

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

Monday, July 12, 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

Absent:

Sam Karim (excused)

Also Present:

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

B. APPROVAL OF AGENDA

MOTION by Winkler, supported by Parel, to approve the Planning Commission Regular Meeting Agenda of July 12, 2021, as written.

MOTION CARRIED UNANIMOUSLY

C. APPROVAL OF MINUTES

MOTION by Parel, supported by Winkler, to approve the Planning Commission Regular Meeting Minutes of June 7, 2021, as written.

MOTION CARRIED UNANIMOUSLY

D. UPDATE OF ACTIVITIES

Bill McKeever – Zoning Board of Appeals

- The ZBA has not met since the last meeting of the Planning Commission.

George Weber – Township Board of Trustees

- Township Board met on June 8th. There are a couple items of interest to the Planning Commission.
- We approved a resolution to move forward with the Lystek system, which is the process of turning sludge from our sanitary sewer system into a Class B fertilizer, so rather than hauling it to the landfill, we'll sell it to farmers to use for cash crop fertilization.
- We appointed Krystal Schwartz to the Parks & Recreation Committee for a partial term ending in 2024. She will be taking Rachel Kast's place. Unfortunately, Rachel moved out of the Township.
- We approved the Library purchasing a new product, a tablet station. For those people who don't have computers, or are in need of an electronic device while they're in the Library, we'll have a station of tablets they can use. They'll basically check them out like a book. Obviously they'll be secured and limited on web sites, et cetera, but it's a pretty neat initiative. I give a lot of credit to Alyson Lobert, Library Director, for coming up with a great solution to something that has been a problem for a while.

- We approved the hiring of two part-time ordinance officers. They have been hired. One of them is Todd Martin, who recently retired as our Fire Marshal. Larry, I do not remember the name of the second person.

Supervisor Gray – Terry Long, he's a retired Oakland County Sheriff.

George Weber –

- That's something we've been wrestling with for quite a while. Kudos to Mr. Gray for putting a plan together that everybody agreed to.
- Finally, we approved moving forward with the next step for the Midtown on Haggerty development.

Brian Winkler – Downtown Development Authority

- The June 15th DDA meeting was routine, but the highlights are as follows.
- The Insite Commercial report; For Parcel B, Five & Main, the Aikens parcel, Randy Thomas reports that there is a significant renewed interest in the site by an Indianapolis-based development partner, the gourmet market, and a couple of other retailers that Randy will be overflying the site within the next couple of weeks.
- Parcel K, which is the orphaned parcel on the southeast corner of M-5 and Pontiac Trail, the self-storage has submitted engineering plans for approval, and they are actually going to break ground any day on that development.
- There has been an uptick in general activity on all of the available parcels remaining in the DDA.
- Deb has been validated by the Township Board and is now the official Executive Director of the Commerce Township DDA.
- Memorial benches in honor of Mark Stacey are close to being approved by the CTPA directors, and then installed.
- Dave Campbell provided updates regarding the M-5 bridge repairs, and the potential redevelopment of the Bay Pointe Golf Club.
- One footnote that I think everybody has seen from Deb is that the vandals that were spraying graffiti in the tunnel under the Martin Parkway bridge were caught. They were caught on security camera footage and identified through a post on social media. The case is pending in Oakland County Juvenile Court.

Jay James – Building Department

- There are several developments getting ready to kickoff.
- As Brian mentioned, The Space Shop, they should be out there clearing land. They were trying to get their soil erosion measures in so they could get started.
- The Townes at Merrill Park, I'm sure you saw the silt fence there. For that building, they're still waiting to get clearances from DTE. That building should be coming down within the next month.
- Our development, "Arrington", is missing the "B" on the wall sign at the Pontiac Trail roundabout. Our bandit struck again. We continue to try to find out who is doing that and why.
- Otherwise, everything else is the usual and we're busy this time of year.

Chairperson Haber – Supervisor Gray, anything you want to add?

Supervisor Gray – I'm just here to listen and learn. Thank you.

Chairperson Haber – Good to have you here.

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. PPR21-01 – CREATIVE CUSTOM HOME BUILDERS – ACCESSORY STRUCTURE

Creative Custom Home Builders of Waterford MI representing James Clarahan is requesting approval as provided for in Article 33 of the Commerce Township Zoning Ordinance to construct a 1,492 square foot accessory structure located at 2115 Sunnybrook Road. This parcel is 5.97 acres. Sidwell No.: 17-21-176-008

Dave Campbell – On the screen is the aerial from March 13th for the subject property. This property backs up to Proud Lake State Park. There is a single-family home currently under construction. The owner and his builder have applied for approval with the Planning Commission to add a pole barn to the property. (Dave pulled up the plans on the overhead) This is the house you saw under construction on the aerial. This is the proposed location of the pole barn.

As you've seen before, anytime you have an accessory structure over 900 square feet on a property two acres or greater, based on the size of the structure, it has to come to the Planning Commission for approval and there has to be a public hearing. We did receive one letter from a neighbor which we will read into the record.

The pole barn itself, the principal structure is 30x30, which would be right at 900 square feet and would be permitted. What pushes them over the threshold is that they want to include lean-to's on either side of the building. Per the Zoning Ordinance, a lean-to is considered part of the structure and is calculated as part of the square footage. With the two 300-square foot lean-to's, the overall square footage for the pole barn is just shy of 1,500 square feet. (Dave brought up the elevations showing the lean-to's on the overhead.)

Typically, if the Planning Commission is inclined to approve a structure of this size, conditions are attached, including a deed restriction that says the current and any future owners would not be permitted to split the property into a property of less than two acres. Only a property of two acres or greater is allowed to have a pole barn of this size.

In addition, a condition of approval would be that they retain existing vegetation and tree lines to enhance the buffer of the structure for neighboring properties. This property has natural features and buffers, and I'm guessing that will be an agreeable condition.

The Owner, James Clarahan, 2115 Sunnybrook Rd., Commerce Township, MI, was present along with the applicant, Creative Custom Home Builders, LLC, Jim Veilleux, 10130 Elizabeth Lake Road, White Lake, MI.

