

**PLANNING COMMISSION MEETING
CITY OF WIXOM
49045 PONTIAC TRAIL
WEDNESDAY, NOVEMBER 7, 2007 – 7:30 PM**

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

The Pledge to the Flag was given.

PRESENT:

Phillip Carter
Jim Crowley
Kurt Gottschall, Acting Chairman
William Henning
John Lee
Patrick Fitzpatrick

CITY CONSULTANT:

Carmine Avantini, LSL

CITY STAFF:

John R. Lipchik, Building Official

RECORDING SECRETARY:

Jennifer Garrett

ABSENT:

William Day, Chairman (excused)
James Maher (unexcused)
Guy York (excused)

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

CHANGES OR ADDITIONS TO THE AGENDA:

There were no changes or additions made to tonight's agenda.

APPROVAL OF MINUTES:

October 22, 2007 Workshop

MOTION and second by Mr. Crowley and Mr. Carter to approve the October 22, 2007 Workshop Minutes as submitted.

VOTE:

MOTION CARRIED

CORRESPONDENCE:

Wixom Municipal Code inserts.

Mr. Fitzpatrick mentioned that the commissioners all had a packet of information for their Municipal Codes.

CALL TO THE PUBLIC:

Recording Secretary, Jennifer Garrett, read the Rules of Conduct.

Acting Chairman Gottschall asked if there was anyone from the public that would like to address the Commission at this time. There being no comments from the public, the Call to the Public was closed at 7:33 pm.

CONSENT AGENDA:

SET A PUBLIC HEARING DATE FOR SPECIAL USE #07-010: WIXOM DAY CARE AND OFFICE VILLAGE, ALAN STEPHENS, P.O. BOX 122, UNION LAKE, MI 48387: The applicant is seeking special use approval to construct a day care and multi-tenant office building. The Wixom Municipal Code, Section 18.75.040 (A) and 18.75.060 (A) requires approval from the Planning Commission for this request. The property is located at 439 North Wixom Road and zoned VCA, Village Center Area. The tax parcel number is 17-31-426-027/012.

MOTION and second by Mr. Carter and Mr. Lee to set a public hearing date for Special Use #07-010 and site plan (Wixom Day Care and Office Village) for the December 3, 2007 regular meeting.

VOTE:

MOTION CARRIED

TABLED MOTIONS:

WAIVER REQUEST #07-009: KUMON – FASTSIGNS, 33320 WOODWARD, BIRMINGHAM, MI 48009: The applicant is seeking a waiver from the VCA Signage Requirements. Wixom Municipal Code, Section 18.75.070 P requires approval from the Planning Commission for this request. The property is located at 49030 Pontiac Trail and zoned VCA, Village Center Area. The tax parcel number is 17-32-354-016.

Mr. Avantini stated the commissioners should have a letter dated October 31, 2007 which is our revised review letter. He said as you may recall at the previous meeting this particular request was tabled, and direction was given to the applicant in terms of making changes to that sign. They did go back to the drawing board and come up with a new sign. We have looked at that, and in our recommendation we have indicated that we are recommending approval of the new sign. We did have a condition on the color samples for your review and approval and also confirmation of the letters not exceeding 18 inches. Based on the information we have received, we find their submission to be acceptable.

He added that just as a follow up Mr. Lipchik and a couple of the folks on our staff are doing some additional research on signage in traditional neighborhoods and downtowns and will come back to you with a more unified package in the future as to how signage on upper floors should be handled and how signage in traditional downtowns should be handled too, but for now we feel comfortable with the location they are showing for the sign and also with the sign they are proposing. It has been scaled back quite a bit, and we feel it is comparable to other signage on the building across the street.

Mr. Avantini said with that we are recommending approval; and short of going through the letter again because you have looked at all the criteria with us, he would be happy to discuss any of the aspects of it the commissioners might have.

Acting Chairman Gottschall asked which building across the street he was referring to.

Mr. Lipchik stated that would be up above the Seven Eleven which is the unit they are going into. Seven Eleven has the first floor.

