

FINAL
CHARTER TOWNSHIP OF COMMERCE
****ELECTRONIC ONLY****
PLANNING COMMISSION MEETING
Monday, March 1, 2021
2009 Township Drive
Commerce Township, Michigan 48390

Due to the Michigan Department of Health and Human Services order, this meeting was held via Zoom, electronic 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
Jason Mayer, Township Engineer, Giffels Webster
Debbie Watson, Acting DDA Director
Jacob Batlemente, Meeting Moderator, Merge Live

Chairperson Haber noted that the length of tonight's agenda. He asked that people who speak this evening be concise because it will be a long meeting.

B. APPROVAL OF AGENDA

MOTION by Haber, supported by Parel, to approve the Planning Commission Regular Meeting Agenda of March 1, 2021, with an amendment to hear Items H1 and I1 together, and then to hear Items H2 and I2 together.

ROLL CALL VOTE

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

C. APPROVAL OF MINUTES

MOTION by Winkler, supported by Parel, to approve the Planning Commission Regular Meeting Minutes of February 1, 2021, 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 Planning Commission meeting.

George Weber – Township Board of Trustees

- A couple of items from our February 9th Township Board meeting.
- First, we approved the site plan for the Townes at Merrill Park, the townhomes that will be across the street from Town Hall.

- We also had another spirited discussion on the Lystek system, which is a potential system within our water treatment plant to turn our waste into a Class A fertilizer that can be sold and used on farmland within the State of Michigan.
- We hired an approved, budgeted new maintenance worker who will be working for Mark Schoder.
- We approved the demolition of the home at 3400 Union Lake Road, which the Township owns, which is part of the overall Union Lake corridor process.
- Finally, we approved the PUD for the reserve at Crystal Lake. That will now be moving forward to the Brownfield approval stages with an expectation that there are no more hurdles for them to cross.

Chairperson Haber – You had mentioned last meeting about an ordinance officer. Has anything come of that?

Weber – Supervisor Gray has been continuing to work on it. Jay might have more input. I think it's moving forward; it's just how it's going to be structured. We did not have that on the agenda for the last meeting, but it has not gone away. It is continuing in process.

Brian Winkler – Downtown Development Authority

- The February 16th DDA Meeting was our first meeting with Deb as the Acting Executive Director of the DDA.
- Regarding Randy Thomas' Insite Report:
 - Parcel B1, Phase I, which is the Aikens development; Aikens is exploring a possible joint venture with a Columbus, Ohio developer.
 - Bruce Aikens will be providing an update at a joint meeting with the Planning Commission, DDA and Township Board, planned for April 27th.
 - Parcel K, which is the self-storage facility, the purchaser is coming before the Planning Commission at today's meeting for a public hearing on their Special Land Use, and potentially for site plan approval.
 - Parcel L, which has been going back and forth with Goddard Schools, the purchase agreement was approved and executed. It is contingent upon removal of the pathway from Merrill Park to Haggerty Road. The variance application for this item will be reviewed at tonight's meeting as well. The Township Board will review it at their March 9th meeting.
- There were a couple other housekeeping items.
- We approved the Acting DDA Executive Director contract.
- We reviewed the job descriptions for both the Director and the Assistant.
- There is a new Finance Committee Chair, Susan Spelker.
- As was budgeted, Molly Phillips will request, on the DDA's behalf, a \$1.5 million dollar advance from the Township Board as budgeted.
- If Deb wants to add anything, please do so.

Ms. Watson – Thank you, Brian. I think you've covered it all this evening.

Chairperson Haber – I just have a quick question. Does the DDA Director need to be a resident of Commerce Township, or is it open to anybody who wishes to apply for the job?

Ms. Watson – It is open to anyone who wishes to apply.

Chairperson Haber – Thank you very much. Jay James, do you have anything you want to add from the Building Department?

Jay James – Building Department

- We're not super busy right now with plans, so we're trying to catch up on some other items throughout the Township.
- We're hooking the Township Hall up to sanitary sewer. We got started on that today.
- We are demoing the house at 3400 Union Lake Road.
- We are also hanging up some blinds at the Township to help with the sun glare in the Spring.

Jason Mayer – Township Engineering

- We have several engineering plan reviews in from site plans that you approved.
- I expect that the work is going to pick up for Jay and I later in the summer.

E. PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

Chairperson Haber opened to comments for Public Discussion of Matters not on the Agenda.

Chairperson Haber – Jacob, you said you had one person on the line and that was Supervisor, Larry Gray. Do you have anybody else in the public that would like to speak?

Jacob Batlemente – We had another person join. It is *9 to raise your hand if you would like to speak. Please state your first and last name, and your address. You'll have two minutes to talk. It does not look like we have any hands raised.

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

E1. CARBON NEUTRAL DEVELOPMENT - Presentation by: Jan Culbertson

Dave Campbell – Ms. Culbertson is a colleague of Brian Winkler. Brian has asked that Ms. Culbertson make a presentation to the Planning Commission regarding Carbon Neutral Development. She thinks her presentation will take 10-15 minutes, and then she wants to have a few minutes for questions and answers. Given that we have a busy agenda, I thought having her right off the top might be a good idea so that all of our developers who are on tonight's meeting can learn along with the Planning Commission. With that, I'll turn it over to Ms. Culbertson.

Ms. Culbertson – I have a lot to pack in, so here we go. I'm Jan Culbertson, and thank you very much for making some time. I'm also an architect and chair of a Planning Commission in Scio Township, which is west of Ann Arbor. I want to talk about Carbon Neutral Development.

Ms. Culbertson shared her screen and began with a photo of the Veridian County Farm Park, a development in Ann Arbor. It is a very interesting development that is not only carbon neutral, but proposing to be carbon positive in that it will generate more energy than it uses.

A Carbon Neutral Development is defined as a development designed to significantly reduce its total energy consumption, and then use renewable energy resources and carbon offsets to meet the remaining demand. Carbon neutrality can include the operating energy of the buildings in the development; embodied energy, the energy that went into the construction materials to make up that infrastructure and the buildings; the site energy that is generated; and also, occupant travel, which has to do with commuting, deliveries, et cetera.

Ms. Culbertson explained the climate emergency and the need to take significant action to address the issues and the goals for carbon neutrality. We've been emitting tons of global warming pollution into the thin shell of our atmosphere every day, and we've treated it like an open sewer of the past.

The basics around this are that energy from the sun comes to the earth in the form of light, that energy is absorbed and it warms the earth. This has worked out wonderfully. We can inhabit our planet and we have a beautiful blue marble. Some of that energy is then radiated from the earth in the form of heat.

The planet has this atmosphere that has been very thin, and it has trapped that heat and kept our temperatures stable. However, with this emission of the global warming, we have thickened that atmosphere. It's like the greenhouse effect, so the planet is warming, and there are many sources of that warming. It has to do with things that we can control, and things that we don't control: forest fires, our electricity generation, things like industrial processes, mining, even the thawing of the permafrost contributes to the release of global warming gases. The largest source of global warming is the burning of fossil fuels, and gases stay in the atmosphere up to 100 years.

There is a need to reduce the carbon budget to keep global temperatures below 1.5 degrees Celsius. The pandemic has decreased emissions in 2020, but that is a blip. There is a need to try to eliminate all of the CO2 emissions by 2040.

In the U.S., and especially in Michigan, we are seeing significantly higher temperatures and more precipitation. Impacts we are seeing; Lake Superior is warming faster than many of the larger lakes all over the world. Interestingly, Michigan is positioned to be a climate refuge and will be a very desirable place to be.

Twenty-three states have established greenhouse emission targets to try to meet the Paris Climate Agreement. In Michigan, there have been recent Executive Actions setting reductions from 1990 levels. The goal is for the state to become a net zero carbon state by 2050.

Ms. Culbertson is from Ann Arbor, where the architectural firm is, and she's involved in a 2030 District in Ann Arbor, working with commercial buildings to reduce their greenhouse gas emissions. Their carbon neutrality plan has four basic components: energy, tackling mobility, resource reduction, and adaption and resilience. Ms.

Culbertson elaborated upon these four components and the goals of each. Powering the grid with 100% renewable power will require a transformation of the grid. There is a need to significantly increase the efficiency of both new buildings and existing buildings. The strategy of electrification was addressed, for both buildings and vehicles. There are multiple reasons for electrification, which puts buildings on the grid, and that allows the ability to make the grid fossil-free. It's healthier, safer, more equitable, and cheaper.

Natural gas is methane, a unique gas that only lasts in the atmosphere about 20 years, but it has 84 times the global warming potential than just regular CO2. In the short-term, reducing the amount of methane released is extremely important. Studies show that homes that have gas appliances have higher interior levels of nitrogen dioxide and carbon monoxide than the EPA actually allows outdoors. Electrifying homes shows a

50% reduction in carbon emissions, yet upfront costs and 15-year net present values are less. Existing buildings should be electrified when upgrades occur.

Planning Commission's need to promote decarbonization and incentivize high-efficiency all-electric developments, along with renewable power and offsite renewables. The IECC 2021 is currently the most stringent energy code. It is based on ASHRAE 90.1-2019. Michigan is currently under ASHRAE 90.1-2013. There will be an effort to adopt the new code when it comes out. Historically, building codes have helped reduce greenhouse gas emissions and conserve energy. Ms. Culbertson expanded upon the energy usage baseline for a typical office building at 105 kBtu's per square foot, which she compared to miles per gallon for a car. The idea is to improve the energy efficiency of the building through the energy code to zero kBtu's.

DTE has a program, My Green Power. Homeowner's and business owner's can enroll for a surcharge, and choose the percentage of renewable power they want to use. This is primarily wind power, which is the most economical energy generation right now. Embodied carbon is really the definition of all the energy it takes to produce the materials that go into buildings. Strategies can be very complicated, but the most straightforward part is that the building structure, which is often steel, and the sub-structure, which is concrete, represents 55% of that building's embodied carbon. Embodied carbon can be reduced by about 50% through the use of recycled steel and low embodied carbon concrete. All new developments and major renovations need to be planned and designed to use no onsite fossil fuels. Gas infrastructure should not be expanded. This can be incentivized by Planning Commissions, through density, expedited plan reviews, et cetera.

The adoption of zero carbon codes and standards need to be promoted, along with electrifying existing buildings. Older buildings should be kept because we've already got that embodied carbon. There are resolutions people are passing to look at reducing embodied carbon in our buildings.

Mobility is a little easier. In Ann Arbor, one of the goals is to decrease vehicle miles travelled by 50%, and/or reducing CO2 vehicle emissions by 50%. A parking ordinance should require EV charging. Increasing density along any kind of transit corridors is also important. Connecting residential, recreational and commercial developments with non-motorized transit offers people the option, and it's also healthy to walk or bike. There are a lot of guidelines for complete streets, but it makes them safe for bicycling and pedestrian-friendly. There are incredible incentives right now for those who provide EV charging stations.

Resource reduction is about developing a circular economy, supporting community recycling, composting, and encouraging reuse centers. Adaption and resilience is more a part of how you plan, encouraging local agriculture, protecting open spaces, natural features and wildlife corridors. One of the ways to do this is through green infrastructure and native landscaping. The development of community resilience centers is also necessary.

Ms. Culbertson encouraged the Planning Commission to incorporate LID, Low-impact Development best practices in planning. There are a lot of implementation tools, but education and outreach is important, especially around master planning and engaging the Township in these discussions of climate impact and resilience. There are resources that EGLE has. They have created a catalyst community, educational programs and resources for townships and cities.

In conclusion, Ms. Culbertson stated, "It is ours to protect," and she thanked the Planning Commission for their service.

