

**FINAL**  
**CHARTER TOWNSHIP OF COMMERCE**  
**\*\*ELECTRONIC ONLY\*\***  
**PLANNING COMMISSION MEETING**  
Monday, October 5, 2020  
2009 Township Drive  
Commerce Township, Michigan 48390

Due to health concerns associated with COVID-19, this meeting was held via Zoom, video conferencing technology.

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

**ROLL CALL:** Present: Larry Haber, Chairperson  
Brian Parel, Vice Chairperson  
Brian Winkler, Secretary  
Bill McKeever  
George Weber  
Chelsea Rebeck  
Sam Karim

Also Present: Dave Campbell, Township Planning Director  
Jay James, Engineer/Building Official  
Paula Lankford, Assistant to the Planning Director  
Jason Mayer, Township Engineer, Giffels-Webster  
Rob Widdis, Meeting Moderator, Merge Live  
Mark Stacey, DDA Director

**B. APPROVAL OF AGENDA**

**MOTION** by Parel, supported by Weber, to approve the Planning Commission Regular Meeting Agenda of October 5, 2020, as presented.

**ROLL CALL VOTE**

**AYES:** Parel, Weber, Rebeck, McKeever, Winkler, Karim, Haber  
**NAYS:** None

**MOTION CARRIED UNANIMOUSLY**

**C. APPROVAL OF MINUTES**

**MOTION** by Winkler, supported by Parel, to approve the Planning Commission Regular Meeting Minutes of September 14, 2020, as written.

**ROLL CALL VOTE**

**AYES:** Winkler, Parel, Karim, Rebeck, Weber, McKeever, Haber  
**NAYS:** None

**MOTION CARRIED UNANIMOUSLY**

**D. UPDATE OF ACTIVITIES**

Bill McKeever – Zoning Board of Appeals

- The ZBA has not had an agenda since our last meeting.

George Weber – Township Board of Trustees

- We've had a couple of Township meetings, primarily spent on the 2021 Budget. We're about 80% through it and we're looking to finalize that next week.
- Prior to our last meeting, we awarded the bid for construction of the new Fire Station to the Dailey Company. We just concluded working through all the value

engineering items to get that back to within budget with a reasonable contingency.

Chairperson Haber – Okay, so somewhere you found \$300,000.

Weber - \$250,000, yes.

Chairperson Haber – That’s good, good for you guys.

Brian Winkler – Downtown Development Authority

- The September 15<sup>th</sup> meeting was again very routine, but there were some highlights.
- In regard to the Barrington development, they’re showing a lot of progress with the foundations being put in the ground and the buildings being closed up. The interiors will be finished during the winter months. This is going to be an exceptional, high-quality development. One thing that is slowing Barrington down is the pricing and availability of wood products for the construction, but it’s coming along well.
- The Aikens development is still negotiating with potential residential partners. Once that deal is made, we might see some real progress on the site. There appeared to have been a handshake agreement. We’ll see what happens there.
- The DDA Board approved that Director Stacey and Attorney Rauch work on the Parcel L sales agreement with Kellie McDonald of Goddard Schools. The Commission will remember that this parcel is on the west side of Haggerty, connected to the Pulte development.
- Insite Commercial and other realtor and developer signs are continually getting vandalized and torn down. We’re talking about the signs on the roadways.

Mark Stacey – I spoke with one of the individuals involved with Zerbo’s. As you know, that building is looking good from the outside. He was telling me about the high-quality inside and how excited he is with the finish of everything that we’re going to see. I know that we’ve waited a long time for that project to be done, but he assured me, the inside is going to be worth it.

Jay James – Building Department

- If you go down Benstein Road, you’ll see that the Windwheel Estates has cleared the property. We got a couple phone calls when that started to happen.
- If you haven’t been lucky enough to go down Union Lake Road recently, you’re going to sit in your car a while.
- Everybody is in a rush now to finish up their permits, and that’s typical in fall weather.

Jason Mayer – Township Engineer, Giffels Webster

- We’re working on Peninsular Park. They’re paving that subdivision just north of Wise on Union Lake Road, so we’re coordinating with the Union Lake Road project on that. That should be finishing up in the next two weeks.
- Dodge Park, Phase II; the restroom is starting to go up and they’ll be working on that throughout the winter.

- Newton Road force main, which goes up Newton Road and through Dodge V; that was delayed a little bit, but they'll be starting construction. That's going to be about 3-4 months of construction there.

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

Chairperson Haber opened to the public.

Rob Widdis – Callers press \*9 to raise their hand, and we will call on them in order.

Chairperson Haber – These are only matters that we're not going to speak about tonight.

Dave Campbell – While we're taking a pause, if there's anyone on our huge audience watching on YouTube, if they do opt to call in, go to the Township website, go to the calendar and tonight's meeting to find the call in number, meeting ID and the password.

Rob Widdis – No one has raised their hand at this point.

Chairperson Haber closed to the public.

## **F. TABLED ITEMS**

None.

## **G. OLD BUSINESS**

None.

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

### **ITEM H1: PCZ20-01 – 84 LUMBER – CONDITIONAL REZONING – PUBLIC HEARING CONTINUED**

Pierce Hardy Limited Partnership, dba 84 Lumber, of Eighty Four PA is requesting a Conditional Rezoning of three parcels of land consisting of approximately 6.4 acres from TLM (Technology & Light Manufacturing) to I (Industrial) for a new retail lumber yard with outdoor storage located at 4158 Pioneer Drive and the two vacant lots to the north, along Pioneer Drive, Lots 24, 25, & 27 of the Homestead Industrial Park.

Sidwell No.'s: 17-13-326-017, 17-13-326-018, & 17-13-326-043

David Campbell, Planning Director, gave a review.

Dave Campbell – I should mention, Mr. Haber, that we are continuing this public hearing for 84 Lumber, and then there will be another public hearing following this for a proposed rezoning on South Commerce Road.

Chairperson Haber – Yes, okay.

Dave Campbell – 84 Lumber; this is a project that the Planning Commission is very familiar with. It has been in front of the Planning Commission a couple times, most recently at the September 14<sup>th</sup> meeting for a public hearing for the conditional rezoning. Anytime a petitioner is seeking to rezone property, by State law we have to hold a public hearing. We opened that public hearing last month, however there was a glitch. The

petitioner is required to install sign on the subject property alerting anybody who passes by that this property is proposed to be rezoned, and if they have any questions, to call the Planning Department's phone number. That sign did not get installed in time, but staff had already scheduled the public hearing. At last month's meeting we agreed that we would still hold the public hearing, because we had published it in the newspaper and sent the notices out to all property owners within 300', but because the sign wasn't installed, we wanted to give anyone who sees that sign an opportunity to participate in a public hearing. We opted to extend the public hearing and continue it to tonight's meeting.

Since last meeting, 84 Lumber considered some of the comments they received from the Planning Commission last month and made some changes to their Conditional Rezoning plan, as noted in the Planning Department's letter dated October 1<sup>st</sup>, 84 Lumber has removed one of the two detention basins, specifically the detention basin at the north end of Phase II of their project. 84 Lumber and their engineer took a look at it and determined that the detention pond closer to Pioneer Drive, along the east side of the property, could be sized such that it could take on the stormwater.