Acting Chairman Gottschall stated he thought he was referring to a similar sign across the street. That was a mistake. He said something that led him to believe it was in line with something across the street. He did have the opportunity today to drive through Northville and also through Plymouth downtown areas, and signage is all restricted as a traditional downtown to the first floor in those two traditional developments. He guesses he is still a little wary of allowing any signage on the second floor story of the building across the street. He knows it's something the petitioner has scaled back, and we do appreciate that. When you are talking about a traditional development in these downtown areas he doesn't see it amongst our immediate neighbors who have those types of buildings. He personally thinks it will detract from the building. So, that is his two cents worth.

Mr. Avantini told him that was the original issue we had discussed. In their application they do have a letter from the building management, and they looked at three different locations. There is a first floor location on that same section of the building. Obviously that is not their desire or the desire of the owner of the building, but that is something you as a Planning Commission can discuss with the applicant.

Acting Chairman Gottschall remarked that unfortunately that is not something we had really thought through when we envisioned the development across the street, which was one of the details that kind of got over looked. He said that is my opinion for what it is worth.

Mr. Lipchik stated just so the board is aware, like Mr. Avantini said, so far we have shot Northville and Plymouth and Howell today. He indicated tomorrow he is going to Saline and Chelsea, and Friday he is heading for Monroe. We are going to put together a PowerPoint for the board so they can take a look overall at everyone that has a traditional downtown anywhere nearby. We are going to present that at our next workshop meeting.

Acting Chairman Gottschall said he thinks the reason a lot of these locations don't have signage upstairs is because a lot of them are the real old places like Plymouth, and when you get into Chelsea you will see the same thing where they are either living quarters or they may not be under a retail or that type of a store use and that still may be the case. He doesn't know.

Mr. Lipchik mentioned that is what he experienced in Howell today. He did see one second floor business, and the sign was actually painted on the window.

Mr. Avantini stated in original traditional developments they did a lot of painting it on the window or have something at the doorway, but the doorway to this is interior and recessed. It is not right up front like you would have in a traditional development. It is a little bit different; the construction and the uses that you can put on the second floor are different. They're more substantial in size potentially so it is a little different animal, but you have a valid concern that is definitely worth talking about.

Mr. Fitzpatrick stated a lot of times in these buildings the second floor is a loft or a personal apartment and not even a business. So then there is no question about having a sign, and which you will see on these older buildings is maybe the date that the building was constructed or maybe the name of the owner or the person who built the building.

Mr. Lee said he doesn't disagree with anything that he has heard to date with the exception of what our ordinance says. When we talk about traditional what we are really looking at with the development of the VCA is new urbanism which takes elements of traditional downtown developments that we recognize in towns like Northville and Plymouth and the other examples cited, but it doesn't mean that we take every element of those downtown areas. New urbanism just takes the design queues and in most of those areas didn't have upper signs because just as Mr. Fitzpatrick mentioned when they were first built they were built to have living quarters above. So they didn't lend themselves to be a use for commercial purposes.

Mr. Lee thinks as much as we would like to keep the signs on the lower level based on the general conversations we have had in the past meeting and in this meeting, our regulations don't allow it. The applicant has come before us and is conforming with the regulations we have put together and is something we didn't think about because we didn't anticipate it, but as much as we want to legislate on what we would like to see it is difficult to deny an application if they meet all the requirements just because we don't like it. He thinks in this particular situation it is probably the best course to follow the recommendation of our staff and consultant based on the reading of the regulations and based on our reviews of all the information before us. It is going to be vitally important to continue on the study that the building official has started to put together with the other cities, but he doesn't see a reason to deny this application.

Mr. Carter stated he was pretty adamant and is still not crazy about a sign up there, but he is forced to agree. If it comes down to it, it is not really a defensible position to prevent them from doing this he thinks in what he has seen. He said he does want to echo Mr. Gottschall's comment that he thinks it is a very nice compromise, and personally it addressed his main concerns last meeting which was that "O" was just too much for him. He applauds the compromise that was made. So that being said, he doesn't like it but he doesn't think he can disagree with it. He sees the sign or the handout, and the way it was described in the LSL letter was that all the letters were going to be 18 inches he believed. In the LSL letter it says 18 inches high, and in his handout it says 16 inches high except for the "O" which is going to be 24 inches high. He is just seeing too many discrepancies.