Chairperson Haber – Jan, that was great. I enjoyed that very much. You were very helpful. Does anybody have any questions that you'd like to ask Jan?

Weber – Jan, you talked about Planning Commissions incentivizing developers. What are some of the examples that you've done in that space?

Ms. Culbertson – There are some basic ones that different municipalities have tried. One is density bonuses. You can tie that into going above the energy code. You can do those for renewables, and for exceeding low-impact development standards or exceeding the stormwater and native landscaping requirements. Obviously, PUDs are an important vehicle for those standards.

I don't know if you have your own permitting and plan review process, but look at those to see if there's a way you can expedite. If someone is going to meet the zero code, how can you expedite their approvals? Time is money in development. Basically, through incentives, you're trying to balance improving your energy efficiency and renewable energy with giving them a shorter review process.

There are some low embodied carbon policies that are out there. Obviously EV charging ordinances are also starting to come out. Ann Arbor is exploring whether they can actually ban the extension of gas. It's going through a legal process review right now. I'll be glad to tell Brian if they do get it passed. It has been passed in 42 jurisdictions in California where they have banned the expansion of gas infrastructure.

Chairperson Haber – Jan, thank you very much. Very informative and I learned a lot today I had not heard before.

Ms. Culbertson – I will forward you Veridian at County Farm Park, but you can go to the website. They have a nice little poster. It's a very exciting development. We have a grant request into the DOE to work on smart-grid and so forth with it. It's really what the future of development is. Thank you for your time and thanks for your service.

Chairperson Haber – Thank you for your time too. I appreciate it.

F. TABLED ITEMS

None.

G. OLD BUSINESS

None.

>>Per the amended agenda, Items H1 and I1 would be heard together, with separate motions to follow for each.

H. SCHEDULED PUBLIC HEARINGS:

ITEM H1. PSU21-01 – THE SPACE SHOP – SPECIAL LAND USE

Stein Investment Company of Atlanta GA is requesting approval of a Special Land Use for a new climate-controlled self-storage facility in the TLM (Technology & Light Manufacturing) zoning district and within the Haggerty Road Corridor overlay district located on two vacant lots at the southeast corner of Pontiac Trail and M-5.

Sidwell No.'s: 17-25-226-044 & 17-25-226-052

ITEM 11. PSP21-02 – THE SPACE SHOP – SITE PLAN

Stein Investment Company of Atlanta GA is requesting site plan approval for a new climate-controlled self-storage facility located on two vacant lots at the southeast corner of Pontiac Trail and M-5. Sidwell No.'s: 17-25-226-044 & 17-25-226-052

David Campbell, Planning Director, gave a review. The Planning Commission saw this two meetings ago at the conceptual level. It is now being proposed for approval of both the Special Land Use and the site plan.

The proposal is for a 100,000 square foot climate-controlled self-storage facility that would have primary access off Pontiac Trail. This would be a two-story building, and the way they've configured it, they've taken advantage of the grades on the property to have a two-story building that's still accessible from ground level.

Stein Investment has done several of these facilities. This one is branded as The Space Shop. Should this be approved, they would own and operate the facility. There will be 700 storage units on two floors.

The property is zoned TLM, and it is within the Haggerty Road Corridor overlay. That is very relevant because self-storage warehouses are not a permitted use in TLM, however they are permitted as a Special Land Use in the Haggerty overlay, which is comparable to the Beyond Self-Storage development.

When the Planning Commission saw this at the conceptual level, the interest was mostly with building's architecture, building materials, building design and the appearance of this facility, both from Pontiac Trail and from M-5. The developers have created an architectural plan which they hope is consistent with the Planning Commission's direction.

An item worth discussing tonight is parking for the facility. If the parking standards of the zoning ordinance are strictly applied, 74 parking spaces would be required. They're proposing to install significantly less. They would like to put in 9 parking spaces, plus an additional 3 that would be specifically dedicated to trailhead parking for the pathway.

They're asking the Planning Commission to deviate significantly from the parking standards based upon the number of visitors they expect at this facility. They expect to generate about 12-15 trips per day, so obviously a low-traffic generator. The majority of those trips would be customers who are going to their unit, and therefore would not be parking in a front parking field. They would be pulling up to their entrance along one of the four sides of the building into the designated loading zones.

Given the site's proximity to the M-5 and Pontiac Trail roundabout, this is a location that will be a challenge for access, no matter the proposed use. Specifically where the driveway is proposed is on the DDA's Parcel K. That's why they needed that property, to have an accessible driveway location, but even that would still be along a divided portion of Pontiac Trail where there's a grass median between the eastbound and westbound lanes. One of the conversations with the applicant was about how traffic exiting the facility would go westbound on Pontiac Trail if that is their destination. Part of the long range solution is to have cross-access with whatever develops on the properties immediately to the east of Parcel K and the subject property. Access to Rock Road will be an unknown until the future of Rock Road and the adjacent property are determined. The developers will work with their neighboring property owners to try to get cross-access, sooner rather than later.

Lastly, the Township wants to see a pathway along M-5, and it is in our non-motorized Parks and Recreation master plan. This would be a connection from the newly finished Michigan Airline Trail up to Pontiac Trail, and from there, getting walkers, bikers and

runners across Pontiac Trail to the Five & Main development and the rest of the DDA development area on the north side of Pontiac Trail along Martin Parkway. This property would be key to creating that connection.

The developers have offered an easement along their west property line for a pathway. The Planning Commission does have the authority to require that the developers actually install that pathway, not just provide the easement. However, putting in that pathway just along their property would be a dead-end pathway, and would be so for an indefinite period of time.

Making the connection from their property further south to the Airline Trail will require cooperation from MDOT and the Federal Highway Administration. The Township is only in the very early stages of getting that cooperation, and it is an unknown when that connection can actually happen. Therefore, the Planning Department recommends, rather than having The Space Shop install a dead-end pathway, they could instead make a contribution to the Township's pathway fund in an amount proportionate to what the pathway would cost for them to actually build it, and the Township would hold that money in the fund until such time that cooperation is received from MDOT and the Federal Highway Administration to actually built the pathway from the Airline Trail to Pontiac Trail, with about 1,000 feet of it landing on the subject property.

Jason Linscott, Stein Investment Company (Daniel Ginburg et al), 5607 Glenridge Drive Suite 200, Atlanta GA, was present along with the Project Engineer, Jim Butler, PE, of PEA, Inc., 2430 Rochester Court Suite 100, Troy MI.

Mr. Linscott – As Dave said, we were here a couple sessions ago, gave an introduction of who we are and our product, and I went through some architecture slides. Would you like me to do that again? I just want to be respectful of your time.

Chairperson Haber – I don't think it's necessary. You can proceed.

Mr. Linscott – Okay, thank you. We are real estate developers that develop primarily self-storage and retail all over the Mid-Atlantic, Midwest and Southeast. We introduced this proposal to the Planning Commission and we took your feedback and made some changes to our plan. Specifically, we heard that ideally the Planning Commission would like to see the building appear as two-stories. At the time, it was a one-story building with a parapet. We have since changed the building to two-stories, particularly the view from Pontiac Trail. The topography on the site is such that it actually rises as you go away from Pontiac Trail, so at the rear of the site, it would appear as a one-story building. We're able to create sort of a split-level building, which in self-storage is really the best layout we can possibly do. It's the most efficient and effective for customers.

Dave Campbell brought up renderings on the screen.

Mr. Linscott – Thank you. That is a rendering of the front of the building. You can see where the grade goes up toward the right and the building becomes one story at the rear.

Another thing we heard in the feedback was to reduce the green colors. We had green elements along the sides of the building. We've now just kept the green material on our awnings to give it some color pop and brand identity. The rest of the building is primarily brick and Hardi materials, with some EIFS and a lot of glass. I want to point out the

EIFS, because another note I had from the meeting was concern about EIFS. The elements that are EIFS on this building are just details, cornice and trim elements up high. It's an easier product to work with, it looks better and you can do more with it. The EIFS is below the thresholds required by the Township code. I think it's a 25% requirement. We're at 24% on the front, and then the other street-facing side is about 8% EIFS. We do have about 26% glass on the front to create an office building appearance. Everything else, the white area in the middle and at the top, are Hardi, and these are sort of smooth finished panels. They look really nice and accent the brick to create a nice mix of materials.

I made a couple of notes about environmental stuff, just so you know and relevant to the presentation we heard. My wife actually works in battery technologies for electric public transportation. We've looked at a lot of this stuff for our self-storage facilities. These facilities are incredibly energy efficient. We use LED lights. Everything is on motion sensors. If you think about it, you have a large building here where people don't go in and out very regularly, so you don't have a lot of energy loss. You don't have full glass walls where you have a lot of heat transfer and the sun coming in. We generally use heat pumps, which is electric heat.

Also, Mr. Campbell mentioned we have dedicated a 15' easement area along the western border of the site, parallel to M-5, and that would be for the Airline Trail connection as it goes from south to north. On the north end, we have put three parking spaces in for the trailhead. These are separate from the 9 parking spaces that we do need for the development of our property. Those would just be for trail parking.

Chairperson Haber opened the public hearing.

Jacob Batlemente – We do not have anybody from the public with us, Mr. Chairman.

Chairperson Haber closed the public hearing.

Commission Comments:

Winkler –

- I think the petitioner has done a great job in what they've presented as far as the exterior elevations.
- Without exaggeration, as David mentioned in his report, this is a great fit for that particular site, given the proximity to M-5 and the fact that it is a low traffic generator.
- It's a very attractive building.

Karim –

- I think Brian said it all.
- It's a great project for that space, and a great fit.

Rebeck – I don't have anything additional.

Parel –

- I could go through everything, but I agree with Brian's comments.
- I have a question regarding the dumpster. I think I read in the Planning Director's report that there's not going to be a dumpster, and that they would handle it through regular waste service bins. My only question is, what happens in the

event that someone cleans out one of their units, or sometimes people dump mattresses and things like that at these types of places.

Dave Campbell – I asked those very same questions to the petitioner. I think when they provide a dumpster, they actually encourage that kind of activity.

Mr. Linscott – That's exactly right. When we put a dumpster in, that sort of encourages that activity. We don't ever have dumpsters on our properties for that reason. We really don't have any issues with folks dumping things. We do have two employees onsite and we have cameras. The building is very secure, so we know who is coming and going. If you have a unit there, you have a code and we know when you come and go because you put your code in to go in the unit, and there's cameras as well. The worst thing that usually happens, when someone doesn't want their things, they just stop paying and we have to deal with it, but it's in their unit.

Dave Campbell – The one recommendation I offered on the dumpster question is, if ever it is determined at some point in the future that they do need a dumpster, they would have to put it inside of an enclosure to match the building, as anyone else would, and that would need administrative site plan approval.

Parel – Makes sense. I'm good.

Weber –

- Dave, is it possible to pull up the aerial in NearMap or Property Gateway?
- First of all, just as Brian and others have said, I think this is a perfect fit for that site.
- I think the elevations presented are exactly what we asked for and they look great.
- It would help me to understand the potential easement, to the east of that property. Is it envisioned that people exiting the facility will only be able to turn east, and not try to figure out how to turn west?

Dave Campbell – First, can everybody see the aerial?

Weber – Yes.

Dave Campbell – This is the larger property, and the smaller piece is the DDA owned property. What's key about this piece is the existing curb cut. This is significant because the other curb cut is actually on the portion of Pontiac Trail that is still divided by the northbound/eastbound slip lane, and the eastbound lane of Pontiac Trail. There is a median, and there's actually kind of a hump. The driveway on the DDA's Parcel K actually gives access from both lanes of Pontiac Trail.

When I talk about cross-access, this is the property that is undeveloped and is not owned by the prospective developers, and this is Rock Road. This is the first point where you can make a legal left turn out, going westbound.