At the encouragement of the Planning Commission, the north elevation of the existing building was revised. Mr. Winkler suggested that they raise the stone veneer along the tops of the windows to be at the same height as the veneer along the tops of the overhead doors. They also opted to remove 4 out of the 5 existing overhead doors. In looking at their plans, they decided they really only needed one of the overhead doors. There is also an existing landscape island that was not shown on the 3D renderings, so they have included that to assure everyone that the island, with three mature spruce trees, will not be removed.

Otherwise, the Conditional Rezoning petition, agreement and plan are relatively unchanged. Another thing that happened between the September meeting and this evening is 84 Lumber and the Planning Department worked with the Township's Traffic Engineer to develop a rezoning traffic impact study, which we just received late last week. Paula emailed it to all of you this morning. The purpose of the traffic impact study was to determine what, if any, road improvements needed to be made to either Martin or Richardson Road, the two points of access to Pioneer Drive, the private road that travels through the industrial park. Particularly, the concern was with truck traffic at 84 Lumber adversely impacting traffic, primarily along Martin Road with its traffic challenges. The determination of the traffic impact study was that the land uses that are currently permitted on the three subject properties under TLM zoning, those facilities at the size and scale that they could be developed on those properties would actually generate significantly more traffic than what 84 Lumber can reasonably be expected to generate. Furthermore, 84 Lumber's truck traffic, making a left turn into Pioneer Drive; in our conversations with Mr. Zaunick, 84 Lumber from an operational standpoint only wants their delivery trucks to come to the site before they open at 7:00am, which of course is earlier than peak traffic hours of morning commute. Based on all of that, the determination was that 84 Lumber would actually be less impactful to the public roads than would comparable land uses. Interestingly though, the study also determined that a center left turn lane is already warranted on Martin Road, based on existing traffic volumes.

Otherwise the petition is relatively unchanged from what you saw back in September. The only thing that changed procedurally is the fact that 84 Lumber was able to install the notice sign on their property. So, if there is anyone who wants to participate in the public hearing, tonight would be that opportunity.

The last thing I want to mention before I turn it back over to the Planning Commission is that we did have a property owner in the Homestead Industrial Park, Mr. David Biel, who came in front of the Planning Commission to build a new building on his property. He sent a letter that he was hoping would be read into the record at the September Planning Commission. We summarized his letter during that public hearing. He asked me today if it could be specifically read into the record, and I told him I would honor that request. When we get to the public hearing, Mr. Haber, I would like to read Mr. Biel's letter into the record.

Chairperson Haber – We shall do that, and thank you for a very thorough report. Who is going to speak for the petitioner?

Jim Zaunick, Project Engineer and Plan Preparer for 84 Lumber, was present to address the request.

Mr. Zaunick – Thank you everyone. As Dave has said, we've been back and forth, trying to get all of the upgrades through some comments offered at the last meeting. I'll show you what we've done on the plans.

The island that exists was added to acknowledge that it will stay. It adds more screening. There were 5 doors along the northern face and we realized we just need one. So we eliminated 4 doors, and by upgrading and increasing the height of the stone veneer, I think the building looks presentable now. The pond we talked about has been combined; with minor revisions and tweaking of the future storage yards, we've accommodated an area that can work for both the existing and future development as far as water drainage.

Mr. Zaunick presented and reviewed updated renderings of the façade, aerials, and landscaping, detailing the upgrades as discussed.

Mr. Zaunick – We did get the traffic study and I think it shows that we are a good fit for this since we are not increasing peak. I think that's a good benefit to the Township. Besides that, everything is status quo as we had proposed a few weeks ago.

Chairperson Haber – Jay, are you onboard with this retention pond?

Jason Mayer – We will review that with their engineer. I haven't seen the calculations, but as long as it is sized correctly, we should be able to make it work.

**Chairperson Haber opened the public hearing.**

Dave Campbell read Mr. David Biel's letter into the record:

*Mr. David Biel, 535 Laguna Court, Wolverine Lake, MI, 48390*

*September 9, 2020*

*Dear Township Planning Commission,*

*As you know I am the owner of 2 parcels in Homestead Industrial Park. In addition, I am 1 of 3 association board members of Homestead Industrial Park. Furthermore, I recently received site plan approval for my vacant parcel in Homestead Industrial Park . When I tried to get site plan approval you insisted I add architectural features to my proposed building, to improve the harmony of the street as some of the existing buildings have done already. Now we are talking about storing lumber outside in carports in the center of our neighborhood. This makes no sense to me and is very frustrating as a property owner on both sides of this proposed lumber yard.*

*I do not believe a conditional rezoning in the center of our complex would be in the best interest of the association. This association started out as Industrial then changed to Office & High Technology (without anyone's knowledge under Winn Berry's vision) then was modified to TLM. Now we will go full circle back to Industrial for one user in the center of our neighborhood. I know I speak for most property owners and myself that would like to see this development go back to Industrial as it was originally designed. If that cannot happen, the whole site should be TLM. Who is going to develop Vacant TML with a big lumber yard next door?*

*I understand the building was designed specifically for boat storage. I realize this will be a challenge for the owner to sell or use his building; however, the owner should modify the existing building based on supply and demand of the market without re-zoning. The exact same thing all property owners have had to do since Light Industrial use was banished in our Industrial Park.*

*Sincerely,  
David Biel*

Chairperson Haber clarified the public hearing process.

Rob Widdis – If any members of the public would like to address the Commission, press \*9 on your phone to raise your hand. I'll call on you and ask you to unmute yourself by pressing \*6, and then you can address the board.  
No one has raised their hand.

**Chairperson Haber closed the public hearing.**

**Commission Comments:**

McKeever – I have nothing to add.

Weber – Two questions of Mr. Zaunick. At the last meeting, you had committed to get with the association to discuss potential impacts on the road, and you've committed to have your engineer look at the road to see the condition of the road, and potential impact that 60-80 ton trucks might have on it. Can you update us on those two items?

Mr. Zaunick – I did speak to Mike Kunzman earlier today as far as the condition of the road and what previously has been done during the association's existence. I found out that since it was built, the road has never been resurfaced or upgraded. I know they got

a quote 3-4 years ago to upgrade the road. The association I guess decided that the sums aren't there to upgrade it with a 2-4" overlay.

In previous meetings, we had talked about getting an engineer involved, but we did not realize that contractors had already been out to give pricing on that. Our thought process would be, if this goes through, that we will get with the contractor, or other contractors, and revisit the quotes to see if there would be any increases. We'll get some competitive bids and work with the association. I think our three lots combined is about 16.2%, so I think we have the largest contribution in this project, and we're more than willing to go forward and assist the association homeowners in upgrading the road at some point.

The fact that we have more ownership, like I said 16.2% of the lots, that would be contributed to the upgrade. We're looking forward to working with the homeowners. I think we have to get more detail. It's our thought process that if rezoning does occur, that would be more involved in the site plan design process and going forward in construction documents. If that would be possible, we'll sit down with the association and work out a game plan. We are committed to a minimum of 16.2%, and I think discussions will have to occur with the association if any additional contribution would be occurring.

Weber – So if I heard you correctly, you spoke with the owner of two of the three lots you're looking to buy, but you did not reach out or speak with the association board members?

Mr. Zaunick – That's correct, we have not yet.

