet, you can see where they're proposing to do new plantings in an effort to buffer the adjacent land uses, and particularly buffer the properties to the north, which is Benstein Crossing.

As I mentioned, the property is zoned industrial and Proscap's operations are a permitted land use in the industrial zoning district. However, the outdoor storage component is a Special Land Use in the industrial zoning district. So, similar to the Conditional Rezoning that we just heard, a Special Land Use is a discretionary decision of the Planning Commission, but by State law, a public hearing must be held prior to any action on a Special Land Use.

With outdoor storage in the industrial zoning district, the zoning district gives the Planning Commission discretion on how best to screen the proposed outdoor storage, and that discretion is meant to be based on the type of material to be stored, the size of it, the height of it, and what is adjacent. So, on other properties zoned industrial where you have considered a Special Land Use for outdoor storage, you've considered whether the adjacent properties are residential in nature, versus whether they are industrial in nature, and the screening that was required was in large part based on the existing zoning and uses of the adjacent properties. That's why it's probably relevant to tonight's conversation that adjacent, to the south and to the east, are properties that are zoned industrial, and to the north is property zoned R-2.

The history here is interesting in that Benstein Crossing was on property that was once zoned industrial, like the properties that surround it, but the developer of Benstein Crossing successfully rezoned the property in the early 2000s in order to build Benstein Crossing. If I go back to the aerial, what's also interesting is the properties to the east, which are in the Claran and the Harrison Industrial Parks, and specifically these two properties here where this Planning Commission approved outdoor storage on property zoned industrial, and in so doing, required a fence around the perimeter of the outdoor storage.

When Benstein Crossing was rezoned, from Industrial to R-2, the developer purposely left a 25-foot strip along that site's easterly property line and left it zoned industrial, specifically so that the properties that were already zoned industrial to the east would not be subject to the more stringent buffering and screening and setback requirements where industrial is adjacent to residential. The developer did not include the same 25-foot strip along its south property line.

What the developer did do was in anticipation and knowing that the property south of Benstein Crossing would remain zoned industrial, the developer put in a pretty dense row of evergreen plantings that have obviously since grown over the last 20 years and have filled out. So, just interesting history of how the developer, in their effort to get Benstein Crossing rezoned, made a concession recognizing that the property surrounding it was zoned industrial.

As far as the layout of the proposed outdoor storage area, as I mentioned, the outdoor storage itself is a Special Land Use, so the Planning Commission is effectively being asked for two approvals potentially this evening. The first would be approval for the Special Land Use, the outdoor storage, and then if that were to be granted, then concurrent with that would be consideration of approval of the site plan that goes along with that outdoor storage. It doesn't make any sense to consider the site plan without first considering the Special Land Use. If the Special Land Use can't be approved, then the site plan effectively becomes irrelevant.

Otherwise, Proscap is looking to keep the existing building and the area between it and the road, Benstein Road, relatively unchanged. I think Mr. Messel has some ideas of maybe eventually doing additional landscaping along the building frontage, maybe removing, replacing, pruning some of the existing trees that have gotten pretty large through the years.

There's a portion in our review letter that speaks to a sidewalk along the property's frontage and kind of an "if then" scenario of whether the Planning Commission should approve that sidewalk based on the aforementioned millage that's going to be in front of the voters in November. Specifically, what's envisioned is extending the existing pathway, which is along the east side of Benstein Road, extending it southward all the way to Maple. But what the Township and the Village of Wolverine Lake are still considering is whether that pathway should be on the east or the west side of Maple. So, one of the proposals is to continue it along the east side of Benstein Road all the way to Maple, but another consideration because it would cost less would be to jump the pathway across to the west side of Benstein right here at Loon Lake and continue it along the west side of Benstein Road, then get it all the way down to the Michigan Airline Trail which is right here, and then all the way down to Maple. The reason that's relevant is because it has not yet been decided whether that pathway makes more sense along the east or west side. What we wouldn't want Proscap to do is put in 200 feet of sidewalk on the east side of the road if the Township is going to continue it along the west side of the road with the millage.

Otherwise, I can answer any specific questions about their proposed site plan and their proposed landscape and buffering plan, and maybe some specifics on what is proposed to be stored where. I know this plan was developed by Jim Butler and his group from PEA. He can speak to some of those specifics. And Mr. Messel can certainly speak to any specifics relative to the operations of Proscap and to his outdoor storage yard, and how he sees this place operating on a day-to-day basis if it were to be approved by the Planning Commission. I expect there to be some questions relative to hours of operation, and the potential for noise, and exhaust and things like that from equipment, if any of that is proposed. Those are the type of operational questions that Mr. Messel might be ready to address.

The last thing I'll mention is, within the building itself, it would be a dual tenant building. So Proscap would occupy about half of it, and then their friends at Coy Construction would operate the other half of the building. They would lease half the building out to Coy. My understanding, and Mr. Messel can speak to this, is that Coy would use it as a business and sales office. Coy Construction would not be looking to use the outdoor storage for any of their building materials. Coy's bread and butter is building decks and I do not believe it is anticipated that they will store any lumber or building materials on this property.

