

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

Monday, July 1, 2024  
2009 Township Drive  
Commerce Township, Michigan 48390

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

**ROLL CALL:** Present:

Brian Parel, Chairperson  
Brian Winkler, Vice Chairperson  
Bill McKeever  
George Weber  
Brady Phillips  
Sam Karim

Absent:

Joe Loskill, Secretary (excused)

Also Present:

Dave Campbell, Township Planning Director  
Paula Lankford, Senior Planner

**B. APPROVAL OF AGENDA**

**MOTION** by Phillips, supported by Weber, to approve the Planning Commission Regular Meeting Agenda of July 1, 2024. **MOTION CARRIED UNANIMOUSLY**

**C. APPROVAL OF MINUTES**

**MOTION** by Winkler, supported by Phillips, to approve the Planning Commission Regular Meeting Minutes of June 3, 2024, as written.

**MOTION CARRIED UNANIMOUSLY**

**D. UPDATE OF ACTIVITIES**

George Weber – Township Board of Trustees

- The last meeting was June 11<sup>th</sup>. There were several items of note.
- We had a spirited discussion with the Water Resource Commission on the 2024 and 2025 budgets. Some of the issues centered on that they did not receive approval for the 2024 budget, but were spending money anyway. I think we have it settled. I would say that the crew running the wastewater treatment plant does an excellent job of keeping that up and running. We just wanted to make sure that expenditures were in line with what expectations would be going forward.
- Jose Mirkin was reappointed to the DDA for a 4-year term, through July of 2028.
- We agreed with all of the fireworks permits for Edgewood Country Club, Commerce Lake, Long Lake and Lake Sherwood.
- We moved forward and approved all of the SADs for Continental Properties for the Five & Main development, specifically the water main infrastructure, sanitary sewer infrastructure, and the sewer and water main capital charges. As Dave pointed out, they have officially broken ground. It has been literally 10 years since the option to purchase that land was first initiated.
- We denied a permit to Crown Castle Fiber. They want to lay more fiber cable throughout the Township, but they still have not provided us a map of the existing cable within the right-of-ways. Until they provide that, as they're required to do, we're not going to provide them a permit for moving forward with new cable, which they also would not tell us where it would be.
- Finally, we approved the SAD for Demarist – Barkley Street Maintenance.

Bill McKeever – Zoning Board of Appeals

- Nothing to report.

Brian Winkler – Downtown Development Authority

- The following is a summary of the June 18<sup>th</sup> DDA Meeting.
- Vice Chairperson, Steve Matta, paid tribute to the late, great Jim Gotts, our DDA Chairperson. He passed away on June 4<sup>th</sup>. Jim was on the DDA Board for 26 years and served Commerce Township for over half a century. He will be dearly missed throughout the community.
- Spencer Schafer of Schafer Development visited the meeting and introduced himself. He is being considered for the vacancy on the DDA Board. The Township Board will consider his appointment on July 9<sup>th</sup>.
- There will be an Open House at the new Oakland County Sheriff's Substation, located next to Township Hall, on Saturday, July 20<sup>th</sup>, from 11am-3pm.
- There was extensive discussion about the Five & Main closings. Both of those sales have since closed as of June 20<sup>th</sup>, and Continental is in the process of mobilizing and breaking ground. *There has already been some media coverage and social media commentary on this topic.*
- Randy Thomas of Insite Commercial reported that there is commercial interest in Five & Main from an entertainment company looking to do a 50,000 square foot project. They are a credit-worthy company. The deal is in the early stages, so more to come on that.
- The DDA Attorney had a busy schedule with the Five & Main closings and a License Agreement with Continental, along with a couple of easement requests, and also amendments to the DDA Bylaws.
- The DDA officer roles were discussed. Steve Matta was nominated to become the new DDA Chairperson, and Tim Hoy will take on the role of Vice Chair.
- Supervisor Larry Gray reported that Jose Mirkin, Public Relations Chair, was reappointed to the DDA for another 4-year term, as George mentioned. Larry also announced that the Township is planning a Bicentennial Celebration for Commerce Village next year. The tentative date is Saturday, June 14, 2025.
- Jason Mayer, Township Engineer, reported:
  - A pre-construction meeting was held with Continental. They have their EGLE permit for sanitary sewer and they are waiting on the water permit. Their goal is to have roads paved by late Fall 2024.
  - For LaFontaine's new car dealerships, at the northwest corner of Pontiac Trail and Haggerty, they have their sanitary permit, and await their water permit from EGLE. Their pre-con will be held soon.
  - The Township will be coordinating around these construction projects and planning for the Haggerty pump station abandonment.
- Dave Campbell discussed LaFontaine's goal to sell new cars from the former Dick Morris site, until the new dealerships can be built. However, that location is less than 9 miles from another licensed Hyundai dealer, Feldman in Lyon Township, which may present issues.
- Last but not least, Jose Mirkin reported that the K-12 Art Exhibit was held in May at the Commerce Township Library. There were 1,400 in attendance for the May 22<sup>nd</sup> reception.