Mr. Veilleux – I'm speaking on behalf of Mr. Clarahan. The Planning Director said it quite clearly. It is a 6-acre piece of property, fully wooded and the whole concept is woods and maintaining the nature, trees, vegetation, et cetera. We're trying to match the house as similar as possible, even with costs as insane as they are, with the same roof color, and we're trying to match the exterior colors as well, which are actually tree colors, greens and grays. It's very beautiful and rustic. It's in the middle of the parcel, so the closest we are to any property line was over 150'. We placed it in such a way that it causes no hardship for neighbors.

Chairperson Haber – The only question I have is how the heck did they find that lot?

Mr. Veilleux – He has had his eye on it for years. It's actually a memorial build for his late wife. They're doing everything that they had set out to do. He is honoring her by following through with it. They have the Huron River right at the edge of it and it's amazing.

Chairperson Haber – I always see that lot from the river.

Mr. Veilleux – You can't see it well from the street. It's beautiful.

Chairperson Haber opened the public hearing.

Dave Campbell read a letter into the record.

To Whom It May Concern:

We own the properties on the north side and on the west side of the proposed accessory structure. We really are the only properties that would be affected by the variance.

Dave Campbell – It's not necessarily a variance, but that's how they stated it.

For 35 years, we have been concerned that someone would put a cul-de-sac with several houses back there. I have developed several projects here in Commerce Township so I understand what could have happened. We are very happy with Mr. Clarahan's project so far. He has built a very nice looking home. We do not have any opposition to the proposed accessory building. Mr. Clarahan has shown us where the building is planned. Unfortunately, it is directly out the picture windows on the rear of both our houses, but it is on the far side of his property so probably the best location for it. Our only request would be that the structure blend in with the surrounding landscape. A light colored building would really detract from the

beauty of the natural setting, and if he sees fit, maybe a couple of pine trees on the north side of the building to break up the size and the straight lines of the building. We wish Mr. Clarahan good luck with his project.

Sincerely,

*Rick & Laura Jaster
2065 Edwards Court
Dorothy Jaster
3160 Glen Iris Drive*

Chairperson Haber closed the public hearing.

Commission Comments:

Chairperson Haber – Bill, do you have any comments?

McKeever – I do not.

Weber – I do not, other than that with what you've proposed and what you've talked about. They are going to be darker colors so they will blend in, and the garage door is not going to be a stark white?

Mr. Veilleux – No, the doors and windows are black, so those will blend in completely. I actually have a picture here of the colors. When I took my drone there in the summer, it's very difficult to even see the house without looking or getting really close. That's why we're going with the exact same roof. It looks like a leaf floor. The metals will match the greens as close as we possibly can, which is all natural colors.

Weber – Thank you.

Vice Chairperson Parel – Nothing for me.

Rebeck – Same.

Winkler – I might make one suggestion to the petitioner, and it ties into this letter that David Campbell just read. I would suggest that you be a good neighbor and talk to the neighbors about where they would like to see those pine trees, and maybe add them to the site. Otherwise, no problem.

Mr. Veilleux – I'm sure we can have that conversation. As far as moving it, just so everybody knows, it would require removal of trees. We picked the one spot where there weren't trees and meandered the path to get there.

Winkler – Thank you.

MOTION by Parel supported by McKeever, to approve, **with conditions**, Item PPR21-01, Creative Custom Home Builders – Accessory Structure, the request by Creative Custom Home Builders of Waterford MI, representing James Clarahan, for approval as provided for in Article 33 of the Commerce Township Zoning Ordinance to construct a 1,492 square foot accessory structure located at 2115 Sunnybrook Road. This parcel is 5.97 acres. Sidwell No.: 17-21-176-008

Move to approve PPR21-02, an application submitted by Creative Custom Home Builders for Owner, James Clarahan, for an accessory structure that is greater than 900 square feet, for the home at 2115 Sunnybrook Road.

The motion is based on a finding that the proposed structure satisfies the applicable standards of Section 33.01.A.5 of the Commerce Township Zoning Ordinance.

Approval is conditional upon the following:

1. A deed restriction recorded with the Oakland County Register of Deeds shall be provided to the Township's Building Department prior to the issuance of any building permits. The deed restriction shall prohibit any land division creating a parcel of less than 2 acres for the property the structure is located upon.
2. The existing treed buffer must be maintained.

MOTION CARRIED UNANIMOUSLY

I. NEW BUSINESS:

ITEM I1. PPT21-01 – CADEN'S CORNER – TENTATIVE PRELIMINARY PLAT

Desco Properties, LLC is requesting tentative approval of a preliminary plat for a new residential subdivision plat located at 1225 Benstein Road, north west corner of Loon Lake & Benstein Roads, comprised of 10 new single-family lots.

Sidwell No.: 17-28-401-006

Dave Campbell brought up the aerial of the subject property on the overhead.

Dave Campbell – It's about a 5-acre property. There is a small home on the corner which would be demolished if the proposed project were to proceed. Across the street on the south side of Loon Lake Road is the Windwheel Estates project. The roads are in at that site and they are digging basements. That development is 23 single-family homes.

Proposed this evening is a subdivision plat, which is actually unique nowadays. Most single-family developments in Commerce Township and most communities are site condominiums. The last time we had a subdivision plat was 2001, so we all had to relearn the procedures. The multiple steps of a subdivision plat are explained in the Planning Department's review letter dated July 7th.

The tentative approval of the preliminary plat, which is what the applicant is asking the Planning Commission for a recommendation on this evening, if that recommendation proceeds then it would go onto the Township Board for tentative approval of the preliminary plat. The next step would be approval of the preliminary plat. The final step is approval of the final plat.

What's being proposed is the Caden's Corner development, which would be 10 new single-family lots, all consistent with the property's R-1B zoning, so they would all be a minimum of 12,000 square feet, and all would be a minimum of 70-feet of frontage. Nine of the 10 homes would have their access off of the existing public roads. Six homes would have access of Benstein Road, three homes would have access off Loon Lake Road on the south side, and then the lot in the northwest corner would take access off of the existing stub road within the Twin Suns Lake neighborhood to the north, Leewood Ridge Drive. This will be part of our conversation this evening.