So, I'll take a pause there and see if there's any questions for me. Otherwise, I know Mr. Butler and Mr. Messel are willing and able to answer questions on their own behalf. I will remind Planning Commission that this is a Special Land Use and there does need to be a public hearing prior to any action.

Phillips – In the absence of outdoor storage, there are a number of different operations that could to in here that would potentially be less desirable.

Dave Campbell – It is zoned industrial. The Township no longer makes a distinction between general and light industrial. We once did, but in 2010, we combined light and general industrial into just an industrial zoning district. So, yes, there are intense industrial uses that could be permitted on this property and in this building.

Phillips – So, in my mind, growing plants on the property is probably less intrusive, other than moving things around.

Dave Campbell – Mr. Messel can speak to the portion of the property that's going to be mostly live materials; trees and shrubs, et cetera.

Phillips – And I was reviewing the screening on the property and the key that was there; it showed existing trees to remain and I couldn't find one. I saw from the aerial the existing tree line he referenced is actually on the Benstein Crossing property.

Dave Campbell – The evergreens, and I'll go back to the aerial. This row of dark green evergreens, yes, those were all put in along the Benstein Crossing side of the property line in an effort to buffer the industrial zoned property to the south.

Phillips – That addressed one of the questions I had as to where those existing trees were.

Dave Campbell – Then, as far as the trees on the site, I suppose it's always worth pointing out. If we go back in time to 1980, this was mostly cleared agricultural land through the 70s, 80s, 90s. So, I suppose it's relevant to the conversation that a lot of the trees that are there are those that have reclaimed property in the 30-ish years since it was agricultural use.

Phillips – Thank you.

Chairperson Parel – Maybe we invite the developer to come up.

Chad Messel, Owner, Proscapes, 4210 Martin Road, Commerce Township, was present along with Jim Butler, PE, PEA Group, 1849 Pond Run, Auburn Hills, MI.

Mr. Butler – Good evening. Thank you for the opportunity to come and present this project. I think David did a really good job presenting the project. When we were approached by Chad to look at this project, one of the concerns we mentioned to him was related to the adjacent property to the north and how we would potentially screen that. We went through six different iterations of plans looking at how to utilize the land for his uses and how to screen this appropriately.

As you note on the site plan, there's a variety of things that are going on here. Working your way from east to west, we have the existing building and some parking that's being added. There's a demonstration area that he's going to be building so he can demonstrate what they can do. Moving to the east even farther, there's some planting areas. Then we move on to the middle of the yard where we have this storage area for materials for his operations and for his development of landscaping. Moving farther from that, we get to the area where you'll have live material planted on it for stock. And then working our way all the way to the east property line, we'll have more landscaping screening and then the detention basin. There are two detention basins, they're actually retention basins. The site doesn't have the ability to discharge into an existing storm sewer system. So, we're having to build these as retention basins. Chad, do you want to go through your business operation?

Mr. Messel – Sure. So, starting from the building working my way to the east, as was previously stated, there's going to be an area for demonstration and training for our team. You'll have little planting vignettes, columnar ornamental with some flowering shrubs around so we can go over timing and pruning technique with our teams. There will be some container storage in those square areas. Right here in this area there will be trailer parking, vehicle parking, a little bit of loading. This is where the bulk material will be stored.

Weber – When you say bulk material, it's mulch?

Mr. Messel – Mulch, some base material for our brick pavers. As I explained to Dave Campbell, we will be doing a little bit of brick storage in that area. Then working our way through to this space here for tree storage; we'll be able to purchase 2-3" trees for installation and keep them onsite, keep them watered. It's a nursery facility essentially. There are some mature hardwoods along that east property line. We plan on keeping those. So, those that are familiar with plant stock, there's more photosensitive plant material, understory type plant material that we'd be able to store in that area under those trees in an effort to keep them from burning in the sun.

Weber – So everything to the east there, that's existing?

Mr. Messel – So what's depicted on there is going to be added. We're going to supplement that.

Weber – And out of curiosity, why are you supplementing that? Is it literally just to create more shade for what you're doing? I'm curious as to why you're going to the expense of screening and industrial park, unless you're screening because you don't want to look at it.

Mr. Butler – That is part of the Zoning Ordinance.

Dave Campbell – We do have landscape standards for when you put in a new detention/retention pond, you have to landscape around its perimeter. Now, if you as a Planning Commission feel those plantings could be better served elsewhere...

Weber – Thank you. We'll get to that.

Dave Campbell – Mr. Messel, as part of your presentation, you may want to summarize the meeting you had last week Thursday.

Mr. Messel – Yes, thank you for reminding me. We rented a space in downtown Walled Lake and met with our neighbors to the north to give them an opportunity to really get an intimate understanding of this, since it's the most densely populated neighboring community. So, a bunch of the board members, past and present, were there. They had a 15-year board member that was there and some of the new board. They had some great questions.