Weber – So Dave, that parcel that looks like it's for runoff, to the east ...

Dave Campbell – That's actually part of this property, but it is the detention pond for this site and maybe some of the other properties along Rock Road.

To get some sort of a driveway connecting the parcels would require some cooperation from at least two property owners and almost certainly, some reconfiguration of that detention pond.

Mr. Linscott – If I may interject. Actually, when we looked at this, in working with the property owner in the future, we were thinking it might make sense to access a little further to the south to maybe avoid the pond area.

Dave Campbell – The other thing, and we're still waiting to hear from the RCOC on this, is if we go west and look at the corresponding median on the other side of the roundabout on Pontiac Trail, they have a dedicated turnaround. I'll be curious to see whether the RCOC would say that there is an obligation for something like that to get installed at this location also. If that were required, that would be where you could make a legal U-turn in the median.

Weber – That's helpful. It's a concern, but it's not one that would sway me. I still think this is the right development for that piece of property, but the safety issue with traffic should be a priority to figure out in the short term.

McKeever – I believe everything has been covered.

Chairperson Haber – Are the mechanicals hidden on the roof?

Mr. Linscott – We don't put any mechanicals on the roof on these storage facilities. They'll actually be on the ground, and they'll be hidden from site. They'll be screened and toward the back of the building. The reason we don't put anything on the roofs is that we don't need large air handlers. They are very energy efficient buildings. They're residential sized units, they're pretty small. We try not to put any penetrations on the roof at all. If you have a unit in there, and if there was a small leak, and you don't visit your unit for 6-9 months, nobody might know there was a leak.

Chairperson Haber – These units on the ground will be landscaped so we don't see them?

Mr. Linscott – Yes.

Chairperson Haber – Okay. Make sure the lighting does not reflect down onto M-5 so it does not interfere with the traffic.

Mr. Linscott – Understood.

Chairperson Haber – I wish you well, but sometimes these things don't work out. One thing Dave and I discussed today is, what happens if you discontinue this facility? Dave, you and I talked about the parking situation. You said there's adequate parking if they should cease to exist as a self-storage facility, and the building were converted to something else.

Dave Campbell – I said I think there's adequate space for additional parking. This is a big site. I did talk to the developers about this. They could speak more to the likelihood of this facility ever becoming obsolete or ever getting retrofitted. What I'm suggesting is, as a condition of site plan approval, that they provide an alternate parking plan that shows where they could put additional parking on the site, if ever the building were retrofitted.

Chairperson Haber – We have this easement for the trail. We're going to make sure that they contribute into the trail fund for that. Who maintains this trail?

Dave Campbell – Because this is a unique section of trail potentially, it would cross a portion of private property, but then would swing out into the MDOT right-of-way and then connect to the Michigan Airline Trail, and because it is such a key connection, my hope is that the Airline Trail Coalition would maintain this particular section.

Chairperson Haber – This donation to fund the trail, where would that be held?

Dave Campbell – The Township has a dedicated pathway fund, specifically for this purpose. If the developers are agreeable to that contribution, per the condition of the Planning Commission, then their funds would be deposited into that pathway fund. We would likely communicate with the developer when the day comes that we go to use those funds so that they understand that the money is being utilized for its intended purpose. It is specifically for a pathway at this location.

Weber – Larry, I think that was a great observation on, *What if this site gets sold to a non-storage tenant, or new owner?* Is it feasible to put within the condition that if it is sold to a non-storage owner, that Jason and his company needs to bring the property up to the ordinance standard for the number of parking spaces?

Dave Campbell – You're welcome to make that a condition. I will tell you that if that day were to ever come, that's the Township's standard procedure per our Zoning Ordinance. When a new use is proposed for an existing facility, it's staff's job, and potentially the Planning Commission's job, to ensure that the site is compatible with the new proposed use.

Weber – Okay, then I withdraw my comment.

Chairperson Haber – I think those were the major points I wanted to bring up.

Dave Campbell – There's two items for consideration. The first is for the Special Land Use. If action is taken on that, then the corresponding action would be for the site plan.

Chairperson Haber – Chelsea, I'll put you on the spot and see if you'll make a motion. I'd like to listen to the motion, have it seconded, and then open for discussion after we see the criteria on the motion if we want to add something to it.

MOTION by Rebeck, supported by McKeever, to approve, **with conditions**, Item PSU21-01, The Space Shop – Special Land Use, the request by Stein Investment Company of Atlanta GA for approval of a Special Land Use for a new climate-controlled

self-storage facility in the TLM (Technology & Light Manufacturing) zoning district and within the Haggerty Road Corridor overlay district located on two vacant lots at the southeast corner of Pontiac Trail and M-5.

Sidwell No.'s: 17-25-226-044 & 17-25-226-052

Move to approve PSU #21-01, a special land use for Stein Investment Company, to allow The Space Shop within the Haggerty Road Corridor overlay district on two vacant properties at the southeast corner of Pontiac Trail and M-5.

Special land use approval is based on a finding that the applicant has demonstrated to the satisfaction of the Planning Commission that the proposed use complies with the standards for special land use approval within Sec. 34.08 of the Zoning Ordinance for a climate-controlled self-storage use in the HRC overlay district.

Special land use approval is based on the following conditions:

1. Approval of a corresponding site plan by the Planning Commission;
2. No outdoor storage at any time.

Discussion –

Haber – Dave, I think some of the things that we talked about will come up in the site plan approval.

Campbell – Thoughts about architecture, landscaping or lighting, those are more applicable to the site plan, correct.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED UNANIMOUSLY

MOTION by Karim, supported by Parel, to approve, **with conditions**, Item PSP21-02, The Space Shop – Site Plan, the request by Stein Investment Company of Atlanta GA for site plan approval for a new climate-controlled self-storage facility located on two vacant lots at the southeast corner of Pontiac Trail and M-5.

Sidwell No.'s: 17-25-226-044 & 17-25-226-052

Move to approve Site Plan # PSP21-02, a 100,000 sq ft two-story climate-controlled self-storage facility for Stein Investment Company's The Space Shop, to be located on two vacant properties at the southeast corner of Pontiac Trail and M-5.

Site Plan approval is based upon a finding by the Planning Commission that the proposed development is consistent with the applicable development standards of Article 35 of the Commerce Township Zoning Ordinance, and those within Article 18 applicable for new commercial developments within the Haggerty Road Corridor overlay district.

The Planning Commission further finds that the proposed parking is an appropriate deviation from an application of the minimum parking standards of Article 28 of the Zoning Ordinance given the nature of the proposed use, and that no dumpster and dumpster enclosure shall be required.

Site plan approval is subject to the following conditions:

1. Review and approval of engineered construction plans by the Township Engineer, Fire Marshal, Road Commission for Oakland County (RCOC), and Building Department;
2. A contribution into a dedicated pathway fund in lieu of construction of a pathway along the subject property's M-5 frontage, in an amount proportionate to the cost to construct said pathway as agreed upon by the developer, Township Engineer, and Planning Director;
3. Review and administrative approval of a revised site plan that includes:

- a. A cross-access easement connecting the site's proposed driveway to the vacant property adjacent to the east;
 - b. Re-orientation of the proposed front parking area to ensure the parking spaces do not encroach on the minimum front setback;
 - c. A dumpster enclosure matching the materials of the proposed building to be administratively reviewed and approved if ever determined to be necessary;
 - d. Mechanical and utility equipment to be adequately screened;
4. A land combination application be reviewed and approved administratively to create a new legal description and parcel ID number for the single property;
 5. Signs to be reviewed and approved under a separate Sign Permit by the Building Department subject to the requirements of Article 30 of the Zoning Ordinance.

Discussion –

Haber and Linscott discussed cross-access with the adjacent property.

McKeever, Weber, Rebeck, Winkler and Karim had no additional comments.

Parel appreciated the petitioners great design. However, going forward, he does want to change the ordinance as it relates to EIFS, and Haber agrees.

Haber suggested a "Right Turn Only" sign for outbound traffic and Mr. Linscott agreed.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED UNANIMOUSLY

Chairperson Haber – Congratulations, Jason. When do you plan on getting started and how long do you think it will take?

Mr. Linscott – First of all, thank you all. I appreciate the input and the back and forth discussion. It's a good process. We would probably start this in late summer. It takes about 10-12 months to complete. Hopefully we'll open by next summer.

Chairperson Haber – Good luck. We welcome you to the community.

>>Per the amended agenda, Items H2 and I2 would be heard together, with separate motions to follow for each.

ITEM H2. PSU21-02 – JIFFY LUBE – SPECIAL LAND USE

Jiffy Lube International of Houston TX is requesting approval of a Special Land Use for an automobile service center (Jiffy Lube) in the B-3 (General Business) zoning district and within the Haggerty Road Corridor overlay district located on the west side of Haggerty Road in an outlot to be created within the parking lot of the Meijer store at 1703 Haggerty Road. Sidwell No.: pt. of 17-25-426-014

I. NEW BUSINESS:

ITEM I2. PSP21-03 – JIFFY LUBE – SITE PLAN

Jiffy Lube International of Houston TX is requesting site plan approval for a new automobile service center (Jiffy Lube) located on the west side of Haggerty Road in an outlot to be created within the parking lot of the Meijer store at 1703 Haggerty Road. Sidwell No.: pt. of 17-25-426-014

Dave Campbell, Planning Director, gave a review. This newly created outlot property would be a little over a half-acre. It would not have any new points of access onto Haggerty Road. They would share the existing driveway and internal roadway network that Meijer already has. The building would be 3,100 square feet, with four bays for drive-through automotive service, primarily oil changes but also work with batteries and tires.

This is not the type of service where you drop off your car. Instead, it's the type of service where you actually sit in your car while it's being worked on, or you sit inside the lobby. That's relevant to the site plan as they are not proposing a huge area for cars to be stored in while they await service or for their owner to retrieve them.

The entire Meijer property is zoned B-3 General Commercial, and an auto service center such as Jiffy is a Special Land Use, and specifically when it's incorporated as part of the larger shopping center, the Meijer campus. It would be just north of the Meijer gas station as well, and would share access with that facility.

In looking at the Meijer campus, multiple conversations addressed the potential for a sidewalk along the Haggerty Road frontage. An independent living facility is currently under construction, Rolling Hills, on the south side of Crumb Road, west side of Haggerty. They are putting in a sidewalk along their Haggerty Road frontage, and the RCOC is requiring that they put a receiving ramp on the north side of Crumb Road so that folks who are using the sidewalk on their frontage have a place to go when they cross Crumb Road. An 8-foot sidewalk from that receiving ramp extending northward across the Meijer frontage within the Haggerty Road right-of-way would be a logical extension of the pathway system, and would fill a significant gap in the goal of connecting the Michigan Airline Trail to Maple Road and to Pontiac Trail. The Planning Commission has the authority to require an 8-foot sidewalk as a condition of site plan approval for Jiffy Lube, and as a condition of amending the site plan for Meijer.

Part of what's being proposed tonight is not just a Special Land Use for Jiffy Lube, and not just a site plan, but the Planning Commission is also amending the Meijer site plan. Oftentimes when a site plan is being amended, the Planning Commission requires that the site plan be brought up into reasonable compliance with what would be required if that site plan were proposed today, and that would include Meijer installing a sidewalk along Haggerty Road.

A traffic study was not required for Jiffy Lube. They're not requiring any new access, and the traffic to be generated by Jiffy Lube is expected to be relatively nominal in comparison to the amount of traffic that's already being generated by the Meijer store. Regarding the landscaping along Haggerty Road, it is now 30 years mature since the Meijer project was approved. There may be a temptation for Jiffy Lube to remove or significantly prune that existing mature landscaping. One of the suggestions for site plan approval is for Jiffy Lube to make a determination of what they want to do with the existing landscaping, and be required to submit a revised landscape plan that shows how they might replace any plantings along Haggerty.