Chairperson Parel – Thank you, Brian. Dave, typically we look to Jay. I know he has been busy. Anything exciting in the Building Department?

Dave Campbell (for Jay James) – Building Department

- I don't know that there's anything exciting, and maybe that's a good thing.
- Jay gave you his permit report.

Chairperson Parel – What is #3? Food court?

Dave Campbell – (To the Costco representatives present in the audience) Do any of you know what they're doing in the Costco food court? Is it equipment swap out?

Costco Representative – Just reconstruction of floors, an interior wall and adding new equipment.

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

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

No comments.

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

### **F. TABLED ITEMS**

**MOTION** by Weber, supported by Phillips, to remove Items PSU24-03 and PSP24-06 from the table. **MOTION CARRIED UNANIMOUSLY**

**>>Items F1 and F2 would be heard concurrently, with separate motions to be made for each.**

### **ITEM F1. PSU24-03 – COSTCO FUEL FACILITY – SPECIAL LAND USE – TABLED FROM JUNE 3, 2024**

Larry Dziurdzik with The JNL Design Group representing Costco Wholesale Corp. of Commerce Township MI, is requesting approval for a special land use for the relocation and expansion of an existing gas station to a new location on the property located at 3000 Commerce Crossing Road. PIN#: 17-36-200-036

### **PSP24-06 – COSTCO – SITE PLAN – TABLED FROM JUNE 3, 2024**

Larry Dziurdzik with The JNL Design Group representing Costco Wholesale Corp. of Commerce Township MI, is requesting site plan approval for the relocation & expansion of an existing gas station and for 4 warehouse additions to the existing store located at 3000 Commerce Crossing Road. PIN#: 17-36-200-036

Dave Campbell gave a brief overview of the revisions made to the Costco site plan to improve traffic circulation for the gas station, as recommended by the Planning Commission at the June meeting, to address concerns about queues and stacking. A

subcommittee of three Planning Commission members reviewed the reconfiguration on a zoom call. The gas station was shifted and that enabled preservation of half of the new parking field. This plan still calls for removal of the restaurant pad. The revised plan provides for more stacking space, and allows them to chain off a driveway, then open another connection point which adds 12 queueing spaces. The net parking spaces for Costco remains the same. Dave also reviewed the additions to the Costco store. All of the reviews came back without any major comments.

Larry Dziurdzik, Costco Real Estate Consultant, JNL Design Group, 1955 Raymond Dr., Ste 119, Northbrook, IL, was present on behalf of Costco to address the request.

Larry Dziurdzik – Dave did a great job of summarizing the revised plan. As he mentioned, we met with three of the Planning Commissioners with my traffic consultant, Adam Burghdoff (Kittelsohn & Associates), who is here with me. In addition, [Harley Trader], our Warehouse Manager, is also present tonight.

As to the concerns on traffic, we discussed the entrance and exit. We also discussed the size of the fuel facility, the lane widths, et cetera. I think we are all in agreement as to the general facility design. It's 20 pumps and 40 dispensers. I will just go through a couple of slides.

In red is the general location of the fuel facility. In blue is the property that we are purchasing at 500 Loop Road, where the Ghost Taco is currently today. A, B, C and D are the warehouse improvements, which I believe everybody was okay with. I think we are all familiar with the existing site plan. The parking lot to the north was just done a year ago, and of course the existing gas is on the northwest corner.

This was the previous site plan that we presented last month. The entrance was toward the far north, and there was some concern about queueing potentially backing up into Loop Road. So, we have eliminated that possibility whatsoever by moving it about 75 feet south.

This is our new proposed plan. We have an entrance to the east off our main diagonal north/south roadway. This plan does a number of things by increasing the queue lane. Before, we were at about 103 feet, and now we're about 128 feet to allow more stacking. We have the possibility of extending the queue, during heavy periods of demand, to the north parking lot by having our gas attendant rearrange the chains and cones to block off our east entrance and open up our north entrance.

We are able to provide member parking to the south. Employee parking would primarily be to the north, but we're not designating just employees there; members could park there as well.

We worked on the exit. There was some discussion about pavement markings and how should we tell members which lane to use when exiting the fuel facility? So, we have provided a left turn lane and a right lane, where you could go straight to the parking lot, or to the south to Center Drive.

I think that addresses everybody's concerns. My traffic consultant is here, and he does have additional slides of queueing and counts if you wanted to go into greater detail. We are happy to answer any questions.

Chairperson Parel – Thank you. I appreciate it. Let's see if anybody has any further questions.

### **Commission Comments:**

Karim – No questions.