As you'll see, of the 10 homes proposed, eight of the would have driveways that converge where they approach the public right-of-way. This was discussed with the developer and with the Planning Department in an effort to reduce the number of new curb cuts out onto our well-travelled thoroughfares of Benstein Road and Loon Lake

Road. Rather than having nine new driveways out onto the two main roads, you have six. That's one of the things I hope to get some Planning Commission insight on this evening, whether that's a viable approach to have these driveways that converge into a shared approach where they join with the public road.

The developers are taking the approach of having the lots access the existing public roads, as opposed to what I think was intended when Leewood Ridge Drive was stubbed at north property line, which was for this road to extend through the subject property and come out to Loon Lake Road. The developers looked at that option, and they can certainly speak on their own behalf, but I think it was determined that it would be cost prohibitive to make the investment in the extension of the road and the utilities that would have to go along with it, to be able to create lots that complied with the R-1B dimensional standards.

The developer, and even a different developer who looked at this property years prior, did come to the Planning Commission with a concept plan to do 14 homes consistent with R-1D zoning. Those R-1D lots would have included the road extension. The Planning Commission was not particularly favorable to the number of units, and also to the lot sizes, so the developers are now approaching this with lots that comply with the existing zoning, but without making the road extension.

Much of the Planning Department's review letter discusses the options for access to these lots. We also had a discussion about frontage sidewalks and the developer is showing the sidewalks on their most recent revised preliminary plat site plan. We speak to landscape requirements, which would essentially be two street trees per lot, the Township's typical landscaping standard for a new single-family neighborhood.

And then there was some discussion on building materials. The Planning Commission in recent reviews has pushed developers toward cement, fiber board siding in lieu of typical vinyl siding, which the Planning Commission could discuss this evening with the developer. Also, complying with the Township's anti-monotony standards within our Zoning Ordinance. Those standards actually apply to new neighborhoods of more than 10 homes. This of course is 10 homes, but in the spirit of collaboration, if the developer were able to commit to complying with those anti-monotony standards, that would probably be something that the Planning Commission would want to see.

If this were to get the Planning Commission's recommendation for tentative approval of the preliminary plat, it would then be reviewed by the Township Engineer, who would take a look at storm water management requirements. Because they're not putting in a road, there's not a lot of new impervious surface, with the exception of the new rooftops and driveways.

Weber – Dave, your comment was that the State's Land Division Act has relatively strict limits on how many times property can be divided through a standard land division, particularly a limit of no more than four resulting parcels from a parcel that's 10 acres or less.

Dave Campbell – Correct.

Weber – How does that affect this?

Dave Campbell – If they wanted to do what we would call a split, or a land division on this property, they could not create more than four lots because this property is less than 10 acres. The result of the land division could be, at most, four new pieces of

property. That could be done administratively by the Planning and Building Departments. We look at land divisions regularly, but because they're asking for more divisions than what we can do administratively, and what State law allows administratively, then their next option is to develop this either as a site condominium or as a subdivision plat, and they are opting for the plat.

Weber – What's the benefit to the applicant of going via the subdivision plat versus the site condominium?

Dave Campbell – I might defer to them to answer that question. There's a reason that most developers in the last 20+ years have gone the site condominium route.

The Applicant, Dean Fracassi of Desco Properties, LLC, 5015 Elkin Street, Commerce Township, MI, was present along with Mr. Davis, Monument Engineering Group, 298 Veterans Drive, Fowlerville, MI.

Mr. Davis – Just to address some of the concerns from the Giffels review letter that we received; this exhibit here shows that there were some concerns about wetland and low-lying areas. What you see here is a small wetland and then some hydric soils to the north. The wetland that you see is not regulated. The nearest water is the Twin Suns Lake to the north, and there's also hydric soils to the north as well. I don't think the wetlands are of concern.

There was also a safety concern about the stub road servicing one home. As you can see here we have several stub roads within the Township that have been in existence and operational for 10-20 years, probably without much issue. I believe the Building Department here mentioned that they would approve of a home being built off of Leewood Drive by itself on the parcel. They don't see a lot of concern with servicing one home off that stub road.

Then just to elaborate on what Dave was showing, we have 10 lots here. There's actually only five curb cuts, two on Loon Lake and three on Benstein. The goal is to minimize the number of curb cuts so that there aren't as many points of entry to the relatively busy road. We presented this to the Road Commission, and they found nothing objectionable about the curb cuts. They would have approved six curb cuts if that was what we proposed.

You asked a question I believe, Mr. Weber, about the site condo versus plat. There's different requirements for your homeowner's association for site condominiums with common areas and things like that. The benefit that the plat does give us is that it provides legal rights to the public right-of-way so that we are able to access the road and use the existing public roads for our driveways. That was primarily what drove the choice of using a plat that conforms to the existing Zoning Ordinance, rather than trying to rezone with a greater density to extend the road through to Loon Lake. We would have had to rezone to R-1D. With the current zoning, extending the road through, we would not be able to fit lots on both sides of the road. Only one side of the road would be able to have any lots and however conforming lots we could obtain would need to be determined.

Mr. Fracassi – When we came to Planning before, the idea was in order to make this work from a financial scale and put the road in, we needed more homes to go in. That would require us to go down to 5,400, and there was concern about density. In this project,

we're basically going with the zoning of 12,000+ square feet on each one, not having to go through the rezoning and eliminating some of the density issues. That's the reason for the plat. We tried to bring the road through, but it's just too cost restrictive to do that and put in three to six houses. I believe the estimate on putting the road through is anywhere from a half a million to \$800,000. You're just not going to pick up that cost in the development.

Commission Comments:

Chairperson Haber – Bill, anything you want to add or subtract?

McKeever – No, not at this time.

Weber – I commend you on being more creative after the last meeting and figuring out another way to present this. The concern that I have is on the access to Benstein, meaning it is literally starting just a few hundred feet after a traffic light. As you know, during morning and afternoon rush hour, traffic backs up from the north, heading south, at that light. Same thing from the south heading north. Somebody trying to turn left there, without having a turn lane off to the side; it's going to be almost impossible, and it will just ...