In general, the Planning Commission should keep in perspective that what's there now is an unused asphalt parking lot that is an invitation for the clothing donation bins that no one likes, or for people to store vehicles. This is an opportunity to bring that area into a more productive use with the Jiffy Lube facility, and with more landscaping than we currently have.

Procedurally, they would need Special Land Use approval for an automobile service center in the B-3 Zoning District, and the corresponding consideration for site plan

approval for a new building and the surrounding landscaping, on a new piece of property to be carved out of the Meijer site.

Weber – Dave, is Jiffy Lube purchasing this property from Meijer, and will this lot be subdivided and become its own parcel?

Dave Campbell – It is my understanding that they're creating a separate parcel that they will buy from Meijer, assuming they get the approvals that they need from the Township. If you look at our recommended motion, I hope that one of the conditions of approval is that they go through the land division process.

Weber – Yes, okay.

Matthew Pisko was present, representing the Applicant, Jiffy Lube International, Inc., 150 N. Dairy Ashford Road, Bldg. F, 3rd Floor, Houston TX.

Mr. Pisko – I want to share my screen and give you a very brief presentation on the actual Jiffy Lube operations. This is where we're proposing to place it, between the gas station and the small shops, in front of the Meijer grocery store. We will continue internal access, but there are no new access points. This is a smaller version of the underutilized parking area, and the proposed unit.

Jiffy Lube International is a wholly-owned subsidiary of Royal Dutch Shell. They have 2,200 franchise locations across the U.S. They're making a push to increase density and are actually company-developed stores. This is a really big push in 15 communities in Michigan, Ohio, Pennsylvania, New Jersey and New York State. With your blessing, we'd love to start construction on this and have it open this year.

Meijer came to Jiffy Lube specifically because our use is complementary to their vacant parking spaces, and it's low-intensity, between 5-6 cars per hour for a business day, from 7am to 8pm. As far as the operations, it is a multi-care center. No appointments are required, unlike tire change places. The multi-care moniker is consistent with regular interval maintenance, an alternative choice for consumers. Typical services are oil changes and lube, their primary service, along with vehicle inspections, filter changes, fluid changes, battery replacements, brakes, exterior glass, and suspension work. Typical service is 30 to 120 minutes. We have a nice vestibule for the patrons to wait. There is no overnight parking of automobiles. People pull up into queue, a service tech will drive it into the bay facilities or the on-grade bays, and they choose their service. When the service is done, the tech will pull the car on the exit side and the patron pays their bill, gets in their car and departs.

There's no outdoor storage materials. The location will have its own spill prevention control and countermeasure plan, a pollution incident protection plan. There are two bays that have a basement for the pits. There are no flood drains in the basement and it is water-tight. Shell, being a publicly traded large company, is environmentally responsible and quite honestly, paranoid about spills and things of that nature. There is also an oil/water separator before the last structure leaving, just in case there was a surface spill, which is unlikely. Deliveries and waste reclamation are performed during open hours.

Lots of times there's noise concern issues with the compressor. The compressor is in an enclosure in the basement and is quiet enough that ear protection is not required per OSHA standards.

It has 4-6 employees per shift, one of them being shift manager. We have 9 spaces that are in the Meijer parking lot. We consider the intake side of the bays to be parking spaces, because that's essentially where the service commences.

We go dark at 8pm, so we'll just go to dark sky on the building so as not to attract customers after close of business. Should I show the building elevation now?

Chairperson Haber – We're doing these together, so go ahead and do that.

Mr. Pisko – Are there any questions on the before and after? If not, I'll move onto the elevation. This is Haggerty Road. I know there's some concern about the lack of windows. We can certainly add windows to this elevation facing Haggerty. We've landscaped quite a bit around the premises. The notion of augmenting landscaping in the front, on Haggerty Road, we don't have the benefit of a monument sign and we are behind quite mature plants. If we can look at that administratively, if we can augment plants or replant, I just haven't talked to Meijer about that yet so I don't have an answer. We're open to that because certainly we're not going to have great visibility, but that's okay. People will figure out we're there.

This is the building elevation and I can pull up architectural drawings. This is a stone base, then a rollock, then brick, then a soldier course and then EIFS to be the backing for the signs. In listening to the previous presentation, I know you're not big fans of EIFS, and we will maintain the required percentages. Another point, we have absolutely no objection to installing the sidewalk. We intend on being good neighbors and would be glad to do that.

As to the Special Use, I think we are in compliance with the eight criterion. As it relates to the site plan motion that was written, we have no objections as stated. If you have any questions, comments or concerns, I'm at your disposal. Thank you for keeping us safe in this environment and providing an avenue to continue moving projects along. It's much appreciated.

Chairperson Haber opened the public hearing.

Jacob Batlemente – We currently have no members of the public with us, Mr. Chairman.

Chairperson Haber closed the public hearing.

Chairperson Haber explained to the Commissioners that this review is for Special Land Use and site plan together.

Commission Comments:

Winkler – I have one question for the petitioner. How do they store the used oil at the site? Is it an above ground tank, or below ground? How do you dispose of that, or store that oil?

Mr. Pisko – They are above ground tanks, regulated by LARA Fire Department for the State of Michigan. Whatever SPCC plan gets approved, those are the types of tanks that we're using. Everything is within the confines of the basement.

Winkler – Thank you, I appreciate that.

- I really have no major questions about this development.

- The sidewalk, and then the need to decrease the amount of EIFS on the facades, as David has mentioned in his report, that would take care of any concerns I have.
- I would mention to the petitioner, when you increase the amount of brick on the building, I would suggest that you don't do it arbitrarily and just put it right up to the 25% maximum for EIFS. Do it in a way that complements the architecture of your building as you've already designed it.

Mr. Pisko – Point taken.

Rebeck – I don't have anything to add at this time.

Karin – I don't have anything to add at this time. The elevation looks good.

Parel –

- Before seeing the renderings, I was really concerned about the overhead doors and their visibility, mainly from Haggerty Road.
- Dave, I think we're planning on handling a lot of landscaping administratively. My position would be, I want the overhead doors covered as much as possible. If it was up to me, you wouldn't see them from Haggerty Road. I don't know how that's accomplished.

Dave Campbell – We will certainly take a look at that when we're looking at the landscape plan. Obviously with this type of use, they have to have the overhead doors and they have to have them on both sides because it is a drive-through type of operation. It's difficult to make those invisible in the sense that this site is surrounded by Meijer and the retail plaza to the north. Typically, what we do is we require that they can't face Haggerty Road. We don't want them to be that prominent facing the main road, but in this case, we will look at the landscape plan and come up with solutions to minimize the visibility of the overhead doors.

Parel – Thank you. I think the request is for signage on all four sides of the building. Initially, that sounded a little bit obnoxious. I guess my position would be that I understand that they're trying to do business and attract folks to Jiffy Lube. I would actually be okay with that, as long as they did a better job working administratively to landscape and screen those overhead doors.

Dave Campbell – The signage issue is already scheduled for the Zoning Board of Appeals meeting later this month. Mr. McKeever, as liaison to the ZBA, is going to see this project again specifically for that question of the additional wall signs.

Parel – Again, my only comment two times in a row is EIFS. I'm not a fan and I wish we could do better.

Chairperson Haber – Brian, I feel the same way. Dave, can you get that on our agenda to discuss that? It comes up every time. I think it's time to put it to rest. Can you look into that please?

Dave Campbell – I will look into it, yes. The best way to address that is to amend the Zoning Ordinance for the percent of EIFS that we allow in our various zoning districts.

Parel – On that point, to me, the EIFS that stands out on this building is on the east side of the building that faces Haggerty. Obviously, that's the most visible area of the building, but the front of it also has a lot. If they are going to get four signs, maybe the east side doesn't have any EIFS on it. Just a suggestion.

Chairperson Haber – Brian, I'm pretty much in the same place you are with the signs. I think four signs is overkill. We have not allowed it anywhere else in the Township that I'm aware of. Bill McKeever, take heed.

McKeever – If it meets the criteria, it meets the criteria. Unfortunately, I don't believe it will, but I'll wait to see the presentation.

Dave Campbell – I think the question of the EIFS and the signage are interrelated questions. The amount of EIFS might depend on how much signage the ZBA allows them. My suggested approach would be, let's see how things go with the ZBA and what signage they are allowed to have. Once that's determined, that would probably drive how we handle the amount of EIFS on the building.

Chairperson Haber – Works for me.

Parel – On the north end of that building, looking at this rendering on the screen, the area that's over the overhead doors, with all that EIFS kind of looks like vacant storefront with no signs on it. I don't love that look. Other than that, I'm all set.

Chairperson Haber – Any suggestions as far as that is concerned? We've got a couple architects here. Brian, you're talking about the north side?

Parel – The north.

Chairperson Haber – Where the overhead doors are. I don't particularly like it either.

Winkler – I'll defer to Samir on this one.

Karim – I agree, there's too much EIFS in there. I'm not against having some EIFS. You need to have it make that coloring on the building, or that variety of the elevation. But yes, it looks like there is a lot, especially on the Haggerty side.

Chairperson Haber – I'm not an EIFS fan and I could eliminate it all.

Weber –

- For better or for worse for the petitioner, this is in my wheel space. I will say I've spent quite a bit of time at their offices down in Houston, and did find Jiffy Lube to be a good company and a well-run company.
- A little bit of a concern with this being a multi-care facility, and it wasn't clear to me the size of the dumpster, but if you're going to be in multi-care where you're going to be doing brakes, suspension, tires, batteries, I want to make sure that

there is zero outside storage, particularly for things like batteries and tires where they need to get picked up by a recycler. Mr. Pisko, could you talk a little bit about where all the take-off parts will be stored?

Mr. Pisko – We're cognizant of the concern about outside storage in earlier conversations with Planning staff. Nothing will be stored outside of the building, nor visible. This is a trash enclosure which is completely enclosed, and it is larger than a traditional trash enclosure. This is where drum storage is stored within the confines of the trash enclosure, which is 6' high and will be screened ad nauseum.

Dave Campbell – Matthew, correct me if I'm wrong, but when I was talking Irwing, your predecessor on this project, and asked him about used tires, the way he described it was that the used tires that come off the vehicle go right back on the rack where the new tires had been. In other words, there would never be a need for any outdoor storage of used tires.

Mr. Pisko – God bless him, Irwing was honest, forthright and correct, Mr. Campbell. There's no outside storage of tires. I was remiss. This is the floorplan and these are four bays. If you can imagine, the first two bays closest to the vestibule and the lobby, this is where the oil change and the pits are. This is where all the underground lube equipment is stored. This is a slab on grade. As far as suspension parts, there isn't any heavy suspension work done. Perhaps alignments, rotations, wheel changes, brakes and things of that nature. There isn't any wholesale suspension reconstruction.

Weber – Just to reiterate, you work on all makes, so your ability to store the parts needed is not going to be feasible at all times. I just want to make sure that there will be no outside vehicle storage overnight, because you don't have the parts to do a specific repair and the vehicle is already torn down.

Mr. Pisko – That is absolutely correct. That is antithetical to our operations. We service while they wait. There may be a circumstance where we don't have the parts and we can't service the vehicle, and they'll have to come back or find another place. We're not going to start a vehicle service and leave them stranded. That's not how we operate.

Weber – I know the historical model has been 100% franchisees. You used the term company-developed.