I was really happy to be able to dispel; they thought we were going to be running a big corporation out of there, but they left saying that it's just kind of a mom and pop operation. I guess if they want to call it that because there's not a lot of us there. One of the things I was able to dispel was the dust, the noise and the fact that we're incorporating these new plantings with some that are existing. I believe it was Mr. Phillips that made a comment about not seeing any plantings on the south side of the property line. There are some pretty mature high canopy plants there that we're going to be supplementing. I think it's just going to be a real homerun for our neighbors to the north and they were really pleased in understanding how with wind direction and supplemental plantings, they're going to feel really well-screened. They felt that the existing greenery, coupled with ours, they seemed to be very satisfied.

Chairperson Parel – Do you have other locations in the area?

Mr. Messel – We do. We're trying to condense everything down. I'm not a property guy. I'm a landscape guy who enjoys building and maintaining beautiful spaces. Some folks over here can attest to some of the trials and tribulations that we've gone through to get to our final home.

Chairperson Parel – Will this be your final home?

Mr. Messel – Oh, absolutely.

Chairperson Parel – So you're closing the other operations?

Mr. Messel – Yes, selling.

Chairperson Parel – The reason I'm asking is because when I first heard about this, the thought in my mind was probably similar to the residents next door where it was going to be a lot of tractors running, pulling materials, but this doesn't look like that to me. It doesn't look like a giant yard with ...

Weber – It's not Suburban.

Mr. Messel – No. We use our friends at Suburban regularly for those very purposes. When a truck goes out in the morning with the guys, we want them to be able to take some material with them, so we can limit what we're spending at Suburban. We are taking advantage of some opportunities to store onsite.

McCanham – So you won't be selling retail bulk out of there, such as mulch? You're just servicing your offsite work?

Mr. Messel – Correct.

Chairperson Parel – Okay, that's a big differential.

Mr. Messel – No retail.

McCanham – I was behind the building today and I was looking at it. Along the north side there it looks pretty good. My only thought was noise of front end loaders, but since there's no public sales.

Mr. Messel – I also spent a considerable amount of time with the owner of Davis Ironworks to our south. I was explaining to him. Some concerns had come up in just general conversations and he was very happy to hear that we weren't going to be a marijuana growing facility, and we weren't going to be something that would cause them any grief. He seems to be a great advocate for what we're planning on doing over there.

Chairperson Parel – Dave, what's our thought on the screening aspect of this? Is this proposed screening sufficient in your eyes, or the Township's eyes for outdoor storage, or is that a determination we need to make?

Dave Campbell – It's a determination of the Planning Commission. Again, as I mentioned earlier, it's based on the nature of the outdoor storage, how much, where, how tall and so forth. In discussing this plan with Mr. Butler and Mr. Messel, we talked about different options for adequate screening. We talked about a fence versus landscaping, or some combination thereof. With them being a landscape company, I think they wanted to focus more on using landscape as a means of screening. Also keeping in mind that the existing tree line along the Benstein Crossing property, having a fence in between, that would likely become unkempt and overgrown. So, it might not be the ideal method of screening. I think that's where they went with the option of going heavier on the landscaping rather than some form of a fence.

Chairperson Parel – The north side of the property, we're looking at a combination of new trees?

Dave Campbell – What they're showing is what they're proposing to put in.

Mr. Butler – Yes, that's all new.

Chairperson Parel – In addition to the buffer that exists.

Dave Campbell – Yes.

Mr. Butler – In addition to what is to the north. Next to the retention basin and along the homes, we have a very dense, deciduous row of trees to reinforce that. As we go farther to the east, you see the symbols open up, it's more of an open tree; these are pines or non-deciduous.

Chairperson Parel – Do we have any other feedback or thoughts since the conversation came up earlier about relocating some of the plantings on the far east side?

Weber – Let me ask one question. The four containers that you're showing there, what are those?

Mr. Messel – Those are going to be shipping containers, and those will have some of our seed, things that come in bags, our polymeric sand, stakes, edging.

Weber – So it's just storage.

Mr. Messel – Correct.

Phillips – Is that what you described as hoop housings?

Mr. Messel – The hoop housing would go between them. That's where we would probably park equipment, our loader, skid loaders, things that we wanted to keep dry and out of the weather.

Phillips – That was one of my initial concerns because the total height is 20.5 feet?

Mr. Butler – 12.5.

Dave Campbell – That's meant to be a cross section.

Phillips – I see that now. Okay, it's not as tall as I originally thought.

Mr. Butler – No, it's 12.5 feet.

Phillips – And then I was curious about the size of the evergreens you're putting behind it. I looked at your evergreen planting strategy and I didn't see anything on the height of the ones to be planted.

Mr. Butler – I think those are all 8 footers.

Phillips – Okay. Then, considering the existing mature evergreens on the other property, that alleviated those concerns.

Mr. Messel – We wanted to put that transition plant in there. We wouldn't want to bring 20-foot plants to compete. We want to bring in a transition plant to fill that gap.

Phillips – Makes sense.

