

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

Monday, June 7, 2021  
2009 Township Drive  
Commerce Township, Michigan 48390

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

**ROLL CALL:** Present:

Larry Haber, Chairperson  
Brian Parel, Vice Chairperson  
Brian Winkler, Secretary  
Bill McKeever  
George Weber  
Chelsea Rebeck  
Sam Karim

Also Present:

Dave Campbell, Township Planning Director  
Jay James, Engineer/Building Official

**B. APPROVAL OF AGENDA**

Dave Campbell – If I could make a suggestion. There are two public hearings scheduled tonight, and typically we put those right at the top of the agenda. One of those public hearings is for Culver's and the other is for a text amendment to the Zoning Ordinance, and then Culver's has their corresponding site plan. Since I don't expect much public participation on the text amendment, my recommendation would be to amend the agenda to put Culver's site plan right after their Special Land Use.

**MOTION** by Weber, supported by Parel, to approve the Planning Commission Regular Meeting Agenda of June 7, 2021, with the aforementioned amendment, moving Item I1 up to follow Item H1.

**MOTION CARRIED UNANIMOUSLY**

**C. APPROVAL OF MINUTES**

**MOTION** by Winkler, supported by Parel, to approve the Planning Commission Regular Meeting Minutes of May 3, 2021, as presented. **MOTION CARRIED UNANIMOUSLY**

**D. UPDATE OF ACTIVITIES**

Bill McKeever – Zoning Board of Appeals

- We ruled in favor of an appeal of an administrative decision that was made regarding Lot 22 on Lake Pointe Lane.

Brian Winkler – Downtown Development Authority

- The May 18<sup>th</sup> Commerce Township DDA Meeting can be summarized as follows.
- The DDA received a brief update from Bruce Aikens regarding the Five & Main project. The DDA approved the Request to extend the Phase II Option Agreement for one year, through October 31, 2022, with quarterly updates from Bruce beginning in October of 2021. This coincides with a similar agreement approved by the Township Board at their May 11<sup>th</sup> Regular Meeting.
- Both David Smith and Randy Thomas provided further updates on the Five & Main project; these updates can be found within the draft DDA meeting minutes.
- Regarding the Insite Commercial Update; potential developer interest in remaining DDA parcels continues at a moderate pace.

- The May Meeting served as the Annual Meeting of the DDA; the DDA Board approved the election of the current officers, as well as retaining the subcommittees, Finance, Public Relations, and Marketing, in their current form.
- Deb's contract to serve as the DDA Director was approved unanimously.

George Weber – Township Board of Trustees

- We approved Sarah Grever to fulfill the remaining term as a Zoning Board of Appeals alternate.
- Brian mentioned the extension of Aikens' Option on the Library Parcel. I'll also note as a contingency on that, the Township Board included a requirement for quarterly updates with metrics as we move forward.
- Maybe a little bit of a view that we're getting back to normal; we've approved several communities fireworks permits for the 4<sup>th</sup> of July.
- As part of the renovation of our Fire Department, including Building #3 being built, we've also approved a new ambulance which is part of the 10-year capital improvement plan for the Fire Department.
- We approved moving forward with development of an RFQ for an architect to look at the most prudent ways to modify 8585 PGA Drive to house the new substation for the Sheriff's Department.
- Tomorrow, we will be having a public hearing on the Lystek project. That continues to move forward.
- Finally, we approved moving forward with the next step for the Reserve at Crystal Lake in their Brownfield Plan.

Jay James – Building Department

- We're quite busy right now.
- Everybody is doing their home renovations with the extra money they have from the time they've spent in their houses.
- We've gotten substantially busier in the last 6 weeks.

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

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

No comments.

**Chairperson Haber closed Public Discussion of Matters Not on the Agenda.**

**F. TABLED ITEMS**

None.

**G. OLD BUSINESS**

None.

**H. SCHEDULED PUBLIC HEARINGS:**

**ITEM H1. PSU21-05 – CULVER'S – SPECIAL LAND USE – PUBLIC HEARING**

The PEA Group of Troy MI representing Paiko Properties, LLC is requesting approval for a Special Land Use for a drive-through restaurant (Culver's) located at 485 Haggerty Road. Sidwell No.: 17-36-400-019

Dave Campbell, Planning Director, gave a review of the Planning Department's report. Culver's is proposing to demolish the existing drive-through bank and replace it with a 4,060 square foot Culver's restaurant with a double drive-through. He brought up the site plan on the overhead, presented color elevations, and discussed building materials, including limitations on EIFS. Three wall signs are proposed, along with a freestanding 8' ground sign, which would require exceptions from the ZBA. Circulation would be similar to that of the existing bank. They are proposing 41 parking spaces. Per their operating agreement with the larger shopping center, they're hoping the Planning Commission will find that the 41 spaces would be sufficient. There is a surplus of parking to the north and west of the site.

Landscaping was addressed and the petitioner is requesting to remove mature trees along the frontage for visibility. Also noted in the review letter, they are not obligated to install the sidewalk along Haggerty Road because it already exists. It was installed when the Commerce Crossing development went in. However, a sidewalk connection coming from the existing Haggerty sidewalk into the Culver's parking lot was suggested for pedestrian access.

Per State law, the public hearing would need to be opened and closed for the Special Land Use. The developer's team and engineers are here to speak.

Leslie Accardo, Engineer, PEA Group, 2430 Rochester Ct, Ste 100, Troy, MI 48084, was present representing the petitioners, Brent Bridgewater, Culver's Franchisee, and Matt Swantko, Prospective Landowner, both of Commerce Township, MI.

Ms. Accardo – Thank you for the opportunity to speak on behalf of Culver's this evening. Culver's is a very community-oriented and family-owned business. We actually have two of the owners for the Culver's who live in the community. You'll get to see them first-hand operating. One of the other things is Culver's really does look at putting people first, and they celebrate their guests. They've been family-owned since 1984 and they also lead by example by engaging and presenting opportunities for ownership within their restaurants.

This is the site location as indicated. You'll notice we've ghosted in the Culver's so you can see where it sits on the site, and the ample parking all around. As Dave mentioned, there is an existing building there that will be demolished. That drive-through actually has five drive-through lanes, and we're only asking for one. This is another view of the site plan. Again, we are asking for a Special Land Use for the drive-up window. COVID has definitely increased the need for easily available, healthy options for our families. About 60% of activity before COVID was drive-through, and that has definitely increased. I think a lot of people will continue to rely on that. There is a McDonald's adjacent to the site and they have a drive-up window as well.

The Special Land Use does comply, or has no impact with all the requirements, and it meets the criteria. This is an elevation of the Culver's, and this is another angle. This is a breakdown of all the different materials on the building to give an idea of our effort to ensure that a majority of the building is either stone or siding, with a very limited use of EIFS.

This is the proposed 8' monument sign. We are definitely concerned about the visibility to the site. I drove by it on the way here and I couldn't see the Target sign or the Target, or anything else within that shopping center, and definitely could not see the bank building itself. That is one of the reasons we're proposing removing some of the existing landscaping, so we can not only see the monument sign, but the building beyond it.

**Chairperson Haber opened the public hearing.**

No comments.

**Chairperson Haber closed the public hearing.**

**Commission Comments:**

McKeever – I don't have any questions or concerns beyond what was already pointed out in the Planning report.

Chairperson Haber – We're looking at site plan at the same time, so if you have any questions.

McKeever – They've all been mentioned.

Vice Chairperson Parel – I'm good with everything. I have some concerns as they relate to the landscaping. I took a look at the street view.

Chairperson Haber – Can you bring up the street view?

Ms. Accardo and Dave Campbell brought up the street view.

Vice Chairperson Parel – I think the trees that we're referring to, the maintenance of them has been severely neglected. I know there's some in front of Applebee's as well. I think a combination of trimming them up and having good signage on the road with the monument is going to be a better solution than knocking down eight trees.

Rebeck – I don't have anything to add.