Jay Bae, 6567 Bridge Royal Drive, West Bloomfield, MI, stated the letter from the building owner was prepared before he got this graphic direction from Kumon. This was their corporate design, and just for your information that was designed by the person who designed the Nike logo; so they spent quite a bit of money. But he had several reviews with Kumon, and they just finally approved this design. The letter he got from the building ownership, the attachment in the back he used the old dimension so the dimensions we are proposing is 18 inches all the way across.

Mr. Carter indicated that answered his question.

Mr. Lee stated he would say based on the presentation we have before us regardless of the distaste some people may have to this sign, it is at least in taste and could have been something quite vagarious and distasteful to have in the VCA. He is glad that as our first case came forward at least we had a sign that will blend itself into the building.

MOTION and second by Mr. Lee and Mr. Fitzpatrick to concur with the recommendations of staff and our consultant to approve the waiver request #07-009 for placement of a sign in the VCA.

VOTE:

MOTION CARRIED

UNFINISHED BUSINESS:

There was no unfinished business listed on tonight's agenda.

NEW BUSINESS:

PUBLIC HEARING FOR SPECIAL USE #07-008: JAY CARLL, 44 GRANDVILLE AVE., SUITE 270,

GRAND RAPIDS, MI 49503: 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 48293 West Road and zoned IRO, Industrial Research Office. The tax parcel number is 22-08-100-057.

Mr. Avantini stated the commissioners should have a letter dated October 10, 2007 special use review. He said as you may recall you previously denied this application because there were dimensional standards the applicants could not meet. There were about three or four of them. They went to the Zoning Board of Appeals and received variances for all of the variances they requested.

As a little side note Mr. Avantini mentioned he reviewed the minutes of the ZBA and does training for ZBA's all around the state and just wanted to say that the way it was handled in terms of the review and applying the criteria certainly isn't the way he teaches it at those seminars, and he thought he would just leave it at that.

So in essence they were granted the variances and of which the applicants just applied for, it was up to the ZBA to do a complete review of the variance request. With that being said they have met the dimensional deficiencies with the variances. He stated we continue to not be supportive of this billboard, and we would not be supportive of any billboard and will continue to push (in the new zoning ordinance too) tougher

standards. We had mentioned previously that we are of the opinion that the image of Wixom or the image people have of Wixom is what they see from the highway there (from 96). Yes, there are power lines there. But to be honest he had to go back and look for the power lines because he never really noticed them, but he noticed all the billboards out there. That whole side with Alpha Tech is a nice new clean image for the City, and not only do we now have the potential for a billboard here we also have the potential for another billboard closer to the interchange. He said he is concerned that there doesn't seem to be much focus in the City or concern, other than maybe Carol Rosati and the things we have said for the image on 96. He thinks that is a very serious thing that has to be considered, and he will just leave it at that.

Mr. Avantini indicated he doesn't want to sound like he is lecturing. It is just something that is very important in our mind when we look at the City of Wixom and we look at the image we are trying to create. This is an important aspect of it and no longer just putting up billboards. Now they are flashing, LED and doing all sorts of other things that are not only counterproductive to the aesthetic issue we are looking at but now are becoming safety hazards on the highway. We have continued to think the aesthetic impact on the area will have a negative effect on I-96 and on the image of Wixom, and we continue to recommend denial of this application for a special land use. He said he was not going to get into the details of the letter. We had presented it previously in the past with what all the issues are. With that being said that is our position on it and that is our recommendation, and we are going to continue to support that position.

