

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

Monday, October 3, 2022

2009 Township Drive

Commerce Township, Michigan 48390

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

ROLL CALL: Present:

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

Also Present:

Dave Campbell, Township Planning Director
Paula Lankford, Planner
Jay James, Engineer/Building Official
Larry Gray, Township Supervisor
Mark Gall, Township Fire Marshal

B. APPROVAL OF AGENDA

Dave Campbell – If I may, I have some recommendations. Chelsea Rebeck stepped down and Mr. Phillips has assumed her role with the Planning Commission. Chelsea was also the Planning Commission Secretary, so we are currently without a Secretary. I'm hoping we can add *Appointment of Planning Commission Secretary* to the agenda. The three individuals who are eligible to serve as Secretary would be Mr. Loskill, Mr. Karim and Mr. Phillips. This being Mr. Phillips' first day on the job, it might be unfair to ask him to be Secretary. I had an opportunity to discuss the position with Mr. Loskill and he is willing and able to do it. I don't know if Mr. Karim is also.

Karim – He can do it.

Dave Campbell – That might be an easy appointment. The second item is our agenda Item I2. Lakeside Marine. They are included on tonight's agenda for a conceptual review of a proposed expansion to their existing facility. However, this afternoon, the Building Official and I went by the Lakeside Marine property and noted that the expansion of the outdoor storage area has already begun. Mr. Boboige is aware that expanding the outdoor storage at the facility is a Special Land Use that requires approval from the Planning Commission, and with any Special Land Use there has to be a public hearing, a notice in the newspaper, a sign installed, and all of the neighbors have to receive a letter. None of those things happened. We were targeting potentially the November 14th meeting of the Planning Commission at the earliest to be able to consider the Special Land Use request.

Last week, in a show of good faith, the Planning Department agreed to include Lakeside Marine on tonight's Planning Commission agenda, on very short notice, in an effort to at least get non-binding, informal comments on the concept for the expansion. But given what was discovered today with the premature expansion of the boat storage area into an area that they were aware was not to be expanded into, it's my belief that this will now escalate into an enforcement matter with the Township. The good faith is being

strained with what was discovered today, and it's my recommendation that this item be removed from tonight's agenda until our code enforcement personnel and our Township Attorney have an opportunity to review the situation and see which direction we want to go with it.

Chairperson Parel – In regard to that, I would say that we should add the *Appointment of a Secretary* to the agenda to New Business Items. Mr. Weber and I have had a quick conversation, and because it is an informal conversation, and because I believe the applicant is here, maybe we just hear him out.

Dave Campbell – It is your meeting, Mr. Chair, and it's your discretion.

Chairperson Parel – George, is that what you're thinking?

Weber – Yes. Well, the history of what has been going on is disturbing. I think there's value in having a discussion right now. That will help lead to whether it goes forward at all.

Dave Campbell – If that is the option, to go ahead with Item I2., I would also note that for Item I1., the owner was going to have to close his store an hour early to be here. He is closing right at 7:00pm, so it might be 7:15 before he can join us. If the Planning Commission is keeping Lakeside Marine on the agenda, I might further recommend that it be switched with the Marz Deli agenda item.

MOTION by Loskill, supported by Phillips, to approve the Planning Commission Regular Meeting Agenda of October 3, 2022, with the following changes:

1. Item I1. Appointment of Planning Commission Secretary
2. Item I2. Lakeside Marine – Concept Review
3. Item I3. Marz Deli – Discussion

MOTION CARRIED UNANIMOUSLY

C. APPROVAL OF MINUTES

MOTION by Winkler, supported by Loskill, to approve the Planning Commission Regular Meeting Minutes, and the Special Meeting Minutes, of September 12, 2022, as written.

MOTION CARRIED UNANIMOUSLY

D. UPDATE OF ACTIVITIES

Bill McKeever – Zoning Board of Appeals

- We did have an agenda this month.
- We granted a variance from Article 33 of the Zoning Ordinance to construct an attached garage that exceeds the maximum square footage allowed at 2005 Glencoe Street.

George Weber – Township Board of Trustees

- The Township Board has had a couple of meetings since the Planning Commission last met.
- One of those was a budget meeting. We're in the middle of budget times. We're going through by department and by activity, with a goal of having the budget wrapped up by the November meeting.
- At the September 13th meeting, a couple of notes for this Commission.

- First and maybe most important, Brady Phillips was appointed to the Planning Commission, filling a partial term for Chelsea, set to expire on October 31, 2023.
- Through Giffels, we awarded the contract for the Sleeth Road water and sanitary sewer.
- The Township approved the Master Deed for the site condominium at Shepherd's Grove, which had a lot of discussion as you could imagine. That is moving forward.
- Under old business, we had discussions with renewing Jay James contract with Kerr Engineering to provide ongoing building support for the Township.
- The Board voted to terminate the concessionaire agreement at Windmill Farm. The Board continues to give the subcommittee the authority to come back with recommendations on what to do with the property, up to and including another RFP to find a new concessionaire to provide equestrian services.
- We have finalized the sale of the Rose Button property. That closing took place last Thursday, is that correct?

Dave Campbell – That's when it was scheduled for.

Supervisor Gray – I believe it was Friday.

Weber – The only other matter that we held a brief discussion on was a tree replacement ordinance. Supervisor Gray has sent out to the Board several examples from other municipalities, as well as a draft that is sitting on Mr. Campbell's desk.

Chairperson Parel – Thank you, Mr. Gray, for pursuing that. We appreciate it. Brady, I don't know if we've done a proper introduction, but maybe you could talk about who you are and what you're excited about.

Phillips – It's a pleasure to be here. I have a chemical engineering background with an MBA. I started working in the purchasing and supply chain with Ford Motor Company for 4 years, and subsequent to that I was with their spin off, Visteon, for 17 years. I then spent another 8 years with Eaton Corporation before going into the private sector. I've been in the purchasing supply chain arena for my entire career. A lot of people think of that as issuing purchase orders and meeting with suppliers, but you really need to have a broad interface with finance, manufacturing, material planning, general business leadership and supplier quality systems. You really get a broad exposure to the business. There's definitely a lot of financial planning and organization management. I think that background puts me in a good position to be a good contributor.

Chairperson Parel – We're glad to have you. Thanks for the contributions thus far.

Phillips – Thank you.

Chairperson Parel – Mr. James?

Jay James – Building Department

- Nothing really new to report.
- It's the time of year when builders and homeowners are always in a rush to get things done before the weather changes, so we are staying busy with that.

- The plans being submitted have dropped off in the last month, which is normal, but I expect us to be busy again in the Spring.
- The Space Shop is getting very close to opening. They've called for their final grade. We had one issue out there which I will meet with them about tomorrow. You should see that project opening up in the next couple of weeks at the most.

