

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

Monday, January 6, 2025  
2009 Township Drive  
Commerce Township, Michigan 48390

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

**ROLL CALL:** Present:

Brian Parel, Chairperson  
Brian Winkler, Vice Chairperson  
Joe Loskill, Secretary  
Bill McKeever  
George Weber  
Brady Phillips  
Caitlin Bearer

Also Present:

Dave Campbell, Township Planning Director  
Paula Lankford, Senior Planner

**B. APPROVAL OF AGENDA**

**MOTION** by Loskill, supported by Phillips, to approve the Planning Commission Regular Meeting Agenda of January 6, 2025.

**MOTION CARRIED UNANIMOUSLY**

**C. APPROVAL OF MINUTES**

**MOTION** by Phillips, supported by Loskill, to approve the Planning Commission Regular Meeting Minutes of November 4, 2024, with an edit at the bottom of Page 1 as follows:

*Discussion took place regarding dog park rules and enforcement, the large and small dog areas, preventing dog fights, verifying vaccinations, and park access. Weber **NOTED THAT THE PARK WOULD BE “ENTER AT YOUR OWN RISK”, AND HE** explained that there is a potential plan to provide a key or an RFID card for access to get into the park.*

**Discussion –**

Phillips – I would like to make a comment. Regarding the discussion of the dog park rules and enforcement, one of the items I think George covered was some signage or statement on “*enter at your own risk*” to guard us against liability. I did not see that in here specifically.

Weber – There were two things I noticed. We did talk about the policy associated with it, which Emily presented at the December Township Board meeting. She went to probably 5 or 6 dog parks in the surrounding area, including Oakland County, and found out what they had. She took the best ideas from the rules and requirements, and incorporated that into one concise sign, which will not only talk about “*enter at your own risk*” but all of the other responsibilities.

The other thing I noticed, where it spoke about the entrance being RFID chips, that was just a concept and it’s still to be determined. I think initial entrance might just be that it’s open to the public and we will see how it goes, but Emily is investigating other alternatives on what and how to manage access to the dog park.

**MOTION CARRIED UNANIMOUSLY**

**D. UPDATE OF ACTIVITIES**

Bill McKeever – Zoning Board of Appeals

- We have not had a meeting since the last Planning Commission meeting.

### Brian Winkler – Downtown Development Authority

- We have had two meetings since the last Planning Commission meeting.
- November 19<sup>th</sup> was a DDA Informational Meeting:
  - Larry Gray provided a summary of the increases in costs that the Oakland County Board of Commissioners will be passing on to Townships such as Commerce, that use OCSO for law enforcement. The increases amount to a 15% increase in 2025 and a 33% increase over the next three years. The increases are due to the OCSO passing on indirect costs that were not charged in previous years. Budget cuts as well as an increase in the SAD for OCSO will be the result.
  - The DDA is preparing a PowerPoint presentation to outline the history of the DDA to inform the public of the benefits the DDA provides to Commerce Township.
  - Insite Commercial Report: Work continues on the Five & Main project. Activity regarding remaining DDA parcels has been minimal.
  - Debbie Watson noted that the Outrun Hunger race on November 9<sup>th</sup> raised \$34,183 this year, providing assistance to 683 families.
  - Molly Phillips outlined changes to the DDA Debt Interest Agreement with the Township.
  - DDA members were provided with a copy of a recent edition of Hour Detroit magazine that contained an article on the Five & Main development.
- At the December 17<sup>th</sup> Meeting:
  - Insite Commercial Report:
    - Randy Thomas provided an update on marketing activity to the DDA via phone.
    - Interest in the two Five & Main outlots continues to increase with the construction activities on the site.
    - Significant work has started on the LAG site at Haggerty and Pontiac Trail.
  - Attorney's Report:
    - The Board approved a three-year renewal of the Insite Commercial contract.
    - The Board approved the 2025 Administrative contracts.
  - Finance Committee - The Board approved both the 2024 DDA Amended Budget as well as the 2025 DDA Budget Final

### George Weber – Township Board of Trustees

- The most recent Township Board meeting was held on December 10<sup>th</sup>. A few items of note.
- We had a public hearing for the Island Club sanitary sewer SAD. If you're not familiar, the Island Club is a development located just northeast of Benstein and Oakley Park. It's a community of about 34 homes. Dave and Paula can correct me if I'm wrong, but they presently have a private sewer system. They have their own pump station that then pumps into the Township sewer station. They were looking for an SAD to help finance moving it to Township ownership. In order for that to happen, cutting through the tape, the Township would require that the sewer be in proper working order and that the system and lines all be acceptable; not needing any significant maintenance. And, that is not the case. There is a

sag in the line that's presently working, but as a result, it would be a very expensive price tag for those homeowners. So, we had a lot of discussion on it, including with the residents that came to the meeting. We decided to table it to give Jason, from Giffels Webster, and Jay a chance to meet with the homeowners again to find out if there is a less costly solution. It's a large project but a potentially high cost to the residents, unless we can find a better solution.

- As Brian mentioned, we had a lot of discussion on the new Oakland County Sheriff's contract.
  - It's not as it relates to what the deputies and Sheriff's office personnel are being paid. Those cost increases were reasonable and relevant in today's economy. What was egregious was the costs on top of that that the County is saddling all of Oakland County with, all Townships and all municipalities.
  - And it's not that we're not willing to see everybody paying their fair share; it's that the County Commissioners would not share the data. They would not share the numbers used to develop the costs. The Department of Fiscal Responsibility within the County had not reviewed any of the numbers. We were told, *This is it*, and they voted in favor of it.
  - As a result, you'll see that unfortunately, a number of communities are going to have less police personnel than in the past. For us, as an example, if we had known it was coming down the pike, or if we had a chance to prepare for it two years ago, we could have had the discussion and we could have had it rolled into our SAD. We approved a 10-year SAD, just two years ago, based on the best numbers the County had given us at that time. So, we're stuck for 8 years with what we thought was a budget that was healthy enough to fund where the police force was going, or so we thought, and to provide growth within the police department as the Township grows.
  - I just heard a rumor that Walled Lake will have to reduce their department by two personnel as a result of this, and they didn't have a lot to start with. It's something that I think we're stuck with this year, and we're going to be working on it most of this year and into next year to see if we can find a better solution.
  - At a minimum, we'll get the numbers from the County on sharing what the costs are. What is this overhead that is costing millions of dollars just to Commerce, over and above what was expected? They're saying it's CPI plus 6%, and that's on top of the 30%. When we asked, *Where does the 6% come from?*, they could not tell us. We get CPI, but where they are arbitrarily adding another 6% compounding every year on top of this, we really struggled with it. It's a hot topic, not just here, but through most of western Oakland County which is where a large portion of the monies are coming from.
- If people aren't aware, Matter of Taste has sold. The new owners own several very nice, upscale restaurants in Birmingham and West Bloomfield. It's now called Aurora on the Lake. The menu has been updated. I think they will be doing a small renovation in the coming weeks. We're happy to have a really top notch operator.
- Byers Park has been tentatively approved to receive a historical marker. The Friends of Byers and our Parks and Recreation Department are working hard with the State to get an appropriate historical marker. Byers is the site of the first settlement of Commerce Township in the early 1800's.

- Molly Phillips, our Treasurer, is taking our banking services out to quote. Our present banking partner, as many banks, are charging **unreasonably** ~~reasonably~~ high fees. When you cut as many checks as we do, and when you have as many millions of dollars as we do, and are required to have on deposit, costs can get out control quickly. So, we will go out for quotes on that to all of the other major banks in the area to see if we can find a better operating solution.

Jay James – Building Department

Chairperson Parel – Dave, I know Jay's not here. Anything to share from the Building Department?

Dave Campbell – Nothing comes to mind. You did receive the standard monthly permit list in the packet.

### **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.**

Eric Vandonkelaar, 9038 Lyniss, Commerce Township – I've lived here for 4 years. I saw on the October meeting minutes a guy on the west side of Welch talked about getting sidewalks to the development, which I imagine these fine folks are going to talk about. That was originally from the September DDA meeting where the guy spoke about sidewalks. I'm just here to echo his sentiments.

My wife and two kids, we live ... Lyniss has 15 houses. Welch is pretty much a speedway where people don't move over; it has no sidewalk and no shoulder. It's rough. It's like we're trapped on it. I knew that when I moved there. I know there's not a lot of money for sidewalks. I don't know, I think the Road Commission, it's their responsibility for the road – even if it had a shoulder. I don't know how you persuade them, but that's like the only major 50mph road wholly within the Township, unless you get way out to Sleeth where there is no real commercial development. It's crazy fast for where it is, and for what it is, and the traffic is only getting worse. My kids set up a lemonade stand in the fall because the traffic backs up all the way to Welch, so they just get them while they're parked. They made a ton of money doing it.

You guys have all driven on it, I'm sure. It's a wild road that's only getting worse every day. I just wanted to add another voice to it; Welch is dangerous. It's one of the worst roads, besides M-5 obviously.

Chairperson Parel – Thank you. We appreciate that. We don't always address comments, but for me, that's something that's particularly important. There's only so much we can affect up here within our rules, but there are other folks in the Township that I know are working to help with that problem. We just completed our 10-year update to our Master Plan, and that was inclusive of a lot of strategy around making the Township more walkable. We're also doing our part.

It is something that is really important to me, as you'll see while we talk to our developer friends today. I live off Bogie Lake Road, and although we are 45mph, I think because we are more rural than you, people choose to drive a little faster. I have similar

problems with my kids. One of my challenges is that I find it difficult to live out here. It's a beautiful area, but I find it difficult that my kids can't walk to school, or to some of the unique businesses in our area like Long's Farm, places in the Village and the Library. We're doing our part and we appreciate your voice.

Dave Campbell – As you're kind of hearing, you're preaching to the choir to a large degree, but like a lot of things, it comes down to funding. One of the things we are doing is considering putting a millage on the 2026 ballot, a sidewalk and pathway nonmotorized millage, to see if there are enough voters who feel the way you do that would be willing to help fund some of these sidewalk projects. They do get expensive. More to come on that. Our Fire Chief also lives along that same stretch of Welch Road and he is a bike rider as well. He wants a sidewalk or pathway along Welch as much as you do. It is something we're looking at, but it comes down to funding.