Mr. Henning commented that the interchange at Back Road has been redone recently, and they did a beautiful job with the overpass. He knows there are plans in place for the Wixom interchange as well, and he is sure it is going to come out just as nice. He told Mr. Avantini he tends to agree with his comments because we are trying to do a real good job with aesthetics of the community, and those two interchanges really indicate where Wixom is at and he thinks draw attention to those interchanges and you will know that is Wixom. He believes Mr. Avantini's comment too is true. When you put one billboard up there will be another one and another one. There is progress hopefully being made on the Wixom Plant here in the next couple of years and improving that as well, so he would agree with his comments and decline.

Mr. Lee stated he certainly doesn't disagree with any of the comments he has heard, but again he sees this is very similar to the sign across the street. He finds billboards to be some of the worst blight on American highways (especially in the State of Michigan) and wishes he had never seen a billboard before. But Mr. Avantini's comments regarding seeing the billboard as he goes down 96 is just the very argument for the billboards they would make in a review against a higher authority, the fact that they are commerce and are doing what they are intended to do. He thinks we have a tendency to not look at power lines. Although he doesn't think anyone really enjoys seeing the high-power power lines either, we recognize those are part of public good and part of infrastructure necessary to support life. He doesn't see that same benefit out of billboards very honestly. The restrictions the ZBA has chosen to provide variances for were put in place in the ordinances we have to try to discourage billboards along our I-96 border, and we have certain distances between billboards hopefully to prevent

the proliferation of additional billboards just as Mr. Henning has mentioned as a possibility from occurring once you have a billboard in place because we do want to limit the view of these signs along our public ways and at the entrance to our community. Again though, they have been given permission by an authority in the City to waive or not have to conform to the various restrictions put in place to try and limit the use of billboards in these areas.

Mr. Lee said he would love to hear a reason other than his opinion for denying this, but at this point he is lacking that; and so he is finding it difficult to find a reason why or how we can possibly deny this. Again, everything the City has done to try to limit the impact of these billboards has been put in place as we go along. As Mr. Avantini has mentioned, the character of the billboards is changing; and he thinks we will have to update our ordinances so we don't get too much of the sparkle and flash that is even more distracting than the billboards themselves in future applications. But at this point it appears all the hurdles have been removed.

Mr. Fitzpatrick agreed with Mr. Lee saying that was exactly his thought as it was being presented because it reminded him of the previous case where he doesn't like it but that is not the point.

Acting Chairman Gottschall stated he thinks that we as a representative body of our citizens are here for a specific role (as is the ZBA) and we have equal say. We may not agree with them, and if we don't agree with them then he believes we can express that. His concern is not so much that there are billboards on the freeway. He doesn't necessarily like them, but he is not like Mr. Avantini to the regard that he characterizes the city by the billboards he sees on the freeway as he comes into or goes by it. It has become so common placed especially in Michigan. It is there, and when you pull into Grand Rapids he doesn't think twice about the 30 billboards he sees between here and there. So that doesn't so much bother him, but what does bother him is the fact that we do have very specific guidelines that we have set forth for a reason that have been pretty much thrown by the wayside in his opinion. He doesn't care for that so to that extent he is against it.

Jay Carl, 44 Grandville Avenue, Grand Rapids, MI, commented the discussion seems to be centered around all of your rules and regulations just being tossed aside; and he thinks we need to take a look at where this process for us began when we first came before this body. He said it was almost a year ago, and we brought an application to this body that you guys never heard. It met all of your billboard standards, every single one of them that are in place. There are ten of them, and we met every one of them right down the line; but LSL wrote a very critical letter about compatibility, and those are subjective things you guys as a body need to decide. Before bringing it to you at that point in time we asked that it be tabled because we wanted to take a look about trying to address some of those compatibility issues. Billboards as you know are allowed in the IRO District so the City Council has determined by ordinance that they are compatible with current development as well as future development. They are allowed in the district but they do give a compatibility question to this body, and so we tabled that. So it was to try to address those specific issues you have some latitude with.

