

**CITY OF WIXOM
PLANNING COMMISSION SPECIAL MEETING
TO INCLUDE A WORKSHOP STUDY SESSION
49045 PONTIAC TRAIL
MONDAY, FEBRUARY 27, 2006 – 7:30 PM**

Vice Chairman Gottschall called the meeting to order at 7:30 pm.

PRESENT:

Phillip Carter (7:32pm)
Jim Crowley
Patrick Fitzpatrick
Kurt Gottschall, Vice Chairman
John Lee
James Maher
Cheryl Tacy
Guy York

CITY CONSULTANT:

Carmine Avantini, LSL

CITY STAFF:

John R. Lipchik, Building Official

RECORDING SECRETARY:

Anna Rottermond, Deputy City Clerk

ABSENT:

William Day, Chairman (excused)

There being a quorum, the meeting was declared in session.

APPROVAL OF MINUTES:

February 6, 2006 Regular Meeting

MOTION by Mr. Lee and seconded by Mr. Crowley to approve the regular meeting minutes from February 6, 2006 as submitted.

VOTE:

MOTION CARRIED

CORRESPONDENCE:

There was no correspondence on the agenda.

CALL TO THE PUBLIC:

Recording Secretary, Anna Rottermond, read the Rules of Conduct.

CONSENT AGENDA:

SET PUBLIC HEARING FOR SPECIAL USE #06-005: INTERNET USED CAR SALES, BRIAN KINGSTON, 6705 HERON POINT, WEST BLOOMFIELD, MI 48323: The applicant is seeking special use approval to store up to ten (10) vehicles for an internet used car lot within an M-1, Light Industrial District. The Wixom Municipal Code, Section 18.64.030 (A) (D) requires special use approval from the Planning Commission for this request. The property is located at 48131 West Road and is zoned M-1, Light Industrial. The tax parcel number is 22-08-200-040.

MOTION and second by Mr. Lee and Mr. Crowley to set a public hearing for Special Use #06-055, Internet Used Car Sales, Brian Kingston, 6705 Heron Point, West Bloomfield, MI 48323 to the March 27, 2006 workshop meeting of the Planning Commission.

VOTE:

MOTION CARRIED

SET PUBLIC HEARING DATE FOR SPECIAL USE #06-006: FIRST BAPTIST CHURCH OF WIXOM, 620 W. WIXOM ROAD, WIXOM, MI 48393: The applicant is seeking special use approval to construct an addition to the existing building in order to expand the education facility. The Wixom Municipal Code, Section 18.75.040 A & K, requires approval from the Planning Commission for this request. The property is located at 620 N. Wixom Road and zoned VCA, Village Center Area. The tax parcel number is 17-32-301-035.

Mr. Gottschall remarked that we have approved this before and he inquired if this expired.

Mr. Lipchik agreed and added that the applicant has changed their plans and will be coming back with that.

MOTION by Mr. Lee and second by Mr. Maher to set a public hearing for Special Use #06-006, First Baptist Church of Wixom, 620 N. Wixom Road, Wixom, MI 48393 to the March 27, 2006 workshop meeting of the Planning Commission.

VOTE:

MOTION CARRIED

TABLED MOTIONS:

There were no tabled motions on this agenda.

UNFINISHED BUSINESS:

There was no unfinished business on the agenda.

NEW BUSINESS:

PUBLIC HEARING FOR SPECIAL USE #06-004: HARMON SIGN/PLANET NEON, 46593 GRAND RIVER, NOVI, MI 48374: The applicant is seeking special use approval to erect a billboard. The Wixom Municipal Code, Section 18.100.020 J, requires special use approval from the Planning Commission for this request. The property is located at 1 Clover Court and zoned IRO, Industrial Research Office. The tax parcel number is 22-07-301-015.

Mr. Gottschall wanted to point out that the applicant asked that we postpone this agenda item to the March 6, 2006 regular meeting.

MOTION and second by Mr. Crowley and Mr. York to table the Public Hearing for Special Use #06-004, Harmon Sign/Planet Neon, 46593 Grand River, Novi, MI 48374 to the regularly scheduled meeting of the Planning Commission on March 6, 2006.

VOTE:

MOTION CARRIED

Mr. Gottschall suggested having a discussion around this now because he would like to be briefed as to the City's position on this. We have dealt with billboards before, and he wanted to know what makes this any different from the rest.

Mr. Lipchik informed the Commission that this applicant is requesting to have a reader board incorporated into it.

Mr. Gottschall wanted to know if he's referring to a full-blown billboard, and Mr. Lipchik agreed and suggested that Mr. Avantini explain further.

Mr. York inquired as to the location of where the billboard will be, and Mr. Avantini answered that they're proposing this right next to the former Clover building off of I-96.

Mr. Lipchik then mentioned with this billboard they would be able to advertise more than their own business.