Dave Campbell – If I could clarify, yes, Mr. Kunzman is wishing to sell two of the three lots to 84 Lumber, but he is also one of the three members of the association. He wears both hats, the seller and a board member.

Weber – Mr. Zaunick, correct me if I'm wrong because you probably have the numbers, but the last figure I think I had heard was that the annual association dues were \$375 per lot. It was cut across all of the owners at that, and it includes snow removal and anything else in the association.

My concern is the impact of 70-80 ton trucks on a road that's in disrepair now. I understand it's a private road and I understand the boundaries of the Planning Commission and Township regarding private roads, but at the same time, if your answer is, *We're not looking to do anything based upon impact, but we're willing to spend the present \$375 annually on the lot to go toward that*, I guess I have concerns with that. I think the weight of your trucks is going to cause more damage than the rest of the light duty vehicles that are going in and out of the area. I'd like you to comment on the record with your views on that, and if there's anything else you're willing to commit to when you do sit down with the full association.

Mr. Zaunick – I think our percentage equates to \$2,000 annually. At minimum, that is our maintenance involvement. As I've said, we're willing to sit down with the association board members and discuss if there's any additional amounts that could be negotiated. I'm not privy, as the officer or owner of 84 Lumber, to commit to an amount right now. That would have to be at a future meeting. We'd have to sit down and have some discussion with the ownership and figure out an exact amount, and that would also have to be discussed with the association to see if they're willing to accept that. That is more

of a private matter and a private association for the private road. We understand that public welfare is also involved in this, but it still comes down to us sitting down with the association. We are definitely committed to the minimum amount and open to additional talks coming forward.

Since we are not increasing any driveways, the two lots adjacent that we're purchasing; I think in the future if somebody could buy those and add driveways, that would cause more traffic. It may not equate to our trucks. We wouldn't know that because we don't know what would be going into those other two lots. There could be some trucks probably, I would assume at some point, but the fact that we are not adding any entrances, and the fact that we have very minimal customers into our business is also a benefit, and the fact that it's going to be reducing traffic. I think that plays into the equation. We are looking forward to discussing this with the association.

Weber – I get the traffic and I get the counts. Again, my concern is the weight of your trucks and the impact that would have on that road. If I heard you correctly, and I don't want to put words in your mouth, you are willing to work with the association on something that if there is in fact greater impact due to the weight of those trucks, you're willing to take that into consideration and not just sit on a per lot basis.

Mr. Zaunick – Absolutely, yes. We are committed to that. We think that's fair.

Weber – Thank you.

Chairperson Haber – George, if you want to add some language into the proposal, we can do that too, so think about that for a few minutes. Meanwhile, I'll go to Brian Parel.

Vice Chairperson Parel – I really don't have any questions. I just wanted confirmation on one thing. Mr. Zaunick, you had mentioned in our previous meeting the scheduling of truck deliveries. At the time, you had mentioned that they'd come at several different times, regular trucks, box trucks. Now I see it looks like a commitment has been made to schedule all 84 Lumber truck deliveries prior to 7:00am in the morning. Is that correct?

Mr. Zaunick – That is not correct. If that came out in the report, I apologize for that. We have a majority of our deliveries in the morning before 7:00am, but there are some other trucks that do come, let's just say before the noon or 1:00 hour, sometimes it could be 3:00. Sometimes you can't dictate exactly when trucks can come. They kind of make their own schedule, but our goal is to get the majority of the trucks in and out of there before business starts because it just bogs us down if we have trucks coming in and out of there later.

Vice Chairperson Parel – Okay, that's fair. I just wanted to make sure there wasn't any confusion. Dave, I noticed this under the rezoning traffic study section.

Dave Campbell – Yes, that was an assumption that was made in the rezoning traffic study. I think it was assumed though that those were trucks that are 84 Lumber's trucks to control, as opposed to their customers who may be coming and going with larger loads of lumber and they can't necessarily dictate what their customer's schedule is



going to be. Mr. Zaunick, correct me if I'm wrong, there's also vendors that may come and go outside of your ability to control their schedule?

Mr. Zaunick – That's true. Getting back to the actual trucks, we're not talking a lot trucks. We're not talking 40-60 trucks. We're talking less than 10 trucks, in the morning or a few hours after, mid-afternoon or early morning. We do have to have delivery trucks, as we mentioned in the traffic report, that go out and deliver materials. Then you also have your customers. It's a mix, a conglomerate of everything, but we feel that we are a good fit when it comes to traffic.

Vice Chairperson Parel – Okay, that answers my question. Thank you.

Rebeck – I don't have anything to add.

Karim – I don't have anything either.

Winkler – This petitioner has done pretty much everything we asked him to do at the September meeting, so I'm satisfied with his reply and with the project.

Chairperson Haber – George, is there anything you want to add to the proposal?

Weber – I'm busily trying to craft a sentence here to put as one of the conditions. I don't have anything new to add. I'll wait until we get to the motion. I would like to say, I think the site looks great and I think the improvements you've made are a great improvement over what's sitting in that area.

Chairperson Haber – Okay, George. I'll give you one more second to craft something that you want there and let us know what it is. In the meantime, would somebody like to make a motion?

Dave Campbell – Mr. Haber, can I jump in for one second? As we all know, this is a Conditional Rezoning petition. The conditions included within it are intended to be voluntary. The petitioner offers the conditions and it's up to the Township, both the Planning Commission and the Township Board, to accept or not accept those conditions. I want us to be careful that we're not imposing conditions on the petitioner, that any conditions that Mr. Weber might be crafting are consistent with what Mr. Zaunick has already presented.

Weber – For Mr. Zaunick, let me read what I've hastily put together and see if this is something you agree with, and is completely voluntary on your part.

*Pierce Hardy Limited Partnership, dba 84 Lumber, agrees to work with the local association to determine incremental impact on Pioneer Drive, and to pave their share based on this impact.* Is that something that is reasonable to you?

Mr. Zaunick – It's kind of vague. I'm not sure what *incremental impact* would be.

Weber – What if I said *incremental impact based upon the weight of the trucks*? So, something very specific so it doesn't get into number of trucks or traffic count, or anything like that. Basically if the weight of the truck causes damage to the road, that you'll work with the association to determine what your fair share should be.

Mr. Zaunick – One of the thoughts I had is, how do we know it's our trucks causing the damage and not other trucks? I'm not trying to be difficult here, and we're more than happy to sit down with the association, but I think there are other trucks going into that association. Whether we, combined with the other trucks, join in adding to the deterioration, like I said, we are willing to work with the association on our fair share. If the association determines it's an additional amount, then we will agree to that additional amount if the association says it's deemed.

Weber – Deb, if you're capturing that. I think the words you chose, Mr. Zaunick, I think are great. I think that works.

Chairperson Haber – George, this is a pretty sticky situation because this is an internal matter. It's a private road. We don't have much to do with it. The association should deal with it. I think I like what Jim came up with too, but there's only so much we can do with this. Dave, do you have an opinion on that?

Dave Campbell – A few opinions; keep in mind that the Planning Commission is going to get another bite at this apple. If the Conditional Rezoning component does get approved by the Township Board, 84 Lumber still needs to come back to the Planning Commission to seek approval for both the Special Land Use and site plan. A lumberyard is still a Special Land Use within the industrial zoning district, so we're going to be seeing 84 Lumber again, and that would be an opportunity to maybe flush out, to a higher degree, these questions about road impacts.