Mr. Fracassi – And we had that conversation with the RCOC. The first design, we went to them and we had six curb cuts on Benstein. They didn't have an issue with six. Based on our conversation with Dave, we were trying to make it more palatable. We also had the conversation with them as far as extending the turn lane, and they said no, it makes it worse.

Weber – It would make the traffic worse by extending?

Mr. Fracassi – Basically, we were talking to them about whether we had to extend the right turn lane going further. We were emailing back and forth with RCOC. They were fine with six curb cuts and didn't have any issues. They weren't requiring us to extend that.

Weber – That's completely illogical to me. This is in my backyard so I'm used to the traffic.

Mr. Fracassi – I drive it every morning.

Weber – That's something I would want to understand more. A couple of other comments. We have done the joint driveway, and as David pointed out on Sleeth Road, and I've driven past that, but part of that was it was 22' wide versus your proposed 16'. If we were to consider a deviation for something like this, I would at least want to be consistent to what the Planning Commission has already approved.

Mr. Fracassi – I understand.

Weber – I think the other item is caught in the anti-monotony requirements. We just want to see the elevations. If they were the same elevations that you showed us before,

which I thought looked fine, without vinyl siding, that would work for me. The traffic issue and somebody making a left hand turn, heading northbound, that's a big concern.

Mr. Fracassi – Understandable, and that's why we went to them originally. Before we came to you, we wanted to find out what we could and couldn't do.

Weber – I would want to understand more and we could figure out how to do that, but it seems illogical that they wouldn't want to extend the turn lane that's already there.

Dave Campbell – Mr. Weber, just so I understand your thought. Is the idea that you're surprised that the RCOC would not want this northbound bypass lane at the intersection to extend further north to allow the folks making a left hand turn into these house to be bypassed by the northbound through traffic?

Weber – Correct.

Dave Campbell – Mr. Fracassi, you've had that specific conversation with the RCOC and that's what they thought would make it worse?

Mr. Fracassi – No, we had a conversation with the RCOC, but I believe it was restricted to, if you're coming down to the light at Loon Lake, it would be the right hand turn lane at Loon Lake. I'm not too sure that they hit on that subject matter on the other side.

Jay James – I don't think there's a right hand turn lane there.

Dave Campbell – There might be an unofficial one. It looks like people are driving on the shoulder there a little bit.

Vice Chairperson Parel – There's a taper for the driveway.

Mr. Fracassi – Okay, so the conversation was actually putting one in there and they weren't requiring that.

Weber – I'm talking about the east side of Benstein.

Mr. Fracassi – I do not remember if that was in the email communication from us to them.

Mr. Davis – As far as permitting the driveways, the RCOC will require some sight distances as well as traffic management. This may come up when they actually review the plans further down the road, once we get to engineering and site planning.

Weber – From my standpoint, you meet the R-1B requirements of minimum square footage for lots. If you can solve the traffic issue with the curb cuts, then ...

Mr. Fracassi – I'd love to solve a lot of traffic issues.

Dave Campbell – We've got some for you if you want to take a run at it.

Vice Chairperson Parel – I just have two things. One, I think George made great point. It's obviously something he's very familiar with and I don't know how we come to that resolution on the traffic issue tonight, but it's definitely a concern of mine as well. The second point is a question to you. How does the shared maintenance work on a driveway between two units?

Mr. Fracassi – The way that it's designed right now, it sits right on the property lines. That could be stipulated in the purchase of the property on who is maintaining based on property lines. The way that it was designed, the split of the middle sits on both property lines.

Weber – But if it's 22' wide and it's concrete, you're going to have to have ...

Mr. Fracassi – Right, you're either going to have a saw cut or a separation there that determines what the boundary line is.

Mr. Davis – You could saw cut through the line of the driveway.

Mr. Fracassi – That's not an issue, and I don't think going to the 22' is an issue either.

Mr. Davis – We'd likely to go down to the standard width from where it splits to the individual houses.

Rebeck – I don't have anything to add.

Winkler – I drive that section of Benstein Road every day. The additional curb cuts at Benstein Road make me very uncomfortable. I can't find a better word to describe this than awkward. It seems like it's really forced onto this site, as far as the layout of the homes and the sites. I would have some trouble supporting the project if it came before us.

Chairperson Haber – I have the same problem. I drive down that road probably every day. I'm a little confused because the RCOC doesn't want to have a lot of curb cuts. I can't believe they were going to give you six. I don't think I can live with it the way it is now. I'm sorry, but there's just too much traffic down there and there's too many people trying to turn left or right. I've got a real issue with that too. I don't have a problem with anything else. I know it's a very challenging spot. I do understand that it's a financial burden for you to try to put a road down the middle, but I think that's what you're hearing here with the curb cuts. I just don't think it's going to work.

Mr. Fracassi – Well again, we tried it before and the density was the issue. Now we're conforming to the way the property is zoned at 12,000 square feet. It's conforming to the way that it is.

Chairperson Haber – I say it's a challenging spot. That's the challenge is to make it work. I don't think I could be in favor of it with three curb cuts coming off of Benstein Road and I think that's what you're hearing from everybody else here too.

Mr. Fracassi – Okay.

Jay James – I can add one thing. You were asking why the RCOC would approve this. That's the difference between a condo and a plat. If it's a platted lot, the RCOC has to grant you access to the public road, and therefore if it's a plat, they have to grant each parcel access to the road. If it was a condominium, they could limit them to one access point.

Chairperson Haber – I get that, Jay, but I find it surprising. I'm glad you explained that, but I'm still having a problem with it. Dave, where do you want to go with this?

Dave Campbell – Procedurally, what you offer is a recommendation. Frankly, this is the only time that a plat would come in front of the Planning Commission is at this stage. From this point forward, it would rest with the Township Board. Where we want to go with this, to some degree, might be up to the petitioner. Based on what they hear from you, they might take your recommendation, good or bad, and see where it goes with Township Board.

If it's worth waiting a few weeks, and if the Planning Commission thinks it would be worthwhile, we could get some insight from the RCOC specific to Mr. Weber's questions regarding the northbound bypass lane, and whether the RCOC would want to see that extended. Once we have that answer, I don't know if that would give anyone on the Planning Commission more comfort in making a formal recommendation or not. I don't necessarily want to do that if it's an exercise in pushing things off, but if it's worthwhile and Mr. Fracassi is agreeable, we could get a little more insight from the RCOC and bring it back to you.