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

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

None.

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

None.

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

##### **ITEM H.1. PPU20-02 – MIDTOWN ON HAGGERTY – PUD AMENDMENT – PUBLIC HEARING**

Schafer Development of Farmington Hills MI is requesting approval for a first amendment to the approved "Midtown on Haggerty" Planned Unit Development (PUD) to eliminate the residential apartment component of the development and replace it with a new Kroger store and fuel center located at 155, 255, 279, & 297 Haggerty Road. PIN#'s 17-36-400-035, 17-36-400-036, 17-36-400-037, & 17-36-400-038

Dave Campbell gave a review. He noted that the presentation had been updated after the meeting agenda packet was circulated to the Commissioners, and Spencer Schafer would give a review of the revision.

The original Midtown on Haggerty PUD was approved back in 2021. Spencer was before the Planning Commission in July 2024 with a conceptual amendment to the PUD, which will be discussed in detail this evening. This is the northwest corner of Haggerty and 14 Mile. It's a 25-acre parcel. The panhandle of it is predominantly the wetland/regional detention pond for all of the development in the Commerce Crossing area.

The underlying zoning of the property is B-2 Community Business. Originally, a residential component was proposed, and is not typically permitted in B-2. Midtown was going to be a mix of uses of commercial and residential, proposed as a PUD. The approved PUD had the three retail buildings along the Haggerty Road frontage, which have been built and are now mostly occupied. And then what was approved back in 2021 was 187 apartments, across 9 buildings, plus a clubhouse on the approximate 10 acres behind the retail. The apartments never came to fruition; however, a lot of the

infrastructure was installed. There is shared sanitary sewer, servicing both the retail and the proposed apartment buildings.

Now, moving forward to 2024-2025, Schafer Development is looking to change the plan. Instead of 187 apartments, they're looking to do a Kroger store; a 100,000+ square foot store which would include a fuel center. Dave reviewed the general site layout on the overhead, which was very similar to the concept presented in July 2024. Procedure was discussed at that conceptual review.

Dave noted that the underlying zoning of B-2 would allow for a Kroger store of this size. But, what is not allowed in B-2 is the fuel center. A gas station is permitted only in B-3, and only then as a Special Land Use. Another wrinkle to this is that two of the three retail buildings that are already built have a drive-through on their south ends. A drive-through is also a Special Land Use in B-2. What was agreed upon in July was to do this as an amendment to the Midtown PUD, and the process for an amendment is very similar to that for approving a PUD, including a public hearing before the Planning Commission, as scheduled this evening.

The Planning Department has had lots of conversations with Schafer Development, their partners at Kroger, and the property owner. Some of those meetings included a couple of Commissioners to provide guidance and direction for this change to the PUD. One of the key aspects of those conversations has been that a key component of a PUD is a recognizable and substantial public benefit. Dave elaborated on the PUD process, which is a form of negotiated contract zoning between the developer and the Township, all in an effort to achieve a better project than could have otherwise been achieved under the underlying base zoning.

Public benefits can come in many different forms, and they are intended to be proportionate to the deviations that are being sought by the developer. In the case of Midtown, the deviation is the inclusion of the fuel center along with the existing and proposed drive-throughs, all of which would be a Special Land Use in B-2 zoning. Dave had provided a review letter dated December 30<sup>th</sup> which discussed the possibilities for recognizable benefits. It also addressed the traffic impacts. The major recommendation of the traffic engineer is the inclusion of a new traffic signal at the main entrance, Midtown Drive, which is the existing driveway serving the three buildings, and would serve the Kroger store and fuel center. There were also recommended upgrades to the private road to the north, Springvale Avenue, which is shared between this development and Commerce Crossing.

Part of the PUD process, in addition to the public hearing, is the Planning Commission making a formal recommendation to the Township Board. The Board would then have the ultimate decision of whether or not to approve the PUD. The Planning Commission may or may not opt to make that recommendation this evening, depending on how the conversation goes. If the Township Board then chooses to approve the PUD at a forthcoming meeting, then the next and final step in the public meeting process would be for the developer to come back to the Planning Commission with a fully developed PUD site plan, with the intent being that it is consistent with what the Township Board approved as part of the PUD.

There are two main components to the PUD. There's the development agreement and then there's the development plan. The development plan is effectively what we have on the screen right now, and would also include some elevations and schemes for building materials. The development agreement is crafted by both the developer's attorney and the Township attorney. Both attorneys are working to draft that agreement. We don't have it yet. Part of the reason we don't have it yet goes back to the public

benefit conversation, as those are usually memorialized within the development agreement. The developer wants to discuss those benefits with the Planning Commission this evening and get some direction. The packet submitted to the Commissioners included some different options for public benefits, particularly an option for a sidewalk in Location A or Location B.

Dave reiterated the PUD process and deferred to the developer for a presentation.

Spencer, Aaron and Steven Schafer, of Schafer Development, were present representing Midtown on Haggerty, LLC, 31400 Northwestern Hwy, Suite H, Farmington Hills, MI 48334. They were accompanied by Attorney Alan Greene and several representatives from Kroger.

Spencer Schafer – Good evening Planning Commissioners and Township staff. Dave and Paula, first and foremost, I want to thank you for getting a report together for us. Obviously during the holidays it's always difficult to get things done. We really do appreciate that. We have been talking with staff for a number of months about this PUD amendment, so tonight's meeting is a culmination of all of those items.

Commerce Township is a wonderful place to work and invest, and our team is proud to contribute through the Midtown development, and other residential projects that we have in the pipeline, which we will be speaking to you about here in the next couple of months.

Tonight, we're here to discuss an amendment to the Midtown on Haggerty PUD, which introduces an exciting commercial opportunity in the form of a new, best-in-class Kroger store. I live in Farmington Hills about 3 minutes away from this property, in a house that my dad built for my grandmother. We used to always go to the Hiller's store. It was a phenomenal store. Kroger purchased it a number of years ago, and I think we can all agree that it has some challenges. It's not really in alignment with the current platform. The store is literally half the size of what Kroger builds today. It's stressed and we think this will give Kroger a wonderful opportunity to bring about some of those amenities that people have come to expect of a Kroger store.

Besides me and the Schafer family, I'm joined here by Garrett Foley, a local Kroger representative here in Michigan. Unfortunately, Zack Bickerton of Kroger, who is based in Cincinnati, was caught in snowmageddon with 18 inches of snow in the past 24 hours. I do have him on the phone so if you have any specific real estate questions that I can't answer, or Alan our attorney can't answer, Zack will be a resource as well. And then I have Jamie Antoniewicz from Atwell Group who is our civil engineer for the project.

I know Dave went over the concept plan. I'll point out a couple of nuances and explain how the PUD has differed. I know we submitted in the packet, but I wanted to briefly share the proposed building elevations and talk about signage. We do have some letters of support from adjacent neighbors. I'll breeze through that first segment to catch everybody up to speed, let them know about the modifications, and then we want to focus the majority of our time on that public benefit proposal.

Our prior proposal really did fit the conventional mold of a PUD like a glove. We had proposed commercial up front with residential in the back. Obviously, residential is not a permitted-by-right use within B-2, so that was the predominant reason why we chose a PUD. Again, our public benefit was commensurate to that ask. What we're trying to do now is amend the framework of an existing PUD to really provide for a use. As Dave mentions in his review letter, the Kroger store itself is a permitted use in the B-2 zoning

district. So, I don't want to beat a dead horse. There are really two points of deviation that aren't necessarily by-right as part of that B-2 zoning district; #1 is the fuel component, and #2 is the two drive-throughs which have already been built. What we're trying to do is to propose a couple of options for public benefit, but realize that our ask is not quite as large as it was previously. I will defer more comment on that until we get to the public benefits portion of the presentation.

I think everybody is familiar with the project location, and as to the development summary; as Dave stated, I'm sure you're all very familiar with some of the retailers who have opened. Just to name them quickly; Chipotle, Starbucks, Beyond Juice, Henry Ford Urgent Care. We do have signed leases with 2941 Mediterranean Street Food, Heartland Dental, Jersey Mike's, Fraser Optical, and Marco's Pizza. Some of those buildouts have started, and some will be starting here in short order. The space is fully leased up and my hope is that by Q2 of this year, everybody will be occupied and all of those businesses will be open.

So, what we're looking to amend is the rear portion of the development, which previously featured 187 apartments, with a new 103,000 square foot store, and that's roughly double the size of the current store. The amenities that Kroger is looking to propose in the new marketplace include sushi stations, expanded poultry and meat counters, deli stations, et cetera.

Phillips – Spencer, why was the residential aspect abandoned?

Spencer Schafer – I had a partnership group put together, and with everything that was happening with the economy in 2022 and 2023, we ultimately decided to stand back during the covid years. Outside of the covid years, interest rates obviously went up dramatically. Construction costs increased by 30-40%. I actually built an apartment community in Walled Lake, 57 units, on Pontiac Trail at Decker. We were looking to fashion that type of building and make it a little bit more contemporary. But, it got to a point where we did not feel like it was going to be a viable project.

We were proposing 3 and 4-story products. I hate to sound self serving because I know Continental is obviously moving forward with a large, multi-family development, but they're a big corporate entity and they get their money for next to nothing. I know Erik Hahn very well who is the director of real estate there, and they decided to move forward with the project because they had the capital, and they needed to spend the capital or return it to the investors. In our case, we self-finance our deals with a number of syndicated investors and I didn't feel like at any point in my lifetime I was going to be able to break even on that deal. We made the hard decision to put that on hold.

Fortunately, we did have Kroger approach us and we thought it would be a phenomenal replacement use. Actually, in some conversations we had with the Township, it was viewed very favorably because Continental is obviously introducing several hundred apartments. I think it's north of 300 apartments, and with another 187 apartments, you might be getting close to oversaturation. I know there is a development in Novi, on Haggerty Road, that is under construction and it's half occupied. They finished all of their vertical construction and the exteriors of the units, but they haven't finished the interiors of many units. I know they're facing a tough time leasing up. We just felt like if we built that project, we weren't going to be able to charge a rent that would have been attainable for our target market.