Winkler – I have no additional comments.

Karim – Regarding landscaping on Haggerty, I do somehow agree that it's restricting. I don't even remember some of those buildings because of the trees. Maybe trimming or removing one or two. The other thing which I really support is the sidewalk from Haggerty to the building, and maybe it's associated with the sign. The reason why is, across the street are condominiums, and I would like the traffic through there instead of people using their cars to go to the parking lot. They could come across the street and walk to Culver's.

Weber – I like the building and I like the elevations. I echo Brian's comments regarding the hardwoods and maybe another potential compromise. So maybe not taking 8 of the 13 trees out, maybe taking a smaller number out, but then also planting hardwoods elsewhere on the property in conjunction with your plan.

If we're talking about site plan also, the percentages of EIFS, I support having Administrative approval through Dave's office.

Chairperson Haber – I don't think the traffic will be a problem. The EIFS bothers me an awful lot. We're about to change the EIFS ruling here in Commerce Township, and I'm going to give you a choice. You can eliminate the EIFS or we can postpone this until

another time when our ordinance goes into effect. We don't like EIFS. Signage will come before the Zoning Board of Appeals.

McKeever – I think we had a similar situation at Applebee's.

Jay James – Yes, they asked to have it moved closer to the road.

McKeever – It was a rise in the road type situation with visibility issues.

Jay James – Yes, visibility, correct.

McKeever – So without having the sign details, I don't know how I can speak to that. That may come into play just based on the topography.

Chairperson Haber – I just want to let you know my feelings on that. As far as the signs on the building, you're asking for a bunch more than we would like to see. I'm a Culver's fan, but I think one sign on the building is enough. I think one in front is fine. I go to Culver's all the time. I know where they are. I'm going to find them and seek them out. One sign is enough. Everybody is going to come to Culver's anyway and you'll be backed up around the block.

Dave and I talked mechanical screening today. He will oversee that Administratively. I don't want to see anything on the roof if I don't have to. That goes for utility meters on the back of the building, they have to be screened.

You have all the parking we asked for, 41 spaces, so that's looking pretty good. I can almost guarantee that there will be overflow parking and you'll be using the space behind you. I want to make sure there is a parking agreement in there. One of the problems we have with the present situation is who takes care of resurfacing the parking lot. It's out of my purview, but nobody seems to want to fix the parking lots. I don't know if that will affect the parking lot agreement or not. Is that in effect?

Ms. Accardo – Yes.

Jay James – Each independent parcel out there is responsible for their parking areas. The ones that are an issue are the shared drives or interior roads. Their property lines go to the middle of that road. When there is a pothole in that interior road in the middle, they're not going to fill half. We did recently do a special assessment for this complex. I want to say there's 4 years left on that SAD and the Township is maintaining it and they're paying through the SAD.

Chairperson Haber – Thank you. Landscaping. I feel much the same way as George and Brian do about the landscaping. It's hard to grow trees, and those are really nice. George, I like what you said about pruning to make that better. One of the problems we have here, if we allow you to take those trees out, then everybody else is going to come knocking on our door to say, we want to take trees out too. I don't think I want to get involved in that argument. I think if you selectively take out a tree or two here or there and prune these back, that would solve the problem, but I'm really not happy about taking trees out. We can open up the discussion more if you want to talk about the landscaping when we get to approval of the site plan.

The sidewalk, Sam brought that up, and I think I'd like to see that happen too. Dave, I was looking at the plan and I didn't see a dumpster on there.

Dave Campbell indicated the location of the dumpster on the overhead.

Chairperson Haber – Okay. Let's consider the Special Land Use proposal first.

**MOTION** by Weber, supported by McKeever, to approve, **with a condition**, Item PSU21-05, Culver's Special Land Use, the request by the PEA Group of Troy MI, representing Paiko Properties, LLC for approval for a Special Land Use for a drive-through restaurant (Culver's) located at 485 Haggerty Road. Sidwell No.: 17-36-400-019 Move to approve PSU #21-05, a special land use for Culver's at 485 Haggerty Road within the Commerce Crossing shopping center, within the B-2 (Community Business) zoning district. Special land use approval is based on a finding that the applicant has demonstrated to the satisfaction of the Planning Commission that the proposed use complies with the special land use criteria of Section 34.08 of the Zoning Ordinance, as well as the Use Standards for a drive-through restaurant of Sec. 26.304.

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

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

**Discussion –**

Weber – I'd like to clarify something you said, Larry. You would force the applicant to come back if they didn't remove all EIFS.

Haber – We are about to change that ordinance. I'm asking them to voluntarily understand and change that. If they would like to confirm that, it's fine. If they don't then I would like to put this on hold until we change it.

Weber – One member cannot dictate that.

Haber – I get it.

Campbell – If I may, the motion on the table is for the use and building materials would be site plan related. I would suggest you take action on the Special Land Use motion.

Chairperson Haber – Right.

**MOTION CARRIED UNANIMOUSLY**

**ITEM 11. PSP21-05 – CULVER'S**

The PEA Group of Troy MI representing Paiko Properties, LLC is requesting site plan approval to construct a new Culver's drive-through restaurant located at 485 Haggerty Road. Sidwell No.: 17-36-400-019

Dave Campbell – I know Mr. Swantko asked me if he would have an opportunity to address some of the items that have come up, such as building materials.

Mr. Swantko – I'm part of the ownership group that would build the Culver's with our other partner, Charles Paisley, and Brent and myself. As Leslie mentioned, Brent and I both live in Commerce Township. We've lived here since 1997. We love Commerce Township and love living here. We want to have this as part of our community and we're really excited to build it. My wife works down at 14 Mile and Haggerty, and she can't wait for this to be built. I think it's going to be a really good addition to the community. Brent was with Ford Motor Company for 24 years and left the company a few years ago. He was looking for what's next in his life.

I've been involved with this concept since 2005. I think it's an awesome concept, the way that the owners of the company have put together the model for the operation of

these stores is unlike anything you'll see. Brent just got done spending almost 4 months training in Wisconsin on every aspect of running this store. That's what they make every franchisee do. Each store has to be owner-operated.

They do not have a general manager running the store who has no ownership in the store. You're going to have a guy who is vested in this building, this property and the community, operating a great store because that's how he's going to make his living.

There's a mentoring process where managers in the store can become owners in the next store that our group might build. There's opportunities for people who work here to actually own stores in the future. It's a neat system they have.

In terms of your concerns, I get them. I love trees. I live on a lake. I have huge trees that are a pain every year to clean up the leaves, but I love them and I don't want to see them go away. The flip side for us is, this has been sitting empty for a long time for a reason. It's a tweener site with no access, between two other restaurants. It's not easy to get into, and it's really not easy to see. What we don't want to do is go in here and fail. We don't want to have our visibility so blocked that people just don't know we're there. I've shopped at Costco, Target, Home Depot for decades, and that McDonalds was almost invisible. I think that there's a balance between having a pretty site and a business being able to operate successfully.

I think you guys want this to be successful, and we do too. We're trying to strike a balance between making the landscape look good and providing view corridors into this site. The biggest problem is that it's a double row of trees and they're all 20 years old with huge canopies. We're afraid that if they're left, we're not going to be seen and we're not going to do well. What we'd like to do is strike some compromise with you. We're going to keep some of the trees. We'd like to remove some of these really mature trees. They end up going by the wayside themselves anyway over time. I think there was a proposal from the Planner to replace some of the trees with smaller, less canopied trees.

Dave Campbell – It wasn't necessarily smaller, but it's a ginkgo, which my landscape architect said grows smaller canopy-wise. It's more vertical and doesn't grow outward.

Mr. Swantko – If we could strike a balance here of maybe keeping some mature trees, maybe we could remove a few and replace with ginkgo trees. You want a pretty site, we want you to have that, and get us some visibility to the building. I think that Brent and I are both in agreement, the EIFS is no problem. We can replace that with stone. We're happy to do it. And for that, what I'd like to do is be able to see that stone from the street. If you could work with us on that.