You're correct, this is a private road, and so the Township's jurisdiction over this is different than it would be if it were a public road. It was mentioned earlier that the Township has an obligation to protect public health, safety and welfare. So, if the Township can reasonably determine that what's proposed is going to cause Pioneer Drive to deteriorate to the point that it presents a public safety issue, then it's our obligation to address that issue. I don't know that Pioneer Drive is to that point yet, but we have to at least be mindful of that worst case scenario.

It sounds like Mr. Weber was happy with how Mr. Zaunick phrased it, so maybe it would be a benefit to all of us, Jim, if you could say it again just so we understand.

Mr. Zaunick – What did I say? I think maybe it's prior to site plan approval or somewhere in the process. We will sit down with the association and work out the details of what the share is going to be. If the association deems that it's an additional amount, then we will be working with the association on that fee. Our proposal is that would be worked out in the next process, whether it be site plan approval or something before we get to final site plan approval.

Chairperson Haber – Deb, is there any way you can go back and look at that and read to us what Mr. Zaunick said?

Ms. Watson – It's a little challenging right now. I am having a bit of audio breaking up, and with my keyboard noise it's a bit hard to hear. Jim, you did say:

*How would we know it's our trucks damaging the road? But we'd be more than happy to sit down with the association. Other trucks are going in.*

*Then the audio cut out. Adding determination of deterioration. We'll work with the association on our fair share.*

I would have to go back to the audio to get the gap in here.

Weber – Larry, maybe for efficiency and effectiveness, obviously since we're going to have to come back for the Special Land Use, if Mr. Zaunick during that time can in fact get with the association board, at least have this discussion. Let them know, even though we've had two public hearings now, I think it's important to let them know the size and the weight of the trucks that you're going to be having, even though it's going to be a small number. Work something out and then come back to us with how that meeting went. That would be fine by me.

Chairperson Haber – George, I'm just wondering if we should approve this, and it goes forward, it's going to come to the Board. You're on the Board. Maybe Mr. Zaunick can bring something at the time the Board takes a look at it and then we can move this along a little faster and a little better.

Weber – I'm fine with that.

Dave Campbell – Everyone would have to proceed expeditiously because I assume 84 Lumber wants to get this to the Township Board at their meeting next week Tuesday. If we are going to insert some additional language into the Conditional Rezoning agreement, specific to a good faith effort by 84 Lumber to work with the Homestead Industrial Association, prior to Planning Commission consideration of the site plan and Special Land Use, we want to get that language crafted and into the Conditional Rezoning agreement quickly.

Weber – So Dave, should this be in the Conditional Rezoning agreement, or can we just make this part of the Special Land Use which would bring it back into our laps at the Planning Commission?

Dave Campbell – I would be comfortable that Mr. Zaunick is hearing loud and clear that before the Planning Commission sees this again as a site plan with Special Land Use, that the expectation is that they have these discussions with the Homestead Industrial Association. If they haven't been able to do that, then that would give the Planning Commission reason to not proceed with site plan and Special Land Use.

Weber – I'm good with that and I don't think what Mr. Zaunick needs to get done is going to get done between now and Tuesday. I don't think that we need to include this within what goes to the Board.

Chairperson Haber – That's fine with me. If it's fine with you, George, then we can move on. Mr. Zaunick, you'll have to do your due diligence at this point and make it happen.

Mr. Zaunick – Okay, thank you.

**MOTION** by Weber, supported by Parel, to recommend approval, to the Commerce Township Board of Trustees, of Item PCZ20-01, 84 Lumber, Conditional Rezoning, the request by Pierce Hardy Limited Partnership, dba 84 Lumber, of Eighty Four PA for a Conditional Rezoning of three parcels of land consisting of approximately 6.4 acres from TLM (Technology & Light Manufacturing) to I (Industrial) for a new retail lumber yard

with outdoor storage located at 4158 Pioneer Drive and the two vacant lots to the north, along Pioneer Drive, Lots 24, 25, & 27 of the Homestead Industrial Park. Sidwell No.'s: 17-13-326-017, 17-13-326-018, & 17-13-326-043  
Move to recommend the Township Board approve PCZ#20-01, a conditional rezoning petition by Pierce Hardy Limited Partnership doing business as 84 Lumber for the development of a lumber yard including outdoor storage upon three properties within the Homestead Industrial Park along the south and west sides of Pioneer Drive. The three properties would be conditionally rezoned from TLM (Technology & Light Manufacturing) I (Industrial). The Planning Commission's recommendation is based on a finding that the conditional rezoning petition meets the applicable criteria within Articles 3 and 36 of the Township's Zoning Ordinance, meets the intent of the Commerce Township Master Plan, and is an opportunity to realize significant improvements to a property whose history of noncompliance resulted in a 2010 consent judgement.

This recommendation of approval is conditional upon the following:

- 1. The property owner's enter into a Conditional Rezoning Agreement with conditions volunteered by the petitioner and acceptable to the Planning Commission and Township Board, and the executed Conditional Rezoning Agreement be recorded with the Oakland County Register of Deeds prior to any formal consideration by the Planning Commission of the Special Land Use and site plan.*
- 2. The applicant shall apply for approval by the Planning Commission of a Special Land Use and site plan consistent with the terms of the Conditional Rezoning Agreement subsequent to approval and recording of this Agreement.*

#### **ROLL CALL VOTE**

**AYES:** Weber, Parel, McKeever, Rebeck, Karim, Haber, Winkler

**NAYS:** None

**MOTION CARRIED UNANIMOUSLY**

#### **ITEM H2: PZ20-05 – GREGORY HANNAN – REZONING – PUBLIC HEARING**

Gregory Hannan of Commerce MI is proposing an amendment to the Zoning Map to change the zoning classification of the easterly portion of a split-zoned parcel of land from B-1 (Local Business) to R-1D (One-Family Residential) located at 4435 S. Commerce Road. Sidwell No.: 17-10-432-017

David Campbell, Planning Director, gave a review.

Dave Campbell – I see that Mr. Hannan is with us and he is the petitioner for what we're about to discuss, that being his property at 4435 S. Commerce Road. This is on the west side of S. Commerce Road between Commerce and Oakley Park Road.

Dave shared his screen showing the aerial of S. Commerce Road and identified Mr. Hannan's property.

Dave Campbell – What makes this property unique and relevant to our discussion this evening is it actually fronts on two roads, S. Commerce, and the side street, Polvadera. The property is currently split zoned; the triangle to the west is R-1D Single-Family Residential, and the portion to the east, which fronts on S. Commerce Road, is zoned B-1, Neighborhood Commercial.

We have a split zoned piece of property, which you as a Planning Commission are well aware is oftentimes problematic. What Mr. Hannan would like to do is amend the zoning

of this portion of his property to be consistent, and have the entire property zoned R-1D Single-Family Residential.

Mr. Hannan did install his rezoning proposed sign 15 days prior to tonight's meeting. He is here to speak on his own behalf, but in our discussions with him, our understanding is that his motivation for seeking the rezoning is so that he has the ability to secure a mortgage, or to refinance his mortgage without running into the challenges of a lender having issues with issuing a loan for a property that has a nonconforming use on it, which is the situation that we have here. Because the house and the outbuildings are on the portion of the property zoned B-1, they are technically nonconforming land uses; they are a residential use on a commercial zoned piece of property. That sometimes can create challenges with getting loans or refinancing property, so that's part of Mr. Hannan's motivation in seeking the zoning map amendment.