Brian Winkler – Downtown Development Authority

- A brief update on what was discussed at the September 20th DDA meeting.
- In regard to the Insite Commercial Update:
 - Parcel B1-Phase I, Aikens Five and Main property: The developer is working on agreements with a developer for the residential portion. They're continuing to work on agreements with retail tenants for the commercial portion.
 - Parcel B1-Phase II, the property immediately north of Phase I in the DDA development area: Aikens has an October 31st deadline to complete the purchase of this parcel. He will be attending the October DDA meeting to make a request regarding this parcel.
- Parcel C – LaFontaine Automotive Group: A PUD agreement is in process. With that developer having completed a preliminary site plan review at our September meeting, the Planning Commission may be seeing their formal site plan submission for review at our November meeting.
- Parcel L – Guidepost Montessori, directly east of the Township Hall on Haggerty: The closing on the purchase of this piece of property is expected to take place later this month.
- As we all know, there was a DDA Legal Services RFP issued a couple months ago. After careful consideration, Chris Martella of Dawda Mann was named the new DDA Attorney. There were eight responses received from potential legal services providers, and four firms were interviewed.
- Dave Campbell noted in his report that The Space Shop development is finishing up. It's looking really good.
- Jose Mirkin, DDA Public Relations chair, reported that Commerce Township was selected by the DIA to participate once again in the Inside-Out artwork installation during the 2023 season.
- A joint meeting will be held on October 25th between the DDA and the Township Board.

E. PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

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

Chairperson Parel – This is for public discussion of any matters for which there is no public hearing scheduled.

Dave Campbell – Yes, this is for any matters for which there is not otherwise a public hearing. We have two agenda items. I think the Planning Commission's intention is to let the applicants speak on their own behalf on both of those. If there's any other matters that anyone from the public wants to speak to, now would be the opportunity to do so.

No comments.

Chairperson Parel closed Public Discussion of Matters Not on the Agenda.

F. TABLED ITEMS

None.

G. OLD BUSINESS

None.

H. SCHEDULED PUBLIC HEARINGS:

None.

I. NEW BUSINESS (3):

ITEM 11. APPOINTMENT OF PLANNING COMMISSION SECRETARY

Dave Campbell – Typically when we're appointing an officer to the Planning Commission, we'd like to see that motion come from the Planning Commission Chair if possible.

MOTION by Parel, supported by Weber, to appoint Joe Loskill to serve on the Planning Commission as Secretary, and to fulfill the remaining obligation of Chelsea Rebeck.

Discussion –

Dave Campbell – The term goes through the end of the year, at which time you would elect officers for the coming year. If approved, Mr. Loskill would be the Secretary on a relatively short term.

MOTION CARRIED UNANIMOUSLY

ITEM 12. LAKESIDE MARINE – CONCEPT REVIEW

Jon Boboige of Commerce MI is requesting conceptual review of a proposed outdoor storage area and future building located at 3041 Haggerty Road.
Sidwell No.: 17-24-200-017

Dave Campbell gave a review of the Planning Department's report. He noted that the photo on the overhead was from July 2022, and is now outdated because a few weeks ago, the north side of the property was completely cleared of all vegetation. Mr. Boboige has been in discussions with the Township for a number of years on the potential to expand the existing operation, as memorialized in the concept plan in the Planning Commission's packet, and as shown on the overhead.

Dave provided details of the proposal, including a future enclosed storage building of about 12,000 square feet, a new driveway, additional parking along the frontage and the outdoor storage area to be enclosed with a mix of decorative fencing and an 8' chain link fence covered in fabric.

The outdoor storage component is key to the discussion. The property is zoned TLM and outdoor storage is only allowed as a Special Land Use, and only as an accessory to the principal use, which in this case is the boat repair and sales buildings, and it's only allowed in the non-required rear yard. The required rear yard is a 35' buffer from the west property line. Special Land Use requires a public hearing, with a 15-day public hearing notice, along with notification letters to all property owners within 300', and installation of a sign along Haggerty. The earliest those could be accomplished would be the November 14th Planning Commission meeting, and that was discussed with Mr. Boboige.

Until recently, Mr. Boboige was a renter on the property, but earlier this year, he purchased the property. The conceptual review process is a beneficial opportunity for the applicant and the Planning Commission to hold an informal, non-binding conversation.

The Planning Department's perspective on this was impacted today with the realization that the recently cleared north area of the property is actively being used for boat storage, which is an expansion of a Special Land Use without the necessary approvals. That was the genesis for the recommendation that this item be removed from the agenda so that Code Enforcement staff and the Township Attorney would have an opportunity to evaluate the situation. The Planning Department's report dated September 29th provides some history on the property, and that is relevant to any discussions and any future decisions that the Planning Commission might make on this situation.

Mr. Boboige, current occupant of 3041 Haggerty Road, stated that this was a really big purchase for him and his family. He provided a synopsis of who he is and how he got into the industry. In 2004, his parents moved to Wolverine Lake and he was a student at Eastern Michigan at the time. Moving out to the water was a big deal. He worked at Recreational Motorsports, which is the new Wilson Marine building, for about 3 years doing dock installations and removals. He became partners with his boss at that time and they moved into a building which is now a full-service marina, and he worked there from 2007 to 2010.

Things did not go well with the partnership and he decided to start Lakeside Marine. He moved into 4234 Martin Road and shared the facility with other tenants. At that time, he had a client who owned the old Pella windows warehouse on Haggerty. That was a great connection because he was able to store boats inside that building, which was a massive facility at 60,000 square feet, fitting nearly 175 boats in the building. Things were going really well and business was growing rapidly, so he needed more space. He moved from the Martin building to 3041 Haggerty around 2012.

That was a huge deal and his rent nearly doubled, then later tripled. He was a young businessman trying to make ends meet. He wanted to make things work and he had the drive and the will. He referred to the Planning Department's report which he agreed shows that he has a bad history. He stated he is not very proud of that. He was young and had a lot more business than what he could manage at the time. It was difficult and he had a really tough landlord who did not want to put a dollar into the building. The building looks bad and he is embarrassed, but he did not have money to put into the facility and it didn't make sense as a renter. He thought he would move again, possibly into the Pella windows warehouse. West Bloomfield is a difficult Township to work with, but the owner was able to get storage inside that building.

Mr. Boboige explained noncompliance issues and learning aspects of the business. Due to changes with the new building owners, he has lost storage completely at the Pella window building. He had a deal for storage there set up back in July, but he was informed that is canceled. He has his new building on Haggerty and thought things were going well. He planned to improve that property. He elaborated on his plans for storage, renovations, and his desire to be compliant. This is a major deal for him; he spent practically every dollar he has to buy this building and he wants it to work, and he wants to do anything he can possibly do to make that happen. In conclusion, Mr. Boboige stated that he hopes he can answer any question the Planning Commission may have.

Commission Comments:

Chairperson Parel – We appreciate you coming out. Although the Planning Director recommended that we don't hear this tonight, and that we move this onto enforcement, I hope you appreciate that we want to ask some questions and get some feedback to see if there is a path.

Mr. Boboige – Thank you for this. It's a big deal.

Chairperson Parel – As Dave mentioned, we have some guidelines. Everything we talk about tonight is informal. We don't hold you to anything, and you don't hold us to anything. Another important thing is that enforcement continues and nothing is going to change with that, no matter what we say tonight.

McKeever – The only thing I would add is that any list of items that I would come up with would be right in line with Code Enforcement.

Weber – You talked about your credibility issue. I get it when you were 23, in 2013 you got a letter and took no action. Again in 2015, you got a letter and took no action. Again you got a letter in August of this year saying; *We want to work with you. We recommend you don't clear cut because there might be changes that need to be made.* You clear cut. The letter said, *No storage.* You're storing on it. I drove by it. You're not only storing on the side; you're storing in front. So, even before you come to this meeting, you're blatantly throwing it in our faces that the recommendations of the Planning Department don't mean anything to you. Help me understand why it's different now. Why is it different at 7:30 than it was a 4:00pm?