Mr. Pisko – Jiffy Lube is developing these and they have a preferred franchisee that handles a vast majority of their operations, but the franchisee is a wholly-owned subsidiary of Jiffy Lube, which is a wholly-owned subsidiary of Royal Dutch Shell. They still have a lot of influence over the operations.

Weber – There won't be a local franchisee?

Mr. Pisko – No.

Weber – Okay. Those are the only questions I have. Thank you, Mr. Pisko.

Mr. Pisko – You're welcome.

Weber – Just to reiterate, I completely agree with the previous comments regarding the EIFS and the signage. My personal view is, only signage on the Haggerty Road side. No EIFS on the north and south sides, particularly over the doors. If you want to brick them all the way up, or put some other kind of architectural enhancement there, I would be fine with that. I could possibly see a sign facing to the west, which would face toward Meijer. I agree with the need for screening and not removing mature trees.

McKeever – I do not have anything to add.

Chairperson Haber – I'm going to reiterate some things here myself. Matthew, could you bring the rendering up on the side facing Haggerty please?

Mr. Pisko – This is the side facing Haggerty.

Chairperson Haber – The problem I have is that you need to put some windows in that (east) wall.

Mr. Pisko – Yes, I acknowledged that we will put additional penetrations in here. It may be spandrel glass because the restrooms for patrons are here, but we will put more windows on the front elevation.

Weber – The buildings that are due north of you, on the outlot of Meijer, there's some history with those. Hindsight being 20/20, the view of those buildings from Haggerty Road, if we were to do it over again, would be completely different. They would look much more like a frontage. That's maybe some of what you're hearing from the Planning Commission, is that we would want the east side or the Haggerty Road side of this to look like a storefront as much as possible.

Chairperson Haber – That's my exact feeling too, George. Thank you. I think there's too much EIFS. We're going to have to do something else on site plan unless we want to discuss that now. And the signage; one sign, or two at the most. I would like to see no more than that.

McKeever – Obviously we have a standard that they have to meet. If they meet the standard, I don't know that we have the ability to hold them hostage over and above that until we come up with a revised ordinance.

Chairperson Haber – I understand that. I'm looking for something voluntary from the petitioner.

Mr. Pisko – We're not trying to be gluttons for additional signage. Being an out parcel within the site, we don't have the luxury of having a monument sign that's visible from the street. We've got mature trees on the boulevard in front of us. We are open to suggestions and we'll work with Mr. Campbell. We'll be before Mr. McKeever shortly to discuss the petition.

Discussions continued regarding signage, existing and new landscaping, reducing EIFS, challenging sightlines and visibility of the proposed building. In addition, sharing the monument sign with Meijer was also discussed.

Chairperson Haber inquired about working with Meijer on the existing landscaping. Dave Campbell noted that before any pruning or removal of existing vegetation could be done, they would require approval by the Township as that is part of the Meijer approved site plan from 1991. This could be done administratively to ensure only the bare minimum is taken down, and it is replaced with something of equal value elsewhere on the site. Jiffy Lube, in their negotiations with Meijer, would need to address this and then come to the Township for an amendment of the Meijer landscape plan.

Mr. Pisko reassured the Commissioners that they would never prune, reduce, cut down or change the landscaping on someone else's property, without their explicit permission and permission of the Township.

Dave Campbell – If this site plan were to be approved tonight, all the landscaping we're looking at would have to remain. The only way that ever gets amended is for the Meijer site to propose an amendment to be approved, either administratively, or if it is significant, we can bring it back to the Planning Commission.

Chairperson Haber – The problem I have is that nobody has mentioned this to Meijer. We need to bring this up with them beforehand so that they understand the problems, and we avoid someone going in there to cut this down.

Mr. Pisko – We will reach out to Meijer to see if they are amenable to that.

Chairperson Haber – Dave, you understand where I'm coming from, right?

Dave Campbell – I do, and right now, those trees are not going to get touched.

Chairperson Haber – Okay. I'll reiterate, absolutely no outside storage on anything. I want to drive by at night and see it as clean as a whistle.

Mr. Pisko agreed.

Chairperson Haber – I don't have anything else to add. We've had a lot of discussion and most of it was positive. The EIFS situation, I'm not happy with it. I still want to get something resolved with that.

Parel – On that matter, Dave, I know we've gone back and forth talking about the signs. My question is, *Who in this instance grants the sign exceptions for a property like this?* Is it during our review of the Special Land Use, or does it automatically go to the ZBA?

Dave Campbell – Signs are reviewed and approved administratively by the Building Department, and that's for a matter of efficiency. We don't want to have to come to the Planning Commission every time there's a change out in a tenant space and they have to wait 30 days. The Building Department is already aware that they're asking for too many signs on this Jiffy Lube. They're entitled to one wall sign, and they're asking for a total of four. The petitioner would then appeal the Building Department's denial of their sign permit to the ZBA. The ZBA will consider the sign exceptions for the Jiffy Lube, for four wall signs where only one wall sign is allowed.

Parel – As part of the Special Land Use, could we as a Planning Commission decide to grant them additional signs?

McKeever – No.

Parel – Okay, there you go.

Dave Campbell – That was going to be my answer too. I think the Planning Commission can make it clear to the ZBA, and I think already has to a large extent, given that Mr. McKeever is plugged into this. But no, the Planning Commission is not a position to usurp the ZBA's authority when it comes to sign exceptions. You can certainly have your opinion noted in the minutes.

I think that this question of the EIFS will be easier to answer for myself and for Mr. Pisko once the ZBA has spoken on the signage. Once it's understood what they're allowed to have as far as wall signs, then I think it would then make sense to look at where EIFS can and cannot be permitted on this building. I hope that you can give me the administrative authority to work with Mr. Pisko to make some revisions to these building elevations, and reduce the amount of EIFS on the most prominent sides of this proposed building.

Chairperson Haber – I don't have a problem with that, Dave. I trust you with this. You know what our feelings are. We've made it pretty clear. Bill McKeever, we also hope you will take our feelings about the four signs to the ZBA. Then we'll see where the pieces fall. Dave, if you can work with them architecturally, I'd love it. I'd like to see them go ahead with this.

MOTION by Weber, supported by Winkler, to approve, **with conditions**, Item PSU21-02, Jiffy Lube – Special Land Use, the request by Jiffy Lube International of Houston TX for approval of a Special Land Use for an automobile service center (Jiffy Lube) in the B-3 (General Business) zoning district and within the Haggerty Road Corridor overlay district located on the west side of Haggerty Road in an outlot to be created within the parking lot of the Meijer store at 1703 Haggerty Road. Sidwell No.: pt. of 17-25-426-014 Move to approve PSU #21-02, a special land use for Jiffy Lube automobile service center in a new outlot to be created within the parking lot of the Haggerty Road Meijer store, within the B-3 – General Business zoning district and the Haggerty Road Corridor overlay district. Special land use approval is based on a finding that the applicant has demonstrated to the satisfaction of the Planning Commission that the proposed use complies with the special land use criteria of Section 34.08 of the Zoning Ordinance, as well as the use standards of Sec. 26.304.

Special land use approval is based on the following conditions:

1. Approval of a corresponding site plan by the Planning Commission;
2. There will be absolutely no outside storage.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED UNANIMOUSLY

MOTION by Parel, supported by McKeever, to approve, **with conditions**, Item PSP21-03, Jiffy Lube – Site Plan, the request by Jiffy Lube International of Houston TX for site plan approval for a new automobile service center (Jiffy Lube) located on the west side

of Haggerty Road in an outlot to be created within the parking lot of the Meijer store at 1703 Haggerty Road. Sidwell No.: pt. of 17-25-426-014
Move to approve Site Plan #PSP21-03, a new 3,064 sq ft automobile service center to be developed on a 0.54-acre outlot to be created within the Meijer property at 1703 Haggerty Road. Approval is based on a finding that the site plan complies with the applicable standards of the Township Zoning Ordinance, including those applicable to a new commercial building within the Haggerty Road Corridor overlay district, so long as certain conditions of the Planning Commission noted below can be included on a revised plan. The Planning Commission's motion approving the site plan for Jiffy Lube shall infer an approval for amendment of the Meijer store's site plan, originally approved in 1991 (SP #91-25-01) and most recently amended in 2016 (PSP #16-0017).

Site plan approval is subject to the following conditions:

1. Review and approval of engineered construction plans by the Township Engineer, Fire Marshal, and Building Department;
2. A revised plan to be reviewed and approved administratively showing an 8-foot sidewalk along the Haggerty Road frontage of Meijer's property;
3. A land division application to be reviewed and approved administratively subject to the applicable procedures of Commerce Township, Oakland County, and the State of Michigan;
4. Any new signs to be reviewed and approved under a separate Sign Permit by the Building Department subject to the requirements of Article 30 of the Zoning Ordinance, and any Sign Exceptions for additional wall signs be carefully reviewed by the Zoning Board of Appeals in the context of minimizing the traffic concerns of excess signage along the high-traffic thoroughfare that is Haggerty Road;
5. No existing landscaping or vegetation on the Meijer site to be removed without administrative review & approval of a replacement plan;
6. A revised site plan be submitted for administrative review & approval by the Planning Department. Revisions to include the following:
 - a. A PIPP plan or its equivalent;
 - b. Revised building elevations demonstrating that EIFS will comprise no more than 25% of any building elevation, and in color to confirm the proposed color palette;
 - c. Screening of the utility equipment on the west side of the building as directed by the Planning Commission;
 - d. Building elevations to confirm that rooftop mechanical equipment will be screened;
7. Review by the Township Attorney of all necessary easement, cross-access, and/or maintenance agreements to ensure Meijer and Jiffy Lube peacefully share driveways, drive aisles, and parking areas;
8. Administrative Approval by the Planning Director to approve the east side elevation, along Haggerty Road, with something that will make it look more like a storefront, such as spandrel windows as discussed herein.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED UNANIMOUSLY

Chairperson Haber – Matthew, welcome to Commerce Township. How long do you think it's going to take to build it?

Mr. Pisko – It has to be done in 2021, so we will be going post-haste. Thank you very much for your consideration. I think you'll be delighted with our efforts.

Chairperson Haber – Okay, stay in touch with Dave because he is going to have a lot to say on what's going on here.

Mr. Pisko – You betcha.

ITEM I3. PPU20-02 – MIDTOWN ON HAGGERTY – PUD 2nd PRELIMINARY REVIEW

Steven and Spencer Schafer with Schafer Development are requesting a 2nd Preliminary Review of a (PUD) Planning Unit Development for a mixed use (commercial & residential) development located on the west side of Haggerty Road, just north of 14 Mile Road at 155 Haggerty Road. Sidwell No.: 17-36-400-014

Dave Campbell – This is our second preliminary review for a PUD, which is not a required step. The initial preliminary review is required and was held in January. However, the developers took very seriously the comments they heard from the Planning Commission and made some significant revisions to their proposed plan. They wanted to bring it back to see if the Planning Commission feels that they are on the right track, and if it would be wise to then proceed to the next step, which is to hold a public hearing and develop a PUD agreement and plan. They didn't want to go to that expense with the PUD agreement until they presented the revised concept to the Planning Commission. I know that Steve and Spencer would like to deliver their own presentation.

The most significant changes to Midtown on Haggerty is to the residential component which comprises the westerly two-thirds of the property, located on the west side of Haggerty Road, north of 14 Mile. The Schafer's have removed one of the proposed apartment buildings for a total of 9 buildings now. They have slightly reduced the units from 190 to 187. Mr. Haber had suggested that they evaluate whether these buildings should be serviced by an elevator because they are 3-story buildings. The Schafer's have taken two buildings and combined them with a center atrium, and within that structure would be an elevator that would service both buildings. Those two buildings are now 4-stories. I believe the intent is that there's one less building on the site, allowing them more open space and greenspace, but then they retrieve the number of units from the building that was removed by adding a 4th floor to the buildings serviced by the elevator.