Weber – So if I asked you about the noise ... the first thought I had when I looked at that was does it make more sense for the containers to be on the south side versus the north side, with slamming container doors or whatever it is, but then you might have to move your bulk storage to the north, flip flop with the containers. I'm thinking of what we could do to be as noiseless as possible. Are the containers going to get less use than the storage area? Meaning is what you had laid out the best way for the least amount of noise for the residential to the north of you.

Mr. Messel – Thank you, Mr. Weber. I'm glad you asked that. It gives us an opportunity to share with you a couple of the thoughts that have gone into it. PEA worked at great lengths and as Mr. Butler just said, coming up with a handful of designs in an effort, with some guidance from Mr. Campbell on a version or two. You see some additional screening in this area, but as it relates to those containers, those will be open to the south. We don't slam the doors on those like a truck door would slam. There's really no noise to that. And, I think all the sound, even if it's just talking, is going to reverberate to the south. They're really not going to get anything to the north. With the hoops on the top and the plantings, I think we did a slam dunk with the bulk storage bins being muffled. I'm open to ideas for improvement, but I think the guys have done a great job putting this together.

Weber – My last comment is, does it make more sense to move some of the screening that you have to the far east, which is just industrial behind that, and move that more to the east of the shipping containers where you have the cul-de-sac of Benstein Crossing? Just screening a little more if that makes sense. Personally, I don't see a lot of value in screening for an industrial lot to the east, but anything that would make better utilization or better buffering to residential, or even to the landscape around the building or something. Personally, that would be more valuable to me than the industrial lot.

Mr. Messel – I'd be happy to entertain that, absolutely.

Dave Campbell – So keep the quantities the same, but put them in smarter locations.

Chairperson Parel – Yes, and that sounds like something that could be handled administratively.

Mr. Messel – Absolutely.

Chairperson Parel – Are you doing any updates to the existing building?

Mr. Messel – In front there will be, down the road. I don't have anything on this plan. That will be something that would be submitted at a later date. The short answer is yes, there would be something modest when finances are recouped from this and we get an opportunity to do that.

Dave Campbell – Correct me if I'm wrong, Mr. Messel, the priority is getting the outdoor side of things up and running.

Mr. Messel – Correct. We want to get our full operation over here so we're not paying rent elsewhere, and get some of those properties put into better use as well.

Weber – So, I'm aware of your property on Pioneer Drive.

Mr. Messel – You've probably noticed the Coy Construction building on Martin Road. I'm an owner of that, the property on Pioneer, and then on E. West Maple, the north side between Decker and Welch, there's a little sliver that slides in there between the tree company and the new LaFontaine collision shop that used to be Walled Lake Collision.

Dave Campbell – This is an interesting property. There is a consent judgment on this that goes back to the 80s that effectively says, you can't store anything on this side of this line. That's why you see lawn here and then all their storage back here.

Mr. Messel – We follow the rules.

Chairperson Parel – It's rare that we pull up an aerial and the rules are followed.

Mr. Messel – It's valuable to our company.

Phillips – So, is Coy Construction moving offices to the Benstein location? Is that a relocation or additional location?

Mr. Messel – It is an additional location at this time. I don't know if it will be a full relocation or not. The sales guys are coming over. If you've driven by the location on Martin Road, it's a little congested.

Phillips – I've been in there. Coy did our gazebo and we're happy with it, and it's not near the waterfront.

Chairperson Parel – Dave, as it relates to the sidewalks, are you proposing that the petitioner pays into the sidewalk fund?

Dave Campbell – Yes, as it pertains to the sidewalk, within our recommended motion language, we do address it. I think the decision of the Pathway Committee of whether we're going to move ahead with the pathway on the east or west side of Benstein is a decision that we're going to come to relatively soon. So, within the motion language, we address both scenarios. And yes, it would be them paying into a fund in lieu of putting a sidewalk on their frontage. If it turns out we do want the pathway on the east side of the road, they would just go ahead and build it. If it's going to go on the west side, we would use those funds to help pay for that.

Chairperson Parel – Okay.

**Chairperson Parel opened the public hearing.**

Ray Golota, 1595 Vanstone Drive, Commerce Township – I'm listening to you guys talk about noise. If memory serves me right, a couple years ago on the east side of Benstein Crossing, there's outside storage there. I remember distinctly you guys talking about how high is the hi-lo and the backhoe, and it's out there right now. To me, it's a no-brainer. They don't have that type of equipment, plus they're buffered like crazy. Plus, they also did the entranceway at Commerce Lake Highlands about three years ago, and we're happy with it.

Chairperson Parel – Thank you.

Shawn Mayer, 1128 Andover Circle, Commerce Township – Two questions I guess. What hours of operation might we expect? And will there be any lighting added to the property?

Mr. Messel – We are not planning on any lighting at this time. If we did down the road, it would have to come back in here. Because of our hours of operation, we're trying to get along without it.

Our hours of operation; our teams arrive at 7:30am, and they're out hopefully by 7:45 or 8:00, and then they trickle in between 4:30-5:30 in the evening.