Winkler – No comment, but I am interested to see how they're going to phase the work in the parking lot. I have every confidence you'll be able to work that out.

Chairperson Parel – That was one of my questions as well.

Larry Dziurdzik – Yes, we're working with our contractor now on the phasing. The diagonal road is being shifted to the east, so we're disrupting all of those islands that will have to be torn up and adjusted.

Chairperson Parel – You will be running gas from the north location until you have to cut it off?

Larry Dziurdzik – Exactly, yes. That will not be decommissioned until this facility is up and running.

Phillips – No questions.

Weber – Just one question, timing. When do you expect to close, and then close Ghost Taco? And when do you expect to start on the construction?

Larry Dziurdzik – We are looking at closing before the end of the year, so it's going to be before January; late November, early December. For construction, demolition of the Ghost Taco would not occur until Spring 2025.

Dave Campbell – Is there any way to know when they're actually going to close the restaurant? We ask because we have heard from the employees who want to know when they will no longer have a job.

Larry Dziurdzik – I can get some more definitive dates as to when we are planning on closing and demoing.

Dave Campbell – If you can get that info for me, in fairness to them, I want to be able to tell them when the business is going to close.

Weber – Appreciate what you've done.

McKeever – No questions.

Chairperson Parel – Dave, anything else before the next step, which would be to make a motion on the Special Land Use?

Dave Campbell – Just a reminder that, because this is a gas station in the B-2 district, adjacent to a major shopping center, it is a Special Land Use. As a matter of procedure, you would want to take action on the Special Land Use before the site plan.

**MOTION** by Phillips, supported by McKeever, **to approve, with conditions**, Item PSU24-03, Costco Fuel Facility, Special Land Use, the request by Larry Dziurdzik with The JNL Design Group, representing Costco Wholesale Corp. of Commerce Township MI, for approval for a special land use for the relocation and expansion of an existing gas station to a new location on the property located at 3000 Commerce Crossing Road. PIN#: 17-36-200-036

Move to approve PSU#24-03, a special land use for the relocation and expansion of the Costco fuel center accessory to the Costco Wholesale Store #841 at 3000 Commerce Crossing Road.

**Approval of the special land use is based on the following findings:**

1. The fuel center is confirmed to be a special land use accessory and customarily incidental to the principal permitted use in the B-2 (Community Business) zoning district, as it was when originally approved in December 2002;
2. The fuel center complies with the Standards for Special Land Use Approval listed in Sec. 34.08 of the Zoning Ordinance;
3. The fuel center complies with the applicable Use Standards of Sec. 26.302 of the Zoning Ordinance for Automobile Fueling Stations/Gas Stations.

**Special land use approval is conditional upon the following:**

1. Approval of a corresponding site plan for the relocated and expanded fuel center, as well as the parking area proposed to replace the existing parking area;
2. A written agreement from Costco, to be reviewed and approved by the Township Attorney and the Planning Director, regarding future sidewalk funding.

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Phillips, supported by McKeever, **to approve, with conditions**, Item PSP24-06, Costco Site Plan, the request by Larry Dziurdzik with The JNL Design Group, representing Costco Wholesale Corp. of Commerce Township MI, for site plan approval for the relocation & expansion of an existing gas station and for 4 warehouse additions to the existing store located at 3000 Commerce Crossing Road.

PIN#: 17-36-200-036

Move to approve PSP#24-06, a site plan for an expanded & relocated fuel center and four warehouse additions for Costco Wholesale Store #841 at 3000 Commerce Crossing Drive, including the parking spaces that would be constructed within the area currently occupied by the existing fuel center and the area known as the Ghost Taco site.

**Site plan approval is based upon the following findings:**

1. The information presented demonstrates that the site plan meets the applicable standards and requirements of the Commerce Township Zoning Ordinance; and
2. The height of the three new exterior light fixtures would be in accordance with Article 31 of the Zoning Ordinance.

**Site plan approval is conditional upon the following:**

1. Engineered construction plans to be reviewed and approved by the Township Engineer and Township Fire Marshal; and
2. Review and approval by the Road Commission for Oakland County for any work within the right-of-way; and
3. A Sign Permit application to be reviewed and approved by the Building Department for the proposed canopy's wall sign along with any other directional signage proposed and the re-installation of the existing Costco Wholesale sign on the south elevation; and

4. No outdoor storage or display; and
5. A land combination application to be reviewed and approved administratively subject to the application procedures of Commerce Township, Oakland County, and the State of Michigan to combine the two subject properties; and
6. Final stamping sets to be reviewed and approved by all reviewing bodies, including the Planning Department, Township Engineer, and Fire Marshal.  
Revisions in the stamping sets to include:
  - a. A revised landscape plan to address the comments of the Landscape Architect;
  - b. Details of the proposed wall-mounted lighting fixtures.