Again, this is an informal step and there's no formal action being sought by the Planning Commission this evening. They would just like good direction so that if they are back in April or May with a formal proposal, they want to know that they're on the right track.

Steve Schafer – I'll leave it to Spencer this evening. I'll fill in anything he may overlook.

Spencer Schafer – I'll go through some slides in the presentation, then we'll get into the video, and then I've got a few more slides afterwards.

Spencer Schafer shared his screen. He presented the revised site plan and reviewed implementation of the comments from the last meeting of the Planning Commission, which they feel creates a substantially better community.

There were four key issues. First, relating to open space and density, second, related to an empty-nester friendly development, third, building height, and fourth, exterior materials.

The proposal was decreased from 10 to 9 buildings, which vastly increased the amount of usable open space. The pedestrian walkways were significantly enhanced.

Additionally, there is a strong, defined connection into the retail.

Regarding empty-nester friendly, of the 187 units, 54 units have no stairs or are serviced by an elevator. Buildings 2-9, excluding 1 and 3, have three 2-bedroom, first floor units which are easily accessible for empty nesters, and then Buildings 1 and 3, which are the 4-story buildings, sit on the rear of the site. The benefit of locating the 4-story buildings at the rear of the site is that the natural grade is 5-6' lower than the rest of the site. Having a 4th story gives enough critical mass to justify having a nice commercial grade elevator that will withstand the test of time.

As to building height, Buildings 2, 4, and 5-9 are all 3-story; they're 32' high, with a small parapet wall which is there to essentially hide any rooftop equipment. The 4-story building is 42' high, but sits 5-6' lower because of the natural grade.

Lastly, exterior materials; those comments were taken to heart. The buildings now include all brick and masonry, or a premier cement board siding, with a strong mix of materials and colors.

Spencer Schafer compared the old plan with the revision side-by-side on the screen. He reiterated the changes to the site, including enhancements to outdoor amenities. They have reached out to neighboring businesses and all were very complimentary of the plan and everyone was excited about the additional foot traffic that this development could help generate.

In speaking with Dave Campbell, there were questions regarding the 4-story buildings, but the video shows that these do not appear as much taller than the other 3-story buildings as they are situated at the lowest part of the property. The back portion of the property, next to the wetland, happens to be the lowest buildable elevation in the entire commercial quadrant. The hotels located just west, which can be seen from Haggerty Road, sit approximately 10-15' higher than this site. Other nearby buildings are between 35-40' high, in addition to the water tower on the south side of 14 Mile Road.

Spencer brought up the video fly-over of the proposed project, showing the vast improvement of the geometric layout of the buildings to maximize the residents' view of greenspace, the creation of a large community amenity and densely landscaped buffers to the commercial. He presented views from Haggerty, commercial elevations, the drive-through window, the patio area, the brick paver pedestrian walkways, and the welcoming storefront elevations on both the front and rear elevations.

Chairperson Haber – Is this Haggerty Road?

Spencer Schafer – This is the east-west spine road within the interior of our development, which separates the commercial from the residential.

Chairperson Haber – So parking is off Haggerty Road?

Spencer Schafer – Correct, the parking is in the front, situated closer to Haggerty Road.

Spencer Shafer continued his video presentation, showing that the natural grade of the property helps to hide the 4th story of the rear residential buildings. The 4-story buildings

appear to be the same height as the 3-story buildings. He reviewed color variations between the residential buildings, the elevations, landscaped pocket parks, gathering spaces and walkability of the development.

He transitioned to the two 4-story buildings placed on the sloping natural grade, which feature a prominent glass atrium between with access to the elevator. He elaborated on the clubhouse, along with an extensive variety of indoor and outdoor amenities, the magnificent landscaping, pathways and architectural variations.

Spencer returned to the presentation slides, reiterating the high-end commercial and residential building materials, design elements, colors and variations to prevent monotony and promote curb appeal. He discussed the knee-walls proposed at the drive-throughs to shield from the residential, along with landscape screening and prominent signage. In addition, he discussed some of the carbon neutral concepts presented earlier by Jan Culbertson. He felt that they could embrace all electric, energy-efficient appliances and designs in this development to reduce the carbon footprint, and incorporate EV charging stations and rideshare.

[9:45pm audio feedback issues began occurring frequently.]

Chairperson Haber – Let's start with Bill. Do you have any comments?

McKeever – I think it's a nice concept, but I feel it's too dense. There's too many dwellings per acre. Nothing has been done to address the density.

Weber – First, for the Schafer's, I think you guys are a role model when it comes to planning and working with the Planning Commission. Every time you've come to us, you've been buttoned up, clear and concise. Your thoughts are extremely well investigated, and you generally answer a lot of our questions before we ask.

Spencer Schafer – Thank you.

Weber – I went to the property again today to look at it. I think I've said it before, this is the only piece of land within Commerce Township that I'd even think about entertaining something like this. I struggle with the 4th story. I looked at the site and the video. I understand what you're saying. Depending on which way you're looking at the development, I agree from Haggerty Road, that those two buildings will be mostly blocked or screened.

Like Bill, I'm struggling with the density. I like this layout in terms of buildings, and I'd like it even more if Buildings 1 and 3 were 3-story instead of 4-story. I see where that is taking units away from you, but you're basically trading that building for having the pool and clubhouse area that was not in your original design, as well as some of the other greenspace. I don't know that I have a definitive answer for you. I like the development for this particular piece of property. Without the 4-stories, I could live with it. I do think this is not going to be a slam dunk when it gets to the Township Board, specifically if nothing else, from purely a density discussion. I don't know if that helps.

Chairperson Haber – You said it well, George.

Vice Chairperson Parel – I agree with everything that has been said as it relates to density. Between this and the previous site plan, we reduced by one building, but then

we obviously went to 4-stories on two, and only reducing the overall density by 3 units. I think that's a trade-off. We got a little more greenspace, but we're going to have two buildings that are 4-stories. To Bill's point, it doesn't really solve the density issue. I know this is preliminary, but we've really got to be careful. We don't want to waste everybody's time if this isn't going to be approved by our Board. I think the design is great.

Rebeck – Personally, the 4-story buildings don't really bother me because they're in sightline with the two hotels, which I'm sure are probably a similar height, and these buildings look a lot nicer. I really like the exterior of the buildings from what I saw in the virtual part, but obviously this has to get past another level from here. I really like what you guys did.

Karim – I really think this is an improvement over the previous site plan. I personally don't have a problem with the 4-story building because it's on the back and there's the wetland behind it which separates it from the streets and buildings, and the area behind it too. I don't have any problem with it.

Winkler – I really like what the petitioner has done in revising their site plan to address previous comments from the Planning Commission. The added greenspace, the way they've incorporated the 4-story buildings into that end of the site, and I really like what they've done. It has been a very thoughtful change. If we go to the west of this development, there are the two 4-story hotels along M-5. Not that it matters, but it's not the only 4-story building in this area, and it complements that.

Karim – I agree.

Winkler – Otherwise, this petitioner knows the challenges this site and the development will have potentially with the Township Board, but they've done a great job.

Chairperson Haber – Spencer and Steve, I think you did a really nice presentation. It's nice to see somebody in the 21st Century instead of the 20th Century. But, I have to tell you, I have a real issue with 4-stories. I was dead against it when the two hotels went up. I didn't want it, and it got by us. We're setting a bad precedent for the rest of the Township, and that's a very big thing for me. Once you open the gates, everybody goes through. I like everything else about what you've done. I think it's great.

One question, and this is just the discussion phase, because you can do whatever you want when you come back to us. We can't say where it's going to go. One problem I have is with the commercial situation. For some odd reason, it's bothering me an awful lot to have the parking right on Haggerty Road. I think I'd rather see the parking in back, and not so much parking in the front. I don't know if anybody else will agree. I like everything else, and save me an apartment if you build it because I think I'd like to live in that area. I can't predict what the Board will do, but I don't think they will like 4-stories.

Steve Schafer – I think we have to understand where this is located, around all of this commercial with a lot of massive buildings, Home Depot, Lifetime Fitness. I think density is really important and is going to make this successful. We don't want this to get lost between two shopping centers and the Home Depot.

We looked at doing the commercial buildings in the front, but the only problem is that the drive-throughs get to be really funky and right up onto Haggerty Road instead of being around the back. With the residential behind it, we felt we wanted to have a nice clean, double-sided building because you'd potentially have 187 residents that would be utilizing that back area quite a bit.

I really agree with you as far as the height goes. You do have the hotels which are greatly elevated by about 12' over the top of this site. This is the lowest point and I think that the 4-story building from Haggerty Road is not going to be very apparent.

We'll continue to try to improve on the plan. We do want to proceed cautiously and slowly at this point. We are looking to have an informal hearing in front of the Board to get their feedback as well. I think we all understand, we don't want to spend a lot of time on something that we can't all agree upon. We're really trying to get as much feedback as we can as we go through the process, to bring a great development to this location.

You see a lot of this type of development going on down at Haggerty and 8 Mile.

There's another in West Bloomfield that I think is 5-stories behind single-story retail on Orchard Lake Road, and I think another is coming next door. This really provides for a great quality of life for somebody who wants the convenience of having a grocery store next door. You could actually walk to the Kroger. And having some of the entertainment in the area. The density I think is important to create the right scale for this development, considering what we're surrounded by. We'll keep marching forward and hopefully we can keep improving on the plan, and bring you something that the Township can be proud of.

Chairperson Haber – Is there going to be a management office on the site?

Spencer Schafer – Correct, we envision that being incorporated in the leasing office which will be in the clubhouse.

Chairperson Haber – Thank you both very much. Does anyone have any further questions?

Dave Campbell – I was going to mention that the Schafer's want to get this in front of the Township Board for a presentation. I think the intent is that they are going to do that at the March 9th meeting, a week from tomorrow, just so that the Board has an opportunity to have an informal conversation about this proposal as well.

Chairperson Haber – I think that would be wise. Good luck to you guys.

Steve Schafer – Thank you.

Spencer Schafer – Thank you.

[9:58pm]

ITEM 14. PU12-24-01 – COMMERCE TOWNE PLACE – PUD WAIVER DISCUSSION

A waiver of the pathway requirements within the Commerce Towne Place PUD, Planned Unit Development, is being proposed for the elimination and relocation of a proposed pathway to be located on Parcel L on the west side of Haggerty Road, south of Oakley Park Road. Sidwell No.: 17-24-200-052

Chairperson Haber – Dave, why don't you bring us up to speed on this? Is this going to be a vote?

Dave Campbell – No, this is a discussion item for the Planning Commission, although if there's a general consensus, I would love to hear it, and I know Acting DDA Director Watson would love to hear it too. This is a decision of the Township Board, and a decision that the Board could potentially make at their meeting next week Tuesday. I fully expect that when the Board is discussing this, they will ask, *Did the Planning Commission weigh in on this?* I want to be able to tell them yes.

I want to share my screen because I think this is one where showing the aerial photo will make this a lot easier. This is the aerial of Merrill Park, the Pulte development with 69 homes on the east side of Martin Parkway, which includes sidewalks through the neighborhood, and two connections to the Commerce Towne Place pathway system. One connection is here, and the other, which is relevant to tonight's discussion, is the pathway that goes back into Merrill Park's nature area and loops around their detention pond. It's a lovely walk if anyone wants to go back there.

The question that's going to be coming before the Township Board and the Planning Commission is whether the pathway should be extended from this stub, that we had Pulte put in when they built Merrill Park, across this property which is owned by the DDA and is marketed as Parcel L, out to Haggerty Road.