Dave Campbell – I'll chime in on lighting. Mr. Messel is correct that if and when they decide they do need lighting for the outdoor storage yard, they would have to meet the Township's exterior lighting standards. Those standards include maximums on height, fixture type, and particularly that the lights are only meant to shine directly downward. They're not meant to shine out and create what we call light trespass, where somebody else's lights are shining into your windows. So, they're not proposing any lighting currently, but if they were to add lighting, they would need the Township's oversight to make sure they're meeting our standards, which is part of what's in the recommended motion language, addressing any future lighting.

Chairperson Parel – Perfect, and thank you for those questions.

Mimoza Koka, 1142 Andover Circle, Commerce Township – (Approached the overhead) What would be here in this part?

Mr. Messel – That's the proposed retention basin.

Mr. Butler – To hold stormwater.

Chairperson Parel – But behind it there would be a new layer of trees, and behind that is the existing buffer of trees.

Mimoza Koka – Thank you.

**Chairperson Parel closed the public hearing.**

Chairperson Parel – Are there any other questions here?

Weber – Just one follow-up. Just as it relates, with any of the equipment that you'll be using, do they have a reverse beeper?

Mr. Messel – Yes, they do. We do follow all safety protocols. Nothing will be disabled on any of our equipment. That's a positive spin, I know, but we will be operating those very minimally. I can honestly say I've never really paid it much attention until we started to talk about doing this next to residential. I don't necessarily know that it's excessive.

Weber – I understand. Thank you.

Dave Campbell – Just a reminder that there's two potential actions. The first is action on the Special Land Use, and then the subsequent action would be on the site plan. The Planning Department has provided recommended language for both motions within our report.

Chairperson Parel – Could I suggest that if someone is going to make a motion, I'm going to guess that the petitioner has already reviewed the motion language and we can potentially shorten it to maybe the first paragraph.

Phillips – I have a question on the site plan conditions. It says that a stormwater discharge easement needs to be executed with the neighboring property to the south. I'm just wondering if that has been addressed already.

Mr. Butler – It has not been addressed but it will be as a part of the construction drawings we put together.

Phillips – Is that a potential roadblock?

Mr. Butler – I don't believe so.

Dave Campbell – They need it, right? And they need you more than you need them.

Mr. Butler – Yes, we are taking on their water from their site, from their detention basin. Sadly enough, there's a little bit of history here. That was a project I worked on like my first year being a civil engineer. I designed that site, so I created the problem. So, I'm here to correct my problem.

Dave Campbell – I will mention too, if you're ready to make a motion. There was some discussion of maybe amending the landscape plan and moving some of the plantings around. I could see where that could be an addition to Item #3, like a letter D on the site plan conditions.

Chairperson Parel – First would be Special Land Use.

Dave Campbell – Yes, that has to come first.

**MOTION** by Loskill, supported by Phillips, to approve Item PSU26-01, the request by Proscap of Commerce Twp., MI, for Special Land Use approval for outdoor storage (trees, shrubs, topsoil, mulch & shrubs, hoop houses, etc.) to the rear / east of their building at 1200 Benstein Rd in the Industrial zoning district. PIN#: 17-28-476-020

Move to approve PSU#26-01, a Special Land Use for Proscap, to allow an office/warehouse with outdoor storage within the I – Industrial zoning district located at 1200 Benstein Road. Special Land Use approval is based on a finding that the applicant has demonstrated to the satisfaction of the Planning Commission that the proposed use complies with the Special Land Use criteria of Sections 34.08 and 23.02 of the Zoning Ordinance, particularly as it applies to adequate screening of outdoor storage of a landscaping storage yard in the Industrial zoning district.

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

1. Approval of a corresponding site plan by the Planning Commission.

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Loskill, supported by Phillips, to approve Item PSP26-01, the request by Proscap of Commerce Twp., MI, for Site Plan approval to re-purpose the existing building for an office/warehouse use and include outdoor storage (trees, shrubs, topsoil, mulch & shrubs, hoop houses, etc.) to the rear / east of their building at 1200 Benstein Road PIN#: 17-28-476-020

Move to approve Site Plan #PSP26-01, a reuse of an existing 12,000 sq ft building into a two-tenant building for an office/warehouse with accessory outdoor storage of landscaping material and equipment upon 7.9 acres at 1200 Benstein Road, a property zoned I - Industrial. Approval is based on a finding that the site plan proposes improvements in reasonable proportion to the scale of the reuse of the existing building and the impact of the expansion of the outdoor storage yard, consistent with the goals of Sec. 39.05 of the Zoning Ordinance relative to nonconforming sites, so long as certain conditions of the Planning Commission noted below can be included on a revised plan.