**MOTION CARRIED UNANIMOUSLY**

### **G. OLD BUSINESS**

None.

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

None.

### **I. NEW BUSINESS**

#### **ITEM 11. MIDTOWN ON HAGGERTY – CONCEPTUAL REVIEW**

Schafer Development LLC, Spencer & Steve Schafer, are requesting a conceptual review to amend the residential portion of the approved PUD at Midtown on Haggerty located on the west side of Haggerty Road just north of 14 Mile at 155 Haggerty Road. Sidwell No.: 17-36-400-035

Dave Campbell – Midtown on Haggerty was a mixed-use PUD that the Planning Commission and the Township Board approved back in 2021. The approved PUD included three retail buildings along the Haggerty Road frontage, just north of 14 Mile Road, with the land to the west of those retail buildings to be comprised of 187 luxury apartments spread across nine buildings. The three retail buildings have been constructed. They are getting their finishing touches and are being occupied by various tenants. I know Mr. Parel is excited for the Chipotle. That place is up and running, so I know you're fired up.

What did not come to fruition was the apartments to the west. The developer can explain to the Planning Commission why they did not come to fruition better than I can. What has happened in the years since the frontage retail was under construction, while there was a hold on the residential component, is that the developers have been in communication with Kroger who is interested in doing a 100,000 square foot Kroger store with a fuel center, in the area that was to be comprised of the residential units, instead of the apartments.

This concept came before the Planning Department quite recently, in the early part of last week. Given that we had a Planning Commission coming up in July, I said let's get it in front of the Planning Commission and get some early dialogue about this before anything goes too far. Certainly, this is a significant shift from the PUD that the Planning Commission and the Township Board saw back in 2021. Part of the discussion with the Planning Commission both this evening, and as we proceed forward, is how do we look at this as a matter of procedure. As I keep mentioning, this was a planned unit development. The primary reason why this was proposed and reviewed and approved as a PUD was because of the mix of uses. The underlying base zoning for the property

is B-2, Community Commercial. That is a district where residential is not typically permitted. So, the route the developer took, and it made sense, was to do a PUD where you could have a mix of uses and you could deviate from the standards of the underlying zoning. The goal is to have a negotiated outcome, a better product and a better project than what could have otherwise been achieved if we had all stuck to the standards of the B-2 zoning district.

With what is now being proposed, with the Kroger, it could be argued that Kroger is a permitted use in B-2. So, maybe going the PUD route no longer makes sense. Where that might be complicated though is the fuel center, so I want to start brainstorming this. The fuel center, as we just talked about with Costco, would be a Special Land Use. It would be a fuel center adjacent to a major destination retailer. If we were to somehow abandon the PUD, which I would need to talk to the Township Attorney about how we would do that, but we would still need Special Land Use consideration for the fuel center Kroger is proposing. As the Planning Commission is aware, a Special Land Use requires a public hearing, and we have to have it demonstrated to the satisfaction of the Planning Commission that there is a documented and immediate need, which is the primary criteria for any Special Land Use. Given what Costco just got approved, maybe that becomes that much more challenging to show a need for more fuel in this corner of the Township. Now, the difference would be that Costco is a membership based fuel retailer, and Kroger is open to the general public.

The other thing to think about if we were to somehow abandon the PUD and look at this as a straight site plan in the B-2 zoning district is that we would have to almost retroactively look at the three retail buildings that have already been built, and determine whether they comply with the standards of B-2 zoning. Keep in mind, with those three buildings, two of them have a drive-through component. Again, a drive-through is a Special Land Use in B-2 zoning, so now we would almost have to retroactively approve the drive-throughs that already exist.

The last thing I will mention is, if we were to abandon, vacate and waive the PUD, I would think we would still have to go through all of the same steps to get the PUD approved. So, what I've been talking about with Mr. Schafer, who is going to have an opportunity to speak in a moment, is from a procedural standpoint, it might be more efficient to treat this as an amendment to the Midtown on Haggerty PUD. Even though Kroger is obviously a by-right use within B-2 zoning.

Again, as the Planning Commission is well aware, anytime you have a PUD, one of the criteria is that there be a recognizable public benefit. The developer is to volunteer a public benefit to the Township in exchange for the flexibility that the PUD offers. So then, part of the conversation might be, what would be a proportionate recognizable public benefit for a Kroger, rather than for 187 apartments? Those are the nuance discussions that I'd like to consider tonight on a conceptual level, certainly, as this project moves forward, however we choose to move forward. I want to get the Planning Commission's first reaction to what the Schafer's are proposing before they advance too much further in their discussions with the Kroger group.

With that, I will take a pause. Spencer Schafer, who we heard this evening was recently appointed to our DDA as a commercial business owner/operator in Commerce Township, is now going to put his developer hat back on and present to the Planning Commission the rationale for this significant shift for the Midtown on Haggerty PUD.