A little bit of history; Parcel L was actually once part of this larger property. I think it was Unit 2 of the Commerce Towne Place site condominium. The intent, well before Pulte, or before them, Hunter Pasteur, proposed the Merrill Park project, was for whatever developed on Unit 2 to have access both to Martin Parkway and to Haggerty Road. The idea was that there was going to be a road that meandered through the property and linked up to the roundabout at Martin Parkway.

When Hunter Pasteur originally proposed the Merrill Park project, they did not want to have this secondary access to Haggerty Road. They thought that having two points of access off Martin Parkway was sufficient, and in their negotiations with the DDA to buy Unit 2, they said let's split this off and make this a standalone parcel that the DDA will retain ownership of. This bigger Unit 2 became Unit 12, which ultimately became Merrill Park, and this property became Parcel L.

The Master PUD that guides the entire Commerce Towne Place development, which includes Merrill Park, Five & Main, Barrington and all these big developments along Martin Parkway, called for a system of pathways, and specifically called for a pathway that goes across Parcel L out to Haggerty Road. That's right in the PUD, in the pathway exhibit that was included in your agenda packet for tonight, showing the pathway going across whatever would someday develop on Parcel L.

Someday is now today, because the prospective buyer of Parcel L is the franchise owner for Goddard School, which is Kellie McDonald. In her negotiations with the DDA, she is effectively saying, *I can't have a pathway going across my property.* It's a safety concern, both for inviting strangers to come across a daycare property where the staff is not going to be in a good position to monitor who is coming and going through this sort of back door through the property. It's also a concern for little ones who might see that pathway as an invitation to go into this detention pond area.

As I understand it, the only way Goddard School will make the deal on Parcel L is if this requirement for a pathway is waived by the Township Board. It's a Township Board decision that they potentially are going to make next week Tuesday.

The DDA and Deb Watson are suggesting that Parcel C offers a better and more feasible opportunity to connect the pathway system to Haggerty Road. Parcel C is owned by the DDA and will someday be developed. If the DDA wanted to sell it as a gas station, they could have sold it a hundred times over, but they want something better as they see this as a gateway from Pontiac Trail into the Commerce Towne Place development area. Whatever develops here, that developer would be obligated to put in frontage sidewalks, and a pathway that would probably hug along the property line, next door to Walmart, and it would come across this dog-ear of the Walmart property, where the DDA already has an easement.

The DDA is requesting that the Township Board waive the requirement for a pathway extension across Parcel L, and in lieu of that, require that the developer of Parcel C put in a pathway connection at what would be a more prominent corner of Pontiac Trail and Haggerty Road.

If you look at where a pathway would come across Parcel L, and where it would end up, which is somewhere along this stretch of Haggerty Road, there's not a lot of great options of where someone, who is walking or biking, would go once they get to this point of Haggerty Road. There's a sidewalk along Kindercare, but to the north, there's no sidewalks along any of the light industrial shops. Furthermore, if you look to the south, there's a guardrail along the west side of Haggerty Road that comes right up to the edge of the road. I actually walked this and there's no way to get past this guardrail without walking out onto the pavement of Haggerty Road and taking your life into your own hands as traffic sails by, southbound on Haggerty. This is a really steep slope into this wetland area.

One of the questions I think the Township Board is going to have to consider is, where are we even inviting people to go if we were to require a pathway across here? I think there's an argument that you're not inviting anyone to go anywhere safe. Their last resort would be to make a mad dash across Haggerty Road to get to the pathway on the east side of Haggerty in West Bloomfield Township.

If the Township were agreeable to waiving this pathway requirement, part of what the DDA would do in their deal with Goddard School, with the permission of Merrill Park, because they would be coming on their property, is to remove this 75' stub of existing asphalt pathway and restore it with grass.

I'll open to questions and Deb may want to make her own presentation.

Ms. Watson – Dave has covered it really well. Dave, can you bring up the packet, page 177-178?

Dave Campbell – I will.

Ms. Watson – Dave did a great job of presenting. I would just stress that these are both placeholders, these pathways on Parcel L and Parcel C. They're not recorded easements yet. We do have an easement with Walmart for the pathway to go around the back of the property in that dog-ear. As to the placement of the pathways through Parcel C, it can go anywhere on Parcel C.

I would recommend that it go along the wall. That's a very expensive connection to make there, for that 270', it's about \$46,000. Jason Mayer prepared the cost estimates for us. It's about \$28,000 to go through Parcel L. We would love to reroute those funds over to the connection at Parcel C. That will still get us through to that corner, but closer to where there's actual sidewalks. As Dave was showing, sidewalks are fragmentary on

Haggerty Road, and it's dangerous. So, where are we leading people? That was a very good point, Dave.

I see that it would be beneficial, not only for Kellie, but also for Parcel C and the connection we're making there. The location where we have the easement, that's not in the PUD and it's not in the condominium either. It's not even our property, nor is it the property of the developer who will be buying Parcel C. The DDA owns the easement there so we can facilitate that connection, and I really feel that this would be a much better use of those funds than to require a pathway on a parcel that's connecting to nothing, and then we would be losing the sale of this site too. I'd love to hear your comments and I can answer any questions you might have.

Dave, on your screen, can you zoom in so we can see the 270' connection? That's on Walmart's property on the dog-ear, and Jason has highlighted it for us.

Chairperson Haber – Deb, I see the part in red, the dog-ear. How is that going to connect to Haggerty Road?

Ms. Watson – It could run down the fence line, or the retaining wall at Walmart. On the pathway plan, it zig-zags through the property, or it may go along the wetland. It could go out to Haggerty, or down to Pontiac Trail, but it would still get you to the corner from our pathway system, as opposed to putting you out on Haggerty where there wouldn't be any sidewalks. This connection would be made when Parcel C is developed, and the sidewalks would be built along the front corner.

Dave Campbell – Larry, how this connects to the Walmart dog-ear is probably going to depend on what develops on Parcel C and how it gets laid out, and the best route to get to right there.

Chairperson Haber – How much are we going to have to say about how that pathway is going to extend, whether it be through the property or around the property?

Dave Campbell – The good news is, the Township would be able to come at whoever develops Parcel C in both directions, both from the DDA standpoint and from the Township standpoint. The DDA could say, we'll sell you this property for this price, but you are going to be obligated to put in a pathway that gets from Point A to Point B. I think the Township would have considerable say on how a pathway would get connected through Parcel C.

Chairperson Haber – How and where it would go.

Dave Campbell – Yes.

Chairperson Haber – Okay. Anybody have any comments? This is a recommendation to the Township Board and we don't vote on this.

Vice Chairperson Parel – I just think it's imperative that the Goddard School is able to purchase this property and develop it in the right manner.

Winkler – No comments.

Rebeck – I don't have anything to add.

McKeever – I have nothing to add.

Weber – It makes sense that the path connect at Haggerty and Pontiac Trail, and not just head into a dead-end on Haggerty Road. It's completely illogical. I think the only question I would have is should the Township be paying to have the 75' stub removed? Deb, I know that you had mentioned that the DDA would fund that out of the proceeds, but since the DDA is completely in debt to the Township, the Township is funding that portion. That would be my only question. If you want to buy this piece of land, but you don't want the stub to be there...

Chairperson Haber – Pay for it.

Weber – On the other side, yes, we want to sell the piece of land.

Ms. Watson – The issue that arises there is that it's taking place on someone else's land. I know that Kellie does not want to deal with working on someone else's land, and I don't know that Merrill Park wants us to remove it either. If the pathway connection is removed through Parcel L, then I'll certainly follow-up with them again to see what their decision is on that, with the permission of the Township. I would rather see it removed and it would make sense to have only the loop back there, but it's challenging. We'd have to have a construction easement and permission to go on their land, remove it and clean it up. It would be nicer overall than ending at a fence, if that's the case.

Weber – This is going to the Board next week, and I read that basically 50% of the people surveyed said they didn't want to see it go away. They wanted to see it there, but we don't know if 50% was two people, or if that was 50 people. I think that is an important factor since it's not our land. Then, if they don't want to do anything, I think it's back on Goddard Schools to put an 8' fence up, and there will just be a dead end into an 8' fence.

Chairperson Haber – Sam, was there anything you wanted to say?

Karim – No comments. I think it's well-said.

Chairperson Haber – Dave, do you have the answers that you need here?

Dave Campbell – I think I do, and I would ask the same question of Deb, whether this is enough direction.

Ms. Watson – Yes, I believe it is. George, would you recommend that I try to contact Merrill Park again before the meeting to get more information from them for the Township Board's consideration?

Weber – Yes, especially with the 50% of the people who did not want us removing the stub on their land. I think having some clarity on what 50% means, and if there's any opportunity to have further discussion with them on it. I would just talk to them from the

safety standpoint, this is going to be a daycare and nobody wants a back door through the woods into a daycare. So, what's the best solution for this?

Chairperson Haber – Let me sum things up here. I don't think we have a problem with changing that easement on there, and moving it south to the Walmart property at Pontiac Trail. That's what I think we have to go to the Board with, saying that we don't have a problem with the easement being eliminated. I think that's what you want to say, Dave, isn't it?

Dave Campbell – I want to be able to tell the Township Board that the Planning Commission looked at this and here is what the general consensus was.

Chairperson Haber – I think you've got it.

Ms. Watson – Thank you.

ITEM 15. BENSTEIN & LOON LAKE N.W. CORNER – CONCEPT REVIEW

Dean Fracassi of Desco Properties, LLC of Novi MI is requesting review of a conceptual plan for a single-family development on the north west corner of Loon Lake and Benstein Roads at 1225 Benstein Road. Sidwell No.: 17-28-401-006

Dave Campbell, Planning Director, gave a review. He shared his screen with the aerial of the intersection of Benstein and Loon Lake Roads. The proposal is to develop this site with 14 single-family detached condos. The development would include one new point of access via Loon Lake Road and would also connect to Lee Wood Ridge Road, which is stubbed at the north property line, and currently serves the Twin Sun Lakes neighborhood.

The homes shown in the developer's packet are primarily ranch units that are intended to be marketed toward the empty-nester crowd. The lot sizes vary, but predominantly they're 7,200 to 7,400 square feet, with 60' of frontage. That lot size is more consistent with R-1D zoning district, and this property is zoned R-1B, which requires a minimum lot size of 10,000 square feet with 80' of frontage.

The prospective developers would need a zoning amendment for the property. Direction provided to the developers was that if this were to proceed, it would almost certainly have to be a Conditional Rezoning, so that the Planning Commission and Township Board know what the project and outcome would be before they decide to rezone the property.

This property may be familiar to the Planning Commission as it was previously proposed for a development of 17 homes with smaller lots, which would have had to be a PUD. This is an informal conceptual conversation.

Mr. Allan Pruss of Monument Engineering Group Associates, Inc (MEGA), representing Desco Properties, was present to address the request, along with Rob Hojnacki.

Mr. Pruss – As Dave described, we're looking to get some feedback from the Planning Commission on rezoning of the property in order to develop it. The property is at the corner of Benstein and Loon Lake. Both roads have a 60-foot half right-of-way, so we're losing about 25% of the property; the 5 acres goes down to about 3.8 acres. Another issue we are contending with is a pole line. Actually, I should be sharing my screen.

Dave Campbell – Do you want to show the site plan? I've got it in front of me.

Mr. Pruss – Yes, that's fine. The red line shows existing overhead wires. There's 3 or 4 poles that bisect the property. Our conceptual plan is trying to incorporate those so that we don't have the expense of relocating them.