Phillips – Thank you, Spencer. I'm satisfied. Are the Novi apartments those awful eyesores?

Spencer Schafer – Yes.

Phillips – Don't do that.

Spencer Schafer – Exactly. So, if I may, let's try to formulate that as a potential recognizable community benefit, but I'm not going to go as far as making that stretch. On the site plan here, just a couple of quick elements I'm going to focus on. In today's gig economy, the pick-up stations are huge. That's a key feature you see in other large big box retailers, similar to what we're proposing; namely, the Meijer. There is a large portion who likes to just do grocery pick-up, or have gig economy delivery. With this design, we're going to include that element.

Obviously a huge benefit to the community at large is the drive-through pharmacy. I hate to say it but my dad was one of the largest developers of CVS pharmacies, and we're seeing a lot of closures of CVS stores. So, people are now looking at these big box retailers to fill their pharmaceutical needs.

There's one key thing I want to talk about with the fuel station. Zack or Garrett can provide some more detail, but it's very difficult for Kroger to build a store of this caliber, of this scale at 103,000 square feet, that fits within their marketplace size and scale of stores, without having the inclusion of a fuel center. Given the presence of competitors in very close proximity, nearby are Costco and Meijer, they both have similar fuel centers and customers have come to expect this. Customers want to go somewhere where they can have a one-stop shopping experience. We feel the inclusion of that fuel center enables us to appeal to that segment of the market, which is a very substantial segment.

Also, beyond that added benefit, Kroger has a fuel points rewards program. That allows customers to earn rewards points on every dollar spent, and those savings can be used in store, at the gas station, at the pharmacy, so there's a lot of flexibility. It's a two-fold approach where we feel it's helping Kroger's target market, and allowing their dollar to stretch a little further, which is key in today's inflationary environment.

This shows the conceptual landscape plan, but according to your consultant, it meets all of the standards so we're not looking to ask for any deviations there. In this segment of the presentation, I want to talk about the current Kroger store and share some general representative elevations and actual imagery from similarly built Kroger stores in other locations in the Midwestern market. Zeroing in briefly on the current store; it's outdated compared to its peers on the Kroger platform, and really other competitor grocers in the area. The good news here is that Kroger actually owns the space. They're in charge of its fate. A relocation to Midtown is going to afford Kroger the opportunity to bring new life into the Newberry Square shopping center, which is frankly, right at the doorstep of Commerce Township.

These are some of the proposed elevations. A key component of the original PUD proposal was proposing seamless architectural harmony between what is the now existing retail shops and the proposed apartments. Now, even with the transition over to a large commercial use, we feel the Kroger team has gone above and beyond to ensure that this vision remains intact. They've designed a new, state-of-the-art prototype elevation featuring selected building materials and color palettes that we feel complement the existing Midtown shops, which I will share on the next slide. This

approach not only preserves the overall cohesive aesthetics of the development, but we feel it's a huge public benefit that we're trying to relay over from that original PUD that will enhance the development's overall appeal.

Looking at some of the elevations, we've decided to incorporate five distinct masonry colors, but we also wanted to propose something that mirrored and created synergy with those existing retail shops. The materials that we selected include a mix of smooth-faced and split-faced masonry, some Hardi panels namely on the front elevation where you see the main Kroger logo, and then we've also included some metal and minor EIFS elements. Now, I hope nobody grimaces when we say EIFS. It's a minor component. We had very long and in-depth conversations with Dave and Paula. This key archway, the blue archway on the front that surrounds Kroger's main elevation, there are a couple of options that Kroger has considered with other similar stores. The main proponent is EIFS; we're able to get it in the blue that very closely matches the Kroger sign. We also do some etching in it so it essentially looks like panels.

I've shown a revised version here. I think you could probably see it better in your presentations. It does feature Hardi, but what I don't like about it is that you've got these long vertical expansive runs of Hardi on the vertical, and I think Planning staff felt the same way. The way Hardi works, there is always a little bit of a gap. I feel the EIFS is a little bit more sightly and it's a minor element we're trying to include for aesthetic appeal. We're obviously open to your comments there, but it's our preference to move forward with EIFS in the design as we've shown.

Elevations are a little bit difficult. Frankly, you don't see a lot of the dimension that we've looked to create along this front elevation. I look at a lot of older commercial developments, and Commerce Crossing is full of older commercial buildings that are now 20-30 years old or more. Architectural standards were obviously a little bit different then. So, we have some varying rooflines here. Obviously we have a lot of distinguishing between materials, tons of glazing on the front elevation, and we really looked to play with the brick colors. We've also strategically located some canopies so we have some varying canopy depths to increase the intrigue along that front elevation. The goal here with these images was actually to showcase what that looks like in real life.

I know there may or may not be some comments about outdoor storage. I just want to touch base on that. There are some seasonal offerings that Kroger allows, such as pumpkins at Halloween and things of that nature, and in summer, some grilling and other equipment. I don't want to harp on that too much now, unless there are questions, but that is strategically located in this area, so it's something that is orderly, organized and thought out in advance.

Chairperson Parel – Is it possible to confirm that it's just items for sale and there would not be any outside storage of goods?

Spencer Schafer – No storage, that's correct. It's not like the south side of Home Depot as you may or may not be referring to.

Chairperson Parel – Okay, thank you.

Spencer Schafer – This was in the packet so I won't harp too much. Dave did have a comment about some electronic signage. I believe it was in reference to this specific sign on the gas kiosk. Just to give you an idea, this sign is actually facing the parking lot

because we do have two additional monument signs. This is to give people in the parking lot an idea of how much gas is per gallon. I would agree with David that this is more of a site plan item, but if anybody has comments, we're more than welcome to take that under advisement.

Again, what we're trying to do here with the color is to match the proposed Kroger building with the retail in front. A couple of minor items; on monument signage, we obviously have that main monument sign built out in front on Haggerty and Midtown Drive. We still do have approval for a second monument sign on Haggerty, but we agreed with Dave and Paula that it would be more fitting to try to encompass that in one singular monument sign, so we have included Kroger's signage above that existing sign. Obviously it's a little bit higher than the signage maximum, so we would be looking to work that into the framework of the PUD. The second sign here for the gas, we had approval to place a sign along the south side of our drive. That was early on. We were potentially thinking about selling Building C, the southerly retail building, possibly for a drive-through use and we reserved the right to have a sign there. But, what we're looking to do is have the Kroger sign by Springvale, which will be the main access to that fuel center. We think that does a better job of spacing signs.

Also, I believe both of these letters were submitted to the Township, but these were some letters of support. Obviously Mr. Lublin and the Lublin family have been commercial landowners in the Township for quite some time and they are in support of the development. And, Mr. Bacall calls me at least a couple of times a year. He wants me to sell him a pad for a hotel. They're a great family and he also expressed support for the development. We appreciate the support from some of our commercial neighbors.

So now the main segment of our presentation, our public benefit. I don't want to harp too much on store size. Obviously the store is double the size. We heard what Dave said in his review letter. I think this would be a great addition to the Township with the current Kroger store in this area which is a little bit stressed. The new store will drive a lot of traffic to Commerce Crossing and ensure that it is a thriving commercial corridor for years to come.

The number of employees; projections are to have 2 to 2.5 times the number of employees. I have to imagine a lot of those employees would be residents of Commerce Township. Nonetheless, even if they're not, this is a base of up to another 100 employees who I imagine would be doing a fair amount of shopping at the retailer and they're going to be strong, loyal patrons to retailers in our development and some of the adjacent communities. We think that's going to be a huge benefit.

In store offerings; I harped on this a lot at our prior meeting in July. There will be a pharmacy with a drive-through, a significantly larger order pick-up area, a wider assortment of all types of produce and meats, baked goods, and grab-and-go goods. I think that's going to be great for the Township.

I always like pictures so you can see exactly what I'm talking about. There is a larger Kroger store here in Union Lake, but I think that was before the marketplace concept. This is going to be more in alignment with the marketplace store on M-59. This was some imagery from Kroger's latest and greatest at other similar stores throughout the Midwest.

Sidewalk extensions; this was the big one. As part of our prior PUD, we agreed to a minor donation to the Township sidewalk fund. But, in our pre-application meeting, one of the things that Supervisor Gray was adamant about was that he wants tangible benefit. He doesn't just want a check. That's difficult and there's political implications

associated with that. We really took that to heart and reached out to some of our neighbors to see what we could potentially do. Tom Murray owns the retail center to the south. Tom Murray is a good family friend, but sometimes a little difficult to deal with. We are working with him. We've produced an easement exhibit that, if things go well today, we will send to him. It would allow us to secure rights for a sidewalk across his frontage, which is actually the section shown partially in purple and partially in the reddish orange color.

There are three property owners total there. There's Tom Murray, Kroger and the new credit union, Community Choice. We have spoken with Tom; I think we can get an easement from him. Even if we are able to get an easement, there are a lot of difficulties here. There's the Wolverine Pipeline easement. We dealt a lot with those folks when we were doing our improvements along Haggerty Road. We think there's a pathway forward. Coverage on their pipes sometimes gets a little bit difficult and squirrely, but we have developed a good relationship with them. They know us well and we will work with them to go over hurdles.

Specifically on Mr. Murray's parcel, you can see there's a large berm. That extends across the frontage of his entire property. There are about a dozen trees that will have to be cut down. I take this drive three times a week and a lot of those trees on the west side of Haggerty are very unsightly because of the power lines. Those trees were put in before those power lines went in. By virtue of us being able to get an easement and putting in a sidewalk, we're going to be able to take down some of that challenged landscaping, and landscape it in a much more proper fashion that will be cohesive and won't grow into those power lines. I think that will help beautify what is a key entrance into Commerce Township.

That's going to be a substantial improvement with all of the dirt moving and the utilities. I have it highlighted in purple on this last image. We're actually going to have to rebuild those landscape retaining walls and that swale in front of the Murray property. It's not as simple as having a flat piece of land and paving an 8-foot wide sidewalk. There's a lot to do here and I've already had Atwell looking into it. It would be our plan to formally design this and have this be a part of our site plan to bring the sidewalk all the way down.