Mr. Carll said in taking their letter and their concerns in mind and looking at the possibilities of where this sign could go it just became obvious the place where it fit. If you were going to have any billboards at all in the IRO District the property just to the south of this owned by ITC would be most compatible there. There is high tension lines, transmission towers, a series of telephone poles; and we felt that was a very heavy industrial use. Additionally the height requirement that we didn't ask for relief from made it to where it was barely visible from any of the surrounding properties. We actually have photographs that show what it would look like from the surrounding properties, and you can't see it. So we have taken this process and delayed where we were and went through a lot of effort to try to make it compatible not with what only was on the property where the billboard was located but what was surrounding it. We know that it would never be compatible with an office building sitting right in their parking lot, but if from that parking lot you couldn't see the billboard next door and what was on the property where the billboard was located was compatible we felt like that would be the most compatible.

Mr. Carll asked if it doesn't fit on this site then where in your City would it fit. You have an ordinance that says you can put it up if you met these ten criteria, and then we subjectively are going to look at compatibility. He said if this site doesn't work he would ask where it would work, and if it doesn't work anywhere then it shouldn't be in your ordinance. He indicated he was not going to stand here and do the billboard debate with LSL. He doesn't think that is what tonight is about, but we didn't charge off to the ZBA to just try to tumble the ordinance and say gee lets just turn that on its head (the standards). We did that because to be able to work on that property required relief and setbacks and some of the other aspects of the ordinance that we needed to be able to make it work on that site. That is why we moved to that site, to address the subjective questions that are before you. What he would like to do is show the photograph of the property to the north looking south as well as what it would look like from the neighboring properties so you can see that we are not creating this blight that is going to exist from the surround. He thinks it is something you need to take a look at prior to making that decision.

Mr. Lee asked if these are different pictures than what we have seen in the past, and Mr. Carll replied yes.

Mr. Lee remarked that quite honestly the pictures we saw in the past showed it was probably the most unobtrusive site that we had along the expressway.

Mr. Carll offered if it doesn't jump out at you Mr. Cooper can show you where the billboard would actually be located.

Acting Chairman Gottschall said he thinks his personal concern is not the location. He thinks his greatest concern is with the variances that were granted on this size and being double-sided. It appears to be very unobtrusive from the neighboring properties, and he understands not wanting it to be surrounded by high tension towers and power poles. He told Mr. Carll certainly that detracts from its intent, but by the same token there was some initiation on your part to go twice as large as what was allowed in the ordinance.

Mr. Carll responded that one of the reasons we asked for that was just being the site we moved to was on our end going to be far more difficult financially to be able to make it work. That is why we asked for relief in that area; and we felt the site was far more compatible, and that was a better trade off to ask for that relief.

Mr. Lee stated as mentioned at the previous meeting the majority of the commission did agree that it is probably the best site if we are going to have one, but he would like to take exception with Mr. Carll's comments to the fact that the Council put it in the ordinance and therefore said this was a viable use because we wanted to have that use in the City. As a member of the Council at the time he can tell you that is not the reason. It is in the ordinance and is in the ordinance because we are mandated by state law and case law to have that ability to have billboards somewhere in the city, and because of that we have all these series of conditions for placement of the billboards to limit the distribution across the face of the City along the I-96 corridor. So he doesn't want anyone on the Planning Commission to think the Council said yes we want to have billboards up there, and this is how we want to do them. The fact is that the City is not supportive of billboards, but we recognize that there are laws that supersede some of our own in these issues. There is a case law that supports it, and in order to conform with those previous rulings we have made allowances for the billboards in the area where they are most likely to occur and tried to limit them in scope so they do blend in as well as possible in the façade of the community. So he doesn't disagree with Mr. Carll on the site. He does not want to have it in the record that the City was planning to have billboards there in the first place or they were trying to write the ordinance to allow them.

Mr. Carll said he understands and didn't mean to cast it in that light as though they wanted them every 1,200 feet in the IRO District.

Mr. Lee stated there are a lot of uses in zoning that have to be allowed based on our freedom of use of properties, but it certainly doesn't make them all desirable in a community.

Mr. Carll said he fully understands that and apologizes if that was misconstrued in the way he presented it.