Mr. Lee stated in the City's ordinance there are requirements for signs and locations, and he wanted to know if this proposed sign fits within those regulations.

Mr. Lipchik replied yes. However, the height, the sign face, and the two-sided sign do not meet the ordinance.

Mr. Fitzpatrick asked if this has the red digital lettering that scrolls different things constantly, and Mr. Lipchik agreed and informed the members that doesn't comply with the sign ordinance either.

Mr. Gottschall wanted to know if it was against the sign ordinance city-wide or if that is just within the VCA.

Mr. Lipchik answered it is city-wide. There is a part of the sign ordinance that states you cannot have flashing lights, and that reader board makes that a prohibited sign.

Mr. York wanted to know, because of the user, if there would be any justification in making a variation or allowing this sort of sign. He also questioned if this is an issue for the ZBA.

Mr. Lipchik remarked that in the billboard ordinance it states that the Planning Commission would have to give a special use approval.

Mr. York wanted to know where we would get into trouble if we approved this one.

Ms. Tacy added that we couldn't just say no to anyone else in the future because this would be setting precedence.

Mr. Avantini stated we have to treat all users the same unless the ordinance is written in such a way to make that differentiation, and there is a public purpose behind it. For example, the Rock Financial sign in Novi is somewhat similar to the sign this applicant is proposing. They actually have a special zoning district for that site, which allows this associated sign for their conference center.

Mr. York wanted to know if we were in favor of approving this sign based on the user if we could approach this based on that.

Mr. Avantini responded that the commission could say we want that sign here for this use and it is appropriate, but because this is a public use we think this would be appropriate here. He said you would have to consider having the ordinance allow that under those circumstances alone if you didn't want other users to be able to ask for the same thing.

Ms. Tacy then asked if we go ahead and allow it and amend the ordinance after the fact if that gets us into trouble with the proverbial Pandora's Box. She wondered if other people wouldn't come back in the future saying we allowed that for them and asking why the City can't rewrite the ordinance for them too.

Mr. Avantini replied not if the ordinance is written to accommodate it. He doesn't think it would get us into trouble.

Ms. Tacy then asked if we wouldn't be writing it to accommodate a particular user. She thought we didn't redo ordinances just to fit particular needs. Wouldn't that get us into more trouble down the road as well?

Mr. Avantini answered not necessarily because when you amend your ordinance you follow the public input process, which means you have the public hearing and you do an analysis of why they want that in the ordinance. The City is certainly within its right to allow for special treatment of certain public uses because it affects everyone, and it's a benefit to the community. Just like they could set up a separate district for senior housing that has special rules for them because the theory is that eventually everyone becomes a senior; so you are benefiting the entire population. You could do this and potentially not run into problems with other uses, but it really needs to be written into the ordinance. We need to follow that process. In his opinion if this is something we want there is a way to allow it to happen.

Mr. Lipchik stated the other billboards like this have been erected because of consent judgments.

Ms. Tacy then said they didn't even conform. The City already said no to them, and here we are. Those are being allowed because we were told by a judge we had to allow them.

Mr. Lipchik agreed.

Mr. Lee inquired if the issue with this one is the fact that it has the illuminated flashing/changing sign, and it's not necessarily the billboard itself.

Mr. Lipchik replied that our ordinance states they can have a single-faced billboard.

Mr. Lee then asked if they could erect that at this point, and Mr. Lipchik replied only if they could meet the square footage and the height. He added that we've had a couple meetings with the applicants trying to get them as close as he could to our ordinance, and they don't want to.

Mr. Lee wanted to make sure that what he's pointing out is the fact that we're not disallowing them to have a sign. They are able to have a billboard sign if they wanted to under our ordinance, but this particular sign doesn't fit that ordinance at this time.

Mr. Lipchik agreed.

Ms. Tacy asked if they are okay from a distance standpoint, but size-wise and the fact that it's a reader board puts them outside of the ordinance as written.

Mr. Lipchik remarked that there are a couple other items too because there are setback issues from the expressway. They're currently at forty feet, and the ordinance reads that you have to be two hundred feet. If they were two hundred feet back no one would ever see the sign off of the expressway. This is a unique use, and he's sure everyone on the board would like to support Channel 56. When they decided to relocate here the City was pleased.

Ms. Tacy stated she doesn't have a problem with the business; however, she has a problem with enforcing this evenly down the road and everyone else that comes before us. Once we open Pandora's Box, then anyone can say they are a special use and question whether the City values them as well.

Mr. Avantini pointed out there are ways to accommodate this sign if the City chooses to do so and to not allow it and open it up to have six to eight of these types of signs along that stretch of the road. It isn't quite as expedient as we might like though. It will take time to get that done, and there are ways to do

that other than through special use requirements. There is an ordinance amendment process we have to go through, and when we get around to updating the zoning ordinance it would be something relatively easy to fix.