We don't have a problem with the sidewalk, we just have an issue. We're happy to put the sidewalk in, but we can't lose a parking space. If we lose a parking space, we go out of the requirements of the operating agreement for the shopping center, and then we have to go and try to get people to approve it because it won't comply with the operating agreement. There are certain people that would have to approve it, and we don't think they will. We have to keep this at 41 spaces. It's 10 per 1,000 for the 4,100 square foot building.

**Commission Comments:**

Chairperson Haber – We're going to work on it right now.

Mr. Swantko – Okay, that's it unless you have any questions.

Weber – Dave, can you pull up the picture of the trees again?

Dave Campbell – Sure. This is a nice color rendering of what the store would like with the trees that they're proposing to preserve. There's 13 trees out there now and they want to keep 5 of them. They would be taking out the second staggered row, closer to the sidewalk.

Mr. Swantko – On the picture before this one, that shows what it looks like today, you can see how those trees are staggered. It kills the visibility.

Mr. Bridgewater – I think there's actually a 15' Target sign that you can't see.

Dave Campbell – If we're talking about finding balance and a compromise, would the Planning Commission want to start with the tree conversation, the sidewalk conversation or the EIFS? Are you agreeing to eliminate the EIFS entirely, or to keep the cornice feature?

Mr. Swantko – We're open to an alternative.

Dave Campbell – Those are the three issues we're discussing, tree removal and replacement, EIFS and the sidewalk connection. Where would you like to start?

Chairperson Haber – Let's start with EIFS, because that's going to be the easiest one to do. Bill, do you have any comments?

McKeever – I do not.

Vice Chairperson Parel – I heard that they are removing the EIFS.

Chairperson Haber – That's what I heard too.

Mr. Swantko – I think we can take the brown that's EIFS and turn that into stone so that runs all the way up.

Chairperson Haber – Done deal.

Dave Campbell – The cornice would remain? That's EIFS material as well.

Mr. Swantko – Is there an alternative, Leslie, to EIFS on the cornice?

Ms. Accardo – Yes, I'm sure there's another product.

Chairperson Haber – Are we in agreement?

Mr. Swantko – Sure.

Dave Campbell – We're at 0% EIFS?

Mr. Swantko – 0%.

Dave Campbell – You heard them say though that if they're going to dress up that building, then they want people to be able to see it by taking out some of the trees along Haggerty too.

Chairperson Haber – Let's tackle the sidewalk next.

Dave Campbell – So Matt, if there were to be a sidewalk, I'm trying to think how you would do it without losing as least one parking space.

Extensive open discussions took place regarding the operating agreement and parking requirements for the shopping center, along with ideas of how and where to replace the lost parking space on the site so that the sidewalk connection could be made. Discussion included the potential for 9' spaces which was not recommended, along with diagonal spaces which presented depth issues, and finally, it was suggested that some spaces could be identified as compact cars only, while others could accommodate full size vehicles. Other matters addressed were lining up the sidewalk with a parking space, the crosswalk area, ADA accessibility, and the outdoor patio on the site.

Ms. Accardo – So if we created a path through here, and then just skinny up a few spaces on either side, then that would give us room.

Chairperson Haber – Does that work, Dave?

Mr. Swantko – Either that or maybe just all the spaces to the north of the crosswalk.

Chairperson Haber – For compact cars only.

Karim – Yes, for electric cars.

Dave Campbell – If the Planning Commission feels this is necessary, I'm confident that Administratively, the engineer for Culver's and I can figure out a way to do it.

Chairperson Haber – Let me poll and see how they feel about that.

McKeever – I'm fine with that. My concern would be that if they have specifications on the number of parking spaces, there's probably something in there about size also.

Mr. Swantko – There is not, actually.

Winkler – I'm okay with Dave resolving this Administratively with the petitioner's civil engineer.

Weber – I agree.

Winkler – It's a shame since there's such an abundance of parking on the site.

Dave Campbell – It is incredible that we're talking about parking on this property.

Chairperson Haber – I think there's room to work with that. We would like to see that happen, because we'd like to have the sidewalk too. Let's go to the trees.

McKeever – I understand what they're trying to do. I think if they can thin the trees, or remove a portion of the trees, it does improve the site.

Dave Campbell – They're proposing to take out 8 of the existing 13.

McKeever – Which works out to about every other tree, which I'm fine with.

Vice Chairperson Parel – I think there's a compromise somewhere in there. Maybe it's not removing one, but not 8, but somewhere in the middle. I think trimming them is going to help.

Chairperson Haber – What I think I hear you saying is, maybe take some out right in front of the building and leave some others.

Vice Chairperson Parel – Not specific to the location, but I think there's a way to remove less than 8 trees and still get it done.

Chairperson Haber – One of the problems we have, as soon as trees come down, this phone will start ringing, and my phone will start ringing. Why did we take those trees out? That's a problem because we work for the community.

Ms. Accardo – Two are located over the sanitary easement, so that's one reason two of those are being removed. There are 6 others that we were removing for visibility. We are also adding 142 new plants to the site, in addition to keeping some of the existing plants that are there.

Chairperson Haber – This is Commerce Township and people love their trees.

Dave Campbell – If we said the number that they could remove would be 6...

Chairperson Haber – I could probably live with that.

Vice Chairperson Parel – I'd be interested in what everybody else thinks. I think 8 is too many. It's arbitrary.

Dave Campbell – If there were 13 trees, and they kept 7 out of 13, and could remove 6, at least we're keeping over half of them. I'm trying to zero in on a number, if that's one way to look at this.

Rebeck – I don't normally love the idea of removing trees, but I really like the way that you have the landscaping set up. I think that plaza needs a lot of cosmetic work. I think that Culver's, even if they remove those trees, is going to make it look a lot nicer. I'm not going to put a number on the trees.

Winkler – I like what has been proposed by the Planning Director and the Township's landscape architect with the replacements as recommended.

Weber – I agree with Chelsea. Maybe the compromise goes back to your 5, but planting hardwoods, the same number, elsewhere which also gives Mr. Haber an explanation

when he gets phone calls. Yes, we're taking hardwoods out, but we're replacing them in a different area to keep the same number overall.

Chairperson Haber – So how many trees are saying to take out?

Weber – I'm saying take out the 8, and go with the landscaping plan that they've proposed, and put 8 other hardwoods elsewhere on the property. I know the ginkgo trees that Dave is talking about, that tend to grow more vertical and less horizontal. I think that would be easy to do within the property that they have.

Ms. Accardo – So just to make sure I'm clear, 8 more besides what we're showing right now, or 8 new ones?

Chairperson Haber – Different trees.

Weber – I guess when I was looking at the landscaping, it was hard for me to determine where the hardwoods were within your proposal. Maybe you can educate me on the landscape plan.

Ms. Accardo reviewed the landscape plan for the Commission, showing 19 new deciduous trees throughout the site, with most of them along the landscape island. She noted that trees could be switched out for something else, otherwise they would be deciduous, similar to those being removed. There are some evergreens in there as well. There appears to be a gap, but there aren't any trees there because of the storm water.

Dave Campbell – I'm guessing some of the ones closer to the building are more ornamental, crabapple or lilac.

Karim – I agree with George and Chelsea about the trees. We need to improve that site. You don't see anything there. We need to encourage building, to put in a new building and a new façade there, and change the site to something more happy than what it is right now. Thank you.

Chairperson Haber – Okay, let's get a consensus. Bill, do you have any further comments?

McKeever – I do not.

Vice Chairperson Parel – I don't feel any easier, but I have a question for George. Are you saying if they remove from the eastern side of the property, are you requesting that they add additional trees at this point?

Weber – Based on what we've just seen, no. A deciduous tree could be a scrub tree, but if you're willing to change those that are along the southern side to hardwoods, rather than just deciduous, then I'm okay with it. I can't see adding any more trees any place else on the property other than what they already have. I'm okay with taking out the 8, as long as those that are elsewhere on the property include a minimum of 8 hardwoods being added to the plan.