Mr. Boboige – Most importantly, I think I struggle with the definition of storage. Dealing with Jay and Dave, they always refer to anything that's on my property as being stored. When I think of storage, I think of your Christmas lights; you take them down, put them in a container and put them away until next year. As referring to a boat, storage would be to winterize it, shrink wrap it and put it in its place until Spring. So, if I have a boat on my property, I consider it a work in progress. It's a busy time of year for everyone. Everybody is lacking employees and is working around the clock, and the weather takes a drastic change. It happens every year.

I've always had an issue. I put stuff out for sale. I know it upsets them. It helps me so much that I put it out in front of Haggerty and it sells. If I put it online, it takes a few weeks. The exposure on Haggerty has been huge for us. I try to comply as far as he said don't put anything in front of the telephone pole. I've been doing my best to keep everything back behind the telephone pole. As far as where we're at now, I'm sorry, I'm so nervous here. I'm trying to think of how to explain to you, when somebody brings something in, we work on it, we repair it and then it gets moved. All of those boats you saw today, probably 5-7 boats, they're not shrink wrapped. They have covers on them and they're brand new pontoons.

Weber – If you're telling us in the future, you're not going to do all of that, what's going to be different?

Mr. Boboige – Right now, it's a work in progress. I pulled those boats today. It just so happened you drove by and saw those 5 boats on the property; I literally pulled them

and tagged them today. It's a process, it's an assembly. We bring them in, winterize them, process them and take them.

Weber – How about those along the north side that are parked and stored where you clear cut? Not along Haggerty...

Mr. Boboige – There are currently 3 boats. The fence line actually went about to where the clear cut is. If you guys are saying that I have stored boats on that property that are currently in storage, it might be within 10 feet, because I had a fence line there originally that was cut out. When we removed it, that's when I started putting some things there. There's nothing being stored for an extended period of time. If it has been there, it has been there for a week, or maybe two weeks.

Weber – Okay, but it's being stored there. I'm still struggling with the credibility that you say is going to be different, that you're going to comply, but you're telling me how you can't comply because of the process that you're going through.

Mr. Boboige – Yeah, right now it's difficult because I don't have any place to put them. I have been working with Randy Thomas over the last few weeks. I've been trying to look at new facilities and lots. I have a lot lined up on Clarenton that I'm going to see. I have another building off Richardson which is probably not going to be in compliance, so I doubt I'm going to be able to use that facility. I know that outdoor storage is permitted, although there's no fencing, so there's no security. What I was hoping to do is try to push this along so I can build that nice fence in front of the property, get the lot graded and then I can store and I can do anything you guys want me to do. If you guys want me to keep the storage behind the building, from the point of the rear of the building to the west, then that's my storage area. In the end, I'm still going to need to work in the areas that say "work area" whether it's storage for a few hours or overnight. I'm going to need to have some type of building in action, there's going to be moving parts.

Weber – I get that. I'm looking at this diagram. So, where it says decorative fence, that is going to be an 8' split-face masonry wall?

Mr. Boboige – Right. So at first, I thought that would be the most beautiful way. If you drove by and you saw a nice, beautiful wall, rather than a vinyl fence, I thought that would look much nicer. Then I received an email from the Township saying I had to have a masonry wall around the entire perimeter. I thought that seemed a bit unreasonable. What I thought I would do is the 8' wall until the far end of the north property, and I'll even do a return, so that north and southbound traffic won't see that I have some chain link fence with tennis court mesh on the side. This way, it's going to make my building look a lot better as well. The decorative will cost me double the money of the vinyl fence. I know it's going to be very expensive. I want the automatic gate. I want to make it look nice. I want people to want to come to my building. Right now, they see a rundown place.

Weber – The work area to the north; that is going to be behind the masonry wall?

Mr. Boboige – Correct.

Weber – The only way to get to that would be from the east side of the lot?

Mr. Boboige – Or from my new entrance on the north. That would have a gate with a right turn in and right turn out. (Approached the overhead and reviewed circulation on the site.)

Weber – Okay, on the north where the yellow line is.

Mr. Boboige – Correct, I'll have an automatic gate there. That would be another entrance so that customers don't have to pull in and block my fire lane.

Weber – On the south side work area, south of the present building, is there also going to be some kind of a screen?

Mr. Boboige – I'm actually trying to remove that area completely. What I want to do is move all that work to the back, and to that corner on the side. That way, you guys don't see anything. The problem is, I would be lying to you if I told you there will never be a boat there because customers drop things off in the middle of the night, and there is stuff that sits over time, and it sits on that side. That seems to be the entrance everybody is comfortable with. It is what we have been using.

Weber – You could help solve that by putting a 10' section of masonry wall on that side of the building as well, then you could screen it from view.

Mr. Boboige – I could, but I honestly prefer not to work there at all. I put that there just to show you that's the current work area.

Weber – I know, but even if it is temporary storage, you just said you're going to be storing boats there sometimes, for some period of time, even if it's not a long time.

Mr. Boboige – So is storage 24 hours? Is that what it really consists of? If a boat is there overnight, then it's storage?

Weber – Well it's not if it's *a boat* but if it's a boat today, and a different boat tomorrow, and a different boat on Thursday, then ...

Mr. Boboige – Then it's a storage area. That makes much better sense to me.

Weber – So then, some level of screening is needed. The only other question I have would be on the west side. What is the plan for backing up to ...

Mr. Boboige – The fence? Okay, so there's actually an existing fence there already, up into the wooded area. About where that green line is on the south side, that is where the fence ended. The new fence would continue to the north. I'm not aware; do I need to have the privacy mesh on that side as well? If you see this guy behind me, after I got my boundaries surveyed, all those vehicles, especially in the rear there, they are all broken down, sitting on flat tires and I'm sure they're not registered. I had to ask him kindly, can you move this stuff because I'm going to put a fence here, and I don't want it to get damaged. And, it's on my property. I'm not trying to do *he said, she said*, like Dave's letter, but if you really look at it, I know it's TLM, but literally it is consistent all along Haggerty. Their storage is on the sides of their buildings all season long. I'm only supposed to store in the south.

Weber – Don't think we're not having conversations with some of those folks, and it's not acceptable. I get what you're trying to do. I think you made a huge mistake by clear cutting the land. It's going to cost you more with what we're going to require for landscaping now, since you got rid of all those trees that you probably did not have to get rid of.

Mr. Boboige – I actually spoke to him before and I said I might just leave it up, because I didn't want the eyesore when people drive by and they see boats and stuff everywhere, right. They didn't tell me not to cut the land. I was never told not to clear the whole land. I just thought it might be a suggestion to keep the privacy...

Weber – No, that's not what the letter says. There's nothing to say that you couldn't do it, but it was highly recommended that you not do it until you at least had a conversation with us so we could guide you through some of the...

Mr. Boboige – It was one of those things. It was a major project. I have \$50,000 into clearing this land, okay. The guy was like; *All my machinery is here. I can come back and charge you again, or I clear it all.* I told him to just clear it all.

Weber – Anyway, for me, when you come back, you're going to have to work with Dave, Paula and Jay. When you come back with a real site plan, it's not an inexpensive proposition to put a whole site plan together and have the elevations and drawings that will be required.

Mr. Boboige – The engineered site plan is \$20,000.

Weber – Yes, that's what I'm saying, it's not inexpensive. Work with them so you only have to do it once.