Chairperson Parel – Welcome.



Spencer Schafer – Good evening, Planning Commissioners. I want to thank you for the opportunity to present. I want to start by thanking Dave and Paula. They have been phenomenal. We have been in conversations with them over the past couple of months floating these options. Obviously the Midtown on Haggerty PUD, what we have started, I think we've done a very nice job. Efforts are well underway, and we have retailers open. The rest of the spaces, all except for one, have been accounted for. We have fully negotiated leases in place.

Building C, closest to Kroger, right now Henry Ford Urgent Care is open in there. Fraser Optical will be in that building, along with Starbucks who will be on the endcap with the drive-through. The middle building, that's where we currently have Beyond Juice, and the other is Chipotle. I know that was a happy arrival for a lot of Township residents. There is one space there that is currently empty. To the north, we have a large dental group, as well as 2914 Mediterranean, a local franchise with about five or six locations. Definitely a lot of food users, which I think is phenomenal along this corridor, along with the addition of Culver's to the north.

Dave spoke a little bit about the nuances of the PUD versus a Special Land Use, and I think he did a great job. It sounds like the most likely route is an amendment of the PUD, given the fact that the retail is already established. I believe the biggest component that Dave brought up is the concept of public benefit. We have our homework to do, there's no question about it. As part of the residential, we were looking to propose some EV chargers, sustainable building initiatives, and a larger degree of open space. A lot of that is changing now with the modification of the use from residential to commercial. We're going to do our homework on that.

When we were initially in front of you, one of the things we spoke about was doing some sidewalk improvements offsite. We know the Township has a fund that is meant to link areas where sidewalks have not been established. We have been in conversations with Dave and Paula regarding that as an option, and there are several other items that we're still going to investigate further, and we will talk about it more in depth with the Kroger team.

I believe this is the first step in the PUD process; a preliminary review. We are just looking to pitch those modifications, explain them, hear your comments and solicit feedback to see how we can orient that into our future plans. So, as we're talking about that, what happened with the residential component? As you're aware, we got the PUD final approval in late 2021, or early 2022. Really during the onset of covid and the onset of more severe inflation. We ultimately made the decision, with our 3 and 4-story product, that we weren't going to make the numbers work. We tried to do everything that we could. I didn't want to come back here making major modifications to building materials and density. We wanted to let the water settle a little bit and see if the economic environment would change. Unfortunately for us, we have tabled all projects that are 3 and 4 stories in height.

I know the question is Continental – they're moving forward with their community. I know those folks very well and they seem to be a very well run group. What they're proposing is a little bit different; a more traditional style apartment product with 2 stories, and the density is substantially less. With all of the items that we have here at the Midtown on Haggerty development, we were really tasked with trying to figure out, what's next? What are we doing from here? We don't want to sit and wait. We're predominantly residential developers by trade, but my father has done a fair amount of commercial and lifestyle centers, and Kroger work, in the past. It has been about 20

years. It was probably actually before I was born. I'm 27, so that's how long it has been since we have seen expansion efforts in our part of Southeast Michigan from Kroger. We have been in touch with Kroger. Going back on the history of this parcel; I believe it was about 8 years ago when Kroger purchased Hiller's. We were in conversation with Kroger to purchase this parcel and build a larger marketplace store. But obviously, once they closed on their transaction with Hiller's, that no longer happened. There have been a couple of forays with Kroger throughout the years, but I think Kroger understands their store, it's a legacy store. It was built in the 80s and it's about 55,000 square feet. When you go to some of these new marketplace Kroger's ... The one I can think of is the one in White Lake on 59, it's double the footprint of this existing Kroger store. We think that will do a lot to drive traffic and there is going to be huge interest in that concept. I think Kroger has already proven that with their other locations they have in Commerce.

Dave Campbell brought up the slides on the overhead.

Spencer Schafer – I think everybody is generally familiar with where we're located, north of the center where the existing Kroger is, south of Home Depot and Staples. These are some images of new Kroger stores and we do have some elevations. The Midtown retail is 23,000 square feet. The new Kroger store is not quite the same size as a marketplace store, but it has just about all of the same goodies. Kroger is looking to relocate from the existing location to this new store once it is constructed.

We have some Kroger construction folks here, Garrett and Mike, who can answer any questions you may have about timing. I believe the intention is that the store would remain operational until this store has its certificate of occupancy and is ready to open. I have spoken about it a lot with Dave and Larry Gray. The concern was, what is going to happen with that existing Kroger location? I'm not going to speak for Kroger, but we've had lots of conversations with their real estate folks. Zach, who is their Director of Real Estate, isn't here tonight, but he will be at future meetings. He has allowed me to represent that they are in conversations with multiple folks right now for the transitioning of that building. It will most likely be two commercial tenants. I'm not at liberty to state the tenants, but the type that could arrive would be a fitness user, and a retail clothing outlet. We're going to look to bring in high-end retail users into the community that will help create synergy with that existing center to the south and ensure that the storefront isn't staying vacant for a long time.