Chairperson Haber – I think the way people feel about it right now is that this is not what we want to see there. If Mr. Fracassi cares to take it one step farther, we'd be more than happy to talk to him about it.

Weber – Just a question. If the cost difference, other than losing a lot or a parcel, the cost difference from extending the road from Twin Suns south, versus extending or widening Benstein Road, I don't know if it would be a material difference, but probably the loss of a lot to do so.

Mr. Fracassi – Either one is cost restrictive. The issue becomes if you're trying to extend the road through the middle of the property, you can't put in the 12,000 square foot lots that it's zoned for. It would be a rezoning issue, which is where we started, and the board didn't like the density.

Weber – I don't think there's any change with that. I think the board was clear on the density, and wanting to find a solution that fits within R-1B, but is there not a potential? I know financially it's not the best thing, but losing Lot 10, having the road go through that and actually stub to Lot 4, and have driveways off of it. I don't know if that makes sense. Have the road go from Loon Lake north, through the western most areas of Lots 4, 5, and 6, and then having driveways through the backside for Lots 9, 7, 4, 5 and 6. Lot 1 is already handled. Lots 2 and 3, I don't know. I'm trying to see if there's some kind of creative way of doing this, without having the concerns with traffic on Benstein.

Chairperson Haber – That would make more sense. Dave, we don't need any motions on this? This is just a preliminary?

Dave Campbell – No, procedurally, if you're ready to do so, the step would be for the Planning Commission to make a recommendation to the Township Board with respect to tentative approval of the preliminary plat. The recommend motion language that was included in our review letter would be a recommendation of tentative approval. If a recommendation were something other than that, that motion language would need to be determined right here on the spot.

Weber – If it's an all or nothing, I guess I would ask the petitioner if you want us to make a motion. If we can make a motion on what's been presented to us, then my motion would be to not recommend it move forward. If you want to pull out and think more on it

...

Mr. Fracassi – We've looked at it a thousand different ways on what would be palatable for the Township and the Board. With our first solution, the density was an issue, which was putting the road in and continuing the street through. In order to do that, it required X amount of units to be in there to make it financially viable. If we can't get the density that we had, then we'd still need the amount of houses again to make it financially viable.

Weber – I get it, but what's been presented with the safety issue on Benstein Road would cause me to make a motion to not recommend to the Township Board.

Dave Campbell – Or make a recommendation to not approve.

MOTION by Weber, supported by Parel, that the Planning Commission makes a recommendation not to approve, to the Commerce Township Board of Trustees, Item PPT21-01, Caden's Corner – Tentative Preliminary Plat, the request by Desco Properties, LLC for tentative approval of a preliminary plat for a new residential subdivision plat located at 1225 Benstein Road, north west corner of Loon Lake & Benstein Roads, comprised of 10 new single-family lots. Sidwell No.: 17-28-401-006
Discussion –

Weber – Do you want us to formally make a recommendation?

Mr. Fracassi – I can talk to the Road Commission to see, but either one is going to be cost restrictive to do anything on the parcel. This conforms to the zoning of the parcel as far as the lot sizes are concerned.

Weber – It conforms, but it does not address the safety issue going onto Benstein Road. We've got to take that into consideration.

Mr. Fracassi – I'd be more than happy to have a conversation with the Road Commission. I don't know if that has already occurred.

Mr. Davis – I don't think the northbound traffic came up when we talked to the Road Commission.

Chairperson Haber – Let's sum this up. We're giving you the option to table this if you want to look into it further. As it stands right now, I think we're going to deny this petition.

Mr. Fracassi – I would ask, so I'm not spinning my wheels and spending a lot more of my client's money, what exactly are you looking for? How many units are you looking for? If I went from 10 units down to five, we're still going to have the same issue. We'd still have curb cuts on Benstein.

Weber – I think what we're looking for is something that conforms with R-1B zoning, and provides no safety impediments to the rest of the Township. I don't know how to say it any differently. It's not an either/or. It has to be both.

Mr. Fracassi – Right, I understand that, but again from a financial standpoint ...

Weber – I understand your dilemma.

Mr. Fracassi – I can't put one curb cut on Benstein and two on Loon ... you can't build four houses or four units. You want to make it viable. I'm looking at this parcel, and the only thing that's ever going to get approved on here is doing three lots. I don't see how it's a viable parcel.

Chairperson Haber – I think I hear you saying there's nowhere to go from here as far as you're concerned. We'll move forward with this and then you have the ability to take this to the Township Board to see if they feel differently about it.

Mr. Fracassi – That's my understanding, yes.

Chairperson Haber – Okay, very good.

Dave Campbell – Mr. Weber, is there a motion on the table?

Weber – From what we just heard with the applicant wanting to move forward, that is the motion.

Vice Chairperson Parel – I will second that motion.

Chairperson Haber – Any further discussion? (None.)

MOTION CARRIED UNANIMOUSLY

ITEM I2. DREAM DENTAL – CONCEPT REVIEW

Dr. Pat Qatsha of Commerce MI is requesting a conceptual review of a proposed addition onto the existing dental office located at 9600 Commerce Road.

Sidwell No.: 17-11-176-005

Dave Campbell brought up the project on the overhead.

Dave Campbell – This is Dr. Qatsha's existing dental practice. He presented a conceptual plan that I want to pull up for an addition to the front, or south side of his building, for four new exam rooms and some additional workspace. We have a few different elevations and the floor plan.

Dr. Qatsha – There should be one that has the elevations and the all the measurements.

Chairperson Haber – We've got it here.

Dave Campbell – The existing building is the lighter shade of gray, and the addition is this area here. The potential challenge here is, and part of the reason Dr. Qatsha wanted to come to you for an informal concept review, and while we have not verified this yet with the engineer or surveyor, it's possible that this addition will be too close to the frontage of Commerce Road. The frontage requires a minimum front setback of 25' from the 60' half right-of-way line, so essentially 85' from the centerline. We think preliminarily Dr. Qatsha's addition might encroach by about 4-5'.