Vice Chairperson Parel – My last ditch effort is could we get rid of 6? However, I understand I may not get support. No hard feelings.

Rebeck, Winkler and Karim had nothing to add.

**MOTION** by Weber, supported by Parel, **to approve, with conditions**, Item PSP21-05, Culver's, the request by the PEA Group of Troy MI, representing Paiko Properties, LLC for site plan approval to construct a new Culver's drive-through restaurant located at 485 Haggerty Road. Sidwell No.: 17-36-400-019

Move to approve Site Plan #PSP21-05, a new 4,060 sq ft Culver's drive-through restaurant to be developed on a 1-acre parcel at 485 Haggerty Road. Approval is based on a finding by the Planning Commission that the site plan complies with the applicable standards of the Township Zoning Ordinance, and that the proposed 41 on-site parking spaces are adequate to support the use.

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

1. Review and approval of engineered construction plans by the Township Engineer, Fire Marshal, and Building Department;
2. Any new signs to be reviewed and approved under a separate Sign Permit by the Building Department subject to the requirements of Article 30 of the Zoning Ordinance, and any Sign Exceptions for additional wall signs and/or the proposed ground sign be carefully reviewed by the Zoning Board of Appeals (ZBA) in the context of minimizing the traffic concerns of excess signage along the high-traffic thoroughfare that is Haggerty Road;
3. A revised site plan be submitted for administrative review & approval by the Planning Department. Revisions to include the following:
  - a. Revised building elevations compliant with the direction of the Planning Commission, and demonstrating that no EIFS will be included, and that fiber cement siding will comprise no more than 50% of any building elevation; and,
  - b. A revised landscape plan compliant with the direction of the Planning Commission to preserve 5 trees on the east elevation, and the remaining architectural plan to include a minimum of 8 hardwood trees in conjunction with the rest of plan, providing Administrative approval of such to the Township Planning Director; and,
  - c. A paved & striped sidewalk connection between the existing Haggerty Road sidewalk and the proposed Culver's entrance;
  - d. Screening of the utility equipment on the west side of the building as directed by the Planning Commission, providing Administrative approval of such to the Township Planning Director; and,
  - e. Building elevations to confirm that rooftop mechanical equipment will be screened.
4. Confirmation by the Township Attorney of all necessary easement, cross-access, and/or maintenance agreements to ensure Culver's and its neighbors peacefully share driveways, drive aisles, and parking areas.

**Discussion –**

Parel – Sorry, I was difficult about the trees. We like trees in Commerce Township, but I'm excited about this and I want you guys to know, I think it's a great plan. It's going to clean that area up and I'm excited to take my family there and have some milkshakes.

Haber – Dave, do we have to include anything about the sidewalk and changing the size of the parking spaces?

Campbell – No. What you have in there is that there will be a sidewalk and it's going to be up to me and the design team of how to make that work.

Haber – As long as it's clear. You got that, Deb?

Watson – Yes.

**MOTION CARRIED UNANIMOUSLY**

### **ITEM H2. PZ21-01 – TEXT AMENDMENT – PUBLIC HEARING**

An amendment to the Commerce Township Zoning Ordinance No. 3.000, to amend Article 30, Signs, to remove allowances for digital signs and special event banners over public roads.

David Campbell – This is a conversation that the Planning Commission has had with the Planning Director several times. What's proposed this evening is a text amendment to the Zoning Ordinance, specifically the sign regulations, to remove most allowances for digital/electronic/LED signs. The concern is that LED signs create a distraction for drivers, so it's a health, safety and welfare concern for the Township. The Zoning Ordinance currently has restrictions on how those signs can operate, but because of the nature of the signs, there's always a temptation from the business owner or sign owner, maybe even unwittingly, to utilize the capabilities of the sign and have them dance around, flash and scroll. For that reason, and also due to the maintenance concerns of these types of signs, cumulatively all of the concerns of potential distractions that can be caused by these signs have given the Planning Commission reason to say, let's eliminate any allowances for them from this point forward.

We do have some of these signs currently existing in Commerce Township. If this Zoning Ordinance amendment were to be adopted by the Township Board, the existing electronic signs would be considered legal, nonconforming signs. They would be allowed to continue to exist, to be repaired and to be maintained, but if they ever needed to be replaced, they would have to be brought into compliance with a non-electronic replacement.

The Zoning Ordinance is going to be amended to make it clear that we are going to continue to allow changeable message signs, which you actually change by hand. The Gilden Woods sign is a good example. In conversations with the Township Attorney, it was agreed that, to eliminate the possibility for changeable message signs would not be content neutral, which is always a big concern with signage as you start getting into First Amendment issues if you start regulating what people can and cannot say. There's a legitimate argument that digital signs and distractions they cause are a legitimate safety concern. That does not apply to the signs that you change by hand. Our Zoning Ordinance is currently ambiguous about whether those signs are allowed or not, so we will clean that up.

Also included in this amendment is a request that came from the Township Clerk and the Township Fire Chief to no longer allow banners over the road. These are signs that are often installed for special events and nonprofits. The problem is, a lot of times after the event is over, they never come back to retrieve their sign, and now you've got a sign flapping above the road that the Township's Fire Department is now responsible to retrieve. And these signs have had a tendency to come loose in inclement weather, and then they're half lying in the road and half dangling from the cables. Again, that's a safety concern that the Fire Department has to go out and address.

Given today's day and age, where special events can be promoted over social media and the internet, the Township feels that banner signs over the road are somewhat of

an antiquated way of promoting a special event, so the intent is to remove any allowances for those as well.

Because this is an amendment to the Zoning Ordinance, we are required to hold a public hearing. If the Planning Commission is favorable toward these proposed text amendments, they would have the option this evening to make a recommendation to the Township Board, and then potentially at the Board's July meeting they would adopt these changes. We want the Township Attorney to have one last chance to go over these.

**Chairperson Haber opened the public hearing.**

No comments.

**Chairperson Haber closed the public hearing.**

**Commission Comments:**

McKeever – No comments.

Vice Chairperson Parel – Dave, in your notes, it speaks of certain zoning districts. It's my understanding that this modification is going to be for all districts, except for the M-5 corridor in one area, because we already have a commitment there.

Dave Campbell – Correct, when I say current zoning districts, currently electronic signs are only allowed in certain zoning districts. We're just going to eliminate their allowances in all districts. We're going to list them as a prohibited sign.

Vice Chairperson Parel – How did that one get approved on Commerce Road in the Village?

Dave Campbell – I don't know the history of it. For what it's worth, Dr. Qatsha of Dream Dental will be in front of you in July because he wants to put an addition onto his building. I said, be ready to have a conversation about your digital sign. He said, I love that sign. I said you might have to rethink it.

The M-5 billboard is the outcome of a consent judgment, a lawsuit between Adams Outdoor Advertising and Commerce Township, that was litigated. The Township has to live with that one. They did have to take that sign down while the M-5 bridge was being installed. Adam's plan was to put it back up last year, but because of COVID and all the reductions in traffic, I don't think they did any new billboards last year, but it's their intent to replace it this year.

Vice Chairperson Parel – In regard to changeable copy signs, I just want to confirm. When we allow a sign, we allow a certain amount of square footage for the signage, and that includes not only the sign portion, but also the bottom changeable area, such as with Gilden Woods.

Jay James – Yes, if it's going to have verbiage on it, it would be considered part of the sign.

Dave Campbell – I think with Gilden Woods, they took what they were allowed to have and they split it in half. The top part was their Gilden Woods permanent sign and the bottom half was the changeable copy portion.

Rebeck and Karim had nothing to add.

Winkler – I'm okay with the revisions.

Weber – I have one question. Dave, can you pull up your example of the gas station sign? I think we have some gas station owners or experts here. This is the only type of sign that we would allow.