As for some of the new store details ... I actually live right at 14 and Haggerty, on the Farmington Hills side. My grandmother lived in the house, and I used to always go shopping at the grocery store on the weekends, when it was Hiller's. But it's a little small. Kroger doesn't have all of the same goodies and selections as some of the other newer stores in Commerce Township, and throughout broader Southeast Michigan. Some of the new elements they're looking to bring in here is a pharmacy drive-through, a dedicated order pickup area, a wider assortment of produce, expanded deli offerings, expanded meat and poultry, and another key concept that I think we're all fond of are those prepared grab-and-go foods.

One of the other items that we are looking to include as part of this plan is a fuel center. If you have any specific questions, I will defer those to the Kroger team, but we believe there is a substantial demand for this type of use. What I like personally, taking off my developer hat and putting on my residential cap, is that we've got this really nice retail, tall retail at about 20 feet in height, off of Haggerty. So, this fuel center is going to be a little bit more buried in the site. You're going to have to know about it. There is going to

be signage at the entrance of the development that depicts that and that depicts pricing for the fuel, but it's not going to be directly visible off Haggerty, which we feel is a huge benefit. These are some images from recent openings that I found online. New and exciting; it's nice to see more of the fresh foods, prepared foods and healthier food options. That will be key for the Kroger team.

These are some elevations. The east elevation will be the main elevation as you're driving into the center. Another item under the PUD, one of the considerations for the residential was to pull together complementary materials. So, elements from the conventional strip retail could be apparent in the larger commercial big box use. We tried to bring in some darker brick and there will be other elements that we will look into further if this is viewed favorably by the Planning Commission. This is one of the newest, cutting edge renderings that Kroger has produced to date. It will have a fair amount of dimension and some nice color change as well.

These are the north and south elevations. The south elevation to a smaller extent will have a smaller entry into the north elevation, where you can see the pickup and drive-through pharmacy. And this is a representative monument sign. As part of our overall PUD, we received approval for two monument signs off of Haggerty Road. Obviously the monument sign for the retail has been up and retail placards are going in as businesses are opening. There are a couple of options and any initial feedback that you have about this monument sign would be appreciated. We understand we will have to work with Planning staff, but that's probably 4 feet or 6 feet on the bottom. This sign will be roughly a third shorter than what was shown on the slide. The intention would be to have the Kroger logo, as well as pricing for gas.

That is the extent of my presentation. I want to thank everybody here again, and especially Dave and Paula. We work with a lot of communities throughout Michigan, and frankly, there isn't a community that is more receptive to new development and fielding our conversations, and really just being proactive as much as Commerce Township. We appreciate your consideration, and I want to apologize that we weren't able to bring the initial Midtown PUD to fruition as originally designed. Again, thanks for the opportunity to get this parcel built with a good quality user. Our team is more than happy to field any questions you may have.

### **Commission Comments:**

Chairperson Parel – Thank you. Bill, any comments?

McKeever – No questions and nothing to add.

Weber – I have a couple of questions. Does Kroger presently own the building, or are they leasing?

Spencer Schafer – They own it.

Weber – I do agree that it's complicated and I can't see how it could be anything other than an amended PUD without a lot of effort. I'm torn a little bit with a giant sea of asphalt versus the original proposal. On the other side of that, it doesn't disappoint me that we're not adding more apartments to Commerce. I think there is a feeling that we are tapped out on apartment buildings in Commerce. Yours that was previously approved was one of the ones that helped to stretch that, and I think that's a feeling that most of the Board has. I think I would trade a Kroger for 200 apartments.

You addressed my question on what's going to happen with the existing facility as much as you could. I would be interested to see what the traffic impact is going to be and how it flows. I'm sure that's all part of the project going forward.

Spencer Schafer – We do have a traffic signal, so that will be a huge benefit.

Weber – As it relates to the fuel center, I can't see a scenario where I would be in favor of that. We have two gas stations on 14 Mile, two on Maple Road, and we have a new, giant Costco fuel center with 40 dispensers. I understand that Costco is a membership; there is crossover in that membership. The density of fuel, to me, is tapped out within that area.

Phillips – No questions.

Winkler – I have a question for Dave and Paula. As far as the traffic impacts between the multi-family residential and a Kroger, what is your past experience? Will this generate more traffic or less?