I think what Dr. Qatsha wants to have an opportunity to do is to discuss this plan with the Planning Commission and get your feedback on the design, the building materials, and the mix of materials. I know we've discussed Dr. Qatsha's existing sign before in the context of it being a digital sign. Tomorrow night, the Township Board is considering

a Zoning Ordinance amendment to eliminate the potential for any new digital signs. I think Dr. Qatsha wanted to get the Planning Commission's opinion on the fate of that existing digital sign, should he proceed with site plan approval for the proposed addition. While the Planning Commission has been very clear in their desire to not approve a site plan, knowing that it would then have to go to the Zoning Board of Appeals for a variance, I wanted to see if the Planning Commission had any opinions on this petition in particular, given its location, given the existing building to the west and its scale, and whether the addition merits consideration by the Zoning Board of Appeals for a front setback variance if it is determined that one is required. Again, it's close. If a variance is needed, it's going to be by 5' or less.

Dr. Qatsha, 9600 Commerce Road, Commerce Township, MI, was present to address the request.

Dr. Qatsha – We're looking at the expansion, mainly because we are at or past capacity for the demand at our existing facility. When we originally had the building designed, we thought we would go out the back. That was 10 years ago and a lot has changed in how we run the practice, but also with our needs. One of the biggest reasons why it would be beneficial to go out the front for me, it's not just adding the rooms, we really do need quite a bit more office space in the front mainly because if you add rooms, you're going to need more desk space to check patients out, especially with COVID and HIPAA regulations. Now, if we're going to redesign, you have to have more space between checkout stations and more privacy because of HIPAA, and with COVID, I'm sure there are newer recommendations coming down the pipeline so we want to build that into the scenario so we don't have to scramble around should there be some kind of other event in the future.

It wouldn't be as meaningful of an expansion without allowing us to try to redesign the checkout and reception area. Also, this will provide the least disruption to the existing business, which I know that isn't your problem, but we have patients we have to treat. This would provide no disruption to parking and traffic flow. You could essentially build it from the outside, break down a wall and finish it. We won't lose additional parking. When I expanded the lot, I was approved to go all the way back to the end of the property and I was going to add as many spaces as I possibly could. It was approved, and then there was a retraction of the approval because I guess after the fact, somebody discovered that there was a 50' setback from the property behind me. At the time, I don't think it was owned by the Township. I think it was a federal or state property. I would have added more at the time.

By taking up more property during construction, the layout of the building is difficult to make it worth it functionally, after the fact, but also during to keep my business running and provide treatment for these patients, it's just logistically super difficult to do. I also thought, I know you guys want a storefront type, main street look on that part of the road. I think a lot more could be done with the front of the building if given the opportunity. The elevations you see are purely conceptual, but I think the front of the building can be made to look a lot nicer than it is. Right now, it's a flat brick wall with one or two windows. I don't think it would be a detriment to anything visually, especially given how close all of the extra structures are and the adjacent building to the road. I know that's drainage, but it's almost on the road next door.

That's what I was thinking. I'm looking for your thoughts.

Commission Comments:

McKeever – Being on the ZBA, obviously you're going to have to convince them of the hardship. Even if something warrants a variance, they do try to keep it to a minimum.

Dr. Qatsha – I tried to not even look for a variance. The only reason I need a variance is because if you go to the floor plan, the rooms that I'm adding are about 11' deep. I have about that much space, but I need a variance because you need a hallway or corridor to walk behind them. If it wasn't for that, I wouldn't really need a variance. I think based on what my architect emailed me, if you're going by the footing of the building, it's about a 6' variance. I had Mike Powell survey it beforehand to make sure we were pretty accurate. If you're going by the roofline, I guess it's 8', but that roof can be taken back. That was just for looks and drainage.

Weber – I don't have an issue. Obviously it has to go through the ZBA. I do find the pitch of the roof curious though. Anytime a roof is pitching into a building ...

Dr. Qatsha – I don't know if that is final. This is purely conceptual. He did have a little bit of an issue with the roof and the drainage. I think if you look at a different angle, the east side is higher.

Discussion continued regarding the roof angle. Dr. Qatsha inquired about extending the roofline across to the end of the building, instead of stopping at the doorway. McKeever noted that a door has to be on the front. Dr. Qatsha agreed and stated that he should probably have the entrance on the front and extend the lobby into the vestibule.

Vice Chairperson Parel – I think you'll have a challenge with the ZBA and Bill knows that better than anybody. Good luck to you. I think the building materials look sharp. I think it's a nice addition to that area. Mr. Weber talks about things in his backyard. This is in my backyard. I think you have a beautiful building. I agree with you, you keep it up. It's nice so I can appreciate the higher class building materials you're proposing here. In my personal opinion, I would like to see the sign come up into compliance if we were to approve this. A 6' variance; when I first heard it was under 5', now it's 6'. I guess it's really not going to be up to us in the end. I do agree, and I'm glad you pointed it out, that there are some other structures that protrude to the west of you.

Dr. Qatsha – I don't know if this matters. There was a development across the street from me about 5 or 6 years ago that had a variance approved for a similar thing, closer to the road.

Vice Chairperson Parel – Yes, and this is just conceptual at this point. The only other thing I noticed is that maybe some trees are being pulled out, but that's not a conversation for today. We can address that later.

Rebeck – I think it looks nice and if we can get it within the boundaries, that's going to be great. Good luck.

Dr. Qatsha – I wanted to get feedback today to see if this was feasible. If not, I wouldn't bother going to the Zoning Board of Appeals. If it is something you find not objectionable, my question would be, do I take the concept to the Zoning Board? Is that

okay to do, or do you have to have the whole thing architecturally designed before you go before them?