Obviously the Kroger frontage gets a little flatter. We think we can sneak the sidewalk in the area behind those trees, but we'd look to clean that up as well. The credit union property has a lot of utilities in that area. I'm still waiting on survey data from them. They would also be willing to grant us an easement. If all goes well, easements will be shipped off to both Murray and the credit union.

Now, we had an Option #2 proposed here, if for some reason we had trouble with one of the property owners, or there was some sort of insurmountable issue with getting in a sidewalk. And then we do have a proposal to extend the sidewalk across part of the Kroger property. We thought about this very intently. There were comments that were relayed to us by the Planning staff and by the Supervisor. One of the things that was potentially floated was, what can you do to help us get the pathway out to M-5? There is a substantial amount of topography. I drove it again before I came to the Township tonight. There is a very large drain and a very large wetland complex. It's actually more expansive than what is highlighted there in yellow. It goes right up toward the road. I measured it. There is anywhere from 16-20 feet of fall in that area at the water's edge. That is a very difficult and challenging issue.

We'd rather focus on something that we can build that we think will be a benefit to the community at large, but also possible users to our development, so that's why our

preference is for that Option #1 sidewalk. But anything we don't do, anything we can help with, giving the Township easements across the Kroger property, or easements across the property that we're in control of with the Fetter family ... you can see the Fetter property, or the future Kroger property, is actually a flag shape and it almost abuts to Loop Road. We would be willing to grant easements to the Township there because I'm sure at some point in the future, if the Township is able to pass a millage or have grant funding, having those easements will go a long way to getting future improvements installed.

If needed, I can have Zack talk about this more, but we have had extensive conversation internally about the Union Lake store. I know there were a lot of concerns with what happened at the Union Lake store. A couple of things I'll say; that store was leased by Kroger and they were paying rent the whole time. There was another landlord involved. It was a very large space. It pre-dates Zack's time, but he is aware of a couple of deals that, for one reason or another, didn't go through, and then covid happened. At the end of the day, that store was vacant for 12 years. But again, Kroger was not fully in control.

Here at their existing store at Haggerty and 14 Mile Road, they own it. Again, Zack can speak to it further if he has to. We wanted to take a bit of initiative and figure out what type of market there could be for that store. We worked very closely with a large national commercial broker who is based here out of Michigan. He represents a number of Fortune 500 companies, specifically a lot of the fitness users and clothing retailers. There has been a shift. I think you can all see what's happening on Orchard Lake. A lot of those retailers have been closing and they're looking to position themselves along Haggerty Road and M-5.

He is very confident that the former Kroger store could get filled with high-quality users. I know Dave's biggest concern is having good users at the doorstep of Commerce Township. We feel that the store could be leased up very quickly. This is me speaking – Kroger's never going to say that. They can't say that, and I can respect that. Understand that we have talked internally and we have spoken with Dave, and one of the things we would like to do is start premarketing efforts when we do have site plan approval. That way, the Township knows that this property is being actively marketed.

We are very confident, as much as I can say that without putting my shoe in my mouth, that there would be substantial interest. I know there has been a lot of interest in a store across the street in West Bloomfield where there's a Phantom Fireworks. I know there is a long-term lease in place there and they wouldn't take some type of buyout, but I'm aware of at least three retailers that we've spoke about through this broker who are interested in positioning their businesses in that area. I have to believe it's not going to be a difficult task to get re-occupancy in that current store. That's really all I can speak to. I wish I could put something in writing or in the PUD agreement, but that is really the limit of what we can say on that matter.

This is the last item in our presentation. I'm obviously not a property tax expert. I'm sure I will be at one point. I'm going to actually defer this off to our Attorney, Alan Greene, who is going to speak about these issues and give you a general highlight. I know there were comments about it in Dave's review letter and I'm sure some Commissioners will have comments. We just wanted a chance to put additional color on these items before we discuss them further.

Attorney Alan Greene – I won't be as comprehensive as Spencer and I do have a cold. Just to highlight on what Spencer said. My primary goal is to draft the PUD amendment.

I've done a draft and we will be circulating it to your attorney shortly, depending on what happens here. In that draft, although it doesn't say the specific uses or anything like that, I've actually drafted a commitment, you probably forgot about this, that Kroger would be *marketing the property continuously, with commercial reasonable manner*, language like that, *from the beginning*. So, it's not like they're going to let it sit there for a long time.

It is a different situation than the Union Lake matter that I have vague familiarity with. That was a leased store. It was a little bit different. Kroger owns this store. It's a great location. They're going to want to achieve the economics of getting rid of it, hopefully sale versus lease, but lease if necessary. It's their call on that.

So, taxes; I was asked to work with Kroger and talk about some tax concerns that the Township had expressed. This is a tough issue because some of the things that we're talking about, I don't think I've ever really done before. I've checked with my partners and tax consultants about how far you can go with this issue. I'm not even really sure about the concern.

There are two issues about taxes here. It's going to be a new store, so Kroger is going to buy the property, assuming this goes forward. They're going to buy the property, and I can represent to you that the purchase price of the property is going to be substantially in excess of the current assessed and taxable value of the property. You may or may not know this, it depends on if you do real estate; the first thing that happens at a closing is there's a required document that has to be provided to your assessor, which is a real estate transfer tax affidavit, and you have to disclose the purchase price.

At that point in time, the assessor is going to make a determination about what is now the taxable and market value of the property. Let's assume that the assessor concludes that the value of the property is what you just paid for it. Now that's going to be substantially higher. I know, and I've looked at the current taxable value, and I know what the purchase price is. I can represent it's substantially more. So, the very first thing that's going to happen is, let's assume the assessor goes off and issues the first assessment and says that the value of the property for tax purposes is the market value that you just paid. That's what the market value is, and the assessed value is half of that. So that, in and of itself, that first stage is going to result in a significant increase in property taxes to the Township.

Again, I understand this is part of the DDA. I didn't look at your DDA agreement, but I assume that some or all of that now gets captured for the DDA. What we've proposed here, whether or not a store gets built, is that there will be no challenges for a 5-year period to the assessed value of the property, if it was whatever was reported as the sale. Kroger is not going to give up the right to challenge an assessment that might exceed that. So, pick a number ... this number has no relationship to anything - \$3 million, and they report that to the Township. The Township assessor says, okay, now the property is worth \$5 million vacant with Kroger owning it. Kroger would have a right to challenge if it shows the difference between the \$3 million and the \$5 million. What Kroger is committing to is that they're not going to challenge any assessment that says that the property is worth less than what they paid for it for that time period.

So, what's going to happen after that? Kroger buys the property. They're only buying the property to build a store, so more than likely, they're going to go forward and build the store as soon as they can, absent some economic catastrophe or issue. They build the store and there's going to be a second assessment at that point in time. That second assessment is now going to be valuing the property along with the

improvement. Now you've got whatever a 100,000 square foot improved facility is going to be, and there will obviously be a significant increase in taxes there.

What Kroger is not going to do, and I'm not sure if this is what the Township was even asking for, but they're not going to give up their rights in the future to challenge those kinds of assessments. If the Township says the property is assessed at \$15 million, and everybody else around them including comparable stores are at \$10 million, they'll never give that up. And, as a lawyer, I've never seen that in my few years of practice. That's one component.

The other component was the idea of what's happening to the existing store. What Kroger has proposed in here is that they're not going to challenge the assessment of the current store for a period of a year while they're trying to market the property.

They're not going to go and say, we just sold the store, therefore it's a vacant store and it's over-assessed for something like that. That's actually a hard argument to make these days. If you consult with your attorney, the Michigan courts have sort of rejected that kind of argument, in some recent cases anyways. That might be what someone was concerned about. I'm really not sure about the concern there. Maybe you had that in the past where a store had been vacant for many years and somebody came back and said it's not worth what it was because it's just a vacant box.

So, those are the two elements that we tried to propose. It combines with the whole idea that we're going to make a commitment. When I say "we", I'm actually representing the developer and the property owner, not Kroger per se, although we've been working very closely together. We're going to make a commitment in the PUD amendment that Kroger, who will sign this amendment, is going to be *marketing the property continuously, with a commercially reasonable manner from the beginning*; trying to find another user for the property. We're going to put that in writing and commit to that, and then we're going to put in writing and commit to these tax limitations that we're proposing.

When we did this, I wasn't quite sure what the real concern would be because there's no question that this transaction is going to result in a significant increase in market value for this property. Whether Kroger argues this or that, it will be a significant increase in market value and it's going to result in a significant increase in taxes which will then be captured by the DDA. If you have any questions, I'd certainly be glad to answer them. And, I will also echo that I have drafted easement agreements for our neighbors to do this sidewalk. An easement allows us to construct it, and we're going to be responsible for repairing and replacing all of the landscaping, and working with the neighbors to do it in a way that they would approve. It also commits the neighbors to then dedicate the sidewalk, which is probably going to be to the County Road Commission. Whoever the Township directs, that's what we would do. Thank you.

Spencer Schafer – Thank you. Now, we'd like to hear any feedback and take any questions you have.

Chairperson Parel – Thanks, Spencer. I have a quick question. On that site plan, you had a couple different plans showing the sidewalks.

Spencer Schafer – Do you want the site plan or the options for sidewalks?

Chairperson Parel – Options for the sidewalks; can you just briefly elaborate on the difference between #1 and #2?

Spencer Schafer – Option #1 is the option we would like to proceed with. When Alan was referring to the drafted easements, those are the easements we would look to secure from Tom Murray, as well as Community Choice. That would allow us to extend the pathway network, which currently exists at our south end of Midtown, and bring it all the way to 14 Mile. I think that's where there's the most substantial sidewalk network in place right now. It's shown from the point in yellow to the point in purple.

This is the Option #1 pathway. Again, the purpose of the Option #2 pathway is if we have an issue. We've started doing a lot of due diligence and we're fairly confident that we can secure this, but until Atwell has had a chance to analyze all of the survey stuff and such, what we'd like to propose is an Option #2 consideration. So, there is surety that we are proposing some type of sidewalk extension. We're constructing it ourselves.