Dave Campbell – As far as volumes, I would be guessing if I tried to answer that question. I will say, the traffic patterns are going to be different between residential and a significant commercial user like this. With residential, everybody is leaving in the morning and coming home in the afternoon. With Kroger, I would say it's more of a steady traffic volume and has busier times on the weekends than residential would. I would think however we go with this, assuming it is to move forward, we would want the Township traffic consultant to take another look at this; to look at the traffic study that was done for Midtown on Haggerty when it was assumed there was going to be 187 apartments, and adjust their analysis to instead take into account 100,000 square feet of retail. They would not be reinventing the wheel because they have done a lot of their counts and analysis, and they could probably recycle a lot of that data. We would want to look at the differences in traffic volumes, but also peak hours and traffic movements for this user as opposed to residential.

Winkler – And you do have alignment with that one east/west drive. The traffic study would tell us whether a light is needed or not.

Spencer Schafer – We actually have approval for a traffic signal in that location. We successfully lobbied with the RCOC to get the connection at our main drive, Midtown Drive, which is across the street from Phantom Fireworks, the former Frank's Nursery site.

Winkler – You have that remaining property to the west, which extends all the way down.

Spencer Schafer – It's like a flag-shaped parcel, correct.

Winkler – It's not my question to ask what you plan to do with that, but it might be an asset or a resource to you when you look at the public benefits for the project.

Spencer Schafer – Thank you. We will take that into consideration. As Dave shows on the aerial, this is a flag-shaped parcel, so it does have some frontage on 14 Mile, closer to Loop Road. That will probably remain in a similar condition.

One thing I do want to mention; we haven't talked about it fully with Atwell yet because that was their first iteration of the concept plan. We had done one internally that was slightly different, but there may potentially be a little bit more room for us to push that Kroger footprint to the west, which may bring in more greenspace, separating the two retail components. I know nobody wants to see a sea of parking. We will evaluate the options to get greenspace intertwined.

In terms of the traffic study, Dave is right, the peak hours are going to differ. The retail component I assume is going to have more use in the PM, and obviously heavy on the weekends. It would maybe change the timing on the traffic, but I don't think it will change anything more substantial than that.

Karim – Actually, that answers my question that there is already a traffic study. That was my main concern. I do still have some other questions and concern related to all of those entrances and exits for the parking, which is adjacent to Home Depot from the other side.

Spencer Schafer – You're saying the curb cuts on the north end?

Karim – Yes, and the next stage might show more detail on that to see how it's going to work. It looks like now, there's three entrances from there and the gas station, and there will be a lot of traffic from there, and the way we're talking about store parking and the way they have outdoor storage in the parking lot, it might be a concern.

Chairperson Parel – Okay, obviously everything we've talked about is non-binding. I do mirror a couple of the comments that were made. It would be very difficult for me to approve another gas station in the Township, especially at a corner that already has several within a mile as George mentioned.

Another concern is that Kroger owns the current real estate, and my assumption is that they would put a restriction on that. We all saw what happened at Union Lake and Commerce Road with the restriction Kroger put on their former store there and it sat vacant forever.

My other assumption is that, if you even find someone that meets those requirements, I think you sometimes lessen the quality of tenant that goes in there. That scares me a little bit.

Spencer Schafer – We were actually trying at one point to locate a Planet Fitness where that Phantom Fireworks is. Unfortunately, it didn't work out with the way that lease was structured. They couldn't break that lease in an economically feasible manner, but this is a 55,000 square foot store. A lot of the Planet Fitness type users, the retail users, are talking about 20,000 to 30,000 square feet. So, I think this really is a unique opportunity. I can't speak to how big the Union Lake Store was, but you needed another big box user to fill those shoes. This is a little bit more unique, little legacy, little smaller footprint. Here, I think there isn't going to be a shortage of interest. When we had early talks about Kroger, we did some preliminary due diligence, and I was able to get interest from four users in about two weeks. I'm hopeful that there would still be a substantial amount of interest and that it can get turned over quickly. As we get further throughout the

process, that's something we will evaluate. My philosophy is to be open book, so as we do have material updates, we will be sure to share it.

Weber – For the Kroger folks, you might share what the restrictions would be as part of this process. The other Hiller's store sat vacant for about 10 years.

Spencer Schafer – We will talk about that a lot with Dave and Paula and see how we can tie some of those conditions as part of the PUD, legally binding for public benefit. Thank you all for the time. We really do appreciate the feedback and the comments. It helps us a lot and it does appear that there is a pathway forward.

Dave Campbell – Maybe one question, Spencer, and maybe you don't want to answer it now, but hearing that there are some concerns and resistance to the fuel center, that might be a question for your team. Is that a must have for Kroger when they're building a store of this size?

Spencer Schafer – It's something we're going to have to evaluate. When we do come back here, I know we have pre-application meetings we have to go through before we get to a formal meeting with the Planning Commission, but I think public benefit and these other items that are still hanging out there, we will have to create a full comprehensive package and see what that looks like. Sorry, I answered your question like a politician.