Mr. Avantini indicated he didn't want to imply in any way, shape or form that the applicants didn't do a good job in terms of finding an alternate location. They did. This, compared to the other location, is much better; and if you were to weigh the two the concern he has is that there is nothing saying we won't get the other location also at some point in time farther to the west over near the other interchange. That is obviously a separate issue we would have to deal with. The other thing too when we look at properties when there is a request for a variance one of the key things we look at is practical difficulty and what rolls into there is reasonable use of the property, not optimum but reasonable use of the property and whether it is this property or another property when you have an existing principal use there and you are adding a billboard to it. Ultimately when the ZBA looks at something like that they have to look at the issue of reasonable use of the property. There are other factors too, but reasonable use of

the property is one of the bigger factors they were supposed to look at; and that issue was never discussed or at least didn't make its way into the minutes. Our approach and our philosophy is that billboards do change the image of a corridor like that. It is just that the whole concept of it runs contrary to what we propose, preach in communities.

Mr. Lipchik commented that no matter the outcome of this if this were erected there would be the potential for one more billboard in this community because of the distances that were put into that ordinance.

Acting Chairman Gottschall said that is permitting the ZBA doesn't throw that away as well.

Mr. Lipchik stated he didn't know that he would characterize it like that. He thinks what they looked at is someone that came before them with a request.

Mr. Avantini said one other thing, and that is something that can be discussed on the zoning ordinance as it comes through which we are pretty close to coming to you for review. It is possible to amortize billboards on I-96. You give them a useful life expectancy so they can get a reasonable return on their investment; and then you amortize the billboards, and they one by one have to go away when they've met the time frame. He knows the big court cases, the East Lansing case, where they were effective in doing that and the courts upheld it. He is not an attorney. That would be for Carol Rosati to talk about and how you handle that, but that is another option that is always available too in addition to not allowing new ones in the future. But that is something that really has to come down from the Council since they are the elected officials.

Acting Chairman Gottschall asked what kind of a period we are talking about.

Mr. Avantini said he can't remember what the time frame was that came out of the East Lansing case, but he was thinking it was 10 or 12 years or somewhere in that range.

Mr. Fitzpatrick stated so the City Council could count the number of billboards that are there and say that is the limit and put that into the ordinance.

Mr. Avantini said or they could say they would have to go eventually. Once again, we make recommendations. We bring up positions, but it is ultimately up to the Council; and they may say no we don't agree with that, or they may say that is the end of it and not have anymore, or they may say you are right. We don't like the ones we have; let's amortize them and get rid of them. What we want to do is just to bring up the issue or raise the issue to educate, and then it is ultimately up to the Council with discussions with the Planning Commission to decide what direction the City wants to take.

Mr. Lee commented it seems to him there is also some discussion and a possible court case that might be revising the distance between the billboards, and he doesn't believe that was finalized. It has been some time since he heard about it, but it seems to him there is some other court action taking place that could impact the placement

of future billboards in the City. He is not sure where that stands or if it was resolved or not.

Acting Chairman Gottschall asked if he recalled if it is more or less.

Mr. Lee replied that he thinks it was going to allow greater distance, but again he didn't hear the conclusion of that. Even with all the arguments he still can't change his position. As much as we would like to do something different unless there are some other arguments from the commission he thinks he would be ready to make a motion.

Mr. Carll stated you have all probably raised very legitimate concerns for the City. He thinks you would certainly have the option at some point in time in the future of placing a moratorium in place and studying it, but he thinks what is before you tonight we have kind of drifted a little bit astray. We have an application that meets all of your criteria. We went before a body we were sent to for dimensional relief and were granted dimensional relief, and they did go through the criteria as to what was required to grant that relief. We are kind of trying to undo what another body has already done, and he still comes back to if you take a read of your zoning ordinance right now we met the subjective criteria. Really what is before you is the compatibility, and he thinks everyone is agreeing that the site is more compatible. It may not be what you guys want to do, but it is certainly what fits within your ordinance as Mr. Lee has stated. If you don't like the way it fits and you want to preclude it in the future he thinks you need to make recommendations to the Council as to some changes that LSL or anybody else would like to see at that point.