**Site plan approval is subject to the following conditions:**

1. Review and approval of engineered construction plans by the Township Engineer, Fire Marshal, and Building Department;
2. An executed easement/agreement with neighboring property to the south for stormwater discharge;
3. Administrative approval of a revised site plan to include the following:
  - a. The details of a dumpster enclosure if a dumpster is proposed;
  - b. Any planned exterior lighting to ensure consistency with the standards of Article 31, particularly relative to fixture height and design;
  - c. Inclusion of a barrier-free/van-accessible parking space;
  - d. Administrative approval of the landscape plan to consider better distribution of the plantings currently shown on the east side of the retention basin in the back of the property; relocating it to function more as a screen wall or to dress up the front of the building as discussed herein.
4. Administrative determination by the Planning Department of one of two possibilities relative to a frontage pathway:
  - a. Proscap to deposit an amount in lieu of construction of an 8-foot paved pathway across their site's 200 feet of frontage to be used toward a pathway along the west side of Benstein, with an understanding that if the proposed pathways millage does not pass in November 2026, Proscap would be

- returned those funds for construction of a pathway along their site's frontage, OR;
- b. Proscape constructing an 8-foot paved pathway along their frontage, aligned with the existing sidewalk of Benstein Crossing (approx. 50 feet from the centerline of Benstein Road).
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;
  6. Final stamping sets to be reviewed and approved by all reviewing agencies.

**MOTION CARRIED UNANIMOUSLY**

Chairperson Parel – Thank you, sir. You know, when we look at these, just a final thought, when it's adjacent to residential, we want to be cognizant of that. We always look at the worst case scenario or the most intense thing that could go there. I would say that I can't think of anything that would be closer to the opposite of that, so I look forward to seeing it. Thank you. We appreciate it.

Weber – We appreciate too that you took the initiative to go meet with all the residents and to hear their concerns, and mitigate them and I'm assuming change some of your plan as a result. Thank you.

**G. OLD BUSINESS**

**ITEM G.1. TEXT AMENDMENT DISCUSSION**

Discussion on waterfront setbacks for accessory structures.

Dave Campbell – So we briefly touched on this conversation at the January Planning Commission meeting, but Building Official James was under the weather that night and was not able to attend the meeting. He is much more capable of describing the logic and the strategy behind potential text amendments to our Zoning Ordinance than I am. So, we punted and said we'll come back and revisit this in February when Jay is hopefully feeling better. So here we are.

This has to do with how the Township applies setback standards for detached accessory structures on waterfront properties. So typically, when we're talking about detached structure on waterfront properties, we're talking about gazebos, sheds, detached garages, the types of things that people sometimes want to have between their house and the water, but based on our current Zoning Ordinance, for the most part we do not allow detached accessory structures between the house and the water. The rationale for that is to try to preserve the viewshed for everyone along the waterfront and not have that viewshed disturbed or encumbered by a shed or a gazebo. But there are some challenges that come with that outright prohibition, and they're challenges that Jay deals with pretty frequently, certainly much more frequently than I do, which is why I want Jay to be the one to lead this conversation.

Jay James – So, this is one of the main topics that is the most difficult, one to enforce, and two, to explain to people why it's not allowed, and try to explain to them the reasoning behind it. As Dave mentioned, our Ordinance right now does not allow you to have an accessory structure between the house and the water if you have waterfront property. In those cases, you can have an accessory structure between the house and the road, which is typically what you'll see is garages on the roadside and lakefront front yards with

nothing on the other side. The setback is 25 feet from the water; however, there's also a provision in there that takes the average of the two neighboring lots into account. So, if the two neighboring lots are 40 feet back, you're not allowed to go any closer than 40 feet yourself. The maximum that we can make somebody go back is 50 feet per the Ordinance. So, even if the two neighboring houses are set back 80 feet, that one in the middle could build as close as 50 feet and would be allowed per our Ordinance.

We get a lot of people coming in, you know, obviously you probably know people that live on the lakes and Brady and George can attest to this. Everybody that lives on the water has a lot of water toys. They have their kayaks, they have their boats, they have their life jackets, swimming items for the kids, and nobody likes lugging those back and forth to the house. Most people want to try to keep them down by the water.

We do not have jurisdiction over the water, so people's docks, for instance, those are not our jurisdiction. Those are the jurisdiction of EGLE. And I'm sure you noticed that there are a lot of docks that have covers for the boats and they've gotten bigger it seems like, at least to me, over the years. You get large cloth covers over the top of these things and, for all intents and purposes, those are accessory structures, but they're just not in our jurisdiction.

So, people come in and ask if they can have a shed. People come in and ask if they can build a gazebo or pergola down by the water to go down and enjoy the sun, but yet have a place where they could get out of the sun. I have to tell them it's not allowed. In the same breath, they might ask me if they can do an addition on their house that goes down that far, and I have to tell them, yes, they can. I have to tell them they can't have an accessory structure, but they could build their house there if they want. So, to me it's a conflict in our Ordinance. Many, many people want to have something down by the water. Although I don't live on the water, personally I think maybe it might help clean up some of the clutter down by the water. There's nothing we're going to do about the docks or the boat hoists or anything like that, because that's not our jurisdiction.