He also would want to have the opportunity to make an addition to the existing single-family home and/or the outbuildings, but again, because they're nonconforming uses per our Zoning Ordinance, those additions would not be permitted because they'd be an expansion of a nonconforming use.

As the Planning Commission is aware, anytime there is a petition to rezone a property, the Planning Commission looks at the criteria within Article 3 of the Zoning Ordinance. They look at what the property is currently designated as on the Township's Future Land Use Map. In this case, the rezoning being proposed is consistent with the Future Land Use Map, which calls for all the properties in this vicinity along the west side of S. Commerce Road to be small lot single-family.

The Planning Commission is also to look at the surrounding land uses and determine that the change in the zoning map would not cause any inconsistencies. If you look at the surrounding property, they are zoned the same R-1D zoning district.

From a procedural standpoint, very similar to 84 Lumber, the Planning Commission has the option this evening to make a formal recommendation to the Township Board. If the Planning Commission does make that recommendation, then the Board could consider final approval of the rezoning petition as soon as their meeting coming up next week Tuesday. As I mentioned, Mr. Hannan is here to speak on his own behalf. I can answer any questions you might have.

Chairperson Haber – Mr. Hannan, is there anything you'd like to add or subtract to what Dave has already said? He's done a pretty thorough job with this.

Mr. Hannan – I can't add any more detail than that. He covered all my bases in everything I've put together and what we talked about in the presentation I sent. Well said, Dave, and thank you. That sums it up. It's never going to not be single-family use for our intents and purposes. We have no plans to sell it right now. That's all it's going to ever be in my opinion, so it just makes sense. I did just go to refinance and that's where it raised these flags. I didn't know anything about this stuff, so I called up Paula and went in. She said, here's what you've got to do, so here we are.

Chairperson Haber – Well good, we're glad you're here.

**Chairperson Haber opened the public hearing.**

Rob Widdis – If there are any members of the public that would like to speak to this issue, you can press \*9 to raise your hand, and I will call on you by announcing the last four digits of your phone number, and then you press \*6 to unmute yourself. There are no hands raised.

**Chairperson Haber closed the public hearing.**

**Commission Comments:**

McKeever – I had no questions or concerns with the request.

Parel – I have no questions.

Weber – I support what it is. I do have one question for Dave. The size of Mr. Hannan's lot, is that R-1D or should it be R-1C? Meaning, what I don't want is, if he's going to make renovations or do something, is there anything with it being zoned R-1D that might limit him, versus R-1C.

Dave Campbell – No, and Jay help me if I'm not thinking of something. Anything that would be permitted in R-1C would also be permitted in R-1D. Really the only difference between the two is the lot size and the lot frontage. Everything around is zoned R-1D, so to do anything other than R-1D is arguably inconsistent with the surrounding zoning.

Weber – I'm good with it then, I just didn't want him to be limited.

Rebeck – I don't have any comments. I was just curious how that one parcel ended up being zoned as business originally, but that may or may not be relevant at this point.

Dave Campbell – I'm glad you asked, if for no other reason than Paula did a lot of research on this, to the point where she was bringing up crinkled old zoning maps from the basement that looked like they were from an archeological dig, and determined that sometime between 1954 and 1960, that portion of property was rezoned from residential to commercial. I don't think any of us were around long enough. There actually is an old handwritten ledger that kept track of all the zoning changes in that era, but it didn't go into great detail of the rationale for why.

Chairperson Haber – It's just one of these mysteries of government, that's all.

Rebeck – Okay, fair enough.

Karim – No questions, thank you.

Winkler – Larry, this is very similar to something we saw a couple of months ago, a property along Union Lake Road. No issues.

Chairperson Haber – Okay, we're just cleaning up a mess. That's the way I see it. We're going to help you out here as best we can, Greg.

Mr. Hannan – Thank you.

**MOTION** by Parel, supported by McKeever, to recommend approval, to the Commerce Township Board of Trustees, of Item PZ20-05, the request by Gregory Hannan of Commerce MI for a proposed amendment to the Zoning Map to change the zoning classification of the easterly portion of a split-zoned parcel of land from B-1 (Local Business) to R-1D (One-Family Residential) located at 4435 S. Commerce Road. Sidwell No.: 17-10-432-017

Move to recommend the Township Board approve PZ#20-05, a petition by property owner Greg Hannan, to amend the Township's Zoning Map for a portion of 4435 S. Commerce Road from B-1 (Local Business) to R-1D (One-Family Neighborhood Residential). The Planning Commission's recommendation is based on a finding that the proposed rezoning meets the criteria for a Zoning Map amendment contained within Article 3 of the Zoning Ordinance, that the proposed zoning is consistent with the Township's Master Plan, that the appropriate land uses for 4435 S. Commerce Road are those permitted within the R-1D zoning district, and that the Zoning Map amendment will eliminate a split-zoned property.

**ROLL CALL VOTE**

**AYES:** Parel, McKeever, Weber, Winkler, Rebeck, Karim, Haber

**NAYS:** None

**MOTION CARRIED UNANIMOUSLY**

Dave Campbell – A quick reminder; we need final approval by the Township Board, which hopefully will be on the Board's agenda for next week Tuesday.

Mr. Hannan – Anything you need me to do there?

Dave Campbell – You should expect to be on that meeting, same as you're on tonight. We'll get you the instructions.

Mr. Hannan – Perfect, I will be there. Thanks.

**I. NEW BUSINESS**

**ITEM I1: 155 HAGGERTY ROAD – CONCEPT REVIEW**

Steven & Spencer Schafer of Farmington Hills MI are requesting a conceptual review of a proposed mixed use (commercial & residential) development located at 155 Haggerty Road. Sidwell No.: 17-36-400-014

Chairperson Haber – We've looked at this before, a number of years ago, and Dave is going to bring everybody up-to-date. We're going to see if this is a good idea or not.

Dave Campbell – Correct, it was a proposal comparable to this by the same group interested. At the time, it was Steve Schafer. Steve has now brought his son Spencer into the family business. They're both taking another look at this property since the last time they brought it to the Planning Commission. It's comparable in the sense that what they're proposing is a mixed use development on a currently vacant about 25-acre parcel on the west side of Haggerty Road just north of 14 Mile.

As mentioned in our review letter, this is a piece of property that over the years was looked at to be a Kmart store, a Lowe's store, and most recently a large Kroger store. None of those came to fruition and the property remains vacant. Father and son Schafer are proposing, at a conceptual level, a mixed-use development comprised of residential

to the westerly about two-thirds of the property, with a retail component out along Haggerty Road.

The density count, conceptually, is 190 new residential units within 10 three-story buildings. The buildings are proposed to have enclosed garages on the ground floor, along with some units on the ground floor, then additional units on the second and third floors.

The property has a large wetland detention basin further to the west. That's a regional detention basin for a lot of major developments in that vicinity. Mr. Mayer is with us this evening if we have any technical questions about how the stormwater flows through that area.