Mr. Boboige – That's what I'm trying to do. You can ask Paula, I call the Township at least every couple days and talk to her.

Weber – I know, but apparently you don't listen to them, or you don't act on it. I'm just going by the history. I'm not here to beat you up, because I want you to succeed. I think we all want you to succeed, but you've got to fix the credibility issue that says you're going to do what you say you're going to do, and that there's not a reason on why you're not going to do it, such as times are tough and I've got boats coming in. We get that. Every business has it. We're just saying; *Do what you say you're going to do and do what the ordinance says you need to do, and life gets really easy.*

Mr. Boboige – I know, and I want it to be easy. Trust me, I'm reasonable. In the end, all I want to do ... this is my livelihood. This is what I do every day. This is what I hope to pass down to my son. It's something that, I don't want to be here and do this. I want to make it right the first time. Once this is in motion, there's never going to be a problem. I should never have to ... I mean I will automatically comply because I have what I need and what's necessary.

Weber – So for me, when you come back with the site plan, also come back with, *Here's why this is different and here's why you can trust what I say I'm going to do.*

Mr. Boboige – Okay. Do I have to do this again?

Weber – Yes, there's going to be a public hearing. All your neighbors and everybody will have their chance to speak and hear your proposal.

Mr. Boboige – Okay, thank you for your time.

Loskill – In addition to what George said, the best thing you can do is to bring your building as close to full compliance as you can, as quickly as you can. Listen to what the issues are and deal with them, now. If the issues are not dealt with and you come back before us, you're not going to get enough votes. You have an opportunity. You have 30 days to show that you can bring this into compliance. If it's not, you know what you're going to get.

Mr. Boboige – What are your expectations as of right now, and what do you need from me? Everybody is behind. My contractors are literally waiting for my phone call. That stuff I have ready to roll. The engineered drawings; I've talked to three different engineers now and they're talking months out. I had one guy who could get it going with an acceleration fee, so it's going to be \$25,000. Whatever, it is what it is. I need to get this going because I have intentions of completing this process before the snow flies, because if it doesn't, then I'm in some trouble. I want to get the wall. I want to get the screening. That's the most important thing.

Now that I have somewhat of an understanding as far as storm water runoff and engineered plans, and that stuff that I need as far as drainage goes ... At first, I came in and thought you would just level the land and it's considered landscape. I'm putting down 21AA, it's a porous material. I'm not paving it, so why do I need underground drainage? Why is that necessary? This is a learning process for me too. I was unaware of that. Otherwise, who knows, I might have waited. I was really excited about it. I wanted to get this moving and have it done.

Now, here I am today, it's October 3rd, it's freezing cold and by the time I get the drawings it's going to be the end of the month or early November. Am I going to make the November meeting? No, now it's the December meeting and it's too far along to where I can't have the work done. I just need to know, if you guys don't think I can get this done in a matter of time, what do you want me to do as far as me with the boats on dirt? I'm not storing them. They're not going to be there all year. I just need a place to put them while they're in process. So, is it storage technically because, yes, there will be boats there until I'm done for the season. Yes, they will be there because I have no other place to put them. I'm working on that.

I don't want to upset you guys. I don't want Jay upset. I don't want Dave to write a letter like that about me. I was crushed and it was embarrassing. It makes me feel bad. I don't want to be that guy. I understand it has been 10 years, and frankly, I am. But in all reality, I'm not. I want to do whatever you guys want me to do, I just need some help doing it along the way.

Weber – As far as the timeline, I don't know that any of the Commissioners here can help you so much with that, but staff can tell you what a reasonable timeline is. Our next meeting is on November 14th. So the notice would have to be in the Oakland Press this week, is that right?

Paula Lankford – The end of October.

Dave Campbell – 15 days' notice, but keep in mind, by the time we publish something in the Oakland Press, we are doing so knowing that it's ready to go before the Planning Commission for consideration. We would need a full site plan, a full Special Land Use application that has been reviewed by my office, the Township Engineer, the Fire Marshal, the Landscape Architect. If it were submitted today, it would be a rush to get all the reviews back and get it in front of the Planning Commission on November 14th, so that in good faith, we can put a notice in the Oakland Press by late October.

Weber – So what is a rational time frame for something like this? How long does it take to get an engineered site plan?

Dave Campbell – I think we've heard the answer to that. Just to get on an engineer's schedule, there's a backlog right now. We're talking a new building, so an architect will need to design that new building. I'm not sure what conversations have been had with an architect.

Mr. Boboige – We're not constructing any new facility within the next ... Most importantly is what you see. This facility is a 3 to 5-year plan, this design.

Weber – So let's back up. From the point that he has an engineered site plan with elevations, how long do you need after you receive that to go through Jay, Mark, your office, and then have it to us in time to review?

Dave Campbell – I'm trying to back into an answer to your question. A site plan gets submitted and it gets distributed to the Township Engineer, Fire Marshal, Landscape Architect, the Road Commission. Keep in mind, they're proposing a new driveway on the west side of Haggerty, so that's the jurisdiction of the RCOC. The Planning Department likes to see all of those reviews come back, and come back relatively clean, because if they come back with a group of comments from the Township Engineer that require the whole site to be reoriented, then that obviously adds time to the process. We want to see all of those reviews come back clean, and then in the Planning Department, we like to base our review on those clean reviews. We then get it assembled into a packet and get it to you the Thursday before a Monday night meeting. At a minimum, that is a 4-week turnaround, to be fair to everybody and the workloads they all have, to do their reviews, and get it to you in enough time to allow you a few days to go through it before a meeting. Now, because there is a Special Land Use on top of that, that adds a couple weeks to that turnaround. Before we send a notice to the Oakland Press, we want to know it is a project that's ready to come before you. If it's not ready to be here, it doesn't do the petitioner, or anyone, any good.

Weber – So best case scenario is that you would have to have a clean site plan in 10 days.

Mr. Boboige – So let me ask you this. After speaking with them and figuring out more, they wanted me to put the end game site plan together. This is not what I need to do now. What I need to do now is construct the wall, grade the area, and put up the privacy fence around the perimeter so I can actually work and put my stuff away for the season. The paved area, the entrance, that can wait until Spring. I don't need to pull in there right now. If that changes anything as far as timing, I know he said 4 weeks, 6 weeks,

maybe even 8. That's a lot less work. I don't have to go to the RCOC for the entrance. What I need to do is just get approval for the masonry wall. They have to come and inspect the footings. We will put the wall and gate up, and the fence, they're all on standby.

McKeever – You need the Special Land Use approval also.

Mr. Boboige – Yes, but is it a Special Land Use if it's from the south?

Dave Campbell – Yes, yes.

Mr. Boboige – No matter what, because it's-

Dave Campbell – Yes.

Loskill – It's outdoor storage, therefore, it's a Special Land Use.

Mr. Boboige – And so where I'm at now, am I noncompliant with my-

McKeever – I think you're trying for someone to say, *Yeah, go ahead and put your wall up*. It's not going to happen until you get Special Land Use.

Mr. Boboige – No, that's not what I'm saying. I'm asking if I am in noncompliance right now with those behind my building?

Dave Campbell – Yes, because it was never approved.

Mr. Boboige – Okay, well I don't have much to say about that. If I'm already in noncompliance, I'm going to be in noncompliance whether I put the wall up or not. If I need to go through the Special Land Use, are you saying that takes 6 to 8 weeks to review?