Dave Campbell – We're saying that even though this type of sign has an electronic component to it, those numbers are on a roll and scroll back and forth, we're proposing to say that type of sign is okay because it has the look of a sign that you actually change by hand, but it can be changed remotely.

Weber – From a gas station standpoint, what we're saying is no LED or LCD signs, just this kind of sign. From somebody in the gas station business, is this onerous? Is this a non-issue?

Attorney Rosenthal – From a visibility standpoint, it would work. I think the flashing LED stuff is not the real attraction. You want to get your price out in a legible form, and that would work.

Dave Campbell – We're not saying we're requiring these. If you want the sign that you still have to send somebody out there to change it by hand, you still have that option. This gives you a type of sign that has that look, but can be changed remotely.

Weber – I think for the minutes, part of the rationale behind this is that signs are to advertise the business and the location. Signs are not to be used for commercials for what the business does.

Dave Campbell – You can still advertise, but you have to do it on a changeable copy sign, because we've determined that it's a legitimate health, safety and welfare concern to have digital signs up and down your commercial corridors.

**MOTION** by Parel, supported by Rebeck, to recommend approval, to the Commerce Township Board of Trustees, of Item PZ21-01, Text Amendment, an amendment to the Commerce Township Zoning Ordinance No. 3.000, to amend Article 30, Signs, to remove allowances for digital signs and special event banners over public roads. Move to recommend that the Commerce Township Board approve PZ# 21-01, a series of amendments to Article 30 - Signs of the Commerce Township Zoning Ordinance, to remove allowances for most digital/electronic/LED signs, to clarify standards relative to changeable copy signs, and to remove allowances for special event banners over public roadways. The Planning Commission's recommendation is based on a finding that prohibiting such signs is consistent with efforts to protect public health, safety, and welfare.

**MOTION CARRIED UNANIMOUSLY**

Vice Chairperson Parel – Just for the record, this picture that happens to be up here, we would not ever allow signage on the road and then signage up on a canopy like that, would we?

Jay James – No, we wouldn't allow both of those. One is a monument sign.

**I. NEW BUSINESS:**

**ITEM I1. PSP21-05 – CULVER'S**

**>>This item was moved up on the agenda to follow Item H1. Culver's Special Land Use**

**ITEM I2. BP GAS STATION – CONCEPT REVIEW**

Jeffrey Yousif & Fawaz Toma property owners are requesting a concept review of a potential demo and rebuild of the BP Gas Station located at 47100 Pontiac Trail. Sidwell No.: 17-33-376-012

Dave Campbell – At the northeast corner of Pontiac Trail and Beck Road, there is the existing BP Station. To the south is City of Novi. The new owners of the BP are hoping to demolish the existing retail store and replace it with a new, bigger, better looking store. Their concept plans are on the overhead.

I would say this is comparable to what the owner of the Mobil Station, at Union Lake and Commerce Roads, came to the Planning Commission for recently. He was actually getting formal approval, but it was the same idea in that he wanted to demo the existing and replace with a bigger, nicer store.

These are some color elevations. You get a sense of the type of materials they're proposing with a lot of brick and stone, and I don't see any EIFS, which I think they heard the Planning Commission is not a big fan of. They would be filling in the gaps along the sidewalk network on the north side of Pontiac Trail and the east side of Beck Road.

Also as part of this, they would like to be able to get an SDM license from the State of Michigan and from Commerce Township. The Township doesn't approve licenses per se, but we consider off premises alcohol retailers to be a Special Land Use. The existing store does not have a license. The applicant's attorney, Mr. Rosenthal, is with them this evening and wants to make a presentation. He is well aware that the Township has these Special Land Use standards within the Zoning Ordinance. Key to those standards are limitations to how close alcohol retailers can be to one another. Specifically, we do not allow any more than two alcohol retailers within any one-mile stretch.

I have not done a detailed analysis of this area, but I think it's apparent that no more than two per mile would be a challenge here. Kroger has an off premises license, along with CVS, Speedway, Rite Aid which I'm guessing all have licenses. Just based on those existing retailers, I don't believe that this location would be able to meet the Township's Special Land Use standards. I think that part of the conversation, kind of what we heard from the Mobil Gas Station owner, is that he can't justify the investment in demolishing and building a new store if he's not able to include packaged alcohol in the inventory. In the case of the BP, I believe they're looking for an SDM license, which would only be beer and wine and not packaged spirits, but it would be an off premises alcohol retailer as the Zoning Ordinance defines.

Given everything that is going on with this proposal, Mr. Rosenthal and I agreed that it would be best to come to the Planning Commission for a conceptual review, before they dive into engineering plans and detailed architectural plans, to get the Planning Commission's sense of whether this is a project that's viable, and I think the alcohol retail component has to be a part of that conversation.

Attorney Bruce Rosenthal, 4301 Orchard Lake Rd., West Bloomfield, MI – I represent the new owners of this facility. With me tonight, I have Mr. Jeffry Yousif and Mr. James Rosenthal. I am here with this concept because we have not done any of the natural drawings. This facility was finalized in February of 2021, my clients purchased it. It is tired and dated. That corner, to us, is part of a gateway to this Township. We brought this concept to you because we're looking at a lot of things. We're potentially looking at a deli inside. There's just not any space to work with, so we did concept drawings, with or without the liquor issue, hoping that we would get some feedback. I appreciate the time and energy of this Commission on the appearance before we can actually get to a formatted, detailed drawing.

I think we came up with something that makes that corner much more attractive from the Township's standpoint. We're going to repave the entire parking lot. We're looking at EV stations, which I don't think there are any in the area, but the electric vehicle is certainly a major issue. I think what these folks want is to make it a state-of-the-art station, not just looking at a beer and wine.

I looked at the station kiddie corner, I know my clients have. Speedway is busy, but I think it's dated as well. There's a lot of opportunity on this corner if you bring the right people inside and the right amenities. We tried to put together something that is much more pleasing to the Township and the Planning Commission. We're looking for 2,400 square feet. Right now, it's probably 1,200 square feet. Everything will be done within the canopies, which currently are there. That entire development between the two canopies would be all new.

We've looked at the signage, keeping it within the green. We've looked at new landscaping. We've looked at the EV charging station, at a very expensive rate. Cleaning up the perimeter behind, toward the market. You folks certainly have a history with this corner, is there anything that we're missing that the Township would like to see on that corner as they enter Commerce?

**Commission Comments:**

Chairperson Haber – I'd like to see it taken down, that's for sure. I'd like to see the new facility. I don't have a problem with that. Any improvement that can be made in the Township, that's what we do here, so that would be good.

We're going to give you our input right now. Every member here will have a chance to speak to you and tell you what they think and how they feel about it. This is all just informal talk.

Attorney Rosenthal – I understand that 100%, sir.

McKeever – I'm in favor of upgrading the store. It is tired, but I don't see alcohol sales being approved. If that's what it's going to take, I think this is a waste of time and effort, in my opinion.

Parel – I second those comments.

Rebeck – I had a question about the alcohol sales ordinance. Does that include adjoining cities? I know on that corner, it is Wixom and Novi.

Dave Campbell – Yes, everything to the south is Novi, and then on the west side of Beck Road is Wixom.

Rebeck – So that ordinance restricts anything within a mile, regardless of whether it goes outside the Township?

Dave Campbell – Correct.

Rebeck – Okay. I honestly don't have strong feelings about alcohol sales at that corner, just given where it is. The Village is across the street and there's like 25 other liquor stores. I don't really care if there's beer and wine at this one gas station. I don't think it's going to contribute anything significant to a problem that we can't fix in other communities, especially in that neighborhood. I understand how you guys feel about it. Personally, I just don't feel very strongly one way or the other about this particular corner. I would love to see it cleaned up. I don't have anything significant to add on the drawings, but we would love to see anything nicer going in there.

Winkler – I drive by this site every time I leave my house and head south. Certainly the corner could use some freshening up. What they're proposing I think is adequate and very attractive, but as long as they know the issues with the off premises alcohol sales, that's the biggest hurdle.