But I guess the same reasoning for having it is protecting the viewsheds right? Everybody buys on the water because they want the viewshed, and if we allow accessory structures, is it going to block their viewsheds? We can sit here all night and I don't want to go through what-ifs. We could be here till next Tuesday. What I'm looking for tonight is to see if there is interest in this Commission to at least maybe bring something to you that would allow some accessory structures on the waterside. I did have a chance to discuss briefly with George today to get some of his thoughts on it. We can restrict it, you can restrict the size, the height, what's allowed and what's not allowed. It would give people an alternative to house some of their toys, to have a place for shade, to have a gathering place down by the water. I mean, that's why they bought the house in the first place.

So, what I would ask is if this Commission does think there might be a possibility to go this route. I would be glad to work with Dave, Paula and Beth to come up with some proposed ideas to at least bring to you. I'm sure you're going to have your own, and I would recommend that you please let me know if you have anything in particular. Then you guys can modify it as you see fit. And if you decide that it isn't going to work, it doesn't work. But I do believe it's something for our residents that we should address or take a look at.

Weber – Part of meeting with Jay was I went to Wolverine Lake and met Tabitha there to understand what is their ordinance. They've lived through this and they've revised their ordinance more than once. I think there were a lot of great lessons learned on where they've made some mistakes or they weren't clear enough. Next thing you know,

somebody was actually building a pizza oven with a 12-foot chimney, which was allowed, which was really kind of an eyesore. I personally support doing something here, because I think people should be able to enjoy the lakefront that they're living on, and at the same time being respectful of the viewsheds for the neighbors on either side.

One of the things that I talked about with Jay was this 50-foot maximum. My suggestion is to add to that language, 50-foot or the average of the homes on either side, whichever is greater. So, that if you happen to be on a lot that is deep, you're being more reasonable with those on either side of you. If everybody's 100 feet from the water and somebody's not building some big structure 50 feet in front of their house, that then is kind of blocking both sides.

One of the other lessons learned from Wolverine Lake was the size; the height of the structure. They settled on 10 feet to the midpoint of the peak. Jay talked about maybe having a max peak of 12 feet. So, something that is kind of rational and reasonable. The other lesson that they learned was they subdivided the structures so that a shed of 200 square feet is treated differently than somebody wanting to put up a pole barn or something on the lakeside.

I think there's a path forward to do something here that is rational and reasonable to allow people to enjoy their property and actually have some kind of shade, potentially a gazebo, or a pergola, or whatever it might be, but at the same time, being respectful of the viewshed from the people on either side.

Chairperson Parel – George, can you further explain that discrepancy between the pole barn and the shed?

Weber – They actually classified three different structures. You can have a shed. The shed doesn't require a building permit. It requires a zoning permit, which is basically filling out a form. You don't need to hire an engineer or an architect. And it's 200 square feet or less. If it's above that, then it's considered an accessory structure, and it does require a building permit. It has other different restrictions associated with a larger accessory structure.

Phillips – In this example, to consider it an attached structure, do they basically have a deck that then had a boardwalk going out to the edge of the property where they put a gazebo? Would that be considered ...

Jay James – Yes, if the deck was attached to the house, it is considered part of the house structure, and if they continued that down farther, and then put a gazebo at the end of the deck, attached to the deck, that's considered part of the main structure. So, people that want them, they could build these long boardwalk type structures to get down to it, and I don't think that was the intent of what the Township wanted.

Phillips – No, but if we maintain the current statement, then that's what they would be forced to do.

Jay James – Yes.

Dave Campbell – We've seen similar scenarios when someone wants a detached structure and for one reason or another can't have it, but if they were to build a breezeway

connecting to their house, then they would be allowed to have it because now it's attached.

Phillips – I think we should try to apply logic and do something about it.

Jay James – It was at least my initial thought that we don't want garages, and we don't want people pulling their cars back there. But we do want to give them a small facility or accessory structure to put their water toys for lack of a better term. We can do that by restricting the size. That's something we will bring back to you as far as the thoughts and rationale behind it.

Chairperson Parel – I think there is a big differentiator in my mind between the two items we're talking about here. One is a gazebo, or something like that where folks can go out and sit by the lake and it's open, as opposed to what I think could be the worst case scenario for sheds, which would be that everyone puts a shed out by the lake.

Jay James – It won't be down by the water. That's what you've got to remember.

Chairperson Parel – But it would be in view.

Jay James – It could potentially, yes.

Chairperson Parel – And everyone could do it, in theory.

Jay James – And I'm not going to sit here and tell you that you don't already have that problem. I jokingly ask the Board to budget money for a jet ski. You can go on the aerial and there's a lot of them out there already.

Chairperson Parel – And there's no guarantee that they're going to clean everything up.

Jay James – It's an enforcement nightmare because you can't see what's down there from the road. People might call and complain about a shed, but we can't see it. So, if we go in front of a judge, it's difficult.

Phillips – So again, a homeowner's association can make more restrictive requirements.

Jay James – Absolutely, yes. I know Lake Sherwood does not allow it, period. That wouldn't prevent someone in Lake Sherwood from coming in and asking us for a permit. We typically ask for the HOA's approval. We can't require it, but we ask for it, and that's when the HOA usually gives their input.