Chairperson Parel – Your proposal is Option #1 or Option #2, and Option #1 is your preference?

Spencer Schafer – At this stage, yes.

Chairperson Parel – Just one more question. Can you go back to the last slide that your attorney was showing in regard to the tax assessments? So, #1 is with respect to the current property. Kroger is going to agree to not challenge for one year following the tenant vacating.

Weber – Yes, it says current, which is today. The current property from the point of sale.

Chairperson Parel – No, when they vacate the property, when Kroger moves out of the property, correct?

Spencer Schafer – So #1 is referring to the current store.

Chairperson Parel – Yes. So, Kroger moves out and the clock starts ticking for 365 days past that, they're going to commit to not challenging the current valuation, correct?

Spencer Schafer – Correct.

Chairperson Parel – But, they retain the right to challenge it after that?

Attorney Alan Greene – We did it from the vacation. They're not going to vacate the store until the new store is built. In our PUD agreement, they're going to be committed to starting to market the property for a re-use. If everything goes reasonably well, then they'll have a user lined up by then. That's probably a two-year period.

Spencer Schafer – An 18-month construction window is likely.

Attorney Alan Greene – Plus the time period for getting final site plan. We'll do the PUD agreement right now. If it goes past the Planning Commission and gets to the Board and the Board says okay, then we will have a PUD agreement signed at that time that will cover all of this. Then we have to do final site planning and final permitting. Between



that and the end of construction, you're probably talking a good two years. This would be then another year after the vacation of the store.

Chairperson Parel – Kroger vacates, and for the next 365 days, Kroger agrees they won't challenge the current valuation. However, they still would retain the right in this scenario to challenge any increases.

Attorney Alan Greene – Right. Again, I'm using fake numbers – if it's a \$10 million valuation, and Kroger vacates it, and the assessor comes back and says it should be \$15 million, then they could challenge that.

Chairperson Parel – Then on the new property, are they not agreeing to any restrictions?

Attorney Alan Greene – They are. We're going to agree that we're not going to challenge any assessment of the store based upon the purchase price. When we file the affidavit, which as we know is multiple times what the current assessment is, we won't challenge that for a period of 5 years, or until the new store is built. Then, what happens is, there's no question that when the new store is built, there's going to be a reassessment that will be more than that.

Chairperson Parel – Walk me through that piece now. Are there restrictions at that point?

Attorney Alan Greene – No, once the building ... then you've got a brand new store and you know what the property cost, and your assessor is going to make a determination.

Chairperson Parel – And Kroger retains the right to challenge?

Attorney Alan Greene – They would retain the right.

Chairperson Parel – I just wanted to clarify and understand. Thank you.

Phillips – So with the current property, is there a reassessment when a new tenant or business gets in place?

Attorney Alan Greene – I have to think about a lease, but I know it's a matter of fact for a sale that there would be a reassessment. That opens the door again for the assessor to look at it.

Chairperson Parel – Is it Kroger's preference to sell?

Attorney Alan Greene – I can't say if it's a preference, but I know that they would consider a sale. I'd love to ask that question. We might be able to find out that answer.

Spencer Schafer – (To Zack by phone) I know we've talked about it in the past that your preference would be to lease up the space and then possibly sell it, but can you speak to your preference on lease and sale a little bit?

Zack Bickerton (by phone) – It's cleaner and quicker most times to just sell it, but if we're approached with a leasing offer that makes some sense for us, we're open to that as well.

Attorney Alan Greene – Put it to use.

Weber – If they sell the property, would they look to institute any deed restrictions?

Zack Bickerton (by phone) – We haven't evaluated it, but typically, it's a pretty difficult process for grocery only.

Weber – So meaning yes, they would have a deed restriction for some grocery activity. Anything else other than that? When you say grocery activity, is it a 7-Eleven? Is that considered grocery activity? How do you make us feel comfortable that the restriction isn't going to be onerous enough that it hamstring the property? When you say "grocery", is that defined in some way that we can get an understanding?

Chairperson Parel – Technically, you're selling clothing, right?

Attorney Alan Greene – Yes, I can tell you that we can define that pretty well. You're not talking about a 7-Eleven space either. This is a big space. Again, I already knew from decades of doing this that there would be a restriction against a supermarket, like a Nino's, or something like that. But, anything else; uses that are allowed in the district are significant. Beyond that, I don't think there are any restrictions, virtually all in this particular shopping center that they're located in right now.

Chairperson Parel – Did that answer your question?

Phillips – Yes.

Chairperson Parel – Maybe we'll go down the line. Bill, if I can start with you?

McKeever – I don't have any questions at this time.

Dave Campbell – I don't know if you want to go down the line before or after you open the public hearing. You can hear the public and then maybe something gets brought up that you want to include in your discussion.

Chairperson Parel – I did want to do that first.

**Chairperson Parel opened the public hearing.**

There were no comments.

Dave Campbell – What did not make it in your packet, because I think we just got it today, was the letter from Bennett Lublin. There was a screenshot of it in Spencer's presentation. Bennett was speaking in his role as owner of several commercial properties in this neck of the woods, and he was speaking in support of the project.

Chairperson Parel – There were two letters.

Dave Campbell – There were two in the presentation; I think only one made it in your packet.

Chairperson Parel – Will all three make it into the notes for the public hearing?

Spencer Schafer – There's only two total, Bacall and Lublin.

Two letters of support were submitted from:

1. DHL Investment Company LLC, PO Box 822, Walled Lake, MI 48390, signed by Bennett Lublin, Managing Member, dated January 6, 2025 and expressing support for the amendment to the approved "Midtown on Haggerty" PUD as proposed.
2. Basil Bacall, TownePlace Suites, Hampton Inn Hotels, dated December 24, 2024, and expressing enthusiastic support for the revised Midtown plans.

**Chairperson Parel closed the public hearing.**

**Commission Comments:**

Weber – So I'm probably going to beat this tax issue a little more. There's some history behind it in Michigan, specifically with big box retailers. We have examples where very expansive big box retailers, in a very short period of time, have been able to leverage the Michigan Tax Tribunal to get their taxable value at less than the price that they originally paid for the land, which does nothing for the community. That's the impetus for us looking for what we thought was a very reasonable 5-year commitment. When I look at the language I see here, it is still not clear to me. Maybe it's just because I'm dense; the timing of *5-years, or until the new store is constructed, whichever occurs first*. Correct me if I'm wrong, but that says that as soon as the store is constructed, that Kroger then has the ability to go back and try to leverage the Tax Tribunal for a lower rate. Is that correct?

Attorney Alan Greene – [Inaudible].

Weber – That's what I'm reading and that's what I understand. So, for 5 years, if they don't do anything, then they're saying that it's vacant land and they're not going to challenge. But, as soon as they're open and they get their C of O, then all bets are off. Is that what that says?

Attorney Alan Greene – Yes.

Weber – That's what I thought.

Phillips – That's what I read as well.

Attorney Alan Greene – But let me ask you a question because I can't make the decision obviously. What I think you're asking for is a commitment of the 5 years, regardless of whether the store opens or not, or something like that.

Weber – I'm really not that concerned if they try to get a lower tax rate on the vacant land that they just bought. What I am concerned with is that, we allow this to happen, they put in the nice shiny building, and then as soon as they open it, they start to work

on getting a lower tax rate. What I'm looking for, and what I think the Township Treasurer is looking for, is saying, we want to be good partners in this. We want them to thrive. We understand they've got a bottom line. We understand that they're looking to make a certain amount per square foot. However, for those first 5 years from when you open, that from some reasonable ... And just so you know, we do not assess the value. The County does the assessing for this.

So, when that is originally assessed, and we can craft some language that if the County does something stupid that says it's above a certain ranger per square foot, and how that's unreasonable for this area, et cetera, I'm sure we can find language on that. But the concept though is, when you open the doors, that we've got 5 years' protection that you're not going to seek leverage. The way that the language is written in Michigan ... I'll just tell you, another big box retailer, where their home state is, they pay more than twice the tax rate per square foot for all of their stores than they do in Michigan. There are certain things in Michigan that are related to big box retailers that are allowing them to dramatically reduce their taxable value, which then puts more of a burden on the residential portion of the Township, versus the commercial portion.

Attorney Alan Greene – The only thing I can say about that right now is, #1, when I talked to Kroger about this, I don't think they've ever done this, nor do they feel comfortable from their own financial attorneys to do anything like that. I looked into it at some length myself and made some inquiries of my tax partners and looked at other agreements. I have never seen anything like that.

The closest I've ever seen that I've dealt with as well is where sometimes you have a nonprofit. I represent a hospital and the community says, gees, we're going to be providing you with police protection and you're not going to contribute anything. I've done things where we will do a payment in lieu of taxes, something like that. We've done that for a mobile home park, for example, because a mobile home park is personal property. There's a very low amount of money that the community gets for each mobile home in the park. They only get the land. So, there's a payment sometimes that's negotiated for that. So, I've never seen what you're saying. I'm not familiar with-

Weber – Let me be clear. I get that you haven't seen it, but it's doable. It is 100% within Kroger's purview to say, we get what you're asking, and we can put some parameters around it. Again, if the initial assessment is out of line on a per square foot basis with what other buildings of similar size are paying within a close geographic area, I'm sure we can craft something like this. The concept of them, as soon as the store opens, actively working to try to reduce their taxable responsibility is what we're trying to address.

Attorney Alan Greene – Again, I've never seen anything quite like what you're saying. With a new store like us, I've seen the situation and I thought it was the opposite. Someone has vacated the building and there's nobody there anymore, there's nobody available, and there's no market for the building under its current zoning, for example. That they go back and say, you can't assess me for this store that doesn't exist and for which there's no demand. That's a different issue.

Maybe I can say this, just to be fair. I think what you're asking for is a somewhat complicated, difficult decision. There's a concern about the unfairness, the discrimination for taxation, and if somebody like Costco nearby is assessed at a certain rate that will be significantly different, then they should have a right to talk about that.