Karim – Any improvement to the site is an improvement to the Township. I don't have any additional comments.

Weber – A couple comments, and maybe Dave can pull the aerial back up again. Just a suggestion. Obviously, as a business opportunity, you're looking at EV charging stations. If as part of your design, you were to move your dumpster and possibly place more EV parking, then you could add a sidewalk over to Kroger. I know Kroger is not going to do any cross marketing with you, but while people are shopping they can be getting their vehicles charged. It might be a business case to put more charging stations in that corner.

I'll reiterate the comments on the SDM license. It's to be consistent because we've had several gas station owners come in and we've said no to them also.

Attorney Rosenthal – I don't know the Mobil scenario. With the EV stations, I know that we've worked with BP already. They're at a 20-minute charge cycle right now on a super charge. That may work. I didn't think about that. I appreciate you bringing that up to us.

Dave Campbell – Maybe taking that logic a step further. Do you know, is there opportunities to have vehicular cross access with Kroger? They might not like that because they've got their own gas station across the street so maybe they don't want to make it any easier on BP, but if there were a driveway connection, so Kroger shoppers could get to the gas station without having to go out onto Pontiac Trail and come right back in.

Attorney Rosenthal – I'll approach them. If Kroger in that facility is not looking to put charging stations in, they might welcome a pathway in for their customers convenience. They might not be opposed if it's not competitive to them.

Dave Campbell – I was thinking a full driveway.

Chairperson Haber – It is kind of interesting because one of our members here already has an EV car, and I'm getting one too, so we're looking for places to charge. That's a good thing, but I have to tell you that if the only contingency is the alcohol, it probably won't work.

Attorney Rosenthal – It's not. We're playing with other concepts as well. That's why we've talked about the deli. There are new types of sales for gas stations.

Chairperson Haber – We made this ordinance one mile. We did that because we don't think it's necessary to have alcohol every 2 to 5 feet.

Attorney Rosenthal – I get it.

Chairperson Haber – There's enough places to buy alcohol. That's the way we feel about it. Is there anyone else here that wants to make a comment before we let you go?

Dave Campbell – Maybe a question for my own sake. So, if they were to come back to the Planning Commission in the near future with a full site plan, with a building that looks something like that, the Planning Commission, at least on a conceptual level, is favorable with the design, the materials, etc.?

Chairperson Haber polled the Commissioners, and all were in favor.

Attorney Rosenthal thanked the Planning Commission.

### **ITEM 13. CLOVER SENIOR LIVING – CONCEPT REVIEW**

Beth Ernat of Clover Development is requesting a concept review of a senior living facility located on two parcels on the south side of Oakley Park Road, east of Martin Parkway. Sidwell No.'s: 17-24-201-008 & -009

Dave Campbell – This property is actually two contiguous parcels. It should be familiar to those of you who have been around a couple years. This is property on the south side of Oakley Park Road, just east of Martin Road / Martin Parkway. Combined, they're a little over 8 acres. There was a Conditional Rezoning on these properties that was approved, by the Planning Commission and the Township Board, in 2017 or '18, for a restaurant / banquet center. They were also going to have a standalone retail / office building. It had to be approved as a Conditional Rezoning because these properties are zoned TLM, which does not typically allow restaurants and retail.

Even though that project got approved, it fell through. For reasons I don't know, the developer decided not to go through with the project and so these properties remain vacant. What's notable is that the Conditional Rezoning, which took the Haggerty Road Overlay and carried it over to these properties, was conditional on that specific project. When the deal fell through, the Conditional Rezoning was void.

Fast forward to today, Beth Ernat from Clover Development is proposing a similar situation in that these properties would have to be conditionally rezoned to develop an independent living facility, an age restricted senior living facility of 119 units in a 3-story building. I think in the elevations that they've provided, some show a 3-story and some show 4-story. What they're hoping for is the 3-story option.

Beth Ernat – Yes.

Dave Campbell – Because this project would require a rezoning of some kind, it might be the same rezoning as the banquet center wanted to do, taking the HRC Overlay and pulling it west to pick up these properties, because only the Overlay would allow a residential component which is not otherwise allowed in TLM zoning. Before Beth and her group went too far with their endeavor, I suggested they bring this to the Planning Commission for a conceptual review.

One of the components is that across the street is the Detroit Gun Club, which anyone who works at Township Hall can tell you is a very active gun club. There would be noise considerations for any development on this property.

Randy Thomas is involved with potentially brokering this sale. The Planning Commission, as we've heard tonight, is very particular about building materials, architecture and site design. Whatever gets built here would be held to some pretty high architectural standards, and particularly if the project were to move forward as a Conditional Rezoning because then it becomes something of a negotiation between the prospective developer and the Township of what conditions they would be willing to offer in order to achieve that Conditional Rezoning.

Ms. Ernat, Clover Development Group, 348 Harris Hill Rd., Williamsville, NY – I'm here tonight representing Clover Group. We are an independent market rate senior living group. We serve a niche market. We are not subsidized and we are not an income restricted property. We are fully market rate, and we are not a resort living community. We offer a product that is somewhere in between for folks who are looking to move out of the home, but maintain their independence. They're not seeking someone else to cook and clean, and provide medical care.

We provide common amenities throughout the building. We have a fitness center, community room and group activities, but we do not have a forced pay-to-play entry for that. Completely independent and folks can come and go as they please.

I did provide a brief summary in your packet about who is our typical renter; typically someone around 76 years of age within 3 miles of this location. That's where the gun club comes in. If you're already living in the area, you're very familiar. You know the sounds and it's not a shock to the system.

Each of our units does have an outdoor balcony or patio. There are no interior units, every unit is an outside unit. We do provide about 40 garages onsite, and we park at a 1.0 to 1.2 ratio. We have recently been approved and will start construction in Auburn Hills as well as Van Buren Township. We've been around for about 35 years doing the same product from New York to Kansas City, Missouri. Michigan is a new market for us. We are eager to be here and to be in the market. I definitely want to get your feedback on the site and answer any questions you have about our products and our facilities.

**Commission Comments:**

Winkler – Dave, could you pull up the site plan and zoom out a little bit?

Chairperson Haber – By the way, I think the sign is still up on the site.

Dave Campbell – I mentioned that to Mr. Thomas. We can repurpose the Conditional Rezoning sign that has been up there way too long.

Winkler – If you look around this site, there's kind of a hodge podge of different uses. There's industrial, a storage unit to the east, and if we were to approve something else for that site, whatever you propose for the site other than an industrial building, will add to the hodge podge of uses in that area. If we look at what would be a good development that doesn't match up with industrial and adjacent areas, it seems to be an awkward fit, but given the other possibilities that the site could be used for, it's probably a good thing.

From the exterior, I know the elevations and the renderings are very conceptual. I would urge the petitioner to look at a couple of more recent senior living facilities that the Planning Commission and Township approved. One would be the northeast corner of 14 Mile and Decker, and the other would be the facility currently under construction on the west side of Haggerty, north of Maple. See if more interest could be added to the exterior of the building. I would lend toward approving this, given any other development opportunities that might exist on the site.

Ms. Ernat – Thank you.

Rebeck – I'm going to want to know how it's going to affect the traffic, especially since this is my route home. The traffic is really bad on Martin. Dave can probably help you with that. I don't know if it will need a traffic study. We probably have 10 of them. We really like landscaping and trees, and we really like nice exterior materials. If you come here with a nice plan, with a lot of trees and nice landscaping, and it looks good, you'll have a lot more potential to get it through quicker. Dave can work with you on all of that. Other than that, I don't have a problem with this kind of facility being in this location. I don't see any downside to it.

Weber – Similar to Chelsea, just understanding what the traffic impact would be. The gun club, maybe your clientele, because their hearing is not great, maybe it's not a big deal, but I know we have a couple members that live very close to here. It's not just one gun club across the street, by the way. There's another to the north, and another further to the west. It is loud and it is going on a lot. I don't know if you will have bylaws or whatever, but whoever is moving in there, be there on the weekend so you can hear what it sounds like, because it is a bit of a warzone at times.