The thought process here is that if they decide to proceed with this proposal, they would do so under the Township's PUD process, because a residential development in general would not be approved under the base zoning which is B-3 General Business. A zoning change would be necessary to do residential on this piece of property. Because they're proposing a mix of residential along with commercial along Haggerty, and because our PUD development option encourages a process by which those mixed uses are developed cohesively and integrated with one another, it was agreed that the PUD process is the most opportune way to proceed; both for the Township and the developer, with the outcome being a better project than what we could otherwise achieve if this were developed under its base zoning.

They wanted to get some non-binding feedback from the Planning Commission to give them a good gauge of how best to move forward from here.

Spencer Schafer – Thank you, Mr. Campbell. I appreciate that introduction. You made my job a hell of a lot easier. There was a proposal back in mid-2017 for a different residential type concept. Since then, we've been marketing and showing to commercial users, but as we all know with the market, and then obviously COVID hitting, that really is not the interest at this point in time. Also, there is a very large commercial development going up down the street about two miles north, Five & Main, I know it's the Aikens development. We're looking to do something a little different.

With that, I will share my screen and bring up my presentation. I'm joined by my father, Steve Schafer, and we are with Schafer Development. We're representing the property owner, Neil Fetter, who is also here and joined by his son. The property is located on Haggerty Road, and we're proposing a PUD, a mixed-use retail and residential development concept.

Before I get into the presentation, I just wanted to give you a high-level overview. I'll be going over is property details and features, then we'll be hopping into the conceptual site plan and talking about more specific details of the proposed development. I'll be having some project renderings as well as an amenity presentation.

The property is located on the border of Commerce Township, on the northwest corner of Haggerty Road and 14 Mile. To our south there is the Kroger shopping center, and to the north is the Home Depot complex and other retail users, a lot of entertainment destinations, the movie theater and Lifetime.

The property is about 26 acres. We're really close to a lot of regional shopping and entertainment, which in this part of the Township is located on the west side of Haggerty Road. We've got very easy access to M-5. As you'll see in our concept plan, we want to embrace that commercial element, but we're also trying to do something different. We feel like rooftops are really going to help, not only our commercial users, but a lot of the adjacent commercial.



We have some retail that we're looking to position along the Haggerty Road frontage. We have some top tier national retailers who are looking at these spaces. We have been marketing them since the beginning of this year and we have retailers who are very interested in this location.

Along roughly the first third of the property, we're positioning that for retail, some smaller commercial users. In the back we have our residential. We have 10 buildings with 19 units each. They're going to be 3-story buildings. They're going to contain 12 garages along the fronts of the buildings facing the parking lot, and the back is going to have units on 3 stories. The front, facing the parking lot, is going to have units on the second and third floors.

Within this concept plan, we have a host of amenities. We have a nice dog park located in the center. We have a focal area to the south where we're looking to embrace butterfly and community gardens. We're also looking to do a clubhouse. We have a very beautiful streetscape. We also have a couple other pockets of open space throughout the development.

The regional detention is already in place, so we will be able to use that for our water detention facility. There was some wetland mitigation done back in the day. We're not going to be disturbing any wetlands as part of this development.

The zoning is B-3. That may have been a typo on my part. It would not be conducive to the type of development that we're proposing, so we're looking to do a PUD. It gives us leeway, but it also gives the Township negotiations with us. We're trying to create the best development that we possibly can. We don't fit within the confines of the exact zoning district, so we believe the PUD is the best route to go in this instance.

Our gross acreage is almost 26 acres and most of that is going to be dedicated to multi-family. Then we have a nice large chunk up front for commercial users. My density allowed, I actually pulled this from RM-1 district, which would allow for a total of 196 units. Under our current proposal, we're looking to do 190 units, which gives us a density of 9.3 units an acre.

We're going to have 12 garages in each 19-unit building. A nice amount of our potential users will be able to rent a garage, but we're also going to have ample amount of street parking and surface parking. We're required 380 spaces; we're going to have 390.

We want to stick with the commercial nature that surrounds the property on the west side of Haggerty, so we're proposing premier retail shopping along the Haggerty Road frontage, and then we're going to have upscale 3-story apartments just behind to the west. We're looking to embrace very modern, contemporary design features. As you'll see, we have very open floor plans. We're looking to do 9' ceilings and have condo-like finishes.

Mr. Campbell wrote in his review letter that there was concern with the other apartment developments that have popped up in the Township, specifically Barrington on M-5, north of Pontiac Trail, and then there's the Shearwater development located more toward the center of Commerce. Those developments are 2-3 bedroom units; a townhouse unit or attached condo unit, more like a ranch.

What we're looking to propose is a modern apartment unit with 1 and 2-bedroom units. We're looking to attract a younger demographic, such as younger professionals and millennials. People like myself who have, honestly, been locked out of the housing market. My dad, unfortunately, doesn't pay me enough money to the point where I could buy a nice Pulte house for \$350,000 or \$400,000. An apartment would be a great option for me.

In this location, I think it fits very well because we do have Lifetime Fitness, the movie theater when it eventually opens up, and we do have the grocery store that's very walkable. We have some nice retailers, Panera, Tropical Smoothie Café that are in very close proximity. It's almost like creating a village-like feel and we think that's very interesting. It's going to help attract a demographic who has been locked out of the market. As I stated, we're going to have a host of amenities, including the clubhouse. We're going to have a pool, dog park and community garden.

These commercial renderings are actually from a product that we're currently building in Pittsfield Township, on the northwest corner of State Road and Textile. This building is unique because it has two frontages. It's very similar circumstances as to what we're looking at here. We sold 50 or 60 acres behind Pulte Homes. They did a mixed-residential development with detached single-family homes and attached duplexes that targeted a more empty-nester demographic. Pittsfield Township was keen on designing a building that was very walkable for those residents, but it was also walkable for the community as whole. It produced a nice frontage along the streetscape.

We want some of these concepts to be embraced that we felt are very successful. Obviously if the Planning Commissioners like this development at the conceptual stage, we would propose doing a very similar type of building.

I'll show you some of the apartment renderings. We're working with Ghafari Associates, based out of Dearborn and Grand Rapids. They're a huge residential architect. They also do a lot of commercial and industrial.

The front, facing the parking lot, is very conceptual at this stage. We looked at doing a little different, more neo-traditional building in a different municipality. We're looking to use a similar floorplan, but tailor the exterior. We want to embrace masonry elements and Hardi-plank. We've looked at your ordinance and you have very stringent design details. We look to maintain the character of your ordinance and what has been built in the Commerce Township area. We want to do unique materials, and we want to do something modern and contemporary to attract that younger demographic. We've got flat roofs. We've got some nice balconies. We've also got some interesting colors. And as I stated, we have 12 garages on the back.

There is a corridor in the middle. Something that's interesting is even if you live on the second or third floor, you can walk down to that first floor, go into the corridor, and if you've rented a garage, you're able to access it through the inside of the building.

On the backside of the first floor, we have three 2-bedroom units that are at grade so they're very easy to access, ADA compliant potentially. If there was an empty-nester who wanted to look at renting space in this building, that would definitely work out for them.

Mr. Schafer continued his review of the conceptual renderings, including the building materials, detailed floorplans, landscaping and site amenities.

### **Commission Comments:**

McKeever – As I said in the past, I am open to the development. I really don't have any questions at this point.