Mr. Crowley commented it would be interesting to know what they feel the need is to have these ever-changing scrolling boards; because as he understands it Rock Financial has different events going on every week. This applicant has pledge drives that go on, and he doesn't know what all they would need to scroll across that sign.

Mr. Lipchik stated the applicants wrote a letter because Mr. Avantini has already done a couple of reviews on this, and they indicated they would like to be able to advertise things that would happen within the community as well as other communities. They would like to acknowledge patrons of the station that help support them, so that is where the scrolling message/reader board comes from.

Mr. Gottschall was curious to know what a board like this costs.

Mr. Lipchik advised that the sign the City is in the process of putting in is forty grand, so one of this measure would be a couple hundred thousand.

Mr. Lee wanted to know how much time they anticipate needing to bring to light methodologies to address this.

Mr. Avantini remarked with this particular application, short of them withdrawing the application and saying they would like the City to make an ordinance amendment, there is really nothing that would change between now or two meetings with their application. This is done and ready to move forward. The only two alternatives we have are to move forward with this or request an ordinance amendment through the City.

Mr. Gottschall mentioned public hearing and seeing if anything comes out of that. That is something that is part of the due diligence process. He asked if they can physically petition the City for an ordinance change directly.

Mr. Avantini answered yes and said it would be similar to what happened with the ordinance amendments with the M-1 district where we had a couple industrial developers in the community state there is a hardship being presented, and this is something that is going to be good for the community. As long as it goes through the ordinance process, goes through the Planning Commission and Council, there is an analysis of why we're doing this and there is a public purpose, we could do that. Potentially, with what they're proposing there could definitely be a public purpose to it. It's just a question of how we handle this so it really does come through as a public purpose as opposed to coming through as something we like and just gave to them.

Mr. York commented that based on what is presented on March 6th they may choose to table the discussion based on the feedback the petitioner gets from the Commission.

Mr. Gottschall wanted to know if the petitioner will be from Channel 56. With this being a public television network, wouldn't they have to be the petitioner? If we do this for a sign company then the next sign company that comes in will want the same thing.

Mr. Lipchik stated it will be someone from the sign company. Any time you hire a sign company they act as your agent.

Mr. Gottschall indicated he would like a legal opinion on this because the petitioner is a sign company

Mr. Avantini stated it's not any different than an attorney or a real estate agent or anyone else representing the applicant. They have to be authorized to represent them or they can't even be considered. He said if the commissioners want to have the actual owner of the business or the operator there in addition, that request could be passed on to them.

Mr. Lipchik pointed out that Dave Devorall mentioned to him that when this case is heard he will be here.

CALL TO THE PUBLIC:

There was no public present.

STAFF COMMENTS:

Mr. Lipchik stated a couple of the members signed up for some training, and he had his secretary take care of that.

Mr. Lee mentioned that he would appreciate a reminder about a week in advance so he doesn't miss the training.

Mr. Lipchik indicated that wouldn't be a problem. He also told Mr. Fitzpatrick he would get him a copy of that training as well to see if he has the ability to attend.

COMMISSIONER COMMENTS:

Mr. Lee wanted to echo the Chair's comments with welcoming Patrick Fitzpatrick to the Commission, saying it's good to have a full Commission again.

Mr. Fitzpatrick thanked him and said this looks like it will be fun.

Mr. Lee suggested to the Commission that we take some time in upcoming study sessions to start looking at the Wixom Ford Plant property. Something is going to happen there, and whatever we can provide the company and Council to look at in utilizing that property would be appropriate. Certainly we can't define the actual project at this point, but we should be able to find what we want to see happen as it melds with the master plan. That property has always been our heavy industrial because it's been there since the City was born. In reality, it probably won't stay that way. Because of the size of the parcel, it will have to be split up. We have to have M-1 in the City, but he doesn't know if we should have 320 acres of it. With this being the primary entrance into the City from the southern side it seems we should start looking at what we'd envision as a potential use in that area. Are there going to be changes in the zoning of the property and are there certain things we'd like to see done with the property to enhance the entrance and the VCA project? Should some of it be set aside to stay M-1 to maintain that zoning? To him it seems like this should be discussed, so when the questions start to come forward we are ready to answer them. This is important to recognize because of the nature of the site, and it will be a Brownfield redevelopment. We're not going to put Class A housing up there; but there are a lot of opportunities, which could include some minor hotel or apartment. Mr. Lee doesn't anticipate anything from the company in the immediate future, but if we don't start now we will be caught behind the eight ball. He hopes to see this put on future agendas.

ADJOURNMENT:

The meeting was adjourned on motion and second by Mr. Lee and Mr. Maher at 7:57 pm.

Anna Rottermond, Deputy City Clerk
February 28, 2006