Mr. Carll indicated he can echo what Mr. Lipchik has said from being in the business. Best case is there is one more site that is out there. The probability of it happening is pretty slim, but you could make a few changes that are within the boundaries of what the state legislature has handed down to you and probably preclude that. The state has granted and passed that authority down. They have received it from the feds, and then they have handed it down giving the cities a limited scope as to what their authority actually is. They get challenged quite often; they get thrown out quite often. But there are ways within the boundaries that the authority is handed down as to how you can deal with it. If you look at the way your zoning ordinance sits before you tonight we do meet those criteria, and we didn't just run off with this on our own. We did talk to members of the City Manager's office and then building officials and some of the Council folks to get some feel that we weren't running off, cooking up something that wasn't going to be. We didn't want to spend six months working on something we didn't think had a chance of meeting approval.

Acting Chairman Gottschall stated we do appreciate the fact that you have been through the process and where you started out and your willingness to look at different options. He asked if there were any other questions for the applicant. He then asked if there was anyone from the audience that would like to address this case. There being no comments from the audience, the public hearing for Special Use #07-009 was closed at 8:20 pm.

MOTION and second by Mr. Lee and Mr. Fitzpatrick to approve Special Use #07-008 for Curtis Outdoor Billboard as presented to us based on their receiving the necessary variance from the Zoning Board of Appeals.

VOTE:

MOTION CARRIED

2008 Regular and Workshop Meeting Schedules:

Mr. Carter stated the only comment he had is as he was going through the dates he questioned two meetings in particular, specifically the workshop for Wednesday, May 28, 2008 and then five days later a regular meeting on Monday, June 2, 2008. It just seems like it is a little too much all in one small week's period. He didn't know if it might be an option to reschedule that workshop meeting perhaps a week earlier. He is not sure what other meetings are going on, or even maybe when we get closer if there is nothing really all that important to talk about maybe we could consider a cancellation. He just wanted to bring that up because he doesn't think he has seen something this close together before.

Acting Chairman Gottschall asked why we are out of sync on that day, and Mr. Lipchik replied it is because of Memorial Day.

Acting Chairman Gottschall offered that what we could do is maybe take that under consideration, and as we approach that time if things are a little light and it is not needed then maybe we could entertain a motion perhaps at the regular meeting beforehand in May.

Mr. Carter said he likes that. He thinks that keeps our options open there.

Mr. Fitzpatrick commented he was just wondering when our next meeting is because it says here it is Monday, October 22, 2007.

Mr. Lipchik indicated it would be the fourth Monday of the month which is November 26, 2007.

MOTION and second by Mr. Carter and Mr. Crowley to approve the regular and workshop schedules as presented.

VOTE:

MOTION CARRIED

CALL TO THE PUBLIC:

There was no public present for public comment.

COMMISSION COMMENTS:

Acting Chairman Gottschall stated he would like to congratulate Mr. Lee on his election to the Council and said we will miss you.

Mr. Lee stated it has been a real pleasure working with this board. It is a highly talented and interesting group of individuals. He also welcomes Mr. Henning to the commission again and looks forward to a lot of good work from this commission going further. He added that we had two issues before us tonight that are contentious, and certainly the rulings went against the feelings he thinks of the City in general (not only the

commission). It is important when these things come up he thinks that a notice should be given to the Council that we have run into a situation so they can deal with it at their end as well. He said he will certainly take it forward come January, but he thinks officially we should probably have some notification to the Council that we have found this difficulty and may require some modifications to the ordinances they control and certainly be looking at the Planning Commission to make suggestions. As we do have the new zoning plan coming out he thinks it is appropriate to try and address them there as well. He has certainly enjoyed the past two years and thanks you all for your support and looks forward to reading the comments.