Dave Campbell – We'll say 6 weeks, but keep in mind, that's 6 weeks if you have a property that is not actively in a code enforcement situation, which is where we are. It would be difficult to go through our typical site plan and Special Land Use review process when, coinciding with that, there's active enforcement activity for a series of noncompliance violations on a property.

Weber – But he controls that.

Chairperson Parel – How quickly can we get those resolved?

Weber – Exactly. I'm assuming there's already a list.

Jay James – I've been talking to Jon for years now, and I do believe he is a hard working guy. His business is thriving. The site is not big enough to contain it. As many times as we've gone out there and asked him to contain it, he will do it for a week and then it goes right back. It has been an ongoing thing for years and years. I should have known when you came in to ask about clearing the trees and we asked why. We told you that you need a plan first. Get a plan. I should have known you were

going to use. I knew you were going to use it, even though you said you weren't. Don't put anything where the trees were. You said it earlier today that you need the space because you are backlogged. What would you have done if the trees were still there? You would have continued to do what you were. Now you're putting them over there. Quit putting stuff where the trees are. Clear it, get everything out of there and don't put anything on that property. Then, come in with your plan that says I want to do a fence here. What I'm hearing is that you just want to do a fence now. You want a Special Land Use so your outdoor storage is approved, and you want to put up a fence now to help screen it.

Dave Campbell – He wants to surface it too.

Jay James – Yes, and that goes with the outside storage. I would say that the very first thing to do is to keep everything off that area that you just cleared. Keep it off. You've done it for the last 10 years.

Mr. Boboige – Yeah, but I also had another property which I don't have anymore. How can we work with it? You guys know I'm going to do the work.

Jay James – Jon, sitting here right now, I would not vouch for you.

Mr. Boboige – According to the letter, I don't think anybody would vouch for me. It comes to a point where we have to find a happy medium between us where I can ... I'm sorry.

Jay James – I believe you want to do the right thing, you just don't. We want you to succeed. I think we all realize you're a thriving business.

Mr. Boboige – It's not even about succeeding, it's about this. I don't want to walk into the city and everybody cringes when they hear Lakeside Marine.

Jay James – There's one way to change that, Jon – Do what you say you're going to do, and don't do anything that's outside the ordinance. That's how you get that back.

Mr. Boboige – So, since this is in motion, if I clear the property ... I don't even know what to say.

Jay James – To get back to George's question. If he were to remove everything from the land that was cleared, he would be operating as he was before. Even though we still have ordinance issues, I think we can address those with his overall site plan later. Then, it would be up to him to come in and ask for Special Land Use and to erect the fence as he's asking for.

Dave Campbell – Jay, correct me if I'm wrong, and I'm asking you to put on your engineer hat. When he talks about surfacing the outdoor storage lot with compacted gravel ...

Jay James – He has to account for that drainage.

Dave Campbell – Right, we consider that to be an impervious surface, as pavement or concrete.

Jay James – Correct.

Dave Campbell – So now you're talking about, where are you going to direct your stormwater and contain and manage it?

Mr. Boboige – You do consider that as asphalt or concrete then?

Jay James – It's an impervious surface. The coefficient of runoff is less than asphalt, but there's still more runoff than on natural ground. You have to account for that.

Weber – And right now, that runoff is going to be heading south.

Mr. Boboige – It's actually heading right towards my building.

Jay James – And that's what your engineer should look at and figure out what to do with your drainage.

Mr. Boboige – We've been looking into it.

McKeever – Does that all just sheet drain to Haggerty?

Jay James – Today, I would say half of it probably sheets toward Haggerty, and then to the south, and the other half probably sheets westward.

Mr. Boboige – That's what the engineers are going to have to talk about, where they want it to be pitched. Obviously I can't pitch it to the north. We can't find any drain, but the only drain is by my mailbox toward the front. I'm going to have to have some type of underground pitch, and hopefully it's the right size pipe is what I've been told, that it can handle the efficiency of the stormwater runoff that can tie into there. That's another whole deal.

Weber – That's part of the process. And again, the time crunch on this for what you're trying to do, your engineer is going to come up with a plan for water runoff. That will then have to go to the Township Engineer to see if he agrees, or will it cause a problem for somebody else. That process just takes time.

Mr. Boboige – I understand that.

Jay James – We would expect your engineer to develop a plan. He has our standards. They're all online. Bring in a plan that shows the area where gravel will be placed, along with proposed grades, and the location it will sheet flow to. You will probably end up digging a small basin, a retaining area for the water. That's where all the water is going to go. I'm simplifying it, but your engineer, whoever you hire, should be able to address that.

Mr. Boboige – Yeah, I know, I agree.

Phillips – I understand you found out in July that you didn't have storage at the Pella warehouse, is that what you said earlier?

Mr. Boboige – No, I just found out a few weeks ago. I had a deal signed in July, and just recently ...

Phillips – So did they renege on their contract?

Mr. Boboige – They did.

Phillips – So do you have legal recourse with them? Okay, forget all that. You're looking to get all of this done in time for this season to have winterized boats prepared and stored for the winter, correct?

Mr. Boboige – Correct.

Phillips – Almost every boat needs to be winterized and prepared for storage by the end of this month. There is no way you're going to get this done. If I'm a customer, and I see you don't have the space or the wherewithal to keep my boat on your property, I'm going elsewhere. I think your customers are going to let you down before we do. The other thing I would say is, have you considered contracting with an existing storage facility that can accommodate the boats that you expect, like 150 boats? Essentially, take business to them. You'll lose your revenue for the storage. You can still do the winterization. You can maintain your customer base, but they have to temporarily store it somewhere else, at least for this season.

Mr. Boboige discussed contacts he has made with other storage facilities. That was the first thing he did.

Mr. Boboige – I'm at the end of the season. I'm in the worst possible place that I could be.

Phillips – I don't see a solution other than an existing site. That's my personal opinion. I think you need to beat the bushes more on that approach.

Mr. Boboige – Exactly. Well now I'm looking at places in Wixom or elsewhere. I try to have a 10-mile radius, and nothing is available or it's noncompliant. So if I just go somewhere else, they're going to see the boats, Jay is going to get the call, he will find out they're mine, and then I'm even more ...

Phillips – You need to find storage capacity that's in compliance.

Mr. Boboige – I agree.

Phillips – That's good that you have guidelines on the proximity, but you're going to have to do something extraordinary. I don't see that what you're proposing is viable, and that's an opinion and some advice. You're in a tight spot.

Mr. Boboige – I am truly in a tight spot.

Phillips – If in fact you had this other entity violate a valid contract, you need to be going after them.

Mr. Boboige – It's unnecessary. He knows he put me in a tough spot. He's actually looking for other places for me as well. I store his boat.

Phillips – I would put the onus on them to pay for incremental costs to your business for storing the boats elsewhere, because they reneged on their contract.

Mr. Boboige – Thank you.

Winkler – I have nothing more to add.

Karim – Nothing to add.

Chairperson Parel – From my perspective, I think Brady summed it up pretty good. I appreciate us taking the time to look at this and trying to help you. I think you do have a viable business. To Jay's point, and George's point, we want to support you in any way we can, but if you're not in compliance, there's no way we can support it. We wouldn't be doing our jobs. I had other notes in regard to what type of wall we would use, and in what areas of the perimeter the different materials would be used, but I don't even think that's relevant at this point. I'm not sure there's much else we can offer you tonight. I do think that there's a reason we have these codes and ordinances, and we need to follow those. That's Step 1. You came in here with a couple strikes against you. I just don't know if the timing works, and it doesn't sound like it does.