Weber – I'm okay with a concept where we can have a discussion on parameters that protects them. I don't want to debate it here. I just want you to hear my comments. I'm open to parameters that give them reasonable protections so they're not at a competitive disadvantage. I have no issue with that at all. What I'm concerned with is what we have seen in the Township from other big box retailers; it has happened, and it has had a financial effect on us, and the fact that Kroger's, at this point, is not willing to entertain a discussion on this, based on the language.

Attorney Alan Greene – I was going to propose something ...

Spencer Schafer – I know this isn't court, but can we take a 30-second recess so we can talk with our counsel?

Weber – No, let me get straight and then ...

Phillips – And then, George, I'll take a stab at what I think you're looking for. I think Kroger can challenge the initial assessment once the store is open. I would say that Kroger can also challenge any assessment increases after that point in time. But upon opening of the store, the initial assessment will not be challenged for a reduction from the initial level, for 5 years.

Weber – I think that's good language. I'm open to whatever is fair and reasonable. What I just don't want to have happen is what has happened to us in the recent past.

Phillips – I think you could even include, as you said, some of the parameters, guidance for the initial assessment so you don't feel like the initial assessment was out of line.

Weber – Let me get through. Taxes is one issue.

Attorney Alan Greene – Okay, I was going to make a suggestion about that. You're a Board Member, right?

Weber – Correct.

Attorney Alan Greene – Okay, and that would be a Board issue. I think what we just got from Kroger is that they would be willing to discuss something like that in good faith and try to resolve it. When I get to taxes like that, I view those things to be always a Board or city council issue. So, if we get far enough that the Planning Commission is inclined to make a motion to move it forward, it could be conditional on the developer and Kroger working out satisfactory language with the Board regarding tax issues. Then we would enter into that discussion and try to get that all resolved as part of the development agreement, and have it done before we get to the Board. That's all I wanted to suggest.

Weber – For other people to know, we generally want to have these discussions at the Planning Commission level so that you don't have to keep coming back to different entities and it's more efficient and less costly for you in total. We strive to get everything out at this level so that when it does get to a recommendation to the Board, we have a degree of confidence.

Spencer Schafer – I spoke with Zack Bickerton offline who is really in charge of Kroger. Obviously he has to run it up his higher ups to ensure everybody is onboard, but what Kroger wants to do ... they want to have the same rights as everybody else. They want to make sure their taxes are at a comparable level to other similar big box retailers in the area. What comes to mind is Costco, Lifetime, the movie theater, Walmart. We have to have a little bit more of a nuanced discussion. If we were able to put something on the record at this stage, as long as the valuation is at a comparable level, I think that would be agreeable to all parties and we could agree to something within the context, with that as a limiting factor.

Weber – Obviously we will have to get our Township attorney involved. When you say comparable level, I don't know what that means. If you've got a Costco that's a 20-year old building, and then a brand new building, is it comparable? Those are the things I don't have an answer to.

Spencer Schafer – Zerbo's is a new grocery store and I don't know if we have looked at the taxable value of Zerbo's. That's obviously a much smaller operator.

Weber – So, let me continue to go through my comments. That's the discussion, I think around that framework, which is much more positive than these two statements, so thank you for that.

Spencer Schafer – What would you recommend? Would Hans reach out to us and give us a little bit more direction?

Weber – You understand the concept that we're trying to achieve. Now that Kroger has heard that with a little more depth and history behind the request, I would think the first step would be to come back with something that we could react to.

Dave Campbell – One of the things that we discussed with Oakland Equalization is what I will call a pre-assessment. I think they have a different term for it, but it's something that they offer, where we, and you, get them as much information about the proposed building, the construction type and the materials. Then they put that into their spreadsheet and get at least a preliminary assessment of what they think the building would be assessed at. We don't have that yet. I was hoping to have it by tonight. It has taken them longer than that. Hopefully, having that might help the discussion, so at least we know what the spectrum is. And maybe that helps Kroger and your team understand what that assessment would be, if and when the store comes to fruition.

Weber – And just to be clear, we don't want to be unfair and we do not want to put Kroger at a competitive disadvantage. We want them to thrive and we want it to be a highly profitable store, et cetera.

As it relates to the old location, I would want more meat on the bones with that. If this was somebody else, maybe we wouldn't be going as in-depth on this, but for 12 years, Kroger took one of the most prominent corners in Commerce Township and made it vacant for that period of time. It could have been solved, but they did not want to. That's rough for us; a 60,000 square foot eyesore for a dozen years. So, as this new store becomes vacant, I know you're saying you're going to put forth your best efforts. Just

help us understand what kind of language you're going to put in the deed restriction. We don't want surprises for this. We've already discussed what we don't want in there, whether it's vape shops, or grow shops, and probably a few other things, we'd like to see something in writing that addresses that. And Spencer, maybe that's something you and Dave can work with because we have a history for that. We understand best efforts to retail it, and we're fine with that. But, Kroger has to overcome 12 years of kind of a bad taste in our mouth and help us get past that.

Spencer Schafer – There's one other thing I want to mention. This is a conversation that we have to have more in-depth, but one of the items I spoke about with Zack is that any restrictions Kroger puts upon the store have to get the approval of Tom Murray, and I don't know why. I don't imagine why reasonable things wouldn't get the approval of Mr. Murray, but I'm not Mr. Murray and I can't speak for him.

I will mention, and Dave knows the backstory, and Tom's a good family friend, but we weren't able to get a connection from our southern point to his center unless there was some concession involved. So, that can be challenging and it's definitely an element that's outside of our control. We will make a good faith effort, but it's going to be something hard for us to commit to unless we can get his buy-in. Let us discuss this internally. It sounds like this is going to be pushed toward a potential tabling to a future meeting and that's something that we can think about, and put pen to paper on something that will hopefully satisfy you.

Weber – My final point relates to the significant and recognizable benefit. If Kroger was to come to us and this was just a standalone store, within the B-2, there would be no issue. I would assume it would move along quickly. When you're adding in the B-3 considerations by going the PUD route, we're basically trading off some of the requirements that we would have for a B-3 to go to an easier route with the PUD. From my standpoint, I'm maybe a little bit of a broken record on it. If you were to come in and say we need a fuel center in this area, to get the Special Land Use associated with that, the very first requirement is that you have to have an immediate and documented need, and you could never meet that hurdle.

Just from 14 Mile, to go just north of 15 Mile to the Meijer, there's 102 gas pumps, including the Costco fuel center. So, within a mile and a half, we've got 102 gas nozzles. Adding more, you would never be able to meet that threshold. In order to get past that, that's where we come into a trade-off for a significant and recognizable community benefit. In my opinion, and I'm only one, the sidewalks you're proposing do not meet that threshold, because they're sidewalks that nobody will ever use. They don't link to residents.

To me, the hurdle, in order to give up some of what we would want normally, and to go the PUD route, would be to link the M-5 to at least where the existing Kroger store is. I understand there is the challenge of the wetlands, although we have gotten past those challenges in many other areas of the Township, and we're presently doing it with a new pathway near the Commerce Township Library. And, I'm open to other ideas that might be a benefit that the residents would receive. Building a nice shiny building does not meet that threshold. That's a requirement for any new construction within the Township. So, I'm not giving you credit for a significant and recognizable benefit to the residents for building a new store. That's the cost of entry. I think that's all I have to say.

Spencer Schafer – I'm going to try to address what I believe were two main points in your question. I stated it earlier in the presentation, and I hate to come off as forceful, but I've been told unequivocally by Kroger that this store will not move forward without a gas kiosk. It is what it is and I can't speak about that further. That's not me, so don't kill the messenger. We're working with Kroger and that's something that they need to justify an investment of this scale. It's part of the whole program; there's the consumer benefit, and they're obviously-

Weber – Spencer, I get their business model, but you're asking us to approve a PUD, and a requirement on that is something that is a significant and recognizable benefit to our residents.

Spencer Schafer – So, let's talk about the benefit portion, because that's fine and that's fair. It all comes in line with the public benefit. Obviously, the B-2 use, the Kroger use, is a by-right use. At least I, and our development team, feels like the public benefit needs to feel commensurate to what it is that we're asking for, and that's the gas station use. So, Option #1, obviously we're willing to commit to exploring that pathway. If it makes a difference, and I have to understand that this makes a difference with everybody on the Planning Commission, we would explore doing Option #1 and #2. I think doing a sidewalk connection is something we can evaluate, but I think that's going to be an extraordinary cost that's not going to be commensurate to the ask that we're making. That's our own personal opinion for the record.

Weber – How do our residents get to the sidewalks you're proposing?

Spencer Schafer – There's obviously a much larger sidewalk network along the west side of Haggerty that connects to the Commerce Crossing development. Obviously, that's a large commercial area. One of the things that we spoke with the Road Commission about back when we were looking at our signal was a potential pedestrian crossing at Midtown Drive with Phantom Fireworks. They rejected that. They said Haggerty is a tough road and there's a lot of accidents. They know there's improvements that they'll have to do down the road and they don't want traffic crossing there. Traffic can either cross at 14 Mile or at Maple.

So, how do residents make it there? I understand it's not from Commerce Township directly, but there will be a connection at the intersection. At the end of the day, it's going to be very difficult for me to reach out to two or three property owners to try to secure easements across their frontage. If I had to do a sidewalk from 14 Mile to M-5, we did the math and that's almost two times the sidewalk that we're proposing. That's going to be a very expensive cost. It's already going to be well within the six figures just to do the Murray sidewalk, with the grading, the relocation of retaining walls and the landscaping that we're going to have to do.

I imagine it's going to be a similar figure because it is a similar lineal foot frontage from the credit union to the entrance of the Kroger store. I think that's a large public benefit, and if we had to commit to something even larger, that's going to be a challenge for us. I guess I'd like to understand other Commissioner's views on the matter. I can appreciate that, but I've been out there and there's a lot of grade there. It's going to be extraordinarily costly and difficult to build. I'm more than happy to put an estimate together that shows what that is, and if I'm wrong ...



Weber – Dave, what's the linear footage from M-5 just to the entrance of the present Kroger? Not all the way up to Haggerty.

Dave Campbell – About 1200 feet.

Weber – And what was the linear on what you were proposing for your Options #1 and #2?

Dave Campbell – It was 650 each, wasn't it, plus or minus?