Weber – I'm open as well. I commend you, Mr. Schafer, at doing your homework. I think you've answered most of our questions or issues. The only comment I would have, with a 3-story development within Commerce, it adds a little bit of sensitivity to us. I know you want a modern feel, but masonry, stone, with some Hardi-plank will go much

further. If I look at the back of your building, it looks a little too much like First & Main in terms of the feel, meaning it's a little too stark. I realize this is early, but I'm open to it and I like everything else I saw on it.

Vice Chairperson Parel – I'm in agreement with the other Commissioners. I think it was a good presentation. We appreciate it and I think you've got some good ideas. My only concern is still, and you hear it all the time, is the saturation of the apartment market. I guess that's one of my hesitations, but I think you've got a good plan. I know you're experts, but I worry a little bit about the retail aspect of the proposed development.

Rebeck – The only thing that gives me pause is similar to what Brian was saying with having so many apartments in the Township. As long as we're sure that they're going to be at a price-point that's high enough to keep it from turning into Wixom, I'm fine with it.

Chairperson Haber – Well said.

Karim – I think the plan is beautiful. I like the project. I think it needs some work on the elevations. Maybe what he's proposing about some stone and things like that will improve it, but I'm okay with it.

Winkler – I agree with Samir that the elevations, for both the apartments and the commercial, need a lot of improvement. Spencer mentioned about adding masonry to some of the elevations. I think that's a great idea.

One thing about this building mass that I'd like to bring up is in regard to the storage facility, that was reviewed and subsequently approved by the Planning Commission a number of years ago, located at Oakley Park and Haggerty. Some of the Commissioners will probably remember that there was a lot of concern about the height and mass of that building. Now that the building is built, it's actually a very nice building that is of a nice scale, despite the fact that it's higher than the surrounding buildings in the area. I think the same situation applies here and we need to keep that in mind when we look at 3-story versus a 2-story building. Otherwise, I like the project.

Chairperson Haber – Spencer, you did a really nice job on the presentation. Your dad should be very proud of you.

I may be one of the people who'd like to move in there; however, I don't want to walk up three flights of stairs. You may want to look into something there, but it would probably preclude me from that market.

One of the things we do in a PUD is we would like to see what you're going to do for the community. I was thinking of a new fire house.

Weber – Only if you have an extra \$5.5 million that you could donate.

Chairperson Haber – One of the things about a PUD is we get to ask you and you get to comment, so be thinking about what you would like to do for the community. I think discussion with Dave, me or the Township Board would be a good thing because that's going to be a significant factor in what we do.

When you came to us a number of years ago, I was not in favor of this and I told you that at the time. I didn't think it was the right thing to do, but I've done an about-face. I think this would be a welcome change for the community. I'm a little concerned like

everybody else that we're getting too many apartment buildings going on, but this particular spot is unique. I've lived in Commerce for 22 years. If I want to go somewhere, I have to get in my car, take a drive and do it. This is a unique situation where you don't need a car. You could just walk to wherever you wanted to go. That's why I think I've changed my mind since the last time you were here.

I think you're getting the idea that everybody kind of likes this and we'd hope to see you move forward with it. We'd like to see what you come back with. I understand that your renderings are preliminary. Next time we meet, I'd like to see something more specific.

Dave Campbell – I would reiterate, it sounds like I don't hear any opposition to the idea of having a residential component on this property that is zoned B-2. I misspoke early and Spencer was right in his presentation that it is zoned B-2.

I do hear concern about the potential to oversaturate the market with rental units, so I think it would behoove the Schafer's, assuming this project is to move ahead, to be able to present the Township with housing market absorption rate studies or something to that effect to demonstrate that there is a strong market for this type of residential unit. Mr. Haber is right, when you have a PUD, one of the key components to it is community benefit. That's part of establishing a better project for both the developer and the Township than what otherwise could have been done under B-2 zoning. There are many options for community benefit.

Weber – I want the Schafer's to know that this will be a bit of a challenge once it goes to Township Board, strictly on the issue of congestion and apartments. We've turned more than one down in the not too distant past. Think about that, and try to overcome some of those objections with some of the elements that Dave suggested. The Township will have a significant view on apartment buildings and density.

Chairperson Haber – Okay, do you have enough information from us?

Spencer Schafer – Yes, we do. Really appreciate that. We're definitely going to take a look at doing the market study. I think that will help everyone out a lot, and public benefit is obviously a huge thing that we'll talk about with Mr. Campbell as we go forward.

## **ITEM 12: ZONING ORDINANCE TEXT DISCUSSION: Article 6, Permitted Yard Encroachments**

Dave Campbell – This comes up more on Jay's end, particularly when folks are looking to do a new home, or an addition to their existing home with a porch. The allowance that is currently in the Zoning Ordinance that allows that porch to encroach into the front yard has created challenges for Jay when we look at lakefront homes. As you're all well aware, when your home fronts on a lake, then you have two front yards as we define them; the roadside front and the lakeside front. This allowance for encroachment has more concern for Jay when it's on a lakefront lot.

This discussion tonight may be the first step toward amending Article 6 of our Zoning Ordinance, depending on the direction we hear from the Planning Commission.

Jay James – When things come up in the Building Department, when plans are submitted and it creates questions within our department, we go over and talk with Dave and Paula. We sometimes debate the ordinances and what we believe was intended, and how we believe it should be interpreted and put into play. Occasionally when we

start getting questioned from multiple different properties with the same issue, that's when I like to bring it back to you guys and get some feedback on what you think or believe is the intent.

This is primarily on lake lots where you have two front yards. Our ordinance goes into pretty great detail on how we determine the setback on a lake lot. We have to average the two neighboring lots. We take that average from the structure to the edge of water. If one neighbor's deck is at 40' and the other neighbor's house is at 50' we average the two, then the guy in between has to be 45'. That's where we make him do the house, but then he comes in and says, *I want to do a covered porch with a roof over it, and encroach another 10' in*. Now we're talking about sightlines and sight views.

This particular section of the ordinance that calls out *unenclosed terraces, porches* in particular with parentheses, *(unenclosed, covered or open), patios, decks up to 30 inches in height, awnings, canopies*. Those are the ones that are allowed, and then the one that has been pointed out to me on multiple occasions now is porches that are covered. You not only have a porch that may sit 30" or less off the ground, but now you're going to add a roof that's 12-15' high and can project out the same 10', and you've got posts that are supporting it. Even though it's not enclosed, you now have posts and a roofline that get into that viewshed.

I am looking for a little feedback from you on what you believe and how we should go forward with this. I know Dave did a really good job in his report and listed out different options as far as allowing a 10' porch encroachment onto the roadsides only, removing the 10' encroachment for covered porches in all of them, or remove the 10' encroachment by covered porches only on the lakeside.

It has come to my attention when people have submitted plans and I've rejected them because I consider the covered porch part of the structure, and therefore it's within the setbacks. I've recently had multiple times where they've called me back and called me out on the ordinance and said, *Well, it's actually a covered porch and it's allowed to encroach*. To me personally, there's no difference between a covered porch and a sunroom that might be on the house on the lakeside that encroaches out farther. I'm looking for a little direction on what you'd like to see moving forward and any questions you have.

### **Commission Comments:**

McKeever – I'm in agreement. An unenclosed porch is different than covering it, because then it becomes a room. I would include both decks and patios too; no higher than 30" and not enclosed, not covered – just a patio, just a stoop.