Dave Campbell – If what comes back is a scaled back version of the plan we had on the screen this evening, and what we're talking about is just an outdoor storage yard, I just want everybody to be aware, and Jon specifically; on the screen is a portion of Article 22, the standards that apply to the TLM zoning district. These are the requirements for Special Land Use approval for an accessory outdoor storage yard. This would be accessory to the principal use going on inside the building. I highlighted what I think are some of the key points.

- It has to be screened on all sides by a decorative masonry wall, or a landscaped berm. I don't know that there's enough space for the berm because that would cut into the space available to use the yard.
- Furthermore, it would have to meet the rear yard setback, which is a minimum of 35'.
- If a plan is presented for Special Land Use approval for expansion of an outdoor storage yard, these are the standards that would have to be complied with.

Chairperson Parel – And as far as timing.

Dave Campbell – And that's in addition to the drainage, the stormwater management that has already been discussed.

Chairperson Parel – The drainage would be included in the plan and that plan, we know, is 30-60 days away. Dave's group and the engineering department, they need at least 30 days, even with a minimal plan like this. I'm not a boat owner, but we're in

October and I can't imagine that people haven't already found a place to store their boat by Christmas.

Mr. Boboige – That's about when the time ends. I know he said October 31st, but anybody that stores over 250 units, they work until December 15th or 20th. I mean is everything winterized? Yes. Everything is drained down and safe for the wintertime, although all the boats are not processed, especially the larger marinas. If you drive by Wilson Marine, those guys store 1,000 boats. It's literally impossible to winterize it and put everything away in that matter of time. I understand people might think they want to take their business elsewhere, but in reality, if you store with a larger company, and the way things are today, that is the process.

Chairperson Parel – Not to cut you off, but they've got to be out of the water and delivered to you, right? They've got to be delivered to your premises and you have nowhere to store them on the premises.

Mr. Boboige – Right, they have to be out of the water. We get our first freeze, but in all reality, it doesn't even freeze until towards Thanksgiving.

Chairperson Parel – You can still do interior work and wrap it.

Phillips – As a boat owner, I want to have a contract in place and know where my boat is going to be, and who is doing the work, and I'm going to do that now. I'm not going to wait until December.

Mr. Boboige – Not everybody is as smart as you, Brady.

Phillips – I'm just being honest with you on what I would do if I was a customer, and what I think you could potentially do to solve the problem.

Chairperson Parel – If Jon is willing to work on the compliance issues and resolve those, and simultaneously went out and got a plan, let's say within the next 30 days, and he could potentially get on the docket for the first week in December, is that reasonable? I'm not saying we would consider it, but does that timeline potentially work?

Dave Campbell – If what's being proposed now, and what I think I'm hearing is, at least for now, they're not looking to put in the new driveway off Haggerty Road, add new parking along Haggerty, and certainly not a new building, but just an enclosed and surfaced expansion of the storage yard, December 3rd certainly sounds reasonable. I don't know if you have an engineer and how quickly your engineer can turn something around. If you're able to get the site cleaned up, and when I say cleaned up, I mean get the boats off the cleared area. I think Jay was unambiguous with that, so I'll reiterate. When we saw the boats on the cleared area today, that was the genesis. If you can address that, then we can make every effort to get it on the next available agenda. If we can make it by November 14th, even though that's going to be a busy agenda, we will do what we can. But, December 3rd sounds more realistic.

Weber – The most difficult piece for him to control is to get the engineered drawings.

Dave Campbell – You don't have an engineer under contract currently, correct?

Mr. Boboige – No, I have two proposals and I have not pulled the trigger because I need to know where I stand on everything. These guys want a \$25,000 retainer.

Dave Campbell – We can work as fast as anybody wants, but it's things that are out of my control, which is you getting an engineer, getting on their workload and then having that engineer turn that work around. That's obviously out of my control.

Weber – Basically what I'm hearing, depending on how fast you can be, with compliance first, restoring your credibility, and second, get the engineered site plan in. Once you have a commitment from an engineer on how fast the drawings will be turned over, I think Jay and Dave can make a determination as to whether we have time to get it in November, or is it going to spill into December. The first thing they need is the date they will have plans from your engineer.

Mr. Boboige – Okay, I can figure that out pretty quickly.

Weber – Is that fair?

Dave Campbell – Yes. It's hard for me to answer any of these questions without knowing when a true and complete submittal will be received by our office.

Chairperson Parel – And, it has to be clean.

Dave Campbell – Right, it would have to come back clean. If it comes back with a host of comments from the Township Engineer of things that need to be changed, now you have to go through another round of review. His engineer has to make the revisions, and my engineer would have to review those revisions.

Chairperson Parel – How does the public hearing fit into the timing of this?

Dave Campbell – There would have to be a notice in the Oakland Press, letters to every property owner within 300' and a sign along Haggerty Road.

Discussion continued regarding publishing the public hearing notice 15 days prior to the meeting. The Oakland Press needs a week in addition to that to set fonts and prep the notice for the newspaper. Chairperson Parel noted that is 3 weeks. Dave Campbell stated that by mid-October, staff would need to know that it was ready for the November 14th meeting. It did not seem feasible for November.

Mr. Boboige – Going back to the clean engineered plans that are submitted, is there a process that will help benefit me so they don't go back and forth between the engineers? I know I've emailed you about someone who already knows how Commerce works. I know you can't necessarily recommend, but maybe I can get some numbers of people that you've worked with so I can get the right engineer.

Jay James – We can give you a list of companies, but whoever you choose, first thing, set up a meeting and have them come in to meet with us. We should be able to answer all the questions at that meeting and then they just have to get the work done. We have no problem meeting with them ahead of time if they have questions as to what will be

expected. If they come in first, there really shouldn't be a reason that it can't be clean when it gets turned in.

Chairperson Parel – I guess your risk is that you spend all this money and you can't do it this season.

Mr. Boboige – True, but it might be possible in the Springtime.

Chairperson Parel – It surely could be possible in the Springtime, assuming the ordinance stuff gets cleaned up.

Mr. Boboige – Sure.

Chairperson Parel – My only other comment in regard to the Special Land Use; we have additional requirements to bring the building up to code, and some of our more strict building materials that we use. It's a pretty rough looking building, but I don't know that it's a conversation for today.

Mr. Boboige – It's awful. I would agree 100%.

Chairperson Parel – We've gone through all of this and we still haven't resolved the timeline or where you're going. We still need to talk about the fence, the type of fence, and which materials are going to be used on which parts of the perimeter.

Dave Campbell – The baseline is a 6' masonry wall. That's the land use law of Commerce Township.

Mr. Boboige – Right. And as we both know, there has been some ... They have 8' decorative fences that have been permitted.

Chairperson Parel – Sure, but just remember, that's the code. If you come back to us with something less than code, that conversation could take longer.

Weber – And there would have to be a hell of a good reason as to why. I would say that, generally speaking, if we're going to approve Special Land Use, that's when we want to see what the building will look like. If you come back with the wall and the storage now, but I think it would be a good thing to show us a basic rendering on what the building is going to look like. I don't really care too much what the building will look like on the back, but we are going to care what it looks like along Haggerty.