Dave Campbell – Procedurally, per the Zoning Ordinance, you go to the Planning Commission first seeking site plan approval. If they grant that approval, it would be conditional upon you then also going to the ZBA and getting the variance you need for what we think will be a front setback variance. I know the Planning Commission does not like to put the ZBA in that position. It's like dumping a problem in their lap. The Planning Commission position has been, "If you can't make it fit on your property and have it comply with our Zoning Ordinance, then you need to look at different options." Given the high prominence of this site, and what I think is an attractive addition that could be an enhancement to the corridor and this property specifically, I was curious to hear if the Planning Commission had a different perspective on the possibility of approving a site plan, knowing that it would need a variance. I didn't know if the aesthetics and the building materials in this instance, and the opportunity to bring a sign into compliance, if that was an opportunity to look at this differently with respect to how it would have to go to the ZBA.

Weber – My personal view is that I don't think we're dumping a problem on the Zoning Board of Appeals in this situation. I know there have been others where we've said it would be. I think this looks very nice, it's attractive, and I don't think the request is too onerous on the setbacks.

Winkler – If I'm not mistaken, when the original building was built, Commerce Township gave him an award for the development appearance and its eye appeal. My personal opinion is, knowing that there's challenges to the variance that Dave described, I'd like to see that hip roof maintained and the roof lines maintained to match the existing building, only because the addition and the existing building are so different.

Chairperson Haber – Brian, I think he already stated, that was only a concept.

Dr. Qatsha – Yes, that can be changed. I think he wanted to make it a little bit more modern.

Chairperson Haber – Here's what it's coming down to, Doc. We normally don't like to send these asking for a variance. I'm not sure which way to tell you to go on this, but I can tell you that it's a coin toss with what the Zoning Board of Appeals will do.

Winkler – Roll the dice.

Dr. Qatsha – Are there conceptual reviews with the ZBA like there are with this?

Chairperson Haber – Not that I'm aware of.

Dave Campbell – Not typically. That doesn't mean that we couldn't. I don't know of any law or regulation that says that we couldn't do that. I think part of what Dr. Qatsha is asking, when Brian says could you look at a different roof pitch, Dr. Qatsha's question is, "Am I wasting my money to have my architect do that, or is it a wise investment?"

Then I'll put you on the spot, Dr. Qatsha, and ask if bringing the ground sign into compliance was part of the consideration. Is that something you're willing to do if it gets you over the finish line?

Dr. Qatsha – Yes, it is. I've come to hear that my sign is very famous with the Township. I love my sign and it's part of the reason why I have to do this expansion, FYI, I don't know if you should change that zoning because it really does help business, but yes, I would be willing to change my sign to be in compliance. I would assume that I would need a variance on the sign because that sign is as close to the road as you can get, and if I'm bringing the building out, I'm assuming I'm going to have to bring the sign out.

Chairperson Haber – Don't assume that.

Dave Campbell – The addition as you're proposing it, a footprint of the addition, would require the sign to get pushed closer to the road?

Dr. Qatsha – I'd have to measure it out, but I think it's pretty close.

Weber – That might be a bigger issue for the Zoning Board of Appeals.

Dr. Qatsha – Well I would probably try to see if I could put the sign on the building instead. With the windows, I wouldn't want it to look tacky.

Chairperson Haber – Let's sum this up. The feeling is, we'd like to see you do something there. Dave, in all the years I've been here, I've never had a request like this with going to the ZBA with a conceptual. Is that unheard of?

Dave Campbell – It's not unheard of. As I think about it more, the ZBA's role is not to look at building materials, aesthetics and so-forth. The ZBA has specific criteria of when they are and they are not to grant a variance. It's up to the petitioner to demonstrate that they're satisfying some or all of that criteria. Dr. Qatsha would have to prove to the ZBA that he has a legitimate hardship here, that there's no viable alternative for where he would put his addition. I guess he would have to give some thought as to how he'd make that case.

Chairperson Haber – We're caught in a spinning web here, because he can't do that unless we approve this here. Is there a way that we could go to the ZBA, save him some aggravation, and see if they would listen to his request, then bring it back to us? Not saying that they're going to approve it.

Dave Campbell – I want to think about what my answer would be to that. I don't want any of us chasing our tails here and I don't want Dr. Qatsha throwing good money at something that isn't viable.

Dr. Qatsha – Isn't one of you on the ZBA?

McKeever – Yes, and that's why I explained to you, you have to prove a hardship. Why does it have to be in the right of way? If you can prove a hardship, then you're more

likely to get a variance than if that's just where you want it. We are obligated to meet certain criteria.

Dr. Qatsha – I get it.

Chairperson Haber – We're caught in a conundrum here.

McKeever – The first question that's going to come up is, why not put it in the back? That's what you need to be prepared for.

Chairperson Haber – I don't know if we'll approve it here, because we normally don't approve things that need a variance.

Dave Campbell – If the variance were not part of the equation and he had plenty of space to do this, if some adjustments were made to the roofline, but as far as the scale of the addition, the conceptual building materials; is the Planning Commission favorable toward the addition?

Chairperson Haber – I think the feeling I'm getting here is that we like what we see, but the variance is the problem.

Weber – If we approved the concept, the materials, and then gave administrative authority to the Planning Director to approve the roof pitch, then I think there's enough here to approve. What is not here is the survey information.

Chairperson Haber – I think we have to approve it here first. If we don't, he can't go there.

Dave Campbell – Is there enough information here to review and approve a site plan? I think it's close. I have not done a full site plan review on this.

Dr. Qatsha – Mike Powell did the survey for me.

Dave Campbell – My office only reviewed this in anticipation of having an informal conceptual discussion with the Planning Commission, but what you have developed thus far is close to what you would need to submit to this group for site plan approval. Again, the conundrum is, if it has to go to the Zoning Board of Appeals, can the Planning Commission approve something, knowing that it doesn't fit on the site.

Jay James – Why is it they can't go off the back?

Dr. Qatsha – For my business, it's not going to help me that much because what I really need is office space in the front. Plus, the way the interior design is with the flow, it would be a logistical nightmare. Additionally, we have windows in each room for the patients to look out, and then you're building a brick wall in front of them. It will also take up a lot of parking before we have more parking to add.

Jay James – The reason I asked that is because Bill is right, that's the question at the ZBA. You've got to prove that it can't go off the back.

Dr. Qatsha – The reason I would say that it can't go off the back is mainly because to be able to treat our patients, and not disrupt their treatment, because it's a healthcare facility, we have to be able to build it without losing internal capacity. If we increase our capacity, we need a bigger business area. My front desk is at the front of the building. I can't do that without taking out more operatories.