Again, to Chelsea's comments, landscaping, and we like more stone than we do just brick. Adding of warmer tones for the area. Other than that, I have no issues with the concepts. I don't have an issue with the 3-story look for this because of where it is. In other parts of the Township, that would be a concern.

Karim – It has been summarized. I have no more comments.

Vice Chairperson Parel – I just want to mirror a couple things. Brian mentioned that in this front elevation and the other rendering that we saw, I think it could use some architectural detail, breaking up the front. It looks like a long, tall building with not a lot of

interest. I also agree with Chelsea and George that we'd like to see more trees. Maybe there's a reason they're not in these renderings.

McKeever – It has all been covered. I agree with Brian.

Chairperson Haber – Here's a first. I've got nothing to say.

Ms. Ernat – Is that good thing or a bad thing?

Chairperson Haber – No, that's a good thing. It has all been said. There's our feelings about it.

Ms. Ernat – Thank you.

Dave Campbell – With the comments that there is an opportunity to break up the mass of the building and provide more visual interest, is that providing more projections, pilasters, columns, a mixture of better materials, stone with brick to create more visual interest? Are those the types of things that would potentially break up some of the flatness or the long expanse that Mr. Parel mentioned?

Vice Chairperson Parel – All of the above, Dave.

Dave Campbell – Beth, the pitched roof, that's your standard model. Is there any opportunity, if height were a concern, have you looked at having a building without peaked roofs?

Ms. Ernat – No. All of our buildings do have peaked roofs right now, but I know it is empty space. It's something I could bring up for discussion.

Dave Campbell – I don't know if that would be an opportunity to create more visual interest.

I'm not hearing any strong objections to the use. I'm hearing the expectation would be a well-landscaped, architecturally appealing building.

Chairperson Haber – Beth, you're aware that there's quite a few similar places in the Township already?

Ms. Ernat – We are, but most of those places are not competitors. That was actually something Dave told me to be prepared to discuss. The couple places you have, two are subsidized or income restricted, and then everything else has a medical component, whether it be assisted living or continuum of care. We fall into that niche market. The demographics of the Township itself and the surrounding community is definitely an aging population. We do become attractive and it is beneficial to have assisted care and independent in the same place, because it allows for people to take that next step, should they choose, and still age in place. We're actually attracted to places where there are assisted or memory care centers.

Dave Campbell – We're talking about 119 units. Do you have any ratios of how many of those are occupied by people who will be driving themselves? How many vehicle trips does that generate?

Ms. Ernat – At peak time, we're at 4, using our numbers generally.

Dave Campbell – 4 trips total for the whole facility?

Ms. Ernat – Yes, per hour during peak hours. We're a very low user. We don't have medical staff coming in or out, so we don't have that employee exchange time. Our folks are generally retired so they're able to control their schedules. The majority of our trips are non-peak hours. I have some numbers I can send you and we can do a traffic study if necessary.

Dave Campbell – So residents are travelling during non-peak hours?

Ms. Ernat – Yes.

Winkler – Tying into Chelsea's comment about landscaping, if you pursue the project, you might want to consider berms along the north side of the site, along with heavy landscape to help buffer the development from the noise of the nearby gun club.

Ms. Ernat – Yes, that definitely would be a plan.

Chairperson Haber – I hope this has been helpful.

Ms. Ernat – It is, definitely. I look forward to working with you. Thank you.

#### **ITEM I4. Discussion on the Township-owned property adjacent to Country Hills**

Dave Campbell – This is Wixom Road, Glengary Road, and the Oak Hills development. This development is what we call Country Hills. There are 31 existing lots within Country Hills, and I want to say a little more than half actually have a home on them, 18 homes and 13 empty lots.

The long story is how the Township came to own this property adjacent to Country Hills. I'll try to make it brief because it was summarized in my report. This property and the hammerhead property were collectively part of a Conditional Rezoning agreement that was approved by the Township in 2006. The developer at the time, Mr. Galbraith and his friends, were proposing to develop 63 new homes on this property, and another 27 on this hammerhead property. You can see, these are the stub roads within Country Hills, and you can even still see what remains of the outline where they started cutting in the roads in anticipation of this development. Included with your report is the Conditional Rezoning plan that went along with that agreement, showing how this was going to be laid out. I'll pull it up on the screen.

The Township owns this property where 63 homes had been approved. This hammerhead property is still owned by Mr. Galbraith and his group, where there was going to be 27 homes. The Conditional Rezoning approved back in 2006 has long since expired. The economy tanked around 2007-2008 and Galbraith and his group did something that they will tell you they've never had to do before, and never since, which is walk away from a project and a property. Particularly what happened on this property is they were buying what we call Parcel A on a land contract from a woman by the name of Rose Button. That's why you'll hear this property called the Button property.

As part of the Conditional Rezoning, this property was to be serviced by municipal water and sewer. An SAD was established upon which 70 water taps were designated for this

property. Ms. Button and Mr. Galbraith entered into an agreement with the Township to do an SAD to pay for those 70 water taps over I believe 10 years.

Shortly thereafter, the economy tanks. As Mr. Galbraith tells the story, he went to Ms. Button to try to get an extension on the terms of the land contract, and Ms. Button was a tough negotiator. She said no, I'm not granting any such extensions. Mr. Galbraith had to walk away from the property. Ms. Button, sometime thereafter, was no longer able to make the SAD payments on the property because they are significant, and the property went into foreclosure.

The Township then, at the Oakland County foreclosure auction, picks up this property in 2014, pays all the back taxes, delinquent water tap payments and winds up paying off the remaining balance for the water assessments. So, the Township has an investment into this property. Part of the Township's rationale for acquiring the property and paying off the assessments was to protect the SAD and not allow the bonds that were issued to go into delinquency.

Since then, the Township has been sitting on this property, having off and on conversations about what its future should be. Currently, Mr. Weber and I, and Mr. James, sit on a subcommittee where we're looking at a lot of Township-owned properties, this being maybe the most high-profile of them. The Township owns quite a catalog of properties. A lot are just small scraps here and there. We want to go to the Township Board with a series of recommendations for what we want to do with these Township-owned properties.

Mr. Weber and I agreed that it would be wise to seek the Planning Commission's input on what you see as the future of Parcel A. Specifically, is there logic in keeping it conditionally rezoned R-1B, or reviving or reinstating that Conditional Rezoning agreement, to get something in the neighborhood of 63 new residential lots on this property? Or, should the property revert back to its historic designation which was R-1A which of course would allow for fewer than the 63 lots you see up there on the screen? To some degree, the layout of whatever gets developed is predetermined by the stub roads. It's some sort of loop connecting those roads. The question is, what size lots would be along that? R-1A lots are a minimum of 100' of road frontage, and 20,000 square feet in area, whereas an R-1B lot is 70' of road frontage, and 12,000 square feet in lot area.

What's notable about the Conditional Rezoning in this case is that they maintained 100' of lot frontage, but they had a minimum lot area of 15,000 square feet. It was something of a hybrid or R-1A and R-1B dimensions. Having the lots have less depth allowed them to double load most of these roads, whereas if they were 20,000 square foot lots, they would probably be single loaded roads with fewer lots.

In summary, the Planning Commission looks at managing responsible growth in the Township, whereas the Township Board has the same role, but they also have to look at the fiscal and financial obligations of what we have invested in this property and what it's future should be, assuming we want to sell it to a developer. We are hoping to discuss what the Planning Commission sees for the future of this property and what sort of density.

### **Commission Comments:**

Weber – Dave, could you go back to the NearMap? I think it's important to see the size of the lots in the surrounding areas to get a feel for what this is.

Dave Campbell – As far as lot size, some of the lots in Country Hills are big estate lots. Then, as you get closer to the west side, the lots become smaller. There is something of a mix there.