In discussions with the Township Engineer and the Township Planner, we do need to connect to the existing public road to the north. We need to make an S-curve to make the connection, and it kind of hinders the geometry at that end of the development, along with some stormwater management as required through Oakland County. I had some discussions with the County Road Commission. They're open and allowable to discharging to Benstein, that's why we placed the detention basin in the northeast corner of the property, which is how the property generally flows so it makes sense. We make a little bit of a transition, if this property was rezoned. You have the higher density zoning across the street on Benstein, with attached condos there. We make a zoning transition between the higher density and the R-1B single-family to the north. The current zoning is R-1B, with 12,000 square feet and 70' width on the lots. It really isn't conducive with this property to have a road go through and then have those size lots on either side of the road. The current lots you see along Benstein are 112' deep. In order to get to 12,000 square feet, we'd need to be about 170' deep. That would be almost to the west side of the road that we're showing here.

There's a few challenges on this property and that's why we're looking at the rezoning option and your feedback tonight.

Chairperson Haber – Okay, any other comments from your folks?

Mr. Pruss – Rob, did you want to say anything? Dave, did you want me to go over the models, or can you bring those up for the Commission to show some of the floorplans that we're looking at? I think there's four different models here so there would be a variety of different houses and elevations provided.

Weber – We did have those in our package, so we were able to look at all the different elevations.

Mr. Pruss – Okay, thank you. We're happy to answer any questions and get some direction.

Commission Comments:

Winkler –

- With only 15 lots, assuming that our anti-monotony standards would apply to this, it's important to mention to the petitioner that it will be a challenge for him to meet those standards. We'll have to have a lot of control over what model of house goes on what lot.
- As an FYI to the Planning Commission, if we go back to Windwheel Estates, which is on the southwest corner, across Loon Lake from this, one of the unanticipated benefits of that development was pointed out to me by one of my neighbors. She has high school age kids, and when they leave for school in the morning, they have to come out of my subdivision on Scenic Lane, and there's no signal. Making a left out of that at 7:00 in the morning can be really difficult. She pointed out to me, with Windwheel Estates, that the connection that makes to

Foxcroft, to Loon Lake, allows those high school kids to go to a signalized intersection at Loon Lake and Benstein. This is an advantage that this same development will provide to Twin Sun Lakes.

- Dave, do you know if the RCOC is doing any kind of study for that intersection and the signal at Benstein or Loon Lake? The way that is set up is really dangerous, where you have people going north on Benstein and turning left on Loon Lake, and there seems to be, more often than not, a conflict with cars that are passing the people turning left, but there's people in the center lane that aren't turning left and go straight.

Dave Campbell – We do have a few intersections like that in Commerce, and I'm sure elsewhere in Oakland County, where it's not really clear, the delineation between the left turn lane and a passing lane, and if somebody is not using their blinker, it can create confusion and potentially a dangerous situation. I don't know if this is one that the RCOC is specifically looking at. I know that when Windwheel Estates was proposed, that signal was evaluated as part of the traffic study. It was determined that the signal at that intersection would continue to operate at levels of service that were acceptable. I don't know that the RCOC is looking at that signal in the Year 2021. I can certainly ask.

Winkler – Thank you. I just wanted to point out those things to the petitioner and to the Planning Commission.

Mr. Pruss – We appreciate that, and in our meeting with Dave early in February, I do believe he mentioned that a traffic study would be required to move this project forward. That would be part of further things we would do to make sure we are adhering to safety and keeping things in line with the community.

Rebeck – I don't have anything right now.

Karim – I don't have any comments. Thank you.

Parel – No comments.

Weber – I like the elevations, but I think this area of the Township is completely saturated. I would not support going from R-1B to R-1D.

Chairperson Haber – George, I concur with that too. I don't see any convincing evidence here as to why we should change that.

McKeever – I'm on the fence. I tend to lean with you and George where the density is concerned.

Chairperson Haber – Okay. Al and Rob, you can take this information and either go with it, or come back to us. Whatever you'd like to do, we'd be more than happy to hear from you.

Mr. Pruss – Thank you very much for your consideration.

Dave Campbell – There's a companion property to the west. It's another 5-acre parcel with one house on it. I have no idea if the people who live in that house have any interest in selling, but my question to the Planning Commission is, would having that property being assembled with this property have any bearing on any thoughts of density, and/or the potential for rezoning?

Chairperson Haber – I can answer that. I think what you have to do is explore it, and then bring it back to us and let us look at it so we can discuss it.

Weber – Are you saying, if somebody were to buy both of those parcels and then come back with a proposal R-1B, or more dense than what it's presently zoned for?

Dave Campbell – I think my question is the latter of those two. If it were both of these properties, does that make any difference, good or bad, with what these prospective developers are asking as far as getting a higher density zoning at this corner?

Weber – Can you pull the aerial up?

Dave Campbell – Yes. This is the property we're talking about with one small house, and this is the property next door with a larger house.

Weber – My personal view is, when you look at all of the different plots that we're looking at right now within that area, and going toward the south, toward Shearwater, et cetera, and you add that new development where your cursor is, we're saturated in my view. So if somebody is coming in and wants to do something with the way the property is presently zoned, then they're in accordance with the zoning. But going more dense in this corner seems like overkill to me.

Chairperson Haber – George, that's a good point and I think I would agree with it. I think if Bill gets off the fence, he would probably agree to. I don't think we need to rezone it.

Mr. Pruss – Dave did mention in his review letter that it is inline with the Township's master plan for density.

Chairperson Haber – Okay, we've let you know our opinion and you can take the ball and run with it, and let us know what you'd like to do.

Mr. Pruss – All right, thank you.

Mr. Hojnacki – Thank you very much.

Chairperson Haber – Thank you.

ITEM 16. SECTION 26.316 OFF-PREMISE ALCOHOL SALES OUTLETS – TEXT AMENDMENT – CONCEPT REVIEW

Mohamad Zehreddine owner of Goldwater, LLC is requesting a review of a conceptual text amendment for off-premise alcohol sales outlets.

Dave Campbell – This is a topic that's very familiar to the Planning Commission for a couple reasons. One is, the gentleman who wants to have a discussion tonight is Mr. Zehreddine who was in front of the Planning Commission with his architect back in September with a site plan to demolish the existing retail store, his gas station at the southwest corner of Union Lake and Commerce Roads, and replace it with a newer, larger retail building, while keeping most of his canopy and gas pumps. That site plan with a Special Land Use was approved.

I think once some of the estimates are coming back for what the price tag would be for construction, Mr. Zehreddine is now hoping he can justify the construction by expanding upon what he offers inside his store, and he would like to expand with alcohol; beer, wine and I assume packaged spirits, if he were allowed to do that. I'll let him speak to that.

Mr. Zehreddine is aware of the Zoning Ordinance that is currently adopted, particularly Section 26.316 which has a number of limitations when it comes to off-premises alcohol sales outlets. The specific provision within 26.316 that is challenging for his location is the limitation that there shall be no more than two alcohol sales outlets within any one mile. There's already well more than two existing alcohol retailers along that stretch of road.

Mr. Zehreddine is hoping the Planning Commission and the Township Board would consider an amendment to the Township Zoning Ordinance, and that particular section of the Zoning Ordinance, that would provide him an opportunity to sell packaged alcohol. He has not gone as far as to draft what that text amendment might be, and understandably so, because I think he would have to get an attorney involved, and I don't know that he wants to have that expense until he gets some sense from the Planning Commission of whether this is a possibility that he should even be pursuing. I have had conversations with some of you about how such an amendment would impact other properties in other locations in Commerce Township, and it's hard to know because we don't know exactly how we would tailor a text amendment if we were to do so.

I think Mr. Zehreddine is looking to the Planning Commission to see if this is a road worth him travelling down, or is this something that the Planning Commission and Township Board have answered in a few different ways on different occasions, and if that answer will remain the same.

Mr. Zehreddine – It's basically what David described. I put in a narrative, and I fully respect the intent of the restriction. It's hard for anyone to argue with that restriction on its face.

My points were realizing the investment, the competition, the changing dynamics really with respect to working from home, and gas is not really a primary source of revenue, and a few other reasons that I put in my narrative that you had in your packages.

I exchanged an email with Mr. Campbell and said, if there's an opportunity to look at this again, considering the changing landscape and dynamics of that sort of business, and the convenience aspect of it, then we'll go from there.

Commission Comments:

Chairperson Haber – I'm going to take the ball on this one because it's a very sensitive issue to me. Mr. Zehreddine, we've looked at this upside down and backwards more than once. What you don't know is that this was a compromise for one mile. I wanted two miles. I tried to prevail, but the Planning Commission didn't wish to do that, so we

kept it at one mile. I don't see any reason why we should change this. If we do this, we open it up to everybody else in the Township, and frankly, I can't see that happening. We want to keep it the way we have it. We've looked at this infinitum. I feel for your position and I understand, but as far as I'm concerned, I don't feel we need to change this. I think it's fine the way it is.

Weber – Mr. Zehreddine, I think the letter you put together was outstanding. It was educational and it made your point very clearly. Anything having to do with hard spirits would be 100% no for me. On the subject of beer and wine, I would not support anything that would open up Pandora's Box that Larry referenced, and some of that is because I don't know what Pandora's Box is. I don't know how many other existing businesses this would affect, or the impact on any new developments. We only have roughly seven square miles of commercial property within the Township, and within those seven square miles, we have a proliferation of establishments that sell alcohol. Adding one is not going to have a huge impact, but what we do for one, we have to do for all. I would be leaning with Mr. Haber's comments of saying no.

Karim – I agree with you. Once you open Pandora's Box, you're going to have tons of people ask for permission.

McKeever – I agree with you, Larry.

Chairperson Haber – Mr. Zehreddine, I'm sorry to tell you that we probably would not want to go forward with changing this ordinance. I think it's fine the way it stands. I hope that the Township Board would agree. You're more than welcome to talk with them if you'd like to. Is there anything more you'd like to say, Mr. Zehreddine?

Mr. Zehreddine – No, thanks for your time and consideration. It's a check box that I had to go through and I understand. Thank you.

Chairperson Haber – Thank you, sir. I appreciate your time.

J: OTHER MATTERS TO COME BEFORE THE COMMISSION:

Chairperson Haber inquired about the lights on the M-5 pedestrian bridge. Dave Campbell stated that an insurance claim was filed to replace the lights. They were ordered from a shop in Novi. They're a specialty item. They're expected the first week of April. Once they arrive, an electrician will get them installed.

K: PLANNING DIRECTOR'S REPORT

- There are a couple projects we may see in April.
- One is a concept plan for the property at Commerce and Carey Roads. That property is on the radar of some prospective developers who have owned it for a long time, and now might be ready to move ahead with a proposal. It is zoned residential.
- Mr. Weber, Mr. James and I, along with Treasurer Phillips and Parks and Rec Director, Emily England, have been working on evaluating properties that Commerce Township owns, which is quite a portfolio. Some are just tiny properties, but the intent is that we are going to make a presentation to the Township Board next Tuesday on what we recommend the Board should do with

some of those properties, particularly those that we think are worth putting out on the open market and selling, either to adjacent property owners or to prospective builders.

Chairperson Haber – Can you have Paula send out a site map to us of what that looks like, what the properties are?

Dave Campbell – I'm looking at Jay James and he's nodding his head because that's something he has been working on.

Jay James – Yes, Jason has been helping me out for that and we'll have a map for our meeting on Wednesday.

Chairperson Haber – I would like to see that. I'm familiar with some of them, but I'm sure there are a lot more that I'm not.

- **NEXT REGULAR MEETING DATE: MONDAY, APRIL 12, 2021 @ 7PM - potentially electronic-only**

L: ADJOURNMENT

MOTION by Parel, supported by Rebeck, to adjourn the meeting at 10:51pm.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED UNANIMOUSLY

Brian Winkler, Secretary