Phillips – And I don't know anybody who puts a shed in their streetside front yard.

Jay James – No, but it is allowed.

Dave Campbell – We've had a few because I know on at least a couple occasions, they still had to come in for a variance because where they wanted to put it, between the house and road was too close to the road, so they had to get a variance from the ZBA.

Jay James – You see those more in the older communities.

Chairperson Parel – I get that it's a cleanup thing, I just don't like looking at sheds. There is a reason everybody restricts them. I also understand that some people are doing it now, regardless, and it has the potential to help clean up some of the items.

Phillips – As I commented last time, some people use their gazebo as a shed.

Dave Campbell – Jay, anytime we're amending the Zoning Ordinance, there's a point where the Township Attorney gets involved, and he obviously doesn't work for free. So, with where you see this potentially going, do you think between the Building and Planning Departments, we could get it into presentable shape that this Planning Commission could consider it before the Township Attorney has to put it into its adoptable form?

Jay James – Yes. We just won't tell him until we're ready. I think we can put something together to bring in for your input, and get it close to a finished item before we involve the attorneys.

Chairperson Parel – I think the cadence makes sense. Is there anything else we can add?

Weber – I think Dave had a point. If anybody has any comments, we should email them.

Jay James – Yes, just let us know, shoot us an email.

Dave Campbell – And certainly, if and when we get to a point where we are looking to adopt whatever this change might be, we have to go through the procedures including a public hearing and a formal recommendation from the Planning Commission, and then it would proceed to the Township Board. As far as seeking input, obviously you five are here tonight. If you have any ideas, get them to me, Jay, Paula, Beth, and we will make the same request to Mr. Winkler and Ms. Bearer.

Chairperson Parel – I'm not a lake guy, but I just don't want to see this turn into something where we implement this, and maybe I'm crazy and it will never happen, but we implement this and everybody goes out and buys a shed.

Jay James – Like I said, they're doing it now. What happens now is that you get the people that want to do it right and come in to see us, and we tell them no. Then they're like, well the guy down the street just put one up last weekend. But we can't see it unfortunately.

Dave Campbell – We're keeping the honest people honest.

Chairperson Parel – You can't do anything in that situation?

Jay James – We can. With aials now, it's easier.

Chairperson Parel – Or the jet ski idea.

Jay James – So if there is interest in it, you can give us direction to move forward and bring back a rough draft.

Chairperson Parel – Okay, sound good to you guys?

The Commissioners were in favor.

Jay James – Thank you.

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

None.

**K: PLANNING DIRECTOR'S REPORT**

- I think we emailed all of you with the potential of **moving the March Planning Commission date from March 2<sup>nd</sup> to March 9<sup>th</sup>**. I think everyone except for Mr. Phillips was okay with that. Mr. Winkler is going to be out of town regardless. So, assuming we have actionable items for our March meeting, it looks like that's the route we're going to go. Per our bylaws, that's Mr. Parel's decision at the end of the day.
- The Commerce Lake Market, which is the existing party store, north side of Glengary, just east of Benstein; they have come before this Planning Commission a few times with different ideas for an expansion. One of those ideas was to add gas pumps in addition to the expansion. What they've been working on over the better part of the last year was working through the State of Michigan to get the approvals they need on the state side of things to have underground fuel tanks in relatively close proximity to residential wells. They finally got those approvals from the State of Michigan. They have to do all sorts of extra double layered tanks, all sorts of sensors and monitors and all these things. So, it looks like now that they've cleared that hurdle with the state, they want to come back to the Township. It would be a conditional rezoning to potentially turn that property and the property around the corner from the existing store fronting on Benstein. There's an old house there that they bought. They would tear that down and use that as an expansion, and expand the store and add some fuel pumps. So, more to come on that.
- We have gotten confirmation that the United Artists Theater building has been sold. It was sold to an LLC. We're trying to get a better handle on who that LLC represents.
- The last thing I'll mention, at the Township board meeting last week, Tuesday, we had talk of a conversation that a lot of municipalities around here having right now, which is data centers. I'm sure you've heard a lot of the commotion at Lyon Township, Howell Township, Saline Township about data centers. So, Commerce Township wants to understand what data centers are and potentially where they would be appropriate in Commerce Township. In order to do so, the Township Board is going to impose a six-month moratorium on the acceptance of any applications for any data centers to give us six months to research them, and potentially amend our Zoning Ordinance to address them. I think what I said at the Township Board meeting was that we don't know what we don't know. There's a lot of different ideas of what the data centers do and what their impacts are and some of it is folks assuming the worst. We want to get a handle on them and figure out how they might fit into our Zoning Ordinance. More to come on that. This Planning Commission will certainly be involved.

**NEXT REGULAR MEETING DATE: MONDAY, MARCH 9, 2026, AT 7:00PM.**

**L: ADJOURNMENT**

**MOTION** by Phillips, supported by Loskill, to adjourn the meeting at 9:46pm.

**MOTION CARRIED UNANIMOUSLY**

---

Joe Loskill, Secretary