Spencer Schafer – I don't know. I know they're pretty similar.

Dave Campbell – It would be 650 and 680 or 690.

Spencer Schafer – So that's 1300. Okay, they're roughly similar routes.

Weber – Spencer, I'm just giving you my opinion on what we can do to show a significant and recognizable benefit that's going to make a difference to our residents. With that, I'm going to stop talking as I've taken up way too much time.

Spencer Schafer – So, if I'm understanding what you're saying, would that be in lieu of these other options that we're proposing?

Weber – In my opinion, yes.

Spencer Schafer – Okay, because you're saying it gets the residential traffic here.

Weber – Yes.

Spencer Schafer – Okay.

Chairperson Parel – And what do they do once they get to the Kroger center? Do they shop there, and then maybe they could head down to the new development down Haggerty?

Weber – Or at least it gets them off the road and they can go in front of or behind the building. It's a safe avenue to connect residents to the commercial.

Spencer Schafer – You guys know this area. Is there pedestrian signaling across 14 Mile Road? From the north side of 14 Mile to the south side? I think there is. You can only cross M-5 on the north side of the intersection, I know that, but you can get from the north side to the south side of 14 Mile. I understand it's a different community, and I don't know if I even want to bring it up, but it may potentially be an easier pathway due to that huge wetland complex ... Don't put any stock in this as it would require a lot more investigation. I don't know what you do or don't have to do with the City of Novi, because all of that would be within Road Commission property or the prescriptive right-of-way, but if we could get easements, that may potentially be an easier pathway where we don't have to contend with all of that grading. I understand that's not in Commerce Township, however I think it accomplishes the same objective for what may potentially be a more realistic and available alternative.

Chairperson Parel – That’s interesting; we’d be offering up a benefit to Commerce Township residents, but it would not actually be in Commerce Township. I do appreciate you coming up with alternatives.

Weber – That’s the spirit of what we’re talking about. How do we get the residents to be benefitted in this, and that’s an alternative.

Chairperson Parel – And it helps the businesses.

Phillips – Where are the closest Commerce Township residents?

Dave Campbell – On the north side of 14 Mile.

Weber – You’ve got the condos in the neighborhoods on Welch Road, and then further down as you go toward Decker, you’ve got all of those homes and neighborhoods that have pathways. Just last year, we connected the pathway from the park all the way to M-5 to help that connection.

Spencer Schafer – Okay, we understand the intention of what you’re asking for. Just to throw something in there, because I haven’t analyzed the feasibility of this at all. Another option we were considering, West Bloomfield did something really unique there on the Tom Murray property where there’s a “Welcome to West Bloomfield” sign and a monument sign there. I’ve talked to Community Choice. They just built a monument sign when they moved in there and they don’t want to do any modifications to their sign, but there may be an opportunity for us to install a “Welcome to Commerce Township” sign somewhere along Haggerty Road. I don’t know if that pushes the envelope or not.

Loskill – The only two things I have would be from a design standpoint. I would really rather see something besides EIFS on the building. You’ve got a metal panel on the corner. I think a metal panel matching would be much preferable to the EIFS. And then I would just ask you to take a look at the coordinating colors between the fuel building and the Kroger building. They don’t seem to tie in very well. It may just be a function of the rendering. You’ve got [inaudible]–

Spencer Schafer – I think you’re referring to the canopy.

Loskill – The other thing is, I’d look at the design of the monument sign to see if you could do something to tie those together aesthetically.

Spencer Schafer – The tenant signs are all spoken for, even though all of the tenants haven’t yet moved in. They are reserved. That’s the best solution we found after discussion with Dave.

Chairperson Parel – What is the material of the canopy on the gas station?

Spencer Schafer – Metal. I tried to zoom in but it’s a little hard to see. This is Garrett’s forte and he said it’s metal.

Phillips – My two concerns we've discussed already. One is the language about any tax assessment moratorium. And we just went through the different sidewalk scenarios. One question was, for the Haggerty Road west side, does that create a continuous sidewalk from 14 to 15 Mile on that side of the road?

Dave Campbell – It gets to Commerce Crossing Drive, so up to McDonald's; now you're passing Staples, Applebee's and Culver's. It stops at whatever bank this is now.

Phillips – But it does create a continuous sidewalk for distance which is some benefit. I'm far more in favor of something that helps us connect to M-5 and the railway system, and benefits actual residents in Commerce Township.

Spencer Schafer – I've always got to think about alternatives and fallback options. I know an outright donation was viewed upon negatively, but let's say we proceed with some sidewalk element. Obviously, I hear what the two most vocal proponents are saying, George and Brady; we want something that gets residents over to the commercial area and starts to bridge the gap. But, what do we do if we reach an insurmountable challenge there? We obviously know what certain costs would be. I don't know if the Township has a sidewalk gap fund. I know you had mentioned doing something on the 2026 ballot, but I don't know if there are any other tools in your toolbox.

Dave Campbell – Maybe what would help, Spencer, and maybe you've already offered this and intend to do it, but help us define insurmountable. I would hope it wouldn't be too much effort for Atwell or someone to get a cost estimate for a sidewalk along the north and to secure easements, and having discussions of what kind of dollar figure are we actually talking about.

Spencer Schafer – Sure, I think it would help all of us to get a cost estimate. That's fine.

Dave Campbell – The most challenging part is through this stretch right here; I think we agree. This is the grade drop off and the water and wetlands.

Weber – It would likely require a boardwalk.

Spencer Schafer – I know a lot of communities are veering away from wood boardwalks. If we had to do retaining, that's where it ... we would just have to analyze the feasibility and talk about it.

Winkler – The discussion regarding the sidewalks is probably the best public benefit that can be derived from the project. To what extent, Dave has already hinted on seeing what can be worked out cost wise. I had previously thought, erroneously of course, that there might be some opportunities for a pocket park or something like that along the west property line, but with the wetlands, that's not a possibility. I have no objection to the elevations. What they're proposing is acceptable.

Dave, if you could pull up the site plan, I wanted to ask the development team one question. When you see the entrance to the site from the east, and there's the current drive between the two retail buildings, and when you get into the parking lot to Kroger, there's an offset. You drive west down that drive, and when you get into the Kroger

parking lot, there's an offset that I think is really awkward. It's something I think the development team should look at in terms of spacing of the aisles and the parking spaces, and we can revisit that when the site plan comes back for formal review.

Bearer – I'm the newbie here, so help me out. I may have a few odd questions. As far as the public benefit for the PUD, does it have to be connected to the PUD or within the vicinity?

Dave Campbell – That is the intent, and our Township attorney is pretty adamant about that. We have had discussion of doing an improvement a mile down the road, and there are concerns when the public benefit is not directly tied to the project itself.

Bearer – I had similar thoughts of greenspace or a park. Having lived in Chicago for 12 years and having to bike and walk with my groceries for 12 years, the benefit of having my car to drive to Kroger was one of the best things about moving back to Michigan. So, I struggle there with the benefit of who is truly walking to Kroger, whether we connect it to M-5 or not. It's not to say that it can't happen. I'm a proponent for sidewalks. Just like Brian, I would love to see more in our community.

Second question, as far as the elevation goes, the blue around the Kroger, is that the requirement of Kroger? That just stands out as an eyesore to me. I understand it's the Kroger color and it may be a requirement of Kroger.

Do we have any idea how many parking spaces are on the Union Lake Kroger store?

Dave Campbell – I don't have it at my fingertips. I have heard anecdotal evidence that it gets pretty crowded.

Bearer – That's what I'm wondering. I'm trying to compare.

Dave Campbell – I can get that number.

Spencer Schafer – We can address that as part of our next presentation.

Bearer – Sure, just make sure it's more.

Spencer Schafer – I will say we're a little over, we're almost a dozen spaces over the required parking calculations.

Dave Campbell – It's a balance because you want to have enough parking, but you never want to have too much parking. Nobody wants to see a sea of asphalt, which unfortunately we see with some of the big box users to the north of here.

Bearer – Sure. Then my only other statement would be, the attorney in me would find it hard to recommend anything without seeing this agreement that you have continuously brought up, which is in the works. I will struggle with that when it comes time.

Spencer Schafer – Obviously we've heard the two biggest items being the property taxes and the sidewalk public benefit conversation. I think we're going to work to craft language on that and incorporate that into the PUD agreement as part of our resubmittal, and we will include all of that information. That way, the Township attorney

has a chance to review it. I don't assume there would be substantial redlines, but we will do some minor redlines and we will have what is a pretty refined version of the agreement before we approach the Planning Commission again.

Dave Campbell – Maybe this is a question of Mr. Greene. Is it reasonable to think that we would have a draft of that agreement in advance of the February 3<sup>rd</sup> Planning Commission meeting?

Attorney Alan Greene – Yes, I have a draft ready to go, subject to what we want to talk about or add to it.

Dave Campbell – So the outcome of tonight's discussion, you think you're able to incorporate that into an agreement in the near term?

Attorney Alan Greene – Yes.

Spencer Schafer – Can you give me a hard date?

Dave Campbell – Not tonight. We'll talk tomorrow.

Chairperson Parel – We appreciate everything and you guys working with us. You've been good partners so far, and I know we've been tough on you. We obviously just want what's best for everybody, and to give the community something. I think this could be good for the community. You mentioned two things, but I think there really are three major topics. The third one is the backfill restrictions. It sounds like you will take back our comments on those three items and propose something a little stronger. We appreciate you throwing out suggestions and trying to come to a good compromise that works on the public benefit. That's important. I think we have to recognize as a board that the gas station is a non-starter, and if we want to do this and partner with you on it to bring this to our community, that's something we will have to live with. I think we understand but I think we need to get past these three major items.

Spencer Schafer – Sure.

Chairperson Parel – Really, that's it for me. I look forward to seeing what you come back with. The only other small thing is, you made a comment earlier in your speech but when I went to the overall frontage of the building, I did not see a ton of glazing. I saw this one section that had more windows. For me, and I'm only one person, but I would like to see more windows, whether they're higher up or not, but to break up some of that façade. Joe is our resident architect here, so I don't know if he agrees. I like more of an open feel. That's something to take back for further conversation of the site plan.