Mr. Avantini advised that actually we are going to look into the whole issue of cross membership between boards and find out what the charter says. We already know that state law says there is supposed to be cross membership between the Planning Commission and the Zoning Board of Appeals. Cross membership means that for example there would be a Council member that sits on the Planning Commission, and then state law requires that there be a Planning Commission member who sits on the ZBA also. So we are going to look into what the charter calls for between the Council and the Planning Commission. He said many of the communities we work in have that cross membership, and it works very well. It provides a good liaison between the Council, who are the policy makers and ultimate decision makers, and the Planning Commission. It helps to make sure they are both on the same page, share information when things go from the Planning Commission to the Council. There is built-in support and better explanation and understanding of what is going on at the Planning Commission. So there are a lot of reasons why that works real well.

Acting Chairman Gottschall said he thinks that is a great idea because a lot of times when he voices his opinion it is to bring situations like this to life, and it does concern him many times. There are times when there are valid reasons to grant variances, and that is something that would help if one of us was involved with them or they were more involved with us so we could get more of a feeling and exchange of ideas.

Mr. Lipchik wanted to add that once again they struggled with granting those variances. Once again it is allowed in the IRO; and he thinks that was probably the biggest sticking point for them because it is allowed, and we are not helping the situation in the long run. We have all been there, and we all have a realization of where it can go which isn't always to the benefit to the City.

Acting Chairman Gottschall said to expand on that point he thinks if it is allowed it is allowed, and he couldn't agree more. However, when you grant the double-sided (twice the size) you make it more economically feasible for them. Had that portion not been granted then it may not have been economically feasible for them to put the billboard there. So the restrictions are there for a reason, and that is his concern. Yes, it is there. Giving them the 25 foot setback and all that to put it where it should be is all fine and dandy, but then there are two economic considerations that were granted.

To go just a little bit further, Mr. Lipchik stated when this ordinance was written we made it as restrictive as we possibly could. The other billboards we have in our community were granted under a consent judgment. Those have the same dimensions of what

these people asked for. He thinks it would be naive to think if those items weren't granted these gentlemen wouldn't go to court and say look what you did over there.

Acting Chairman Gottschall commented that is a great piece of information to have 25 minutes ago. Right now he has no idea that there is 600 feet next door and across the street and so on. He had no idea and didn't see that any place in here. That is the kind of information that would be great to have.

Mr. Lipchik said once again like you he has no love for these things. He doesn't want to come out and be an advocate, so he kind of relies on some of you to bring points out that he feels he should probably best remain neutral on.

Mr. Avantini stated one of the changes we are going to make in the zoning ordinance (most zoning ordinances we write) the state law says with special land use requirements you either meet the standards or you don't get the special land use. The state law and most ordinances say the only way you can allow someone to vary from the special land use standards is if your ordinance specifically says you can. Most ordinances don't. This ordinance does. We are going to recommend that it be changed so when you go in for a special land use if you don't meet the criteria you can't go to the ZBA to get relief. If you look at the special land use requirements you are allowed that use or permitted that use if you meet the criteria, and technically in this case they didn't meet the criteria. What they went and got was a use variance from the ZBA, and use variances are typically based on you having no reasonable use of the property. They had reasonable use of the property.

Mr. Lee indicated he fully appreciates the comments and where Mr. Avantini is coming from but would ask in the future, he would rather not have him comment on the actions of the ZBA or another board as we are making a decision because he doesn't want it to possibly influence an applicant if they don't get the reading they want from the commission and set up a situation. We have to be extremely neutral on the way we apply these and just apply according to the ordinances.

Mr. Avantini stated the point is well taken. If they had been denied from the ZBA you could be for sure that he wouldn't have said a word.

Mr. Lipchik stated we are on the ninth revision of the new zoning ordinance. He thinks we are real close, and we are hoping to have one more review by staff and have that done prior to Christmas; and then everyone will receive a copy of this.

STAFF COMMENTS:

There were no comments made by staff.

ADJOURNMENT:

This meeting of the Wixom Planning Commission was adjourned on motion and second by Mr. Lee and Mr. Carter at 8:38 pm.

Jennifer Garrett

Recording Secretary
November 9, 2007