Vice Chairperson Parel – Do we know how small?

Jay James – They're R-1A, but some are much larger.

Dave Campbell – They should all be 20,000 square feet at a minimum, but some are 3 or 4 acres. I think the property subcommittee wants to come to the Board with at least a preliminary recommendation at the July Township Board meeting.

Weber – Correct.

Dave Campbell – Hopefully when we make those recommendations, we want to be able to say, here's the Planning Commission's insights on this property.

Weber – One of the keys that's unique here is that we have an investment in this property that we need to get back out. The desire is to at least break even on that investment and turn it into a nice, residential space. I think the subcommittee is looking to get a feel for something pretty simple, R-1A or R-1B. That's going to be a factor. Something with 63 sites is going to be more valuable than something with 43 sites. At the same time, what is the look and feel as recommended by the Planning Commission? Everything to the north is Proud Lake.

Dave Campbell – It is, all that land is Proud Lake State Recreation Area. As I mentioned, Township Board has had off and on conversations about this property, some of which pre-date Mr. Weber's tenure. One of the questions that came up was could it be a park or preserved as open space? I think the reaction has been, the Township did not invest in this property just to preserve it as open space. The expectation was that it would be developed with municipal water and sewer, and the infrastructure was put in place to do that.

Chairperson Haber – You want our opinion on this?

Weber – I think we owe it to ourselves. The Planning Commission should make a recommendation, if the consensus is that we have enough information to do so.

Chairperson Haber – It's just the density we're talking about. Let's see what people feel about it.

McKeever – We approved it as R-1B, or we voted to recommend approving it as R-1B before. I don't have a problem doing that again.

Vice Chairperson Parel – I agree, but do we have a listing price? I understand that might not be public information, but is there an idea of what it would be listed for under each circumstance?

Dave Campbell – There was an estimate of what it would be listed for, assuming it could be developed as R-1B. We did not ask for an estimate on R-1A.

Vice Chairperson Parel – Do we think we can recoup the investment regardless?

McKeever – It's going to be more than losing one or two home sites, because if you can't double load roads, they'll be enormous lots, probably well beyond the 20,000 square feet.

Dave Campbell – Correct. My best answer, Mr. Parel, is it would probably be cutting it pretty close to the amount we have into it if we were to try to sell it as R-1A.

Rebeck – I think that the people who live there now are going to be very upset if 63 houses go in. I would err on the side of R-1A, unless someone came in here with a plan that said otherwise down the road, unless the cost difference was so much that we would have some sort of financial issue. I think it should stay as rural as possible, especially since there's already people living there. I don't think we need another highly dense neighborhood.

McKeever – Is it currently R-1B?

Dave Campbell – This is something of a question for the attorneys. If you read the terms of the Conditional Rezoning agreement, it could be argued that the agreement is still valid. Until the drop dead date, 15 years past when the agreement was signed, which was July of 2006, and 15 years would be July of this year. I'll double check with the attorney, but I'm pretty sure as of July 11<sup>th</sup>, we can't say that the Conditional Rezoning agreement is still valid. There were other obligations that the developer was supposed to do, sidewalks and pathways along Glengary. Those never came to fruition, and now Pulte is actually doing a number of those.

Winkler – To the southwest, there's the image of that proposed road originally. Did they install the utilities?

Jay James – No, they didn't. There is sanitary sewer through Phase I of the existing homes, but not water main.

Winkler – It may result in a bit of a chopped up site plan for the west side of the site, but could you put the more dense, the R-1B on Parcel B, and do the rest in R-1A? That way you could rework the roadway to allow the larger sites, and then devote anything left over to greenspace.

Dave Campbell – Just so we're clear, the Township does not own the hammerhead parcel, this T-shaped parcel to the east. Galbraith still owns this. You can picture how this lays out. To get a double loaded road with this T-configuration, this is really only achievable with the R-1B size lots. To do R-1A on this property, you would not be able to double load the roads. Could you do a mix? You could, especially since we're essentially starting over with a Conditional Rezoning.

Winkler – If you put in the larger lots, obviously they'll be worth more money, but not as much as they would if it was all higher density.

Dave Campbell – What a developer will tell you is, it all has to do with the costs of putting in roads, water and sewer. Those costs are going to be the same, whether you build 30 houses or 50 along that road. You want to get as many houses as you can along that road, because the road and utilities will cost the same regardless.

Karim – I have mixed feelings about this. There's lots of big lots in there and there's people there, and you want to put more lots in. At the same time, thinking about the housing problem right now and the need for more housing, it makes me more in favor of R-1B rather than R-1A.

Weber – In listening to the comments and looking at the calendar, I think the key data point we need to know is the delta in value of the land between R-1A and R-1B. The Township Board meeting is on July 14<sup>th</sup>, and the Planning Commission is on July 13<sup>th</sup>. We can do the rest of the work. I can drop this piece in on the 13<sup>th</sup> to have it ready for the 14<sup>th</sup> with a placeholder, and then we try to get Randy to do an evaluation over the next three weeks to see what it is in today's market. The previous valuation pre-dated me, so it had to be 2016-2018. If it's close, kind of what I was hearing was keep it more rural. However, if there's a difference between getting our investment back and getting a significantly less amount, then I think we have a different discussion.

Jay James – I don't know if it makes any difference in how you feel or not, but the history of this development, it was originally called Sandhill Paddocks and it was supposed to be developed as an equestrian subdivision. The hammerhead or Parcel B was originally supposed to be the stables and the areas to keep your horses.

Dave Campbell – There is the barn right there, peeking through the overgrown vegetation.

Jay James – Then everybody could get their horses, ride through the subdivision, and have access into Proud Lake to ride their horses. I think that's why you see the majority of the lots on the north side are so large. It's a hidden gem. When you go back in there, you're amazed at the acreage lots back there.

Chairperson Haber – I think I go with Chelsea. I feel like we should keep it R-1A. But I'm on the fence really. George, I think you should find out more information.

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

- None.

**K: PLANNING DIRECTOR'S REPORT**

- **NEXT REGULAR MEETING DATE: MONDAY, JULY 12, 2021 @ 7PM.**
- Two potential PUDs are coming to the Planning Commission.
- The first is Bay Pointe Golf Course. I don't think it's a secret that it has long been a target for development. This would include a mix of housing types and lot sizes. We have a pre-application conference with Mr. Lawson and his team this week. Their traffic study is in progress.
- The second PUD is at the northeast corner of Commerce and Carey Roads. That was Mr. Galbraith and his team partnering with a senior living group out of Virginia, doing mostly single-family, but with a senior living facility. They showed

it at the conceptual level as a 3-story building, but they heard your concerns about height and reduced it to a 2-story building. We'll have a PUD kickoff meeting with them and the Township Supervisor this week.

- The Midtown on Haggerty project will be in front of the Township Board tomorrow night for their PUD approval.
- The M-5 bridge:
  - The rust streaks you see on the bridge were caused by the blue wave panels. The panels were removed and they're in a shop where they're being coated with a zinc aluminum coating which will preclude any further rusting, then they have to be repainted.
  - While that's going on, the subcontractor will be coming out, hopefully next week, to clean up the rust stains on the bridge. That will include power washing and going over with a fresh coat of the white concrete sealer.
  - Then the blue wave panels, MDOT is saying they will be reinstalled in the fall. I was disappointed to hear that news.
  - The lights that were stolen from the bridge deck, those finally came in and were reinstalled last week.
  - The color change lights, we were trying to figure out why they were flashing when we changed to pastel for the Easter theme. We've turned them off until we can figure that out. We have an electrician looking into that.
  - We also want to get some security cameras up there to prevent further theft and vandalism.

**L: ADJOURNMENT**

**MOTION** by Parel, supported by Rebeck, to adjourn the meeting at 9:19pm.

**MOTION CARRIED UNANIMOUSLY**

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Brian Winkler, Secretary