Weber – You need to figure out how to better describe that, because what you're describing is that it's not convenient.

Dr. Qatsha – It's about patient care.

Weber – But it's your work flow. You need to show the difference between inconvenient and critical.

Discussion continued regarding taking the item to the ZBA. Dr. Qatsha also inquired about getting a variance on the east side of the building. Dave Campbell explained the adjacent PRD zoning, or Public Recreation District. Chairperson Haber discussed wetlands with Jay James. The building to the west, setbacks, buffer zones and additional parking were also discussed.

Dave Campbell would review legal ramifications and consult with the ZBA Chair regarding the potential of a conceptual review.

Jay James – Your entrance, you have your drive and you have some parallel parking on the far west. If you're adding parking in the rear, is that something that can go away and allow you to expand to the west? I don't know how that works with your layout.

Dr. Qatsha – I guess that would be a second best, maybe.

ITEM 13. Discussion on Township Owned Property

Dave Campbell gave a review regarding Country Hills Parcel A, which was reviewed last month by the Planning Commission. The question is, if the property is to be developed, should it be per R-1A zoning standards, with approximately 37 houses with 20,000 square foot lots and a minimum 100' of frontage, or should it be developed consistent with the conditional rezoning plan for Country Hills, approved back in 2006, which shows 63 homes on that property? Dave brought up the plans on the overhead and also discussed financial implications as the Township owns the property. The Township Board is scheduled to make a decision at their meeting tomorrow night regarding the potential sale and marketing of the property. The Board would like a recommendation from the Planning Commission.

A letter was received, strongly encouraging the Township to have the zoning of this parcel remain as R-1A, and it was signed by homeowners of Country Hills, Commerce Township, as follows:

1. Darryl Dardy, 2890 Colt Ct.
2. Adrienne & Gregory Garner, 3791 & 3821 Stallion Way
3. Craig & Michelle Boerman, 3520 Stallion Way
4. Hilary Pietila & D.J. Vandercook, 2900 Colt Ct.
5. Vitality Opalikhin & Alla Sakharova, 3610 Stallion Way

6. Jerry & Susan Wilkes, 2920 Colt Ct.
7. Chris & Nikki Tiernan, 3580 Stallion Way
8. Steve Kassab, 3551 Stallion Way
9. Teresa & Kyle West, 3731 Stallion Way
10. Tom & Abbey Hansel, 3581 Stallion Way
11. William Zoller, 3611 Stallion Way
12. Dan & Crystal Zoller, 2901 Colt Ct.

Weber offered two new pieces of information since the last meeting. First, based upon estimates from Insite Commercial, the Township would be able to recoup its investment in the property at the 37 lots. At 63 lots, from the low end to the high end of the value, it would be about a \$400,000 delta. Of that delta, a relatively small percentage would come back to the Township.

In addition, the Conditional Rezoning agreement officially expired as of Sunday, so now there's no argument about the property reverting to R-1A.

Weber added that another consideration is that between 2006 to now, it is estimated that the Township has grown by approximately 10,000 people, and this area of the Township is deemed rural. The Planning Commission and the Board have worked hard to maintain that rural feel on the western side of the Township.

Commission Comments:

McKeever – I'm fine with R-1A, but I wouldn't be opposed to a similar agreement coming before us. We approved it when we didn't have a financial stake in it. I don't think that plays into the decision at all. If we had a similar offer for Conditional Rezoning, I wouldn't be against it.

Vice Chairperson Parel – My preference is lower density.

Rebeck – I still think R-1A like I did at the last meeting.

Winkler – Parcel B aside, if you look at the lots that are already plotted, you've got 12 R-1A lots, and 19 R-1B lots already developed and subdivided. To me, it doesn't matter, but I think the R-1B is compatible also. Either way is fine with me.

Chairperson Haber – I feel that R-1A is definitely the way to go on this.

MOTION by Weber, seconded by Parel, that the Planning Commission recommends that if "Parcel A", within the Country Hills site condominium, is to be sold, it should be sold within R-1A designation. **MOTION CARRIED UNANIMOUSLY**

ITEM I4. Planning Commission's 2020 Annual Report

MOTION by Parel, supported by McKeever, move to approve the Planning Commission's 2020 Annual Report as written and present it to the Commerce Township Board of Trustees. **MOTION CARRIED UNANIMOUSLY**

ITEM I5. Planning Commission Bylaws - Amendment

MOTION by Parel, seconded by Winkler, move to approve the proposed amendment to the Charter Township of Commerce Planning Commission Bylaws as presented to require all members of the Planning Commission be Commerce Township residents.

MOTION CARRIED UNANIMOUSLY

J: OTHER MATTERS TO COME BEFORE THE COMMISSION:

None

K: PLANNING DIRECTOR'S REPORT

- **NEXT REGULAR MEETING DATE: MONDAY, AUGUST 2, 2021 @ 7PM.**
- The Road Commission will completely close Union Lake Road, at Wise Road, for 60 days to replace the culvert. The closure is scheduled for July 22nd.
- We've had a series of meetings with the prospective developer of Bay Pointe. Discussions center around traffic.
- We saw a concept plan for Commerce and Carey, new single-family homes with an assisted living facility. That's Mr. Galbraith and Mr. Kassab. Their group is looking to do that development with a partnership from an assisted living operator out of the State of Virginia. They continue to move forward with that. We have discussed what the recognizable public benefits might be, given that it will have to be a PUD.
- The Reserve at Crystal Lake, the Brownfield project on the gravel pit on the north side of Sleeth Road; they will be back in front of you, probably in September, with their fully developed site plan.
- As Jay mentioned, a couple big projects are starting to turn dirt. One is Pulte's Oak Hills project at Glengary and Wixom. The other one is across the street here, also Pulte, Townes at Merrill Park. We will see a lot of activity on those here in the next few months.

L: ADJOURNMENT

MOTION by Parel, supported by Weber, to adjourn the meeting at 8:46pm.

MOTION CARRIED UNANIMOUSLY

Brian Winkler, Secretary