Mr. Boboige – The structure and integrity of the building is good. It has gone through inspection. I know it looks rough and the color doesn't help. I would have never gotten approved for a loan on the property if it was in shambles. It is a good building and it has great potential, and I want to make it nice. I want people to want to come into my shop and bring their boat in.

As far as the noncompliance stuff and moving things off the dirt, I can get it done. Most importantly, how much time ... I know you said move it tomorrow. It's not that easy. I can get this done. I can do it for you. I now understand that I've never been in compliance at all with any boats in the back. There's a lot of issues with noncompliance all throughout Haggerty. We don't need to get into that.

Dave Campbell – I don't think this is the forum to try this case, and I don't think this is the forum to negotiate a code enforcement matter. That's not your role, it's not my role, and it's not even Jay's role anymore.

Mr. Boboige – As far as the timing?

Jay James – Tonight, I would just tell you, get it off there as soon as you can.

Mr. Boboige – Okay. I don't want it tagged. I don't want any problems. I don't want to go back and forth with tickets.

Jay James – I'm not telling you that process isn't going to get started.

Mr. Boboige – I understand the policies and procedures. I've gone through it before. I can get it moved.

McKeever – Has the cleared area been stabilized in any way, or silt fence or anything?

Jay James – They did do silt fence. They pulled a soil erosion permit.

Mr. Boboige – I do have a silt fence around the property. It's actually not bad. We've had some heavy rains. I was told I couldn't disturb the dirt. I wish I could have done something.

McKeever – You've already done more than you should.

Mr. Boboige – I'm at a standstill.

Chairperson Parel – I think we've given you what we can give you and you need to work with Jay and Dave.

Mr. Boboige – Sure, and I appreciate all of your time. Thank you very much.

Chairperson Parel – We wish you the best of luck.

ITEM 13. MARZ DELI – DISCUSSION

Mazin Rassam of 2775 Haggerty Road, Commerce MI is requesting preliminary discussion of a prospective amendment to Article 26, Section 26.316 of the Commerce Township Zoning Ordinance for off-premises alcohol sales outlets.

Dave Campbell gave a review of the Planning Department's report. Marz is an existing convenience store, with a full-service kitchen, a pizza oven and catering. The building also has a couple tenants. Mr. Rassam has been operating Marz Deli for years with an SDM license, which allows him to sell packaged beer and wine. He applied to the MLCC to expand that license to an SDD which would allow him to sell packaged spirits. When the Township was informed of his request to the State, the Township made Mr. Rassam, his attorney and the State aware of Section 26.316 of our Zoning Ordinance, which requires a Special Land Use permit. Dave explained the Special Land Use criteria and limitations for a new or expanded off-premises sales outlet. These requirements would prove challenging to the Marz Deli location, especially with the spacing in relation

to other retailers, and the spacing within daycare centers. The Planning Department, the Township Attorney, even Deb Watson as DDA Director, have all looked at different options for whether there is any opportunity to work with Mr. Rassam within the confines of the Zoning Ordinance to expand his liquor license, and no opportunity has been found.

There are exceptions to the standards; however, none are applicable to Marz Deli. The only path forward would be for him to apply for an exception, and for the Township to consider and ultimately approve such amendment. That would seemingly have to be tailored to meet the operation of Marz Deli. Mr. Rassam can explain some of the unique aspects of the store. It's a hefty price tag for Mr. Rassam's attorney to write an amendment and take it through the process. Therefore, he is here for a conceptual review prior to moving forward to get non-binding feedback.

These types of requests have come before the Township previously, and the Planning Commission has unanimously denied the proposals.

Mr. Rassam – I'm the owner of Marz Deli Pizzeria. I've been in Commerce since 1989. I used to be next to the Dick Morris Chevy dealer. I purchased the building in 2001, and by the time I fixed it, I moved into it in 2004. I'd like to add my liquor license. I've been in Commerce for 34 years. I could use some help.

Discussion took place regarding Marz Deli's high-quality pizza, how an SDD license might benefit Marz Deli, Mr. Rassam's hours of business, and the fact that he closes the store every Sunday and every holiday.

Mr. Rassam – I've been there 34 years. I like Commerce. I just need some help.

Commission Comments:

Chairperson Parel – It sounds like we like you too, and the pizza.

Mr. Rassam – And the cookies, too.

Dave Campbell – I will verify that Mr. Rassam is a valued operator and a valued corporate citizen. For those reasons, the Township and Planning Department, the Township Attorney and Deb Watson all looked at what opportunities there could be. The only opportunity we could identify was amending the ordinance.

Chairperson Parel – And his business and building are in compliance with code?

Dave Campbell – Has your landscape guy cleaned up the yard at all?

Mr. Rassam – Yes, he's been doing it. My inside is a beautiful store.

Dave Campbell – That is true. There is a landscape tenant in the back. I told Mr. Rassam, before you come to the Planning Commission you have to get after your landscape guy and tell him to clean up the yard a little bit to make a good impression.

Mr. Rassam – Him, and the carpenter too.

Jay James – I went in to get pizza, like I do too frequently, and he actually asked me to write him a violation letter so he could give it to his tenant to make him clean it up.

Chairperson Parel – We appreciate that. As Dave mentioned, this is completely informal. It's just a conversation between the two parties.

Karim – The only question I had is there are two lots, to the right and left of the building. What are the uses for those lots?

Dave Campbell – This is a property that the DDA is selling to Higher Ground Learning for the operation called Guideposts Montessori. So, it will be a daycare on this property. On the south side, this is KinderCare. They have an undeveloped portion of their property. Every so often, they check in with us to see what they can put there, but none of that has come to fruition. So, Marz Deli is bookended on either side by a licensed daycare facility.

Chairperson Parel – So Dave, on that point, there are certain restrictions here, two of them which are relevant. You called it the two-mile rule, and then there's a restriction on distance from a childcare or a school.

Joe Loskill – Churches, childcare.

Dave Campbell – Yes; *Shall not be located within 500 feet of a place of worship, public park, licensed daycare facility, K-12 school...*

Chairperson Parel – Just to confirm, this would be within 500 feet of a daycare.

Dave Campbell – This would be because they're literally right next door. It's measured property line to property line, so they're actually zero.

Karim – I appreciate it. The place looks very clean. I enjoy your pizza as well.

Mr. Rassam – Thank you. I have beer and wine, so what's the difference. I do have alcohol in the store any way.

Winkler – With the Planning Commission and the Township Board having gone through this process before, despite how pleasant this petitioner comes across, unlike some of the previous petitioners, I would find it very difficult to change the current ordinance on a spot basis, which of course has come up in past discussions when petitioners asked for the same change to the ordinance.

Phillips – Dave alluded to the this. You've had a very successful business for an extended period.

Mr. Rassam – Yes, since 1989.

Phillips – With limited alcohol sales. So, why liquor sales now? What is the compelling reason that you want that extended license?

Mr. Rassam – Because I applied for a liquor license and finally the MLLC issued a new license. I put in the application and they did approve it.

Phillips – Then I have a question for our team. I didn't know you could get a liquor license approved if you have a facility that doesn't meet the code.

Dave Campbell – When the State notifies a municipality that the petitioner has applied, one of their criteria states that it must meet all local ordinances, including zoning ordinances. In this case, it would not comply with the Zoning Ordinance. That is where the Township then replies to that notification letter from the State to say that Mr. Rassam has neither applied for nor received the necessary Special Land Use approval. In my most recent communications with the State of Michigan, and the inspector assigned to this case, they're withholding any formal action at the State level until Commerce Township decides what action, if any, we are going to take. I informed the State that Mr. Rassam was coming to this meeting tonight, and that he was going to gauge the Planning Commission's receptiveness to a potential Zoning Ordinance amendment. The State will hold off and would like us to update them.