Dave Campbell – That's okay, it's an election year so that's good. And then again, speaking to procedure. One of the steps in a PUD is a preliminary review, which is essentially what we did tonight. So, for the record, I want to say that we can call this the preliminary review step of the PUD process. There will be several steps to come, including a formal public hearing, and a formal recommendation from the Planning Commission, and then final action by the Township Board, same as what Midtown has already been through before.

Chairperson Parel – We appreciate it. I think public benefit is going to be a big piece. I think a question mark is whether or not you'll have the votes for a gas station. And also, what is the future of that former big box once they move out. I know you can't answer all of this tonight. Hopefully we gave you enough to take back and talk to Kroger and your people, and take that next step Dave has talked about.

Dave Campbell – We have talked quite a bit about the existing former Hiller's, former Kroger store, and the Township certainly doesn't want to see that vacant. I hope that message has been received, but I wonder too, are there users that maybe the Township will not want to see occupy that space, and if so, are those the types of items that the developer would want to put into the PUD agreement?

Weber – Car wash, gas station, smoke shop, and I know there's one other that escapes me.

Chairperson Parel – Beer and wine sales.

Dave Campbell – It's fair to say that we would want a commitment that we would not see those users in there.

Weber – The way it's zoned, I can't imagine ...

Dave Campbell – Okay, I'll throw it out, a dollar store. I could see us maybe cringing with that use on the prominent corner.

Spencer Schafer – Understanding that this is a PUD, if you folks want to have conversations internally, Dave and I can think of ideas for the proposal. I want to mention that for the record. It's not anything being forced upon us. It's something that we will voluntarily offer as part of the PUD, and I'm sure we will have some ideas.

Chairperson Parel – Did we answer everything for you?

Spencer Schafer – I think this is very good feedback. We talked a little bit about the gas station. We will have to think on that a little bit more and see how it affects our plans. I think we will have more formal logic and reasoning when we come back. This helps us a lot. I think there's a market for it, but there are a lot of gas stations. If I could offer one or two comments. This would just be a gas station, no convenience store. There would be a little structure with one individual who is there to help out if there were any issues. They're not going to be bulk selling any other loose goods. It is a station servicing up to 14 individuals. Let us look at it further.

Chairperson Parel – I think what you've got going for you is that a lot of residents are fed up with apartments.

Spencer Schafer – Well, that's my public benefit.

Chairperson Parel – I wouldn't go that far.

Spencer Schafer – Thank you everybody.

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

None.

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

- **NEXT REGULAR MEETING DATE: MONDAY, AUGUST 12, 2024, AT 7:00pm.**
- Our next meeting would typically fall on August 5<sup>th</sup>, the first Monday, but that is the night before the primary election. So, make a note that our meeting was moved to August 12<sup>th</sup>.
- You might see a concept for the Chi-Town Station on Cooley Lake Road, the model train place. The owner has passed, and his adult kids are selling off the collection of trains, and the property is for sale. We had a preliminary meeting with a prospective buyer who wants to repurpose the existing building and also build a second building on the grassy area next door. It sounds like he does work for the automotive sector; 3D printing and machining of prototypes. It's zoned B-2 so what he is proposing meets with the zoning.

- Lifetime Fitness, north of Costco, wants to put in seasonally covered pickleball courts in an unused parking area.
- Speaking of Kroger, there is an interesting case that might come before the ZBA. Depending on how that goes, it may come before the Planning Commission. The Kroger store on Pontiac Trail; there is an EV charging group who wants to put EV chargers in the Kroger parking lot, which to me sounds great, except the way they want to do it. It's not so much EV charging; it's a means by which to put a digital billboard in the parking lot. There would be a great big screen with advertising that would be part of this EV charger, and as this Planning Commission is well aware, the Township has regulations for both digital signage, and also the maximum amount of signage. For them to put these signs in the Kroger parking lot would be contrary to our Zoning Ordinance in a couple different ways. They have talked about getting in front of the ZBA to try to appeal that, and they might come before the Planning Commission and the Township Board to ask us to change our sign regulations to allow something like what they want to do. More to come on that.
- An update on Lakeside Marine; the owner is bound to a consent judgment with the Township to have his improvements done by September 1<sup>st</sup>, which is only two short months away now. If he doesn't, then he is to have no outdoor storage on the property. While that property still looks very rough, he is on a strict deadline that he committed to. There is an opportunity within the consent judgment to ask for an extension. I know Supervisor Gray would need to have a very strong case presented to him before he would consider it.

Chairperson Parel discussed the Farr Street culvert/bridge project with Dave Campbell. The bridge itself will be a paved surface, and then about 100 feet on either side would also be paved. Farr Street will otherwise remain a gravel road.

**L: ADJOURNMENT**

**MOTION** by Weber, supported by Phillips, to adjourn the meeting at 8:09pm.

**MOTION CARRIED UNANIMOUSLY**

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Joe Loskill, Secretary