Loskill – They do have probably at least 50% of the frontage in glazing, which is probably more than you normally see.

Chairperson Parel – All right, you approve. I feel like, to me, that looks typical. I'd like to see a little more.

McKeever – The other Commerce store.

Chairperson Parel – Does the other Commerce store have more glass than this, or is it similar?

McKeever – It's brick, and it has less block, but they have spandrel glass up above, don't they?

Paula Lankford – Yes.

Chairperson Parel – To bring some light in?

McKeever – No, it's the appearance of a window.

Dave Campbell – Spandrel is false. If there were to be more windows, I assume Kroger wants to maximize their wall space, so is there a possibility of having them be toward the upper level? Or does that then look awkward? Maybe I'm looking at Mr. Loskill again.

Loskill – It's up to their architect to figure out.

Chairperson Parel – Just a thought.

Weber – At a minimum, I'm fine with the elevations.

Chairperson Parel – Any other comments from anybody, Dave, Paula?

Dave Campbell – I'm looking at you, Mr. Parel. Nothing about the digital sign?

Chairperson Parel – I thought you told me I'm not allowed to say anything about signs.

Dave Campbell – Just so we don't trip on ourselves later in the process. Is having a scrolling style gas price as opposed to digital LED's, is that something Kroger could look at? My point is, we have effectively prohibited any form of digital signs in the Township, including static gas price signs. But, we also understand that the old-fashioned "put up by hand" signs are not what they want to do anymore. My understanding is that there is scrolling signage that has the look of the more traditional price signs, but can still be controlled remotely.

Spencer Schafer – Ideally, we looked at what Meijer has at their store. It's no different than what we're looking to propose here. It's something we would like to keep. I guess I'd like to hear more from you. I understand it's a PUD, but I'm not exactly sure what your ordinance requirement is.

Weber – What's the concern from the sign?

Dave Campbell – It's the digital readout of the gas prices.

Chairperson Parel – That was a long time ago, but I thought for some reason the gas station signs were excluded.

Dave Campbell – We talked about having an exception for gas prices, but we didn't do it.

McKeever – The issue we took was with commercials on animated signs.

Dave Campbell – We can revisit that conversation, but the outcome of the Zoning Ordinance amendment that got approved by the Planning Commission and Township Board was no digital signs in any form, whether it's static, or whether it's just gas prices, so this would be a deviation from that. I guess the downside of that would be, if you allow it once, then the next guy who comes along would say you let Kroger do it.

Weber – If it's just for a gas station, and it's only the price being changed.

Spencer Schafer – What we're proposing is comparable.

Chairperson Parel – But there are two locations for digital signage at this development, and one is on the canopy.

Dave Campbell – I would say there's three. Correct me if I'm wrong, Spencer. There's one on the canopy, there's one on Springvale, and there's one on Haggerty with a digital readout.

Chairperson Parel – I'll take your word for it that it's still a restriction. Maybe we have to have that conversation, and maybe the solution is looking at a product like Dave was talking about, or looking at what other communities are doing.

Weber – We were trying to get away from scrolling commercials associated with it.

Chairperson Parel – Distractions.

Dave Campbell – I don't know where this is, but this is an example of what I'm talking about with the scrolling sign. It has the look of a more traditional sign with an actual physical price on it, but-

Chairperson Parel – It's automated but not digital.

Dave Campbell – Right, it's controlled by the guy in the kiosk, and it could be controlled by somebody a hundred miles away.

Phillips – To be honest, my preference is for the digital.

Spencer Schafer agreed with Phillips.

Phillips – The biggest problem with the gas price signage is that those numbers are too high.

Dave Campbell – I'm not trying to belabor anything. I just wanted to bring it up now so that we're not arguing months from now.

Chairperson Parel – We can talk about it offline. And one of those signs is proposed to be on the back of the canopy facing the Kroger?

Spencer Schafer – Correct. I can pull up the plan and go over it. There's one sign here that will be perpendicular to Haggerty, and then there's another sign here that is perpendicular to Springvale, and the third sign, I think it's on this side.

Chairperson Parel – Does anybody have any further comment on the signage?

Spencer Schafer – There will be no ads on the gas station. Maybe new low prices, but that's it.

Chairperson Parel – I'm good with moving past that for the moment and not committing to anything right now. Is there anything else? Any other comments?

Dave Campbell – So, I guess I'm asking everyone; the game plan is to be back here on February 3<sup>rd</sup> with hopefully a draft development agreement?

Attorney Alan Greene – Prior to that date.

Dave Campbell – Submitted.

Attorney Alan Greene – Yes.

Spencer Schafer – Hopefully Hans can review in advance and comment on it.

Dave Campbell – With the intent of the Planning Commission being in a better position to make a formal recommendation to the Township Board.

Attorney Alan Greene – Sure.

Chairperson Parel – And is there any benefit to us getting a summary of these three points prior to that, just so that we don't get into a meeting and ...

Dave Campbell – If that can be made available, hopefully it keeps the wheels turning.

Spencer Schafer – We can produce like a one or two-page summary.

Chairperson Parel – We typically get these packets a few days before and it wouldn't be enough time to give you guys a chance ...

Spencer Schafer – No, we'll submit something in conjunction with the PUD agreement that highlights those changes.

Chairperson Parel – I think that would be helpful.



Spencer Schafer – Well, I appreciate everybody's very thoughtful feedback. That's always what we aim to receive at these meetings. We're digging in deep on the right subjects. Thank you for the time.

Chairperson Parel – Dave, do we have to table this?

Dave Campbell – I don't think so. We have fulfilled our obligation to hold the public hearing. I think tabling then obligates us to make the February meeting and some things could get held up. We can resume this conversation in February.

Paula Lankford – Can you just close with no action?

Dave Campbell – Yes, I would think no action. If I go to Robert's Rules jail, then I will.

Chairperson Parel – Okay, it's on you.

*No action was taken on Item H.1. PPU20-02, Midtown on Haggerty, PUD Amendment.*

### **I. NEW BUSINESS**

None.

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

None.

### **K: PLANNING DIRECTOR'S REPORT**

- **NEXT REGULAR MEETING DATE: MONDAY, FEBRUARY 3, 2025 AT 7:00PM.**
- Spencer, correct me if I'm wrong, but you might be doing double duty at that February meeting because the other project that we're targeting for that date is another Schafer development, and one the Planning Commission has seen as a concept. That is attached condominiums on the north side of Crumb Road, just west of Haggerty, next door to the Goodwill store, and close to Meijer, the Meijer gas station and the new Chase Bank that's being constructed. That would be residential in the Haggerty Overlay, which is a Special Land Use. It's similar to what is right across the street which is independent living, Rolling Hills of Commerce. That was also a Special Land Use for residential in the Haggerty Overlay. That would be the procedure that Schafer development is seeking.
- Deb and I might be on the news in a few days. Fox 2 wants to talk about the Five & Main project at M-5 and Pontiac Trail.
- There was an interesting article in the Detroit News over the weekend about residential building permits in western Oakland County, but specifically Commerce, Lyon and Milford townships, speaking about the preponderance of new housing out in this area compared to the rest of the region. If you're interested, it's a good read.
- We have a couple of meetings tomorrow about some interesting properties. One that Mr. Loskill might be interested in because it's his neighborhood. The property adjacent to Walled Lake Northern and to the former West Winds nursing home on the south side of Bogie Lake Road; there has been an assemblage of I think seven properties and the builder/developer who has assembled those

properties has met with us a couple times over the years and is meeting with us again I think tomorrow. They want to do some form of residential, whether it be attached or detached. It would be bookended by the entrance to Walled Lake Northern on one side, and to the Westlake assisted living facility to the east.

Chairperson Parel – Is that south of the entrance?

Dave Campbell – Bogie Lake Road takes the big curve right there. This would be the east to west segment of Bogie Lake. The assemblage of properties is east of the main entrance into Walled Lake Northern. He cleared a bunch of it last summer and a lot of people wondered what was happening. At that time, the answer was, nothing is happening other than clearing. But now, he is ready to propose something.

Dave continued his report:

- I also wanted to mention the Vanderpool property, which is at the corner of Commerce and Commerce, in Commerce. It's what I think a lot of people think of as Commerce and Oakley Park. If you can picture the shopping center there with 7-Eleven, a tanning place and a pizza place. All of that is in the Village of Wolverine Lake, west of Walled Lake Central High School. There's 12 acres of wooded land right there, and they've recently put it up for sale. My understanding is that it's a pretty heavy price tag, but it is generating interest from all of the residential developers. We're just giving a heads up as that might be the next one you're going to hear about.
- The last thing I will mention is the Reserve at Crystal Lake, which is the western most of the three Sleeth gravel pits. They are ready to start on Phase II of that development, which means they only built the road and the infrastructure around the south side of the lake. Now, they're to the point where they're read to loop the road and the infrastructure around the manmade lake, which was what was always proposed and always approved. Now they're ready to actually start building the next phase. Things are going good out there from a sales standpoint.

Discussions took place:

- Chairperson Parel inquired about the Detroit News article Dave had mentioned.
- Winkler discussed the letter from Jim Runestad about House Bill 4828. He found some of the statements quite insulting, after being on the Planning Commission for 17 years. He questioned the State Legislature's views. Weber noted that he believes all Commerce residents received the letter. He will share his response with Winkler. He felt the letter was reckless and reprehensible for a State Senator to say the things he said without providing facts.
- Winkler thanked Deb Watson for writing hundreds of pages of meeting minutes during 2024, and going back even further, thousands of pages of minutes that she has prepared, edited and worked with Paula and Dave to finalize.
- Dave Campbell discussed the March 2025 Planning and Zoning Workshop. He hopes that all Commissioners went through this when they were rookie members. He encouraged Caitlin Bearer to participate in the workshop, which is online/virtual. If anyone else feels they need a refresher of Planning 101, it's a great resource.

**L: ADJOURNMENT**

**MOTION** by Loskill, supported by Phillips, to adjourn the meeting at 9:22pm.

**MOTION CARRIED UNANIMOUSLY**

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Joe Loskill, Secretary