Phillips – Okay, so you did not receive the license from the State. You're hopeful that ...

Mr. Rassam – No, Commerce has to approve it.

Phillips – So you have applied repeatedly and not received it, but your business is still successful. What is the compelling reason to get the liquor license? Is it more revenue?

Mr. Rassam – Yes, more revenue.

Phillips – But your business is presently healthy?

Mr. Rassam – Yes.

Phillips – Okay, so this is icing on the cake if you could get it.

Mr. Rassam – Yes, of course. It would be nice to have a liquor license.

Loskill – Dave, in the exceptions, # E. 4., I don't understand how that one would work. It says; *An off-premise alcohol sales outlet that existed before the date of this amendment seeking to renew, but not expand, its liquor license.* If it already has a liquor license, why would it need to apply for one?

Dave Campbell – We are saying that this ordinance is not intended to make existing retailers, that existed prior to the adoption of this ordinance, noncompliant by virtue of adopting this ordinance. They continue to be compliant with the Township and the Township standards. However, if and when they look to expand, either actually physically expand the building or expand the nature of their license, which is what Mr. Rassam is looking to do, then that is the trigger for requiring Special Land Use approval. In other words, when this was adopted in 2017, it did not make Mr. Rassam's operation a nonconforming use. #4 also goes on to say, if you look to expand, then you are now subject to these standards. Did that answer your question?

Loskill – Yes.

Weber – It's hard because I am a customer and I appreciate all that you do, but I can't see amending the ordinance for this unique reason, because everybody who has come before us has also had a very unique reason on why they wanted to amend the ordinance. So, I would not be in favor of making a change.

McKeever – I agree with George.

Chairperson Parel – Thank you. I don't have much more of a comment. You sound like a really nice guy and I'm looking forward to trying your pizza. I can't believe I've lived here 15 years and I haven't had it.

Mr. Rassam – We do a lot of fresh bread. Plus, I have cigars too in the humidor.

Chairperson Parel – Thank you. The goal of today is so that you don't put out money for a cause that isn't going to happen. From what I'm hearing, it sounds like it would be very difficult to get a vote from the Commission to make an exception in your case.

Mr. Rassam – It's just that I've been in Commerce for 34 years. That's a long time.

Chairperson Parel – We do understand, but there's also multiple other businesses that are in the same situation that have come before us. I agree with what was said by a few other Commissioners, that making an exception would not be something I could support. I apologize for that, but I don't think I can do it.

Mr. Rassam – Is that because of the daycare?

Chairperson Parel – I think it's because of the daycare for one, because that is our ordinance, but also what Dave refers to as the two-mile rule.

Loskill – And the precedent.

Chairperson Parel – And the fact that we have set prior precedent. We just can't make exceptions in instances like this. I hope that gives you what you need.

Mr. Rassam – I tried. I was hoping.

Dave Campbell – I think that would be the concern, and the Township Attorney has spoken to this, when you start carving out exceptions, then every operator is going to make the same effort, expecting their exception. At a certain point, the ordinance becomes ineffective.

Mr. Rassam – I understand.

Dave Campbell – Are there any strong opinions in the opposite direction? I want to be fair to Mr. Rassam and not give him bad advice.

Loskill – I think we all like the gentleman. We all wish him luck and we wish we could do something, but our hands are tied with prior precedent.

Mr. Rassam – My hours are different.

Loskill – We understand. I think everybody here likes you. You have a number of customers who would like to help you, but unfortunately, our hands are tied by the precedent that has been set before us that we need to adhere to. We wish you all the luck and success. We wish there was something we could do, but we don't see a way right now with the way our Zoning Ordinance is set up.

Mr. Rassam – Hopefully they change it one day.

Chairperson Parel – We appreciate you coming in.

Mr. Rassam – Thank you. Thanks for your time.

J: OTHER MATTERS TO COME BEFORE THE COMMISSION:

None.

K: PLANNING DIRECTOR'S REPORT

Dave Campbell shared the following with the Commissioners:

- There's actually physical, real, tangible progress on the M-5 bridge. They hung one piece of the blue wave panel today. Hopefully you will see some real progress over the next couple weeks with that.
- Relative to M-5, I'm sure you've noticed that Great Lakes Water Authority has been doing a major water main project along the west side of M-5. They have everything torn up through there, all the way down to 8 Mile Road actually. As part of their vegetation restoration, required by MDOT, they have to plant a whole bunch of new trees. A lot of those new trees are going in the median of M-5. That certainly will be an enhancement and we hope those trees survive to maturity.
- For the November meeting, we expect to see the PUD submittal for Lafontaine for their dual brand dealership at Haggerty and Pontiac Trail.
- Costco says they will come back to the Planning Commission seeking their Special Land Use to expand on their gas station.
 - They're now looking to move the entire gas station further east to address a lot of the concerns they heard when they came to the Planning Commission about, *you can add as many pumps as you want, but if you can't fit a vehicle through those bypass lanes, then it doesn't matter how many pumps there are.*
 - They took that to heart and they're proposing to build a whole new gas station that in part, would address the width of the bypass lanes, but would also almost double the number of pumps.
 - That would also allow them to keep the existing gas station open right up until the new one is ready to go.
- Another site plan we might see in November is Sure Conveyors. They make conveyor belts that deliver eggs from the chicken to the grocery store shelves. They have outgrown their facility, so they're looking to build a new facility in the Clarenton Industrial Park.
- Supervisor Gray has a pathway survey on our website. He is asking voters whether they would be interested in a sidewalk/pathway millage. He wants to gauge the interest to see if that's something that the Township should pursue in earnest.
- Robert Cobb wants to do the restaurant at Union Lake and Farrant. He did have a virtual public hearing with EGLE. He has since had a meeting onsite with EGLE

that I was invited to. It sounds like he is now looking to downsize the restaurant and the number of boat slips that he would offer, in an effort to appease EGLE and get the permits he needs from them. If he does, he will be back in front of the Planning Commission with a formal submittal, and then probably in front of the Township Board. We've talked about doing that one as a PUD because there are so many unique challenges with that site.

- I went to the ribbon cutting for Jiffy Lube the other day. It really is a good looking building. I do want to talk to them about doing some pruning on the landscaping that Meijer planted back in the 90s.
- The M-5K is this Saturday, October 8th. There is a run/walk at 8:30am, and then there is a dog walk at 10 or 10:30am. Everyone is very much encouraged to register and participate in the M-5K. The proceeds go toward a dog park in Victory Park.
- **NEXT REGULAR MEETING DATE: MONDAY, NOVEMBER 14, 2022**

Weber – The Marathon station in Commerce Village is coming along and it's looking very nice.

Jay James – They're working on it. They've made some changes to the building internally.

Discussion continued regarding Marathon's renovations.

Chairperson Parel inquired about a rental policy. Jay James explained that staff is in the process of developing the policy.

Phillips added that Saturday, October 8th, is also Hazardous Waste Day.

L: ADJOURNMENT

MOTION by Loskill, supported by McKeever, to adjourn the meeting at 8:57pm.

MOTION CARRIED UNANIMOUSLY

Joe Loskill, Secretary