Jay James – Bill, are you talking anywhere, or specifically on the lakeside?

McKeever – To me it's anywhere, because I know builders will use up every bit of it to create the structure, and then, *Oh, you've got to have a porch, you've got to have a patio*, and then it's up to the ZBA to grant a variance so people can squeak in a covered porch or covered patio. I would hope that standard would apply to all of them.

Weber – If we're trying to protect viewshed, my focus would be on the lakeside and not allowing a covered porch to encroach. I guess I don't have a real thought on the street side, because I'm just thinking of an entrance into the house. I'm not sure where you go from part of the structure to an enclosed porch on the street side, but as it relates to the

lakeside, I think the intent of the ordinance is to protect viewshed. I think we should craft language that addresses that and achieves that.

Vice Chairperson Parel – George said it well and I'm in agreement with his statement.

Rebeck – I also agree and it think it depends on what kind of covering there is on the porch. I'm trying to remember the name of that one that is like slats.

Jay James – Pergola.

Rebeck – Yeah, something like that may not be as big of an issue as something with an actual roof. I think it would just be case by case, but I think doing something for the lake property is probably necessary.

Karim – No comments.

Winkler – I think to include Item 1 or Item 3 in David's write-up. If you include both, or one or the other, it's fine with me to achieve what you're looking for, Jay.

Chairperson Haber – I think I feel pretty much the same way. I live on the lake so I would prefer not to have any obstruction whatsoever. I have a problem with the patio type thing. I guess we should carry it through to the front too and make it consistent. Earlier today, Jay, I asked you about that cupola that's being built on the water. Did you have a chance to look at that?

Jay James – I did not, Larry. I was quite swamped today, but I will get back to you tomorrow on it.

Chairperson Haber – It's an extension of the deck and it is a roofed cupola, and it extends away from the deck at least 12'. This may be exactly what you're talking about.

Jay James – Sounds similar, yes.

Chairperson Haber – Dave, have you got the answers that you need? Do you want to move forward with it?

Dave Campbell – I think we are going to move forward with the text amendment. It seems like we have a split vote as far as whether the prohibition on the encroachment should also apply to the roadside front. The consensus seems to be that it absolutely should apply to the lakeside. I think the text amendment we would bring back to you would be the more stringent of those two options, and then we'll let you as a Planning Commission decide which way you want to go with it.

To Ms. Rebeck's point, we might want to come up with a definition, Jay, of what it means to be covered. That's a good question, when you have the trellis or the pergola and those fancy type structures ...

Rebeck – Or even the rolling awnings, the pull down ones.

Jay James – The ordinance actually allows awnings as a specified encroachment. If they just had the roll down awning, they would be allowed to encroach up to 10’.

Rebeck – So, do we want them to be able to do that on the lake?

Jay James – That’s a good question.

Weber – I guess it doesn’t describe the awning, but anything supported by a post we could say is in violation, which would protect from somebody getting creative with pergola or lattice, or something like that. But if the intent is viewshed, I think we try to craft language that protects the viewshed.

Dave Campbell – We’ll come up with something and bring it back to you in the near future.

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

None.

**K: PLANNING DIRECTOR’S REPORT**

- The Benstein Grille, and more particularly the Commerce Memorial Cemetery to the north; the Township Board has had a number of discussions about providing better screening between the expanded parking lot and the re-routed public pathway in an effort to provide more of a buffer to the families with loved ones buried in the cemetery. The Township Board has landed at doing approximately 500’ of privacy fence between the cemetery and the pathway. Finding the fence materials that we can all agree upon might be difficult to do this fall as it seems to be more of a seasonal material, typically done in the spring.

Discussions took place regarding enhancing the fencing with arbor vitae, in addition to the privacy fence to increase the buffer and create a noise barrier.

- The Sleeth Road gravel pits project is being pursued as a Brownfield. That resolution of support will be in front of the Township Board this coming Tuesday.
- The RCOC engineer presented options to the Township and the RCOC on realigning Martin Road and/or improving the intersection of Union Lake Road and Richardson, but also potentially Martin and Richardson. Any of the options discussed have a pretty high price tag and so the obvious question is going to be, how does that get paid for? We at least have a basis by which we can examine the long range planning of how we move north to south traffic through the eastern half of Commerce Township as it comes off of M-5.
- At the next Planning Commission meeting, you are likely to see an expansion of a Comcast facility on N. Commerce Road, across from Commerce United Methodist Church. That expansion would be a Special Land Use.
- Another project that you’ve seen at a conceptual level is that Pulte wants to do attached townhomes across from the Township Hall on the property that used to be the driving range. They’ve come to agreements with the neighboring property owners in terms of securing emergency access. It’s very likely in November that they’ll be back in front of the Planning Commission with a Conditional Rezoning for that project.

- Based on discussions with the Township Board about our 2021 Budget, the Planning Department is trying to have the Board approve a budget for laptops for the Planning Commission members. We don't want to buy more than we need if you don't need one. We need a headcount. This is in an effort to move toward a paperless Planning Commission agenda packet. I know Mr. Parel stated at the last meeting, he would not need a new laptop.

Weber – I was the one that raised it during the budget meeting. If you request a laptop, it can only be used for Township business, which basically means you'll be using it once a month when we have meetings. We're trying to defer a need versus a want. If you already have an iPad or a laptop that can handle the electronic format, take that into consideration as Dave moves forward.

McKeever – I would use one for Township business, yes.

Chairperson Haber – George, you already have one from the Township, is that correct?

Weber – I have an iPad, and that's all I need.

Vice Chairperson Parel – I'm good on the laptop.

Rebeck – I have at least 5 laptops, I'm good.

Karim – I have a laptop, I'm good thank you.

Winkler – I'm fine with my current laptop and my Chrome notebook.

Chairperson Haber – I have an old laptop that may need replacing, but I think I can get by with it, so I'm good.

Anything else before we adjourn?

Weber – Jay, what was the name of the Loon Lake subdivision?

Jay James – Windwheel Estates.

Weber – I saw they've completed clearing. Are they going to try to get shovels in the ground before winter?

Jay James – Yes, I believe they want to put the infrastructure in, the water, sanitary and storm, and maybe the roads, or at least get the roads cut in. They won't start building of any structures until next spring.

Jason Mayer – Right, we had a pre-construction meeting. They're basically ready to go and I think they said they wanted to wait a couple months to get started. I haven't heard the start date, but it would be this year.



- **NEXT REGULAR MEETING DATE: MONDAY, NOVEMBER 9, 2020 @ 7PM - potentially electronic-only**

Chairperson Haber – Our next meeting is November 9<sup>th</sup>, and potentially it will be a Zoom meeting. I think these may go on for a while yet, so be prepared.

Dave Campbell – The Executive Orders from the Governor are kind of up in the air, but let's assume for now that we're going to be doing this in November.

**L: ADJOURNMENT**

**MOTION** by Weber, supported by Rebeck, to adjourn the meeting at 8:51pm.

**ROLL CALL VOTE**

**AYES:** Weber, Rebeck, Winkler, McKeever, Parel, Karim, Haber

**NAYS:** None

**MOTION CARRIED UNANIMOUSLY**

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Brian Winkler, Secretary